

PRESENTATIONS

PRESENTATION OF RETIREMENT PLAQUE TO BENJIE D. VIGIL, SAN MIGUEL COUNTY SHERIFF, IN RECOGNITION AND HONOR OF 25 YEARS OF PUBLIC SERVICE IN SAN MIGUEL COUNTY

PRESENTATION BY ALEX VALDEZ, CEO OF CHRISTUS ST. VINCENT, RE SOLE COMMUNITY PROVIDER FUNDS AND INFORMATION ON HEALTH SERVICES PROVIDED BY CHRISTUS ST. VINCENT

(Mr. Valdez did not appear)

REMARKS BY JOSE MAESTAS WELCOMING COMMISSIONER RON ORTEGA AND CONCERNING THE CINDER ROAD BICYCLE AND WALK PATH

Jose Maestas addressed the Commission, welcoming newly-elected Commissioner Ortega, congratulating Sheriff Vigil, and expressing concerns regarding construction on Cinder Road generally, and in particular as it may affect water diversion and irrigation in that area.

RECOGNITION OF SAN MIGUEL COUNTY PUBLIC WORKS EMPLOYEES JUAN VIGIL, MICHAEL WHEELER AND LARRY ALIRES, FOR HEROIC EFFORTS ABOVE AND BEYOND THEIR DUTIES

Interim Public Works Division Supervisor Daniel Encinias, (hereafter Supervisor Encinias), addressed the Commission, commending and recognizing county employees Michael Wheeler and Juan Vigil for their heroic efforts in rescuing a county resident (noted musician Mrs. Apodaca) from her burning home in the Rociada area, and Encinias read a letter of commendation in this regard. Encinias also commended county employee Larry Alires for his heroic efforts in coming to the aid and assistance of a distraught driver on Interstate 25, who had collided with a deer, and staying with her until police and medical personnel arrived. Whereupon, the entire Commission commended the employees, followed by applause and commendation by all in attendance.

NEW BUSINESS

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

Sitting as the San Miguel County Board of Finance, the Commission proceeded as follows:

1. COUNTY TREASURER'S MONTHLY REPORT

San Miguel County Treasurer Alfonso E. Ortiz, Jr. presented the Treasurer's Monthly Report for the month of December 2010, for information and discussion.

2. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$19,152.67

Finance Supervisor Melinda Gonzales, (hereafter Supervisor 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 payment to Alta Vista Hospital in the amount noted above, and upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the motion carried and approval was granted.

3. INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT HOSPITAL IN THE AMOUNT OF \$8,783.78

Supervisor 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 payment to Christus St. Vincent in the amount noted above, and upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the motion carried and approval was granted.

4. 2011-2012 SOLE COMMUNITY PROVIDER FUNDING REQUEST FROM ALTA VISTA HOSPITAL IN THE AMOUNT OF \$713,006, WITH THE COUNTY SHARE BEING AN APPROXIMATED \$228,162

Finance Supervisor Melinda Gonzales presented the Sole Community Provider Funding request from Alta Vista hospital for FY 2011-2012. Ms. Gonzales mentioned that Alta Vista hospital requested finding in the amount of \$713,006 which was a 5% increase from the FY 2010/2011 base amount. Ms. Gonzales recommended the Commission approve the request in the amount of \$379,828, noting that the recommendation was based on the projected budget for FY 2011/2012. The County share of the \$379,828 is \$121,545 which represents 32% of the request; the remaining funds will be matched by the Federal Government.

Ms. Gonzales mentioned that the gross receipt taxes utilized in paying the sole community funds is also used to subsidize the two ambulance providers, to offset medical costs at the detention center and to pay for indigent burials.

Motion by Commissioner Ortiz to approve the Sole Community Funding in the amount of \$379,828 to Alta Vista Hospital. Second by Commissioner Padilla. Motion carried.

