

**County Clerk**  
**Melanie Y. Rivera**

*Paul Maez*  
*BOE Supervisor*

*Geraldine E. Gutierrez*  
*Chief Deputy*

*Martha Sena*  
*Deputy Clerk*

*Michelle Padilla*  
*Deputy Clerk*

*Javier Lopez*  
*Deputy Clerk*

*Ebeny Mondragon*  
*Probate Deputy Clerk*



**MINUTES OF THE  
SPECIAL MEETING/HEARING OF THE  
SAN MIGUEL COUNTY COMMISSION HELD MARCH 02, 2010**

**CALL TO ORDER**

The Board of County Commissioners of San Miguel County held a Special Meeting and Public Hearing, and County Board of Finance Meeting, on Tuesday, March 2, 2010, at 1:30 p.m. at the San Miguel County Commission Chambers, County Courthouse, 2<sup>nd</sup> Floor, 500 West National Ave., Suite 200, 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 J. Padilla, Commissioner Marcellino A. Ortiz and Commissioner Nicolas T. Leger, were present.

The record will show that all Commissioners were in attendance and a quorum was present.

**PLEDGE OF ALLEGIANCE**

**SALUTATION TO THE NEW MEXICO STATE FLAG:**

**APPROVAL OF AGENDA**

Motion by Commissioner Albert J. Padilla to approve the agenda as prepared and presented. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**NEW BUSINESS:**

**1. HAWK'S LANDING/ SUMMARY REVIEW FOR A TYPE 3 SUBDIVISION**

Planning and Zoning Supervisor Alex Tafoya advised the Commission as follows:

1. That Bonnie J. McGowan, the Applicant, has submitted an application for summary review of her preliminary plat for a Type 3 Subdivision to consist of four (4) residential lots and one (1) lot for open space purposes on a parcel of land approximately 123 acres,

more or less; the residential lots to comprise a total of 8.14 acres, more or less; and the open space lot will comprise 116 acres, more or less.

2. That the Applicant has complied with all requirements of Article six (6) of San Miguel County's Subdivision Regulations; and that notice of the public hearing was published, mailed, posted and disseminated as required by all applicable laws, rules and regulations.

Chairman David Salazar opened the public hearing.

County Attorney Jesus L. Lopez administered the oath to all persons who rose and indicated they might testify/offer public comment at the hearing. Attorney Lopez also advised the Commission and all interested persons that the Subdivision Application is for preliminary plat approval for a Type-Three Subdivision, and that the procedure is for summary review as permitted and mandated by Section 47-6-11(I) of the NM Subdivision Act, and the corresponding provisions of the County's Subdivision Regulations.

Applicant's attorney, Karl Sommer, made a brief presentation and stood for questions.

Commissioner Nicolas T. Leger made inquiries of attorney Sommer, relating to water availability and other matters concerning the assurances made by the Applicant in her Disclosure Statement, and otherwise concerning the application; and attorney Sommer responded to the inquiries made by Commissioner Leger.

Applicant's engineer, Oralin Guerrero-Ortiz presented herself and stood for questions. No inquiries were made by the Commissioners.

Collin Lincoln Holloway spoke in favor of the proposed subdivision, but offered some caveats regarding fire protection.

Victoria Young also spoke in support of the proposed subdivision.

No other person rose to speak in support of the proposed subdivision.

Chairman David Salazar then called upon anyone who desired to speak in opposition to the proposed subdivision, or otherwise. After making the call three times, Chairman Salazar noted for the record that no one responded or requested recognition.

At this time Chairman David Salazar closed the portion of the public hearing reserved for public comment and further input from the Applicant and her attorney.

County Attorney Jesus Lopez noted that the subdivision application complied in all respects with the applicable statutes and regulations, namely, Section 47-6-11(I), NMSA 1978, and the County's corresponding Subdivision Regulations; and he recommended that the preliminary plat be approved under the summary review procedure permitted for this Type 3 Subdivision under the aforesaid statutory provisions of the New Mexico Subdivision Act, supra.

Motion made by Commissioner Albert J. Padilla to approve the preliminary plat for the Hawk's Landing Subdivision, as requested by the Applicant, and submitted by Planning and Zoning Supervisor Alex Tafoya. Second by Commissioner Marcellino A. Ortiz. Motion carried unanimously.

