

**MINUTES OF REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, NEW MEXICO
HELD TUESDAY, DECEMBER 14, 2010**

CALL TO ORDER

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday, December 14, 2010, beginning at 9:00 a.m., and also met as the County Board of Finance.

The meeting was held and convened at the San Miguel County Commission chambers, County Courthouse, 2nd Floor, 500 West National Ave., Suite 200, Las Vegas, New Mexico 87701.

Prior to the meeting Chairman David Salazar asked for a moment of silence in remembrance of the late Tony E. Marquez, Jr., former mayor of Las Vegas.

The County Commission meeting proceeded, upon the agenda as follows:

ROLL CALL

Upon a call of the roll by the County Clerk, all Commissioners were present, as follows: Chairman David R. Salazar, Vice Chair June J. Garcia, and Members Albert J. Padilla, Marcellino A. Ortiz and Nicolas T. Leger.

PLEDGE OF ALLEGIANCE

SALUTATION TO THE NEW MEXICO STATE FLAG:

“I *salute* the flag of the State of New Mexico and the Zia Symbol of perfect friendship among United Cultures.”

County Manager Las Montoya advised the Commission that Planning and Zoning Supervisor Alex Tafoya would not be in attendance, and requested approval of the agenda as submitted.

APPROVAL OF AGENDA

Motion to approve agenda by Commissioner Padilla . Second by Commissioner Garcia. Motion carried. **(Throughout, unless otherwise indicated, all motions were adopted by unanimous vote).**

APPROVAL OF MINUTES: Regular Meeting October 19, 2010 (Backup), Regular Meeting November 9, 2010 (Backup)

Motion to approve minutes of Regular Meeting held October 19 2010, by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

Motion to approve minutes of Regular Meeting held November 9 2010, by Commissioner Garcia. Second by Commissioner Padilla. Motion carried.

Chairman Salazar and Commissioners Ortiz and Leger recognized outgoing Commissioners June Garcia and Albert Padilla for their term of service, each Commissioner expressing his thanks and appreciation. (The County Manager, Finance Supervisor and County attorney also commended the outgoing Commissioners).

Both Commissioners Garcia and Padilla were presented a United States Flag and a certificate for dedicated service to the citizens of San Miguel County, and each expressed thanks and appreciation.

**RECOGNITION OF MARY LUDI ON HER RETIREMENT AND
13 YEARS OF SERVICE WITH SAN MIGUEL COUNTY**

County Assessor Elaine Estrada recognized Assessor's office employee Mary Ludi upon her retirement, and presented to her a certificate of appreciation, and the same was graciously accepted by Ms. Ludi.

***PRESENTATION OF CERTIFICATES OF APPRECIATION
TO THE SAN MIGUEL COUNTY CLERK AND STAFF FOR MANAGING THE
GENERAL ELECTION IN AN EFFICIENT AND PROFESSIONAL MANNER***

Chairman Salazar presented certificates of appreciation to County Clerk Melanie Y. Rivera and her entire staff for their exemplary work in conducting the General election held November 2 2010, and Ms. Rivera and staff graciously accepted the certificates, with Ms. Rivera expressing her thanks to her staff and to the Commission and county staff for all their cooperation and support.

NEW BUSINESS:

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

1. COUNTY TREASURER'S MONTHLY REPORT

(Backup)

In the absence of County Treasurer Alfonso Ortiz, Finance Supervisor Melinda Gonzales submitted to the Commission the County Treasurer's monthly report for the month of November 2010.

No action taken. For information only.

(County Manager Les Montoya introduced Alta Vista Hospital's new Chief Executive Officer, Maribel Acosta, who thanked the Commission for the warm welcome and said she is looking forward to working with the City of Las Vegas and San Miguel County).

2. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$24,867.11(Backup)

(Backup) (Backup) (Backup)

Finance 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 approval of indigent claims for Alta Vista Hospital in the amount of **\$24, 867.11**.

Motion to approve indigent claims for Alta Vista Hospital in the amount of **\$24, 867.11** by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

3. INDIGENT CLAIMS FOR CHRISTUS ST. VINCENTS IN THE AMOUNT OF \$550.00

(Backup) (Backup) (Backup)

Finance 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 approval of indigent claims from Christus St. Vincents in the amount of **\$550.00**.

Motion to approve indigent claims from Christus St. Vincents in the amount of **\$550.00** by Commissioner Garcia. Second by Commissioner Padilla. Motion carried.