5. INDIGENT BURIAL CLAIMS

Supervisor Gonzales informed the Commission of an unclaimed body (corpse) at the Office of the Medical Investigator (OMI), for which Rogers Mortuary seeks burial reimbursement in the amount of \$1,200.00 as provided by law. Whereupon Commissioner Padilla moved approval, and upon a second by Commissioner Ortiz, the motion carried and approval was granted.

6. CASH BALANCE REPORT AS OF DECEMBER 30, 2010

For its information, discussion and questions, Supervisor Gonzales informed the Commission of all cash balances as of December 30, 2010, whereupon discussion ensued.

7. ACCOUNTS PAYABLE LISTING ITEMS 2010-6-1 THROUGH 2010-6-540

Supervisor Gonzales presented for approval and ratification, all disbursements made by the County since the last regular meeting of the Commission, as reflected in the print-out provided to Commissioners. Whereupon Commissioner Padilla moved approval, and upon a second by Commissioner Leger, the motion carried.

WHEREUPON THE COMMISSION CONCLUDED ITS MEETING AS THE COUNTY BOARD OF FINANCE AND PROCEEDED WITH REGULAR ORDER, AS FOLLOWS:

Commissioner Ron R. Ortega addressed his fellow Commissioners, staff and the public, speaking generally about his hopes and concerns, and expressing a desire to work together with all concerned for the betterment of all citizens of San Miguel County. Upon concluding his remarks, Commissioner Ortega received applause from all in attendance and was warmly welcomed by his fellow Commissioners.

8. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS FOR 2011

County Manager Les W.J. Montoya, (hereafter Les Montoya, Montoya or County Manager), advised the Commission that Section 4-38-10, NMSA 1978, requires that at its first meeting of the new year, the Commission is required to select a chairperson and a vice chairperson.

Whereupon Commissioner Padilla nominated Commissioner Salazar to serve as Chairman. The nomination was seconded by Commissioner Ortega and approved by unanimous vote of the Commission.

Thereupon Commissioner Padilla nominated Commissioner Leger to serve as Vice-Chairman. The nomination was seconded by Commissioner Ortiz and approved by unanimous vote of the Commission.

9. OPEN MEETINGS RESOLUTION FOR 2011, WHICH WILL GOVERN THE NOTICE REQUIREMENTS FOR ALL COMMISSION MEETINGS IN 2011, AND DESIGNATES THE TIME AND PLACE OF REGULAR MEETINGS AND MATTERS RELATING TO SPECIAL AND EMERGENCY MEETINGS, ALL AS REQUIRED BY THE NM OPEN MEETINGS ACT, SECTION 10-15-1, NMSA 1978, AS AMENDED

The County Manager advised the Commission that Section 10-15-1(D) of the NM Open Meetings Act, NMSA 1978, requires that all public bodies in New Mexico determine at least annually, by resolution, matters relating to their meetings, including reasonable public notice of all meetings. The County Commission has routinely adopted the annual resolution at its January meeting, and the same is presented for consideration and adoption. It will govern during 2011 all matters relating to County Commission meetings.

Whereupon Commissioner Padilla moved, and Commissioner Ortega seconded, adoption of the Open Meetings Resolution for 2011, and the motion carried.

10. 2ND QUARTER-LIQUOR EXCISE TAX FUNDS AWARD PROGRESS REPORT

4th Judicial District Court Program Manager Anna Lujan presented a progress report in this matter.

11. APPLICATION FOR CONDITIONAL USE APPROVAL TO CONSTRUCT AND MAINTAIN A 195' SELF-SUPPORT TRANSMISSION TOWER

Planning and Zoning Division Supervisor Alex Tafoya, (hereafter Supervisor Tafoya), advised the Commission that Cellco Partnership, d/b/a Verizon Wireless, submitted an application for conditional use permit to construct and maintain a 195' self-supporting tower in the area of White Lakes in San Miguel County. The San Miguel County Planning and Zoning Commission has recommended approval of the application as provided under Resolution No. PZ-238.

