

Paul Maez BOE Supervisor

Geraldine E. Gutierrez Chief Deputy

> Martha Sena Deputy Clerk

County Clerk
Melanie Y. Rivera



Javier Lopez Deputy Clerk

Michelle Padilla Deputy Clerk

Ebeny Mondragon Probate Deputy Clerk





### **CALL TO ORDER**

The Board of County Commissioners of San Miguel County held a Regular Meeting and a County Finance Meeting on Wednesday, October 14, 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. The agenda for the County Commission meeting was as follows:

### **REMEMBERING RAY LEGER**

County Attorney Jesus Lopez spoke in honor of the late Senator Ray Leger, father of Commissioner Nicolas Leger. Mr. Lopez spoke of some of the accomplishments and positions held by Mr. Leger including Senator, WLV School Superintendent, and Delegate to the 1969 NM Constitutional Convention. Mr. Lopez noted that Mr. Ray Leger will be greatly missed.

### **ROLL CALL**

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

### **PLEDGE OF ALLEGIANCE**

#### SALUTATION TO THE NEW MEXICO STATE FLAG

### **APPROVAL OF AGENDA**

County Manager Les Montoya requested that item # 4 be moved to Item # 1; and that items 22 and 23 be switched around in place of each other.

Motion to approve agenda by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

<u>APPROVAL OF MINUTES:</u> Special Meeting, September 2, 2009 (<u>Backup</u>) and Regular Meeting September 8, 2009 (<u>Backup</u>)

Motion to approve minutes for Special Meeting held September 2, 2009, by Commissioner Marcellino A. Ortiz. Second by Vice-Chair June Garcia. Motion carried.

Motion to approve minutes for Regular Meeting held September 8, 2009, by Vice-Chair June Garcia. Second by Commissioner Albert Padilla. Motion carried.

### **INTRODUCTION OF NEW EMPLOYEES:**

County Manager Les Montoya introduced each new employee, as follows:

JOHN GARCIA - PUBLIC WORKS SUPERVISOR- SAN MIGUEL COUNTY PUBLIC WORKS DIVISION

BLAS DURAN - CONVENIENCE CENTER OPERATOR - SAN MIGUEL COUNTY PUBLIC WORKS DIVISION

IRIS VIGIL - HOUSING SPECIALIST - SAN MIGUEL COUNTY SECTION 8 HOUSING PROGRAM

# PRESENTATION ON PRESERVING OUR WATER AND HOW SHALE-BED METHANE WELL DRILLING WILL ADVERSELY AFFECT OUR HEALTH AND ENVIRONMENT BY MIGUEL PACHECO

Mr. Miguel Pacheco gave a presentation to the Commission and spoke of the harmful health problems that would arise from methane well drilling. In addition Mr. Pacheco included that he had done extensive hours of research in this matter.

# PRESENTATION ON BANNING OF OIL AND GAS INDUSTRY IN SAN MIGUEL COUNTY BY SARAH MOORE "CITIZENS OF THE AMERICAN CONSTITUTION FOR STEWARDS OF THE EARTH"

Sara Moore presented her concerns about banning the Oil and Gas Industry. Moore strongly requested that the Commission consider on this issue.

# PRESENTATION ON THE OVERVIEW OF THE MISSION GOALS AND ACCOMPLISHMENTS OF THE UPPER PECOS WATERSHED ASSOCIATION AND POTENTIAL OPPORTUNITIES FOR PARTNERING AND/OR COLLABORATING WITH SAN MIGUEL COUNTY TO RESOLVE ISSUES IN THE UPPER PECOS BY DOUG JEFFORDS AND RACHEL FOLK, UPWA

Americorp volunteer Rachel Folk gave a presentation on the mission goals and accomplishments of the upper Pecos Watershed. Mrs. Folk also talked about the Upper Pecos Watershed Association. Mrs. Folk expressed the hope of future collaborations with San Miguel County.

### **NEW BUSINESS:**

- 1. COUNTY TREASURER'S MONTHLY REPORT (Backup)
- 22. DISCUSSION OF EMERGENCY COMMUNICATION AND EMERGENCY MEDICAL SERVICES GROSS RECEIPTS TAX TO FUND OPERATIONS OF EMERGENCY MEDICAL SERVICES

<u>Background Information</u>: Pecos Valley Medical Center would like County Commissioners to consider possing to the voters of San Miguel County. A Gross Receipts Tax Proposal to raise funding for emergency medical services in San Miguel County.

<u>Action Requested of Commission:</u> Review the Act authorizing the mentioned tax, listen to, listen to comments from Pecos Valley medical Center Administrators and County Attorney.

Staff Recommendation: Discuss the issue and consider providing direction to County Manager.

Presenter: Les Montoya, County Manager

ADOPTION OF ORDINANCE AUTHORIZING SAN MIGUEL COUNTY TO 2. ENTER INTO A LOAN AGREEMENT WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT FOR THE **PURPOSE** OF **OBTAINING** WASTEWATER CONSTRUCTION LOAN FUNDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$95,000.00; DESIGNATING THE USE OF THE LOAN FUNDS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, MODIFYING AND OTHERWISE IMPROVING THE WASTEWATER FACILITIES OF THE COUNTY'S WATER AND WASTEWATER CONVEYANCE AND TREATMENT SYSTEM; DECLARING THE NECESSITY FOR THE LOAN; PROVIDING THAT THE LOAN WILL BE PAYABLE AND COLLECTIBLE SOLELY FROM THE NET REVENUES OF THE SYSTEM; PRESCRIBING OTHER DETAILS CONCERNING THE LOAN AND THE SECURITY THEREFOR; AND IF NECESSARY, DECLARING AN EMERGENCY. (Backup)

County Manager Les Montoya advised the Commission that upon adoption of the above described ordinance, the NMED will make a \$95,000.00 loan available to the County as noted above, and the loan will trigger a one-time federal grant of funds to the County in the amount of \$405,000.00 under the American Recovery and Reinvestment Act of 2009 (ARRA), to be used also for the wastewater facility. Mr. Montoya also noted that Publication of the title and general summary of the subject matter of the ordinance was published in the OPTIC at least two weeks before today's meeting, as required by law.