4. 2011/2012 SOLE COMMUNITY PROVIDER FUDNING REQUEST FROM CHRISTUS ST. VINCENT HOSPITAL IN THE AMOUNT OF \$1,499,790, WITH THE COUNTY SHARE BEING APPROXIMATED AT \$482,778

(Backup)

Ms. Gonzales explained to the Commission that each year Christus St. Vincent and Alta Vista submit a Sole Community Funding Request to the Board of County Commissioners. The Hospitals' requests include the full amount they expect to receive with the county match typically being 25% of the request. The county's match is paid out of the gross receipts tax earmarked for indigent purposes, which last year amounted to \$655,642.34. She said the gross receipts tax is also used to subsidize the two ambulance providers, to offset medical costs at the detention center and to pay for indigent burials.

Whereupon Ms. Gonzales requested approval of sole community provider funding to Christus St. Vincent Hospital in the amount of **\$167,057.00** for the 2010/2011 fiscal year, and upon motion by Commissioner Padilla and second by Commissioner Ortiz, the Commission approved the funding by voice vote.

5. BUDGET ADJUSTMENT RESOLUTION 2010-12-14-F1 REGARDING THE NEW MEXICO FINANCE AUTHORITY LOAN TO PURCHASE LAW ENFORCEMENT VEHICLES (Backup)

Ms. Gonzales advised the Commission that the budget adjustment presented by her is to account for the loan approved by the Board of County Commissioners through the New Mexico Finance Authority in the amount of \$81,200.00, and requested approval of same in the form of **Resolution No. 2010-12-1-F1** in the amount of \$81,200.00.

Motion to approve Budget Adjustment **Resolution No. 2010-12-1-F1** in the amount of \$81,200.00 by Commissioner Ortiz. Second by Commissioner Garcia. Motion carried.

6. JOB DESCRIPTION FOR THE COMPUTER INFORMATION TECHNICIAN (Backup)

Ms. Gonzales advised the Commission of the job description for the Computer Information Technician position currently held by Gilbert Almanza, and requested approval of same. Whereupon, upon motion by Commissioner Padilla and second by Commissioner Garcia, the job description was duly approved upon voice vote of the Commission.

7. CASH BALANCE REPORT AS OF NOVEMBER 30, 2010 (Backup)

For its information, Ms. Gonzales advised the Commission of the November 30, 2010 cash balances.

No action taken. For information only.

8. ACCOUNTS PAYABLE LISTING/ITEMS 2010-5-1 THROUGH 2010-5-647

(Backup)

Ms. Gonzales reviewed and submitted all payments made during the month of November 2010, since the last regular meeting, being **Items 2010-5-1 through 2010-5-647**.

Motion to approve all payments made during the month of November 2010, being **Items 2010-5-1 through 2010-5-647**, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

REGULAR MONTHLY MEETING

Having concluded its Board of Finance meeting, the County Commission continued with its agenda as follows:

9. CERTIFICATES OF ELECTION FOR 2010 GENERAL ELECTION (Backup)

County Clerk Melanie Y. Rivera presented for approval and execution (signature), the certificates of election to be issued to the successful candidates at the November 2010 General election, pursuant to the duly canvassed election results.

Motion to approve and sign certificates of election, by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried. Whereupon the County Clerk issued and delivered to those candidates who were present, their certificates.

10. PUBLIC HEARING ON CDBG APPLICATION 2011 (Backup)

County Manager Les Montoya advised that the CDBG application requirements provide for citizen participation and input in regard to CDBG applications via public hearings. Applicants (San Miguel County) are encouraged to have more than one public hearing, accept additional public comment and re-affirm the selection of the Gonzales Ranch County Road B-31-A project.

Mr. Montoya requested that the Commission conduct a public hearing and accept public comment on the CDBG application process; receive input on the Gonzales Ranch County Road B-31-A project; and re-affirm the selection of the Gonzales Ranch County Road B-31-A project for a 2011 CDBG application.

Interim Public Works Supervisor Daniel Encinias spoke in favor of the application and expressed that it would have a positive outcome.

No other comment was made in favor or against and the public hearing was concluded.

Motion by Commissioner Ortiz to approve CDGB application process for and selection of the Gonzales Ranch County Road B-31-A project. Second by Commissioner Padilla. Motion carried.

11. RESOLUTION NO. 12-14-10-GONZALES RANCH B-31-A-CDBG, AUTHORIZING THE SUBMITTAL OF COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION.

(Backup)(Backup)

Mr. Montoya advised the Commission that San Miguel County is preparing to submit an application for CDBG funds in the amount of \$500,000 for the Gonzales Ranch B-31-A-CDBG project. A resolution approved by the Board of County Commissioners authorizing the submittal of the application is required.

Mr. Montoya requested the Commission Adopt Resolution No. 12-14-10-Gonzales Ranch B-31-A-CDBG.