Whereupon, at 2:37 Chairman Salazar convened a public hearing on the matter, and the following transpired:

Randy Pridgeon of Verizon Wireless appeared and stated he was available to answer any questions or concerns.

Whereupon Chairman Salazar invited anyone in attendance to speak and address the Commission, and Sandy Duran and Mike Pena addressed the Commission, each expressing concerns about the location of the proposed tower and requesting additional information on the application.

Justin Armijo informed the Commission that nobody has lived in the area for sometime.

Discussion then ensued between interested persons, and the County Manager suggested that interested persons meet with county staff and Verizon representatives and attempt to resolve any concerns.

Whereupon Commissioner Ortega moved that the public hearing on this matter be recessed momentarily during the remaining course of the meeting, to allow all interested persons an opportunity to acquire more information and attempt to resolve any concerns. Upon a second by Commissioner Leger, the motion to recess carried, Commissioner Leger first asking Mr. Pridgeon of Verizon if he had any objection, and the latter advising that he did not and that he too would like to see all issues resolved.

12. PETITION TO DISCONTINUE COUNTY ROAD B-41-E AS COUNTY ROAD

Supervisor Tafoya advised the Commission that in February 2010, the Board of County Commissioners continued its public hearing on Petition No. CR 09-001, to abandon and discontinue a portion of County Road B-41-E. Tafoya noted that although the Commission denied the petition for abandonment, it reserved the right to re-visit the matter in a year, and that review is now before the Commission.

Whereupon, Chairman Salazar proceeds to recognize the following persons, each of whom expressed their concerns and opinions regarding the use of the road in question: Daniel Garcia, Joe Chavez, Rosabel Gallegos, Carleen Whitcomb, and Lorraine Ortiz. Mr. Garcia advised the Commission problems have gotten worse over the year.

Discussion ensued by the Commission, Chairman Salazar positing the suggestion that cattle guards may be a possible solution, and Commissioner Leger expressing his displeasure with any persons not attempting to communicate and resolve their differences.

Whereupon Commissioner Padilla moved that staff look into the possibility of installing cattle guards on the road, as needed, if money becomes available. Upon a second by Commissioner Ortega, the motion carried.

Chairman Salazar then recognized Supervisor Tafoya on the issue of Item 11, the Verizon communications tower, noting that the affected parties had returned from their meeting in the anteroom of the chambers. Tafoya advised the Commission that all interested parties desired that the public hearing on this issue (Item 11) be continued to allow them to visit the proposed site and become otherwise more informed in this matter, and that the Commission take up the issue again at its February meeting.

Whereupon Commissioner Padilla moved that the public hearing for Item 11 be recessed and continued until the next regular monthly meeting on February 8 2011, beginning at 1:30 p.m., and upon a second by Commissioner Ortiz, the motion carried; the county attorney announcing to the public that no other or additional notice of the meeting/hearing would be given, other than as just announced.

13. BID NUMBER 10-16-08-SMC-FIRE REQUESTING PERMISSION TO EXTEND THE CONTRACT WITH FERRELL GAS TO PROVIDE PROPANE SERVICE TO THE SAN MIGUEL COUNTY FIRE DISTRICTS FROM JANUARY 01, 2011 THRU DECEMBER 31, 2011

Fire Chief Russell Pacheco requested that the Commission extend for another year its agreement with Ferrell Gas to provide propane to the several fire districts in the county, from January 1 2011 through December 31, 2011.

Discussion ensued among the Commissioners and staff, whereupon Commissioner Leger moved that the agreement with Ferrell Gas be extended for only six months, not a year. Upon a second by Commissioner Padilla, Leger's motion carried.

14. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF DECEMBER 2010

Supervisor Encinias appeared before the Commission to address any concerns and questions regarding his written monthly report, provided to the Commissioners in advance of the meeting. Discussion ensued.