Chairman David Salazar opened public hearing for any comments in favor or in opposition of the proposed ordinance.

No public comment was presented in favor or in opposition.

Chairman David Salazar closed the public hearing.

County Attorney explained what would occur upon adoption of the ordinance mentioned above. Mr. Lopez also explained what funds will be available.

Motion to adopt Ordinance by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

3. APPOINTMENT OF ROAD VIEWERS AND DIRECTION THAT THEY CONDUCT AN INSPECTION OF COUNTY ROAD C-53-B IN MAES, NM,

# AND REPORT BACK TO THE COUNTY COMMISSION AS PROVIDED IN SECTION 67-2-6, NMSA 1978, TO DETERMINE WHETHER SAID ROAD SHOULD BE VACATED AND ABANDONED BY THE COUNTY COMMISSION (Backup)

County Attorney Jesus Lopez advised the Commission of the letter he enclosed that explained the dispute between Manuel J. Garcia and Robert and Linda Purdy as to whether the road in question is a public road. Mr. Lopez advised that the County Manager, Road Foreman and himself made an on-site inspection of the road on September 12, 2009, and that he submitted his analysis and recommendation that road viewers inspect the road and submit their recommendations to the County Commission, which must then determine whether or not the road should be formally vacated and abandoned.

Mr. Lopez concluded in his opinion as County Attorney that the road in question is no longer used by the public and not maintained regularly. And that road viewers be appointed to make an inspection and recommendation to the Commission.

Mr. Manuel Garcia, who appeared in opposition to the road viewing, claimed the information the County had available on the road in question was incorrect.

Mr. Montoya advised the commission that part of the process would be to conduct a road viewing and allow the road viewers to report back to the Commission with their recommendations.

Discussion ensued.

Motion by Commissioner Marcellino A. Ortiz to recommend the appointment of road viewers and direction that they conduct an inspection of the subject roadway and make their report to the County Commission as provided by law. Second by Commissioner Albert Padilla. Motion carried.

4. THE COUNTY MANAGER, FINANCE SUPERVISOR AND COUNTY ATTORNEY SEEK AUTHORIZATION TO IMPOSE A PROPERTY LIEN ON REAL ESTATE RECEIVING SOLID WASTE COLLECTION SERVICE, AND FOR WHICH THE OWNERS ARE DELINQUENT IN PAYMENT OF THEIR ACCOUNTS. THE SOLID WASTE ORDINANCE ALLOWS FOR IMPOSITION OF A PROPERTY LIEN, AND AUTHORIZATION FOR SAME IS SOUGHT. ALSO, STAFF REQUESTS THAT THE COMMISSION DESIGNATE THE PERSON OR PERSONS WHO WILL SIGN OFF ON THE PROPERTY LIEN.

County Manager Les Montoya advised the Commission that 110 accounts are seriously delinquent in payment of solid waste collection fees. These property owners have been advised

in writing that their failure to make payment, or make arrangements for payment will result in the imposition of the property lien allowed under the Solid Waste Ordinance. They have failed to pay or make arrangements for payment.

Mr. Montoya requested the Commission authorize staff to impose the property lien allowed under the Solid Waste Ordinance, and file the same in the County Clerk's Office; and designate the person(s) who will sign/execute the property lien.

Chairman David Salazar stated that the Commissioners have been approached by people who are concerned with some people not paying the trash collection fees and utilizing the centers.

Discussion ensued.

Finance supervisor Melinda Gonzales advised that the dollar amount of 110 delinquent accounts is \$ 161,000.00.

Motion to allow County Manager Les Montoya to impose property lien as well as a release of lien for persons with delinquent solid waste accounts by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### 5. STANDARD OPERATING PROCEDURES MANUAL-ADVANCED TASER GUIDELINES AND PROCEDURES FOR THE SHERIFFS DEPARTMENT.

(Backup)

County Sheriff Benjie Vigil requested that this item be tabled in order to update the policy as he has received a copy from Cibola County which needs to be reviewed by the County Attorney. Sheriff Vigil advised the he would submit the revised policy to the County Attorney.

Motion to table item pertaining to the Standard Operating Procedures Manual-Advanced Taser Guidelines by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

# 6. ROAD PETITION NUMBER CR-09-001 SUBMITTED BY DANIEL GARCIA REQUESTING THAT A PORTION OF COUNTY ROAD B-41-E, APPROXIMATELY ONE (1) MILE IN LENGTH, BE DISCONTINUED AS A PUBLIC ROAD (COUNTY ROAD)

(Backup)

Planning and Zoning Supervisor advised the Commission that San Miguel County received petition from Daniel Garcia, Jr., and other residents in the vicinity of County Road B-41-E, requesting that the County discontinue as a public road a portion of County Road B-41-E approximately one (1) mile in length. A road viewing has been conducted and the road viewers have submitted their recommendations.