Motion to adopt Resolution No. 12-14-10-Gonzales Ranch B-31-A-CDBG by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

12. FINAL PLAT - OXIDO LLC

(Backup)(Backup)

County Attorney Jesus Lopez advised that on June 29, 2010, the Board of County Commissioners granted preliminary plat approval to Oxido LLC Subdivision with a condition that drainage concerns to the Pork Chop Hill Road be addressed. Such concerns have been addressed and are noted on pages 8 and 12 of the final plat. Oxido LLC is requesting final plat approval and has submitted an Agreement to Construct Subdivision Improvements with Attachment A and wishes to submit a letter of credit that will be issued by a local bank upon approval of the final plat as financial security to assure the subdivision improvements are completed.

Mr. Lopez submitted the final plat and recommended acceptance of the developer's letter of credit as assurance of completion of subdivision improvements.

Whereupon Chairman Salazar noted that a public hearing was being conducted on final plat approval, and solicited public comment.

Mr. Ron Ortega addressed the Commission and expressed his concerns about the subdivision. No other citizen rising to express comment, discussion ensued by the Commissioners; whereupon Commissioner Leger moved approval of the final plat and acceptance of the letter of credit, which motion was duly seconded by Commissioner Ortiz and approved by voice vote of the Commission.

13. EXHIBIT 1-S, RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN AND CERTIFICATION

(Backup)

Mr. Montoya advised that new Subsection 104(d) of the Housing and Community Development Act of 1987 provides that grantees of Community Development Block Grants and HOME Investment Partnership funds certify that they are following a residential anti-displacement and relocation plan, whether or not CDBG funds are used for activities that cause displacement.

Mr. Montoya requested the Commission review and adopt Exhibit 1-S, Residential Anti-Displacement and Relocation Assistance Plan and Certification.

Motion to adopt Exhibit 1-S, Residential Anti-Displacement and Relocation Assistance Plan and Certification, by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

14. MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN MIGUEL COUNTY SHERIFF'S DEPARTMENT AND THE USDA, FOREST SERVICE LAW ENFORCEMENT AND INVESTIGATIONS, SOUTHWESTERN REGION

(Backup)

Sheriff Vigil advised the Commission that the purpose of the agreement is to deputize the forestry officials as law enforcement officers so that they can enforce the county and state laws in the county, thus increasing law enforcement protection through mutual cooperation.

Motion to approve Memorandum of Understanding between San Miguel County Sheriff's Department and the USDA, Forest Service Law Enforcement and Investigations Region, by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

15. NEW MEXICO TRAFFIC SAFETY PROJECT, SELECTIVE TRAFFIC ENFORCEMENT, (S.T.E.P.)

(Backup)

Sheriff Vigil advised that the funds received are from the New Mexico Traffic Safety Bureau. The Sheriff's Department has received these funds for the past ten years, and they are used for overtime pay for time expended in enforcing traffic laws.

Motion to approve New Mexico Traffic Safety Project, Selective Traffic Enforcement, (S.T.E.P.), by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

16. RESOLUTION NO. 12-14-10 E911-01; ADDING A NEW NAMED PRIVATE ROAD TO THE OFFICAL RURUAL ADDRESSING ROAD LIST OF SAN MIGUEL COUNTY

(Backup) (Backup)

Computer Information Specialist Mario Vasquez advised the Commission that land owner Karleen Whitcomb is creating a lot split and according to the Road Name

Ordinance (Article 4.1.c) any private road that provides access to three or more buildings requires a road name.

Mr. Vasquez requested Commission approval of Resolution No. 12-14-10 E911-01 adding a new named private road to the official rural addressing road list of San Miguel County, to be designated as **Birdhouse Drive**. Whereupon Commissioner Padilla moved approval of the Resolution, and upon a second by Commissioner Ortiz, the Resolution was duly approved by voice vote of the Commission.

17. AMENDMENT NO. 1 TO JOINT POWERS AGREEMENT(JPA) BETWEEN THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT(EMNRD) AND SAN MIGUEL COUNTY FOR WILDLAND FIRE PROTECTION SUPPRESSION

(Backup)

Wildland Coordinator Kenneth Medina advised that the JPA became effective November 9, 2009, and paragraph 4 is being amended to say that EMNRD shall reimburse the County for extended wildland fire suppression, and wildland fire management activities.

Mr. Medina requested the Commission approve Amendment #1 to the Joint powers agreement as mentioned above, whereupon Commissioner Padilla so moved, and upon a second by Commissioner Ortiz, the Amendment was duly approved.

18. REVISION OF JOB DESCRIPTION FOR DETENTION SHIFT SERGEANT

(Backup)

Warden/Facility Administrator Patrick W. Snedeker explained to the Commission the revised job description for a Detention Shift Sergeant, and requested approval. Whereupon Commissioner Ortiz so moved, and upon a second by Commissioner Leger, the revised job description was duly approved.