15. SALE OF EXCESS METAL

Public Service Foreman Harold Garcia, (Foreman Garcia), advised the Commission that staff recently invited bids for the sale of excess metal (pro panel) and a 10-passenger van.. Bids were opened on Wednesday, December 29, 2010 at 3:00 p.m. Only one bid was submitted for the excess metal and no bids were submitted for the van. (Marcos Ortiz submitted a bid of \$1,200.00 for the excess metal).

Upon the recommendation of Foreman Garcia, Commissioner Ortega moved that the excess metal be sold to the sole bidder, Marcos Ortega, for \$1,200.00. Upon a second by Commissioner Ortiz, Ortega's motion carried.

16. 2011 LEGISLATIVE SESSION PROJECT PRIORITIES

The County Manager advised the Commission that staff recommended that notwithstanding the strained state budget, the County make known to its legislators its requests for funding of capital projects, and that the Commission prioritize those projects. Montoya recommended that capital funding requests be prioritized in the following order, the first being most important, and then in descending order, but deferred to the Commission for its determination: (1) courthouse weatherization improvements, (2) solid waste equipment purchase, (3) county road improvement projects, and (4) re-integration facility planning and design at the SMC Detention Facility.

Discussion ensued among the Commissioners, each expressing his concerns and priorities, and each also expressing constituent concerns and input, with Commissioner Ortega expressing his concern that roads should be the top priority, that he heard this generally from the people during the course of his campaign and since then.

Whereupon Commissioner Padilla moved that the capital project funding requests, as prioritized above by the County Manager, be adopted and approved as the priorities of the County Commission. Upon a second by Commissioner Leger, the motion carried, the Chairman noting that Commissioner Ortega voted in the negative.

Whereupon Commissioner Ortega asked for a roll call vote (division of the body), and the roll was duly taken, each Commissioner audibly announcing his vote as follows on Commissioner Padilla's aforesaid motion, as seconded by Commissioner Leger:

Commissioner Ortiz:	Aye
Commissioner Ortega:	Nay
Commissioner Padilla:	Aye
Commissioner Leger:	Aye
Chairman Salazar:	Aye

17. AN ASSESSMENT OF SAN MIGUEL COUNTY ECONOMY, PARTS I AND II, SPONSORED BY LUNA COMMUNITY COLLEGE, LAS VEGAS/ SAN MIGUEL ECONOMIC DEVELOPMENT CORPORATION, AND SAN MIGUEL COUNTY

The County Manager again informed the Commission concerning the contents, generally, of the county's economic assessment undertaken and compiled by the Bureau of Business and Economic Research at the University of New Mexico. The Manager noted that the assessment/report has been discussed at length previously, and that the Commission held a meeting devoted to the issue, which was attended by many community representatives. Having entertained input and comment from all interested persons, the Manager suggested that the Commission take formal action adopting the economic assessment as its position and data, as therein reflected.

Discussion ensued among the Commissioners, whereupon Commissioner Ortega moved that the economic assessment be adopted as the official position and study embraced by the County Commission. Upon a Second by Commissioner Padilla, Ortega's motion carried.

18. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT WITH THE SAFETY INSTITUTE FOR 2011

Upon the recommendation of the County Manager, Commissioner Padilla moved, and Commissioner Ortiz seconded, approval of the contractual agreement with the Safety Institute for professional services for employee drug testing, for the year 2011. Upon a call of the question by Chairman Salazar, the motion carried.

19. SAN MIGUEL COUNTY MANAGER'S REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS TO FILL THE VACANT POSITIONS OF DETENTION OFFICERS AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR

PROBATIONARY EMPLOYEES:

**ANTHONY VIGIL-DETENTION OFFICER-DATE OF HIRE: DECEMBER 6, 2010-
PROBATIONARY SALARY: \$20,900.00**

**RUSSELL CURTIS PACHECO-DETENTION OFFICER-DATE OF HIRE: DECEMBER 20, 2010-
PROBATIONARY SALARY: \$20,900.00**

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortega seconded, the employment of the above individuals for the positions and at the salaries noted. Upon a call of the question by Chairman Salazar, the motion carried.