Mr. Tafoya discussed with the Commission some of the recommendations and concerns of the road viewers.

County Attorney Jesus Lopez advised the Commission of the statute that controls the item in question.

Mr. Lopez swore in all individuals who would testify during the public hearing.

Mr. Daniel Garcia spoke to the Commission about his concerns and his reasoning in wanting to have this section of road closed.

Mr. Trinidad Garcia also spoke to the Commission about his concerns and his request for closing this section of road.

Mrs. Rosabell Gallegos spoke to the Commission about her concerns and requested closure of the road in question.

Mr. Joe Chavez spoke to the Commission of his concerns and requested road in question stay open. Mr. Chavez explained to the Commission the importance of keeping the road in question open.

Mr. Chavez also read a letter from Mr. Daniel Crestman dated October 14, 2009 with his concerns and his request to keep this road open.

Mr. Chavez submitted a petition to the Commission in favor of keeping the road open.

Mr. Lopez entered items submitted as exhibits presented to the County Commission.

Mr. Ben Flores advised the Commission he is against the closure of this road and questioned why the need to close this road after 25 years.

Mrs. Shiela Berry informed the Commission of the importance of this road in order to access her property. Mrs. Berry also expressed her concern if the road was closed.

Discussion ensued.

Mr. Robert Desatolff an EMT for Rocky Mountain EMS offered his opinion as an emergency responder in support of keeping the road open.

Discussion ensued.

Chairman David Salazar concluded the public hearing.

County Attorney Jesus Lopez requested for the record if the Commissioners would advise if they had any relationship to Mr. Daniel Garcia. The Commission advised in the negative.

Motion made by Commissioner Marcellino A Ortiz to discontinue the use of County road B41E. Second by Commissioner Albert Padilla. Motion carried.

# 7. AWARD OF BID FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT NO. 09-C-NR-I-01-G-09, TECOLOTE PHASE II ROAD AND DRAINAGE (Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that a bid opening for CDBG Project No. 09-C-NR-I-01-G-09 was held on September 11, 2009. The following companies submitted bids:

- Sangre de Cristo Gravel Products, LLC
- Rocky Road Gravel
- TLC Plumbing
- Star Paving
- Crespin Paving

The low bidder for the Base Bid and Additive Alternates #1 and #2, is Sangre de Cristo Gravel Products, LLC. Bid tabulation and verification of required contractor's licenses, Wage Rate Registration, verification of bonding company, acknowledgement of NMDOT comments and verification by Sangre de Cristo Gravel Products that its bid is correct and accurate have been completed by Miller Engineering on behalf of the County. Miller Engineering has submitted a bid tabulation and letter of recommendation, said letter recommending award of the project to Sangre de Cristo Gravel Products, LLC.

Mr. Tafoya requested the Commission award the Tecolote Phase II CDBG Project No. 09-C-NR-I-01-G-09 to Sangre de Cristo Gravel Products, LLC, in the amount of \$295,970.32 which amount includes the Base Bid and Additive Alternates #1 and #2 as well as applicable gross receipts tax.

Motion to award the Tecolote Phase II CDBG Project No. 09-C-NR-I-01-G-09 to Sangre de Cristo Gravel Products, LLC; by Commissioner Albert Padilla. Second by Marcellino A. Ortiz. Motion carried.

# 8. AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN EL CENTRO FAMILY HEALTH AND SAN MIGUEL COUNTY (Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County has a lease agreement in place with El Centro Family Health (formerly known as Health Centers of Northern New Mexico). The lease agreement, executed in April 2005, provides for the use of the health center in the village of San Miguel. Since then, a new building has been constructed, Health Centers of Northern New Mexico has changed its name, rent consideration for use of the

building needs to be addressed. The current lease agreement should be amended to reflect such changes.

Mr. Tafoya requested that the Commission review and approve the Addendum to Lease Agreement by and between San Miguel County and El Centro Family Health.

Motion to review and approve the addendum to the lease agreement by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

### 9. RATIFICATION OF SIGNATURE AND APPROVAL OF GRANT AGREEMENT FOR PROJECT NO. 06-C-NR-I-06-G-70

#### (Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that Grant Agreement No. 06-C-NR-I-06-G-70, provided the County with funding to develop a County Road Maintenance Plan. The Plan was completed and a copy was sent to DFA-Local Government Division. The County also submitted to Local Government Division a request for payment reimbursement. To date, the County has not received payment reimbursement from Local Government Division as the payment reimbursement has not been processed by Local Government Division. After discussion with Local Government Division on this matter, it was determined that the matter can best be addressed by extending the term of Grant No. 06-C-NR-I-06-G-70. Local Government Division provided a new grant agreement and requested that the agreement be signed and returned as quickly as possible. Staff obtained signature from Commission Chairman David R. Salazar and returned the grant agreement.

Mr. Tafoya requested the Commission approve Grant Agreement No. 06-C-NR-I-06-G-70 by ratifying the signature of Commission Chairman David R. Salazar on said Agreement.

Motion to approve Grant Agreement and ratify signature of Commission Chairman David R. Salazar by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### 10. VEHICLE AGREEMENT BY AND BETWEEN COUNTY AND SER DE NEW MEXICO

#### (Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County serves as fiscal agent for grant agreements from NM Aging and Long-Term Services Department that provides funds for the purchase of vehicles for the Senior Centers in San Miguel County. Such funds are public funds. Vehicles purchased are being utilized by SER de New Mexico to provide for transportation needs of the Senior Centers in San Miguel County. There is not an agreement in place between San Miguel County and SER de New Mexico in regard to such items as use, storage, maintenance, insurance and compensation for the use of the vehicles.