19. REVISION OF JOB DESCRIPTION FOR DETENTION LIEUTENANT

(Backup)

Warden/Facility Administrator Patrick W. Snedeker explained to the Commission the revised job description for a Detention Lieutenant, and requested approval. Whereupon Commissioner Padilla so moved, and upon a second by Commissioner Leger, the revised job description was duly approved.

20. EXTENSION OF AGREEMENT - CONFINEMENT OF PRISONERS - TOWN OF TAOS, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO

(Backup)

Warden/Facility Administrator Patrick W. Snedeker advised the Commission of the third extension of the agreement for confinement of Town of Taos prisoners at the SMC Detention Center, to remain at \$65.00 per inmate/day, plus a \$20.00 booking fee.

Motion to approve extension agreement by and between the town of Taos and San Miguel County, by Commissioner Garcia. Second by Commissioner Ortiz. Motion carried.

21. CONTRACT FOR INMATE CONFINEMENT - TAOS COUNTY, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO

(Backup)

Warden/Facility Administrator Patrick W. Snedeker advised the Commission of the contract for inmate confinement of Taos County prisoners at the SMC Detention Center. The contract is for a two (2) year period, at \$50.00 per day/inmate, plus a \$10.00 booking fee.

Motion to approve contract as submitted, by Commissioner Ortiz. Second by Commissioner Padilla. Motion carried.

22. CONTRACT FOR INMATE CONFINEMENT - MORA COUNTY, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO

(Backup)

Warden/Facility Administrator Patrick W. Snedeker advised the Commission of the contract for inmate confinement between Mora County and San Miguel County at the SMC Detention Center, at \$65.00 per day/inmate, plus a \$20.00 booking fee.

Motion to approve contract for inmate confinement by and between Mora County and San Miguel County, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

23. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF NOVEMBER, 2010

(Backup)

Interim Public Works Division Supervisor Daniel Encinias reviewed the San Miguel County Public Works Division report, and discussion ensued.

No action taken. For information and discussion only.

24. RESOLUTION NUMBER 12-14-10 CAP/PW AMENDMENT TO COOPERATIVE AGREEMENT

(Backup)

Interim Public Works Division Supervisor Daniel Encinias advised the Commission that the New Mexico Department of Transportation and the County of San Miguel entered into a Cooperative Agreement, No. D13199, on the 20th day of August, 2010. Page 8, SECTION EIGHTEEN, Paragraph One, of the Agreement allows both parties to make alterations and revisions to the said Agreement. The 25% PUBLIC ENTITY matching share was waived.

The estimated total cost for the Project is \$118,019.00 to be funded in proportionate share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 100% (\$118,019.00)
- b. The County of San Miguel's required proportionate matching share was waived and shall be 0%
- c. Total Project Cost \$118,019.00.

San Miguel County shall pay all Project costs, which exceed the total amount of \$118,019.00.

Motion to adopt Resolution Number 12-14-10 CAP/PW which will amend Cooperative Agreement D13199 which was entered on August 20, 2010, by Commissioner Padilla. Second by Commissioner Ortiz. Motion carried.

25. RESOLUTION NUMBER 12-14-10 SP/PW AMENDMENT TO COOPERATIVE AGREEMENT

(Backup)

Interim Public Works Division Supervisor Daniel Encinias advised the Commission that the New Mexico Department of Transportation and the County of San Miguel entered into a Cooperative Agreement, No. D13201, on the 20th day of August, 2010. Page 8, SECTION EIGHTEEN, Paragraph One, of the Agreement allows both parties to make alterations and revisions to the said Agreement. The 25% PUBLIC ENTITY matching share was waived.

The estimated total cost for the Project is \$63,257.00 to be funded in proportionate share by the parties as follows:

- a. New Mexico Department of Transportation's share shall be 100% (\$63,257.00)
- b. The County of San Miguel's required proportionate matching share was waived and shall be 0%.
- c. Total Project Cost \$63,257.00.

San Miguel County shall pay all Project costs, which exceed the total amount of \$63,257.00.

Motion to approve Resolution Number 12-14-10 SP/PW which will amend Cooperative Agreement D13201 which was entered on August 20, 2010, by Commissioner Garcia. Second by Commissioner Padilla. Motion carried.