20. SAN MIGUEL COUNTY MANAGER'S REQUEST FOR APPROVAL OF THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE APPOINTED/EXEMPT POSITION OF UNDERSHERIFF WITH SAN MIGUEL COUNTY SHERIFF'S DIVISION AS PER THE RECOMMENDATION OF BENJIE D. VIGIL, COUNTY SHERIFF

EXEMPT EMPLOYEE

**ROY PACHECO-UNDER SHERIFF-EFFECTIVE DATE OF HIRE: JANUARY 1, 2011-ANNUAL
SALARY: \$40,850.00**

Upon the recommendation of the Sheriff and the County Manager, Commissioner Padilla moved, and Commissioner Leger seconded, the employment of the above individual for the position and at the salary noted. Upon a call of the question by Chairman Salazar, the motion carried.

21. SAN MIGUEL COUNTY MANAGER'S REQUEST TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF TAX PROCESSOR I WITH SAN MIGUEL COUNTY TREASURER'S DIVISION AS PER THE RECOMMENDATION OF ALFONSO E. ORTI Z JR., COUNTY TREASURER

PROBATIONARY EMPLOYEE

YVETTE RENEE GOMEZ-TAX PROCESSOR I-EFFECTIVE DATE OF HIRE: JANUARY 17, 2011-PROBATIONARY SALARY: \$25,194.00

Upon the recommendation of the County Treasurer and the County Manager, Commissioner Padilla moved, and Commissioner Ortiz seconded, the employment of the above individual for the position and at the salary noted. Upon a call of the question by Chairman Salazar, the motion carried.

22. SAN MIGUEL COUNTY MANAGER'S REQUESTS TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF FINANCIAL SPECIALIST II WITH SAN MIGUEL COUNTY FINANCE DIVISION AS PER THE RECOMMENDATION OF MELINDA GONZALES, FINANCE DIVISION SUPERVISOR

PROBATIONARY EMPLOYEE: Tasha Martinez, probationary employee, at a starting salary of \$29,450.00

Upon the recommendation of Supervisor Gonzales and the County Manager, Commissioner Padilla moved and Commissioner Ortega seconded, the employment of the above individual for the position and at the salary noted. Upon a call of the question by Chairman Salazar, the motion carried.

23. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF DECEMBER 2010

The County Manager requested ratification of all personnel actions taken during the month of December, 2010, as reflected in the written report made available to each Commissioner before the meeting. Whereupon Commissioner Padilla moved approval, and upon a second by Commissioner Ortiz, Padilla's 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 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.

The County Manager recommended that the Commission 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.

Whereupon, at 4:36 p.m., Commissioner Leger made the motion to retire into Executive/Closed Session for the purpose of taking up and discussing the matters outlined above by the County Manager. Upon a second by Commissioner Padilla, Leger's motion carried pursuant to a roll call vote by the clerk, as follows:

Chairman Salazar	Aye
Vice-Chairman Leger	Aye
Commissioner Padilla	Aye
Commissioner Ortega	Aye
Commissioner Ortiz	Aye

Whereupon the Commission retired into executive/closed session.

ADJOURNMENT

At 5:25 p.m. the Commission returned to public session, Chairman Salazar noting for the record that only those matters for which the Commission went into executive session were discussed and considered in closed session, that no other or additional matters were discussed; whereupon, Commissioner Padilla moved adjournment, and upon a second by Commissioner Ortiz, the motion carried and the meeting was adjourned at 5:27 p.m.

Approved this 8th day of February, 2011, as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of the regular meeting held by said Commission on January 11, 2011.

David R. Salazar, Chairman

Nicholas T. Leger, Vice-Chairman

Arthur J. Padilla, Commissioner

Marcellino A. Ortiz, Commissioner

Ron R. Ortega, Commissioner

ATTEST

Melanie Y. Rivera, County Clerk

Minutes Submitted by Michelle J. Padilla