Mr. Tafoya requested the Commission review proposed vehicle agreement between County and SER de New Mexico.

Motion to approve the vehicle agreement between San Miguel County and SER de New Mexico by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

### 11. CONTRACT NO. 2010-3044 NEW MEXICO AGING AND LONG-TERM SERVICES DEPARTMENT

(Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County has received Contract No. 2010-3044 from the New Mexico Aging and Long-Term Services Department which provides \$100,000 to purchase and equip hot meal vehicles for transportation for San Miguel Countywide Senior Centers.

Mr. Tafoya requested the Commission approve contract No. 2010-3044.

Motion to approve contract No. 2010-3044 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz, Motion carried.

# 12. JOINT POWERS AGREEMENT BETWEEN THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, FORESTRY DIVISION AND SAN MIGUEL COUNTY FOR WILDLAND FIRE PROTECTION AND SUPPRESSION (Backup)

County Attorney Jesus Lopez congratulated Mr. Russell Pacheco for being recently elected Chairman on the Board of Trustees of the Tecolote Land Grant.

Fire Chief Russell Pacheco advised the Commission that the agreement is between the ENMRD and San Miguel County to document ENMRD's and the County's agreement and commitment to mutual wildland fire suppression and management assistance and cooperation.

Mr. Pacheco requested the Commission approve Joint Powers agreement to mutual wild land fire suppression and management assistance and cooperation between the Energy, Minerals and Natural Resources Department, Forestry Division and San Miguel County.

Motion to approve Joint Powers agreement to mutual wild land fire suppression and management assistance and cooperation between the Energy, Minerals and Natural Resources Department, Forestry Division and San Miguel County by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

### 13. JOB DESCRIPTION FOR WILDLAND FIRE COORDINATOR (Backup)

Fire Chief Russell Pacheco advised the Commission the revision of the Wildland Fire Coordinator job description will add criteria to satisfy grant requirements.

Mr. Pacheco requested approval of revised job description for Wild Land Fire Coordinator.

Motion to approve revised job description for Wild Land Fire Coordinator by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### 14. PROPOSED CONCEPTUAL PLAN FOR DEVELOPMENT OF THE RIBERA HOUSING PROPERTY.

(Backup)

Housing Director Gilbert Almanza Jr. advised the Commission that the property consists of two (2) separate tracts of land totaling approximately 8 acres. The proposed conceptual plan shows residential lots (12), commercial lots (10), live/work lots (10), and "open space" that can be used as a park, green house, etc. The Public Meetings held on this plan supports the conceptual plan. County Staff is now submitting for Commission information and requesting approval of the Conceptual Plan thereby authorizing Staff to pursue funding.

Mr. Almanza requested the Commission approve Conceptual Plan which will allow County staff to move forward to seek financial sources for this project.

Motion to approve Conceptual Plan for development of the Ribera housing property by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### 15. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF SEPTEMBER 2009

(Backup)

Public Works Supervisor John L. Garcia reviewed and discussed the Public Works monthly report with the County Commission.

For information purposes only. No action taken.

# 16. AWARD BID FOR THE PURCHASE OF A BELLY DUMP TRAILER FOR THE SAN MIGUEL COUNTY GRAVEL CRUSHER OPERATION (Backup)

Public Works Division Supervisor John L. Garcia advised the Commission that San Miguel County has a Legislative Appropriation in the amount of \$30,000.00 for the purpose of purchasing Equipment for the Public Works Division. There has also been a set aside created by the County Commission, Manager, and Finance Division Supervisor for purchase of equipment for the Gravel Crusher Operation. The current need for equipment consists of semi trucks and trailers that will be utilized to haul material from the Gravel Crusher to County Roads. A bid for the purchase of belly dump(s) for this operation was advertised and bids were opened on Wednesday, October 1, 2009.

Mr. Garcia requested the bid be awarded to MCT Industries, Inc. for a Westech 2006 Belly Dump Trailer for \$23,375.00.

Motion to award the bid to MCT Industries, Inc. for a Westech 2006 Belly Dump Trailer for \$23,375.00 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

## 17. AWARD BID FOR THE PURCHASE OF A SEMI TRACTOR TRUCK/CHASSIS FOR THE SAN MIGUEL COUNTY GRAVEL CRUSHER OPERATION (Backup)

Public Works Division Supervisor John L. Garcia advised the Commission that San Miguel County has a Legislative Appropriation in the amount of \$30,000.00 for the purpose of purchasing Equipment for the Public Works Division. There has also been a set aside created by the County Commission, Manager, and Finance Division Supervisor for purchase of equipment for the Gravel Crusher Operation. The current need for equipment consists of semi trucks and trailers that will be utilized to haul material from the Gravel Crusher to County Roads. A bid for the purchase of semi tractor-truck chassis for this operation was advertised and bids were opened on Wednesday, October 1, 2009.

Mr. Garcia requested the bid be awarded to Triple R Diesel for a 2003 Peterbilt for \$49,846.80.