26. RATIFICATION OF SUBMITTAL OF A GRANT APPLICATION FOR A RECYCLING CENTER HUB DEVELOPMENT THROUGH THE NM RECYCLING COALITION ARRA GRANT PROGRAM

(Backup)

Public Service Foreman Harold Garcia advised and explained to the Commission that the New Mexico Recycling Coalition has invited interested Governmental Entities to submit a Grant Application for development of a Recycling Center Hub through Federal ARRA Funds under the direction of the NM Recycling Coalition. The Grant Opportunity is for \$309,820.00 for a Recycling Hub Center that would be a Regional Solid Waste facility. Staff has submitted a Grant Application identifying the new San Miguel County Solid Waste facility located at 10 Airport Road as the Regional Center. The County has the nine (9) Solid Waste Convenience Centers that would be utilized as Spokes to the Hub. Citizen Alex Aragon expressed his concerns in the matter.

Mr. Garcia requested that the Commission ratify submittal of the grant application, whereupon Commissioner Garcia so moved, and upon a second by Commissioner Leger, the grant application was duly ratified by the Commission by voice vote.

27. AWARD OF BID FOR LEASE OF A FRONT-WHEEL LOADER

(Backup)

Public Service Foreman Harold Garcia advised the Commission that bids were invited for an 84-month lease-to own for a front-wheel loader; that two bids were submitted (Wagner Equipment and Adobe Truck and Equipment); and Garcia recommended that the contract award be made to Wagner Equipment as the lowest responsible bid at \$1,650.06 per month. Whereupon Commissioner Padilla so moved, and upon a second by Commissioner Ortiz, the contract award was made as aforesaid.

28. 60-MONTH LEASE AGREEMENT BETWEEN SAN MIGUEL COUNTY AND WAGNER EQUIPMENT (CATERPILLAR) COMPANY FOR A 938H FRONT WHEEL LOADER

(Backup)

Harold Garcia advised that San Miguel County opened bids for the Lease-to-Purchase Option of a Front-Wheel Loader. Wagner Equipment (Caterpillar) Company was the lowest responsible bidder at \$1,650.06 per month, and Garcia requested contract award accordingly. Whereupon Commissioner Garcia so moved, and upon a second by Commissioner Padilla, the contract award was duly approved as aforesaid.

29. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND ELMER PACHECO CONSTRUCTION FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE

(Backup)

Harold Garcia advised that San Miguel County has an Agreement with EP Construction for the purpose of providing emergency snow removal and/or road maintenance. This agreement is a 12-month agreement and is renewable for up to three-years, and the subject renewal is for the third year. Whereupon Commissioner Padilla moved for approval, and upon a second by Commissioner Ortiz , the Agreement was duly approved.

30. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND ROCKY ROAD GRAVEL PRODUCTS FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE

(Backup)

Harold Garcia advised that San Miguel County has an Agreement with Rocky Road Gravel Products for the purpose of providing emergency snow removal and/or road maintenance. This agreement is for 12 months and is renewable for three years, with the subject agreement being for a third year. Whereupon Commissioner Ortiz moved approval, and upon a second by Commissioner Padilla, the Agreement was duly approved.

31. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND DURAN'S SAND & GRAVEL CONSTRUCTION FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE

(Backup)

Harold Garcia advised that San Miguel County has an Agreement with Duran's Sand & Gravel for the purpose of providing emergency snow removal and/or road maintenance. This agreement is for twelve months for a maximum of three years, and the subject agreement is for a third year. Whereupon Commissioner Ortiz moved approval of the Agreement, and upon a second by Commissioner Padilla, the Agreement was duly approved.

32. PROFESSIONAL SERVICES AGREEMENT BETWEEN SAN MIGUEL COUNTY AND PARAMETRIX ENVIRONMENTAL AND PLANNING CONSULTANTS FOR THE PURPOSE OF PROVIDING PROFESSIONAL CONSULTING SERVICES FOR THE SAN MIGUEL COUNTY SOLID WASTE BALER AND TRANSFER STATION PROJECT

(Backup)

Upon the recommendation of Public Services Foreman Harold Garcia, Commissioner Padilla moved approval of the Professional Services Agreement between San Miguel County and Parametrix Environmental and Planning Consultants for the purpose of providing professional consulting and planning services to San Miguel County for the Solid Waste Baler and Transfer Station Project. Upon a second by Commissioner Ortiz, the Agreement was duly approved.

33. PROFESSIONAL SERVICES AGREEMENT BETWEEN SAN MIGUEL COUNTY AND ENGINEER DESIGN SOLUTIONS, INC. FOR THE PURPOSE OF PROVIDING PROFESSIONAL CONSULTING SERVICES FOR THE SAN MIGUEL COUNTY SOLID WASTE BALER AND TRANSFER STATION PROJECT

(Backup)

Upon the recommendation of Public Services Foreman Harold Garcia, Commissioner Padilla moved approval of the Professional Services Agreement between San Miguel County and Engineer Design Solutions Inc. for the purpose of providing professional

consulting services to San Miguel County for the Solid Waste Baler and Transfer Station Project. Upon a second by Commissioner Garcia, the Motion carried.