**SPECIAL MEETING OF THE COUNTY COMMISSION**  
**SITTING AS THE BOARD OF FINANCE FOR SAN MIGUEL COUNTY**

**2. MIDYEAR BUDGET ADJUSTMENTS/RESOLUTION 2010-03-02-F1**

Finance Supervisor Melinda Gonzales advised the Commission that the County Manager and the Finance Supervisor met with all department supervisors and elected officials to review the FY09/10 budget. During the budget hearings, departments were able to recommend changes in their budget as were necessary to complete the fiscal year. Gonzales noted that the budget presented is a balanced budget and meets the cash reserve requirements as set by the NM Department of Finance and Administration.

Ms. Gonzales reviewed the various adjustments and transfers being made, and explained the \$362,000.00 needed to purchase a new computer system.

Discussion ensued.

Chairman David Salazar noted concerns expressed to him by several senior citizens. County Manager Les Montoya noted that he was recommending an increase in the General Fund of \$10,000.00 for the Senior Citizens of Pecos, San Miguel, and Las Vegas areas.

Ms. Gonzales requested approval of the midyear budget adjustments.

Motion made by Commissioner June Garcia to approve Resolution 2010-03-02-F1. Second by Commissioner Nicolas T. Leger. Motion carried.

**3. RESOLUTION 2010-03-02-F2/MODIFICATION OF FUND**

Finance Supervisor Melinda Gonzales advised the Commission that during the June 16, 2009 meeting, she requested the creation of Fund 235 to account for all funds under the American Recovery and Reinvestment Act, but she has been informed that separate funds are required to be maintained. This Resolution creates a fund category for ARRA funds for the Wastewater Loan Project.

Ms. Gonzales asked for approval of Resolution 2010-03-02-F2.

Motion made by Commissioner Albert J. Padilla to approve Resolution 2010-03-02-F2 relating to modification of fund. Second by Commissioner June J. Garcia. Motion carried.

**4. RESOLUTION 2010-03-02-F3/CREATION OF A NEW FUND**

Finance Supervisor Melinda Gonzales advised the Commission that the Resolution creates a separate fund, Fund 236, to be entitled the Waste Water American Recovery and Reinvestment Act Fund.

Ms. Gonzales asked for approval of Resolution 2010-03-02-F3.

Motion made by Commissioner Marcellino A. Ortiz to approve Resolution 2010-03-02-F3. Second by Commissioner Albert J. Padilla. Motion carried.

**5. RESOLUTION 2010-03-02-F4/CREATION OF A NEW FUND**

Finance Supervisor Melinda Gonzales advised the Commission that the Resolution creates Fund 237 to be entitled the Cinder Road American Recovery and Reinvestment Act Fund.

Ms. Gonzales requested approval of Resolution 2010-03-02-F4.

Motion made by Commissioner June J. Garcia to approve Resolution 2010-03-02-F4. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**6. RESOLUTION 2010-03-02-F5/CREATION OF NEW FUND**

Finance Supervisor Melinda Gonzales advised the Commission that the Resolution creates Fund 238 to be entitled the Clean Diesel American Recovery and Reinvestment Act Fund.

Ms. Gonzales requested approval of Resolution 2010-03-02-F5.

Motion made by Commissioner Albert J. Padilla to approve Resolution 2010-03-02-F5. Second by Commissioner June J. Garcia. Motion carried.

**7. RESOLUTION 2010-03-02-F6/CREATION OF A NEW FUND**

Finance Supervisor Melinda Gonzales advised the Commission that the Resolution creates Fund 239 to be entitled the Justice of Assistance Grant (JAG) American Recovery and Reinvestment Act Fund.

Ms. Gonzales requested approval of Resolution 2010-03-02-F6.