Motion to approve award of procurement to Triple R Diesel for a 2003 Peterbilt for \$49,846.80 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

# 18. APPROVAL TO ENTER INTO AN AGREEMENT FOR A 60-MONTH LEASE WITH OPTION TO PURCHASE A CAT 420E 4WDE BACKHOE LOADER (Backup)

Public Works Division Supervisor John L. Garcia advised the Commission that San Miguel County has a Backhoe Loader on a 60-month Lease to Purchase Option with Wagner Equipment Company. The lease on this backhoe loader expired on September 30, 2009 but has been extended for two months. This backhoe loader is used at the Pecos Solid Waste Convenience Center. We will need to replace this backhoe loader with another in order to compact the trash at the center. Chavez County advertised for a 60-month Lease to Purchase Option of a New, Current Year Model, Standard Production Backhoe/Loader and was awarded by the County Commission on December 16, 2008 to Wagner Equipment Company for a CAT 420E 4WDE Backhoe Loader. The Specifications on this Backhoe Loader comply with the needs of San Miguel County.

Mr. Garcia requested approval to "piggy back" off the Invitation to Bid advertised and Awarded by Chavez County under the same terms and conditions of this bid in the amount of \$1,050.00 per month.

Motion to approve to "piggy back" off the invitation to bid and procurement process advertised and awarded by Chavez County under the same terms and conditions of Chavez County's procurement in the amount of \$1050.00 to Wagner Equipment Company by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

# 19. AUTHORIZATION TO ENTER INTO NEGOTIATIONS AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH JEFFREY'S PLUMBING & HEATING FOR PLUMBING SERVICES FOR SAN MIGUEL COUNTY (Backup)

Public Works Division Supervisor John L. Garcia advised the Commission that San Miguel County recently solicited Proposals for Commercial Plumbing Services for county buildings. A total of two (2) proposals were submitted from interested plumbing contractors: Jeffrey's Plumbing & Heating and Frank's Mechanical. A committee of County Personnel reviewed the proposals and Jeffrey's Plumbing & Heating was ranked the highest.

Mr. Garcia requested authorization to enter into negotiations and execute a Professional Services Agreement with Jeffrey's Plumbing & Heating for Plumbing Services for San Miguel County.

Motion to approve authorization to enter into negotiations and execute a Professional Services Agreement with Jeffrey's Plumbing & Heating for Plumbing Services for San Miguel County by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

# 20. AUTHORIZATION TO ENTER INTO NEGOTIATIONS AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH DE SENA ELECTRIC FOR ELECTRICAL SERVICES FOR SAN MIGUEL COUNTY (Backup)

Public Works Division Supervisor John L. Garcia advised the Commission that San Miguel County recently solicited Proposals for Commercial Electrical Services for county buildings. A total of two (2) proposals were submitted from interested electrical contractors: De Sena Electric and Allied Electrical. A committee of County Personnel reviewed the proposals and De Sena Electric was ranked the highest.

Mr. Garcia requested authorization to enter into negotiations and execute a Professional Services Agreement with De Sena Electric for Electrical Services for San Miguel County.

Motion to approve authorization to enter into negotiations and execute a Professional Services Agreement with De Sena Electric for Electrical Services for San Miguel County by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

### 21. RATIFICATION OF FY 09-10 DISTRIBUTION REVERSION DWI FUNDING APPLICATION, LOCAL DWI GRANT PROGRAM

(Backup) (Backup)

DWI Coordinator Wendy F. Armijo advised the Commission that at the April 16, 2009 DWI Grant Council Meeting, the DWI Grant Council gave approval to DFA to allow fiscal agents to be eligible to receive in the FY 10 grant, any distribution amount over the FY 09 adjusted budget (adjusted in October 2008). On Monday, August 31, 2009 the DWI Grant Council met again and changed the eligible amount for which counties can apply. The San Miguel County DWI program is now able to apply and receive the total distribution reversion in the amount of \$6,255. The Grant Council also approved up to \$50,000 of reverted funds for a curriculum and a one week-long training for DWI Compliance Monitors across the state. The amount available is \$425 per person. The program will request an additional \$850 for the purpose of allowing the DWI Compliance Monitor and the DWI Coordinator the opportunity to attend the recommended Court Compliance Officer training. The program will apply for a total of \$7,105 in reverted funds.

Mrs. Armijo requested ratification of Commission's prior approval for the above mentioned FY 09-10 Distribution Reversion DWI Funding Application.

Motion for approval and ratification of said application by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

# 22. SAN MIGUEL COUNTY DETENTION CENTER STRATEGIC PLAN-COMMUNITY-BASED ADULT REINTEGRATION CENTER - INFORMATION OVERVIEW.

(Backup)

Warden Patrick W. Snedeker gave an informational presentation to the San Miguel County Board of Commissioners, specific to the San Miguel County Detention Center Strategic Plan 2011 - 2015; and in particular to a Community Based Adult Reintegration Center. The Detention Center Strategic Plan is being revised and refined by Systems of Learning (SOL) Consulting Services and is inclusive of all Detention Center projects that are within the approved San Miguel County Infrastructure Capital Improvements plan, for FY 2011 - 2015.

Informational Presentation. No action taken.

# 23. SAN MIGUEL COUNTY DETENTION CENTER, PHASE III CAPITAL IMPROVEMENT PROJECT(S) - INFORMATIONAL REPORT (Backup)

Warden Patrick W. Snedeker gave a brief informational presentation to the San Miguel Board of Commissioners, specific to the San Miguel County Detention Center, Phase III Capital Improvement Project(s). All projects are included within the approved San Miguel County, Infrastructure Capital Improvement(s) Plan, for FY 2011 -2015.