34. SAN MIGUEL COUNTY RESOLUTION NUMBER SMCPW-12-14-10(R-O-W) AUTHORIZING MUNICIPALITIES AND COUNTIES IN NEW MEXICO TO ENTER INTO RIGHT-OF-WAY AGREEMENTS TO PERMIT PUBLIC UTILITIES TO USE PUBLIC HIGHWAYS, STREETS, AND ROADS TO LOCATE VARIOUS FIXTURES AND STRUCTURES AND ASSESS RIGHT-OF-WAY FEE(S) TO THESE PUBLIC UTILITY COMPANIES

(Backup)

Harold Garcia advised the Commission that the New Mexico Association of Counties (NMAC) has endorsed the Resolution and requested approval. Whereupon Commissioner Garcia moved approval, and upon a second by Commissioner Padilla, the Resolution was duly approved and adopted by the Commission.

35. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION FOR APPROVAL OF HOLIDAYS FOR THE CALENDAR YEAR 2011

(Backup)

County Manger Les Montoya submitted resolution number SMC-RES-12-14-2010-HR designating Holidays for Calendar Year 2011 and requested commission approval.

Motion to approve Resolution Number SMC-RES-12-14-2011-HR Holidays for the calendar year 2011, by Commissioner Leger. Second by Commissioner Garcia. Motion carried.

36. HIRING OF THE CHIEF DEPUTY FOR THE TREASURER'S OFFICE

(Backup)

Per the recommendation of the County Treasurer, as related by the County Manager, Commissioner Leger moved employment of Matthew Griego as chief deputy in the Treasurer's office. Upon a second by Commissioner Padilla, the employment was duly approved.

37. SAN MIGUEL COUNTY MANAGER REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE POSITION OF INFORMATION TECHNOLOGY SPECIALIST WITH THE SAN MIGUEL COUNTY FINANCE DIVISION

PROBATIONARY EMPLOYEE

GILBERT ALMANZA - INFORMATION TECHNOLOGY SPECIALIST - EFFECTIVE DATE OF HIRE: NOVEMBER 15, 2010 - PROBATIONARY SALARY: \$28,500.00

(Backup)

Mr. Montoya advised the Commission that Gilbert Almanza will be performing various Information Technology functions to include the purchase, installation, training and

conversion of a new computer system, as well as various other computer related tasks within San Miguel County.

Motion to approve and ratify the hiring of Gilbert Almanza as a new Information Technology Specialist with the San Miguel County Finance Division, by Commissioner Padilla. Second by Commissioner Garcia. Motion carried.

38. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF NOVEMBER 2010

(Backup)

Mr. Montoya advised the Commission of the personnel changes which have taken place in San Miguel County during the month of November 2010, and submitted the same for ratification and approval. Whereupon Commissioner Padilla moved approval, and upon a second by Commissioner Ortiz, the personnel actions undertaken by the Manager were duly approved.

39. 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 or disposal of real property, as permitted by Section 10-15-1(H)(8) of the Open Meetings Act, NMSA 1978.
- D. Matters pertaining to the discussion of bargaining strategy preliminary to collective bargaining negotiations, as permitted by Section 10-15-1(H)(5), NMSA 1978.

Motion to retire into executive session by Commissioner Padilla, for the reasons specified in Item 39, as recommended and recited by the County Manager. Second by Commissioner Garcia. Motion carried upon the following roll call taken at 11:30 A.M.

Roll call was taken and all Commissioners were present and voted in the affirmative, and the Commission retired into executive session.

The Commission reconvened in public session at 12:14 and the Chairman announced that only those matters for which a motion for closure was made, were discussed in executive session.

Chairman Salazar then recessed the meeting for lunch, until 1:30 p.m. on the same day; the Commission to reconvene at such time to take-up Item 40 of the Agenda for the remainder of the afternoon.

40. AFTER NOTICE AND HEARING AS REQUIRED BY LAW, ADOPTION OF PROPOSED ORDINANCE NO. 12-14-10-WIND, RELATING TO AND REGULATING WIND ENERGY FACILITIES IN SAN MIGUEL COUNTY, AS IT MAY BE AMENDED AND REVISED BY THE COUNTY COMMISSION, PRIOR TO FINAL PASSAGE AND ADOPTION. THE TITLE AND GENERAL SUMMARY OF THE SUBJECT MATTER OF THE PROPOSED ORDINANCE WAS PUBLISHED IN THE LAS VEGAS OPTIC ON NOVEMBER 22 AND 29, 2010, AT LEAST TWO WEEKS BEFORE TODAY'S HEARING ON SAID ORDINANCE, AS REQUIRED BY SECTION 4-37-7, NMSA 1978. (THE ORDINANCE WAS PROPOSED BY RESOLUTION DULY ADOPTED BY THE COUNTY COMMISSION AT ITS REGULAR MONTHLY MEETING HELD NOVEMBER 9, 2010, AS REQUIRED BY SECTION 4-37-7, SUPRA)