Motion made by Commissioner Albert J. Padilla to approve Resolution 2010-03-02-F6. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**8. APPROVAL OF NEW MEXICO ENVIRONMENT DEPARTMENT AIR QUALITY BUREAU CLEAN DIESEL ARRA GRANT AGREEMENT PROJECT #NM-ARRA/DERA-10-04**

Interim Public Works Supervisor Daniel Encinias advised the Commission that on January 7, 2010, the New Mexico Environment Department (NMED) announced that San Miguel County has been chosen as a sub-recipient for the New Mexico ARRA/DERA State Clean Diesel Grant which will run from the date of award to September 30, 2010. Based on the application dated October 14, 2003, the NMED announced its intent to award \$515,858 as partial funding for the project proposed in the application. San Miguel County plans to replace four (4) vehicles through this project. The vehicles will be replaced with similar new vehicles that meet 2010 emission standards.

Mr. Encinias requested approval of Grant Agreement as outlined above.

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

**9. 2010-2011 FUNDING REQUEST FOR LOCAL GOVERNMENT ROAD FUNDS COOPERATIVE AGREEMENT PROGRAM**

Interim Public Works Supervisor Daniel Encinias advised the Commission that staff has identified Storrie Project as the Co-Op Project. There is a 0.3 mile section, more or less, of County Road C-22 & C-23 that is currently in need of paving improvements. This section of County Road C-22 & C-23 is located east of the Interstate 25 Frontage Road. The road is currently surfaced with an aggregate base course material and has an existing width of approximately 16-18 feet. This project is the final phase of a multi-phase project that will require asphalt paving, which will widen the roadway to a width of 20 feet to provide a safer roadway section for the traveling public. The Engineer's Opinion of Probable Construction Cost for this project is estimated at \$101,490.64.

Mr. Encinias requested approval of Co-op Project as outlined by him above.

Motion made by Commissioner Marcellino A. Ortiz to approve Co-op Project. Second by Commissioner Albert J. Padilla. Motion carried.

**10. 2010-2011 FUNDING REQUEST FOR LOCAL GOVERNMENT ROAD FUNDS COUNTY ARTERIAL AGREEMENT PROGRAM**

Interim Public Works Supervisor Daniel Encinias advised the Commission that the staff has identified Bid Lot 3 of Harris Road as the County Arterial Project. Bid Lot 3 is from STA 17+50.00. Beginning at the end of Bid Lot #2 on Harris Road, construct approximately 800 linear feet by 24 feet wide of full debt construction: 8" base course and 3.5" of hot mix asphalt super pave III paving. There will be 3.5" "hot mix asphalt super pave III and/or 8" base course shall be added to the driveways along Harris Road. Also 94 linear feet of 18" corrugated metal

pipe and 63 linear feet of 17's X 13 R corrugated metal arched pipe will be added on driveways as required. The estimated cost for this project is \$110,101.33.

Mr. Encinias requested approval of the County Arterial Project outlined by him above.

Motion made by Commissioner Albert J. Padilla to approve the County Arterial Project. Second by Commissioner June J. Garcia. Motion carried.

#### **11. 2010-2011 FUNDING REQUEST FOR LOCAL GOVERNMENT ROAD FUNDS SCHOOL BUS ROUTE AGREEMENT PROGRAM**

Interim Public Works Supervisor Daniel Encinias advised the Commission that staff has identified San Pablo Project as the School Bus Project. There is approximately 1 mile of County road in the San Pablo area that is in need of drainage improvements and base course surfacing. The County Road is surfaced with a native pit run material with an average width of approximately 16 feet and have little drainage improvements. This project would provide a 6-inch lift of base course material and much needed drainage improvements for this section of County Road A-19-B. The Engineer's Opinion of Probable Construction Cost for this project is estimated at \$101,257.89.

Mr. Encinias requested approval of the School Bus Project as outlined by him above.

Motion made by Commissioner Albert J. Padilla to approve the School Bus Project. 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.**

No Executive Session was held.

#### **ADJOURNMENT**

Motion made by Commissioner Albert J. Padilla to adjourn. Second by Commissioner Marcellino A. Ortiz. Motion carried. The meeting ended at 3:15 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010 as the official minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its special meeting held March 2, 2010.

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David R. Salazar, Chairman

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June J. Garcia, Vice-Chair

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Albert J. Padilla, Commissioner

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Marcellino A. Ortiz, Commissioner

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Nicolas T. Leger, Commissioner

**ATTEST**

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Melanie Y. Rivera, County Clerk

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Minutes Submitted by: Michelle J. Padilla