Mr. Snedeker introduced Mr. Jordan DeHerrera, CEO, SOL Consulting Services, LLC, who spoke briefly about the Phase III Capital Improvement Projects.

Discussion ensued.

Yolanda Cruz from the San Miguel County Health Council spoke briefly in support of the concept.

Informational Presentation. No action taken

# 24. PROFESSIONAL SERVICES AGREEMENT (PSA) WITH UNM, BUREAU OF BUSINESS AND ECONOMIC RESEARCH, TO COMPLETE AN ASSESSMENT AND IDENTIFY ECONOMIC DEVELOPMENT STRATEGIES FOR SAN MIGUEL COUNTY AND THE CITY OF LAS VEGAS, NEW MEXICO.

### (Backup)

County Manager Les Montoya advised the Commission that Luna Community College, Small Business Development Center, San Miguel County and LV/SM Economic Development Corporation have partnered to establish a scope of work to complete a county wide assessment of the strengths and weaknesses of our assets and the promotion of economic development efforts in our area. The scope also outlines the development of economic strategies for our area.

Mr. Roberto Rios of the LV/SM Economic Development Corporation requested the Commission execute agreement.

Mr. Montoya requested the Commission review the Professional Service Agreement with UNM and ratify the agreement.

Motion to approve PSA and ratify as authorized by the MOU between Luna Community College and SMC previously approved by the Board of County Commissioners, and approved on February 2, 2009, by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

### 25. AGREEMENT FOR JUVENILE CONFINEMENT BETWEEN SAN MIGUEL COUNTY AND SANTA FE COUNTY

Warden Patrick W. Snedeker advised the Commission of the agreement between San Miguel County and Santa Fe County and requested Commission approval. Warden Snedeker advised the cost per juvenile detained shall be \$154.35. A \$20.00 booking fee shall be charged for each juvenile booked.

Motion to approve agreement for juvenile confinement by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

# 26. SAN MIGUEL COUNTY MANAGER RECOMMENDATION TO APPROVE EIGHT JOB DESCRIPTIONS FOR THE SAN MIGUEL COUNTY PUBLIC WORKS DIVISION.

### (Backup)

County Manager Les Montoya advised the Commission of the Job Descriptions listed below, which are being recommended for approval by the San Miguel County Commission for the reorganization of the San Miguel County Public Works Division.

Public Works Financial Specialist II

Public Works Administrative Assistant

Public Works Crusher Plant Forman

Public Works Crusher Plant Equipment Operator III

Public Works Crusher Plant Equipment Operator II

Public Works Crusher Plant Operator

Public Works Road Construction and Maintenance Forman

Public Works Special Service Forman

Motion to approve the eight job descriptions for the reorganization of the San Miguel County Public Works Division by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

27. COUNTY MANAGER'S RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF DEPUTY WITH THE SAN MIGUEL COUNTY SHERIFF'S DIVISION.

### **REQUEST TO HIRE:**

#### PROBATIONARY EMPLOYEES:

PATRICK J. TORRES - DEPUTY - DATE OF HIRE: OCTOBER 24, 2009 - PROBATIONARY SALARY: \$23,750.00

(Backup) (Backup)

County Manager advised the Commission that Mr. Patrick J. Torres is being recommended for hire as a Deputy with the San Miguel County Sheriff's Division as per the recommendation of Benjie Vigil, Sheriff. Mr. Montoya also advised that Mr. Torres has a high interest for Law Enforcement. He is not certified but will be sent to the next mandatory assessment in Santa Fe for the basic officer training in January of 2010.

Mr. Montoya requested the Commission approve and ratify the hiring of Mr. Patrick J. Torres to fill the vacant Deputy position with the San Miguel County Sheriff's Division.

Motion to hire and ratify the hiring of Mr. Patrick J. Torres to fill the vacant Deputy position with the San Miguel County Sheriff's Department by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

28. COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF SAN MIGUEL COUNTY PUBLIC WORKS DIVISION SUPERVISOR. RECOMMENDATION TO HIRE:

#### **EXEMPT EMPLOYEE:**

### JOHN GARCIA - PUBLIC WORKS SUPERVISOR - DATE OF HIRE: SEPTEMBER 21, 2009 - ANNUAL SALARY: \$45,000.00

(Backup) (Backup)

County Manager Les Montoya advised the Commission that position of Public Works Division Supervisor was vacant due to the retirement of Harold Garcia. The Public Works Supervisor position was advertised and six applicant applied for the position and the top two best qualified applicants were interviewed. Mr. John Garcia was the best qualified to fill the vacant position of Public Works Supervisor.

Mr. Montoya requested the Commission ratify the hiring of Mr. John Garcia as the new Public Works Division Supervisor.

Commissioner Marcellino requested this item be discussed in Executive Session.

Motion by Commissioner Marcellino A. Ortiz to discuss ratification of hiring of Mr. John Garcia in Executive Session. Second by Commissioner Albert Padilla. Motion carried.

29. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF HOUSING SPECIALIST WITH THE SAN MIGUEL COUNTY SECTION 8 HOUSING PROGRAM AS PER THE RECOMMENDATION OF GILBERT ALMANZA, SECTION 8 HOUSING ADMINISTRATOR.