(Backup)

Background Information: The proposed ordinance is the product of many months of work by a Task Force appointed by the County Commission. The proposed ordinance was crafted by the Task Force and County staff, after many meetings and input from many interested persons. The County Commission itself has devoted much attention and time to the development of the ordinance, and at several meetings, the Commission has entertained public comment concerning wind energy facilities. The Commission also visited the wind energy farm in Guadalupe County, to view first-hand the workings and operation of a wind energy facility. The County Manager and P&Z Supervisor, and their staffs, have assisted the Task Force and the Commission in formulating the ordinance which is proposed for adoption, as it may be amended and revised by the County Commission prior to final passage.

Action Requested of Commission: Conduct a public hearing on the proposed ordinance, entertaining comment and data from all interested persons who may appear and desire to address the Commission. Make any changes and revisions to the proposed ordinance, as the Commission deems advisable; and take formal action on final passage and adoption of the ordinance. (Upon adoption, the ordinance will be filed for record in the office of the San Miguel County Clerk, and will become effective thirty days after it is recorded, as provided in Section 4-37-9(B), NMSA 1978).

Chairman David Salazar reconvened the meeting at 1:45 p.m., and announced to the Commission and to the public that due to the overflow crowd in attendance, the Commission would need to consider an alternate meeting room, or reconvening the meeting at a later time at a different location. In this regard, the Chairman made inquiry of the County Attorney concerning the options available to the Commission. Whereupon the County Attorney proceeded to advise the Commission, indicating the Commission could immediately reconvene at another location upon its availability, or reconvene at a later time at a different location.

Whereupon Chairman Salazar noted that county staff were seeking an alternate location for immediate continuation of the meeting; and after approximately 15 minutes the Chairman announced that the meeting would continue at Ifeld Auditorium on the campus of New Mexico Highlands University, and that the Commission would there reconvene in public session as soon as Ifeld Auditorium could be made ready. Whereupon Commissioner Leger made a motion that the Commission recess its meeting and immediately reconvene at Ifeld Auditorium. Upon a second by Commissioner Ortiz, the Commission voted to recess and reconvene at Ifeld Auditorium, and the same was announced publicly to all in attendance, and signs to that effect were posted at the doors of the Chambers and at the courthouse doors.

Chairman Salazar reconvened the meeting at 2:40 p.m. at Ifeld Auditorium on the campus of New Mexico Highlands University, University Avenue, Las Vegas, New Mexico. The Chairman then directed the County Attorney to briefly introduce Item 40 of the Agenda. Mr. Lopez proceeded to do so and, upon instructions from the Chairman, the County Attorney asked that everyone who intended to speak at the public hearing present themselves by rising and raising their right hand so that he could administer to them the witness oath. Whereupon those indicating their desire to speak on the proposed ordinance arose and were administered the witness oath by the County Attorney.

Whereupon Chairman Salazar invited all in attendance to appear at the microphone and offer their comment on the proposed wind energy ordinance, one-by-one and row-by-row, and the following persons proceeded to address the Commission:

- | | | |
|-------------------|----------------------------|--------------------|
| Bryson Alexander | Julieann Villanueva Barela | Eddie Rodriguez |
| Steven Salinas | Eric Meyerhofer | Rudy Dimas |
| Sterling Sherwood | Bill Madison | Adam Caldwell |
| Velma Martinez | Gloria Luz Gonzales | Amorita Valdez |
| Andres Valdez | Keely Meagan | Rita Gallegos |
| Kathy Montano | Melanie Lohmann | Tom Walker |
| Allen Franken | Fred Konersman | Denise Houser |
| Oren Mathews | Elyshia Holliday | Marie Trigg-Keller |
| Benny Flores | Estevan Muldavin | Robert Thornton |
| Marvin Parson | Rico Jiron | James Trigg |
| Gilbert Ortiz | Harry Anderson | Terry Meeks |
| Lorenzo Flores | Ron Ortega | Lee Einer |
| Rocky Ulibarri | Coral Clark | Miguel Angel |
| Art Baca | Jeff Clark | Rick Keller |
| Tara Alexander | Janet Romero | |
| Stephanie Calabro | Cathy Miller | |
| Roberto Ortiz | Emily Romero | |
| Billy Ortiz | Deborah Seavey | |
| Bud Bradford | Nicasio Romero | |
| Rita Burden | Jane Gorman | |
| Robert Finley | | |

Gabe Estrada
Matt Martinez Sr.