#### **RECOMMENDATION TO HIRE:**

#### PROBATIONARY EMPLOYEE:

### IRIS G. VIGIL - HOUSING SPECIALIST - EFFECTIVE DATE OF HIRE: OCTOBER 14, 2009 - PROBATIONARY SALARY: \$17,100.00

(Backup) (Backup)

County Manager Les Montoya advised the Commission that the Housing Specialist Position is vacant due to the resignation of Tami Hernandez. The Housing Specialist position was offered to Ms. Iris Vigil who is currently assisting the County through a program with HELP-NM. Mr. Montoya also advised the Commission that an interview was conducted with Ms. Vigil and the requirements of the position were also discussed and Ms. Vigil expressed her interest in taking the vacant position.

Mr. Montoya requested the Commission approve and ratify the hiring of Ms. Iris Vigil to fill the vacant position of Housing Specialist with the San Miguel County Section 8 Housing Program.

Motion to ratify the hiring of Ms. Iris Vigil to fill the vacant position of Housing Specialist with the San Miguel County Section 8 Housing Program by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

30. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL AS THE DWI SAFE-RIDE AND VETERAN'S TRANSIT OPERATOR.

#### **REQUEST TO HIRE:**

#### **CASUAL EMPLOYEE:**

### JIMMY ORTIZ - SAFE-RIDE AND VETERANS TRANSIT OPERATOR - DATE OF HIRE: OCTOBER 10, 2009 - HOURLY SALARY: \$10.00

(Backup) (Backup)

County Manager Les Montoya requested that Mr. Jimmy Ortiz be hired as a Casual Employee on a Part Time or on an as needed basis as the Safe Ride Transit Operator and the Veterans Transit Operator.

Mr. Montoya requested the Commission approve and ratify the hiring of Mr. Jimmy Ortiz as the Safe Ride and Veterans Transit Operator on as a needed basis.

Motion to approve and ratify the hiring of Mr. Jimmy Ortiz as the Safe Ride and Veterans Transit Operator on as needed basis by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

31. COUNTY MANAGER'S REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS TO FILL THE VACANT POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER. REQUEST TO HIRE:

#### **PROBATIONARY EMPLOYEES:**

STEVEN GARCIA- DETENTION OFFICER - DATE OF HIRE: SEPTEMBER 14, 2009 - PROBATIONARY SALARY: \$20,900.00

JUSTIN GARCIA - DETENTION OFFICER - DATE OF HIRE: OCTOBER 5, 2009 - PROBATIONARY SALARY: \$20,900.00

BEVERLY MADRID - DETENTION OFFICER - DATE OF HIRE: OCTOBER 5, 2009 - PROBATIONARY SALARY: \$20,900.00

(Backup)

County Manager Las Montoya advised the Commission that Detention Officer Positions are vacant due to several employees resigning their positions or being terminated.

Mr. Montoya requested the Commission approve and ratify the hiring of the above individuals to fill the vacant positions at the San Miguel County Detention Center.

Motion to hire and ratify the above individuals for the vacant Detention Officer Positions by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### 32. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF SEPTEMBER 2009 $\ast$

(Backup)

County Manager Les Montoya advised the Commission of the Personnel actions that have taken place in San Miguel County for the month of September 2009 and submitted for ratification and approval by the San Miguel County Board of Commissioners.

Motion to ratify and approve the personnel changes that have taken place during the month of August 2009 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

#### SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

### 33. LETTER FROM DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) APPROVING THE FISCAL YEAR 2009/2010 BUDGET

### (Backup)

Finance Division Supervisor Melinda Gonzales advised the Commission that on September 2, 2009, DFA submitted a letter approving the Fiscal Year 2009/2010 budget. The budget was approved with one change in the solid waste fund. The budget was reduced by \$1,021 in order to balance the budget. The ending cash balance reported to DFA for the quarter ending June 30, 2009 was \$1,021 less than the beginning cash on the final budget submittal. The quarterly report/reconciliation was due July 30, 2009 which was after the final budget was prepared, July 21, 2009.

Ms. Gonzales advised that no formal action needed to be taken. The DFA budget approval is required to be made part of the minutes of the county according to Section 6-6-56 NMSA 1978.

### **34.** BUDGET RESOLUTION 2009-10-14-F1

#### (Backup)

Finance Division Supervisor Melinda Gonzales advised the Commission the budget adjustments related to the transfers from the general fund to the Courthouse Remodel Fund and to the Public Works Facility Fund; State allotment carryover approval from the State Fire Marshal; Budget adjustment to reflect projected revenue increase due to 2009 property tax valuations; Budget adjustment to account for new positions to the Public Works Division.

Estimated increase to revenue is \$236,766.00 and final budget is \$176,000.00 for the Positions mentioned by County Manager Les Montoya in the Public Works Facility.

Motion to approve Budget Resolution 2009-10-14-F1 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### 35. APPEAL OF DENIED INDIGENT CLAIM #1044

#### (Backup)

Finance Division Supervisor Melinda Gonzales informed the Commission that on August 11, 2009, indigent claim #1044 was presented to the Commission with the recommendation to deny based on the claim exceeding the 90 day limit due to not receiving the information from the hospital. The claim is in the amount of \$534.00 to Alta Vista Hospital.

Ms. Gonzales advised that in the future it will be required that the applicant provide the information required for approval within the 90 day period.

Motion to approve Indigent Claim #1044 in the amount of \$534.00 to Alta Vista Hospital by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### **36.** APPEAL OF DENIED INDIGENT CLAIM #1047

(Backup)

Finance Division Supervisor Melinda Gonzales informed the Commission that on August 11, 2009, indigent claim #1047 was presented to the Commission with the recommendation to deny based on the claim exceeding the 90 day limit. The claim is in the amount of \$1,118.76 to Alta Vista Hospital.

Ms. Gonzales advised that this item presents the same circumstances as the item listed above and requested approval from the Commission.

Motion to approve Indigent Claim # 1047 in the amount of \$1,118.76 to Alta Vista Hospital by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

# 37. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$55,169.43 AND INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT IN THE AMOUNT OF \$7,013.17.

(Backup) (Backup)

Finance Division Supervisor Melinda Gonzales advised the Commission that the finance office has received, reviewed and processed the indigent claims submitted. All claims that meet the guidelines are listed on the Approved Indigent Claims Listing approval sheet and all claims that do not meet the guidelines are listed on the Denied Indigent Claims Listing.

Ms. Gonzales requested the Commission approve indigent claims in the amount of \$55,169.43 for Alta Vista Hospital and \$7,013.17 for Christus St. Vincent.

Motion to approve indigent claims in the amount of \$55,169.43 for Alta Vista Hospital and \$7,013.17 for Christus St. Vincent by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

### 38. OCTOBER 2, 2009 CASH BALANCE REPORT

(Backup)

Finance Division Supervisor Melinda Gonzales reviewed and discussed with the Commission the October 2, 2009 cash balances.

Information purposes only. No action taken.

#### 39. ACCOUNTS PAYABLE LISTING \*

(Backup)

Finance Division Supervisor Melinda Gonzales advised and submitted to the County Commission payments since the last regular meeting.

Ms. Gonzales requested the approval of accounts payable by the County Commission.

Motion to approve accounts payable by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

# 40. E911 ROAD NAME RESOLUTION-10-14-09-E911-01 REGRADING FRONTAGE ROAD 2116 (ILFELD FRONTAGE ROAD AND SANTA ANA FRONTAGE ROAD) (Backup)

E911 Coordinator Mario Vasquez advised the Commission that San Miguel County E-9-1-1 Rural Addressing Division was notified by the District Four Department of Transportation Office (DOT) that the county must remove the E9-1-1 Road Names for all state owned Frontage Roads. When these state roads were named by the E9-1-1 Rural Addressing Division, District Four DOT Office forgot to thoroughly inform the County the frontage roads had a federal and state colloquial name and these names could not be changed without the NM State Highway Commission approval. The current E911 Road Name is Ilfeld Frontage Road and Santa Ana Frontage Road. The existing Federal Road (FR) Number is FR 2116.

Mr. Vasquez Requested the Commission approve the name change from Ilfeld Frontage Road and Santa Ana Frontage Road to FR 2116.

Motion to approve and change Ilfeld Frontage Road and Santa Ana Frontage Road to FR 2116 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### 41. E911 ROAD NAME RESOLUTION-10-14-09-E911-02 REGARDING FRONTAGE ROAD 2137 (ROMEROVILLE FRONTAGE ROAD)

<u>(Backup)</u>

E911 Coordinator Mario Vasquez advised the Commission that San Miguel County E-9-1-1 Rural Addressing Division was notified by the District Four Department of Transportation Office (DOT) that the county must remove the E9-1-1 Road Names from all state owned Frontage Roads. When these state roads were named by the E9-1-1 Rural Addressing Division, District Four DOT Office forgot to thoroughly inform the County the frontage roads had a federal and state colloquial name and these names could not be changed without the NM State Highway Commission approval. The current E911 Road Name is Romeroville Frontage Road. The existing Federal Road (FR) Number is FR 2137.

Motion to approve the name change from Romeroville Frontage Road and Santa Ana Frontage Road to FR 2137 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz, Motion carried.

### 42. PROCLAMATION DECLARING OCTOBER 25-31, 2009 AS "NEW MEXICO PRO BONO WEEK", IN SAN MIGUEL COUNTY

(Backup)

County Manager Les Montoya advised the Commission that the Honorable District Judge Matthew J. Sandoval recommended the Board of County Commissioners take action to approve the Proclamation promoting "New Mexico Pro Bono Week".

Mr. Montoya requested the Commission review the Proclamation establishing October 25-31, 2009 as "New Mexico Pro Bono Week", in San Miguel County.

Motion to approve Proclamation establishing October 25-31, 2009 as "New Mexico Pro Bono Week", in San Miguel County by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. 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 Albert Padilla to retire into Executive/Closed Session at 5:59 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Marcellino A. Ortiz. Motion carried.

Roll call was taken before County Commission retired into Executive Session

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

Unanimous vote to retire into executive session.

Commissioner Marcellino A. Ortiz made a motion to return to regular session at 6:25 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.

Motion made by Commissioner Albert Padilla to ratify the hiring of Mr. John Garcia for the position of Public Works Supervisor. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### **ADJOURNMENT**

Commissioner Chairman David Salazar made motion to adjourn. Second by Commissioner Marcellino A. Ortiz. Motion carried. The meeting ended at 6:27 P.M.

County Commissioners of San Miguel C 14, 2009.	, 2009 as the official minutes County, New Mexico, of its regular me	eting held October
David R. Salazar, Chairman	June J. Garcia, Vice-Chair	
Nicolas T. Leger, Commissioner	Marcellino A. Ortiz, Commissioner	
Albert J. Padilla, Commissioner		
ATTEST		
Melanie Y. Rivera, County Clerk		
Minutes Submitted by: Javier L. Lopez		