Mary Jane Rael Valdez
Irene Wachtel

After it appeared that no other persons sought recognition or appeared at the microphone, County Attorney Jesus Lopez asked (3) three times if anyone else in attendance desired to address the Commission. No one so indicated or appeared. Whereupon Chairman Salazar noted that attorney Stuart Butzier of the Modrall law firm, representing the firm Invenergy, would proceed to present witnesses and evidence, all subject to cross-examination by a representative of those present who supported a three-mile setback under the proposed ordinance. Whereupon Eric Meyerhofer presented himself as the spokesman and representative of those who supported the three-mile setback, and announced that he (Meyerhofer) would undertake cross-examination of Invenergy witnesses and otherwise represent the interests of those supporting the three-mile setback. The County Attorney asked if anyone in attendance objected to Eric Myerhofer as the spokesperson as by him (Myerhofer) announced, and there being no objection, the Chairman and the County Attorney noted that Myerhofer would act as spokesperson and representative.

Whereupon Mark Jacobson, Director of Business Development for Invenergy, introduced himself and announced that in addition to himself, Tim Casey and Dr. Mark Roberts would also testify, represented by their attorney ,Stewart Butzier. Whereupon attorney Butzier proceeded to present the testimony of witnesses Jacobson, Casey and Roberts, the latter appearing by telephone, after taking the witness oath administered by the County Attorney. One or more of the foregoing witnesses was cross-examined by spokesperson Eric Myerhofer, and questions were also propounded by County Commissioners, and during the presentation of testimony attorney Butzier moved the admission of sundry exhibits, and the same were received by direction of Chairman Salazar, there being no objection. (Butzier also requested that the entire file on this matter as maintained in the Planning and Zoning office, be made part of the hearing record, and there being no objection, Chairman Salazar granted the request, upon motion of Commissioner Ortiz, second of Commissioner Padilla and approval of the Commission).

Attorney Butzier then announced to the Commission that he had nothing further, reserving the right to examine witnesses presented by Mr. Myerhofer.

Whereupon Chairman Salazar called upon Mr. Eric Meyerhofer to present his witnesses and evidence. Meyerhofer called Dr. Eileen Mulvahill and Mr. Jim Cummings as witnesses, each of whom was also examined by attorney Butzier. Commissioners also asked questions of these witnesses.

Mr. Myerhofer asked that all e-mail communications to the County Commissioners and Planning and Zoning staff in the matter of the wind energy ordinance also be made part of the record, and there being no objection, Chairman Salazar noted that the same would

be made a part of the record. Mr. Myerhofer then made a power-point presentation and presented additional exhibits, which were received in evidence by Chairman Salazar.

Mr. Myerhofer then announced that he had concluded his presentation, whereupon Chairman Salazar invited him and attorney Butzier to present any closing remarks, and they both proceeded to do so.

Whereupon Chairman Salazar inquired of the Commissioners as to how they desired to proceed, indicating that he was ready to continue. Commissioner Leger, however, noted that the hour was late and that he was tired, the Commission having met non-stop since 9:00 a.m. Commissioner Leger further suggested that perhaps it would be wise to continue and conclude the meeting/hearing at a later date. After some discussion and checking of schedules and calendars, Commissioner Leger moved that the Commission recess its meeting and reconvene on December 20, 2010, at 1:30 p.m., at the Commission chambers at the San Miguel County Courthouse, and at such time continue with consideration of and deliberation upon the proposed wind energy facility ordinance. Commissioner Leger's motion to recess and reconvene as aforesaid was seconded by Commissioner Ortiz and duly approved by unanimous voice vote of the Commission.

Whereupon the County Attorney announced that no other or additional notice of the time and place of the December 20 meeting would be given, that its announcement there and then was sufficient under the NM Open Meetings Act, but that the time and date of the December 20 meeting would be posted the next morning at both at the doors into Ilfeld Auditorium and at the County Courthouse. Whereupon, at 9:55 p.m., Chairman Salazar announced that the meeting was in recess.

Approved this 8th day of February, 2011, as the official minutes of the regular meeting held by the Board of County Commissioners of San Miguel County, New Mexico, on Tuesday, December 14, 2010, at both its chambers at the San Miguel County Courthouse and at Ilfeld Auditorium.

David R. Salazar, Chairman

Nicolas T. Leger, Vice Chairman

Marcellino A. Ortiz, Member

Ron R. Ortega, Member

Arthur J. Padilla, Member

Attest:

Melanie Y. Rivera
San Miguel County Clerk

(S E A L)