

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, JULY 09, 2013, BEGINNING AT 1:30 P.M.**

CALL TO ORDER AND ROLL CALL

Chairman Nicolas T. Leger called the meeting to order at 1:30 p.m., at the Commission chambers on the 2nd floor of the San Miguel County Courthouse. Upon a call of the roll by the Clerk, four of the five County Commissioners were present, and a quorum was duly established and noted as follows: Chairman Nicolas T. Leger, Vice Chairman Ron R. Ortega, and Commissioners Marcellino A. Ortiz and Gilbert J. B. Sena. (Commissioner Arthur J. Padilla was not in attendance.)

PLEDGE OF ALLEGIANCE AND SALUTATION OF THE NM FLAG

Joined by staff and all in attendance, the Commissioners pledged allegiance to the U.S. flag and offered their salutation to the NM state flag.

APPROVAL OF MINUTES

Upon a motion by Commissioner Ortiz, and a second by Vice Chairman Ortega, the Commission approved the minutes of its regular monthly meeting held June 11, 2013. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

APPROVAL OF AGENDA

Upon a motion by Vice Chairman Ortega and a second by Commissioner Sena, the Commission approved the Agenda as presented by the County Manager, without change. ***[Unless otherwise indicated, the meeting agenda is approved without change or deletion.]***

(ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED WITHOUT FURTHER INDICATION OF SAID ACTION; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)

PUBLIC INPUT FORUM

No person sought recognition under this Item of the Agenda.

INTRODUCTION OF NEW EMPLOYEE(S)

The County Manager introduced newly-hired county employee Angelica Lyster (Probate Court clerk), who was present and welcomed by the Commission.

PRESENTATIONS

Two presentations were made, as follows:

Commissioner Sena, who represents the Board of Commissioners on the NM Workforce Development Board, made a brief presentation informing the Commission on a recent meeting of the Workforce Development Board, noting that nineteen people attended the meeting, that Director Adrian Ortiz updated all in attendance on recent work and developments, and that an oversight committee was appointed to ensure that all federal and state laws are followed by the Board, that the oversight committee consists of Commissioner Sena, Springer Mayor Danny Cruz, and Angel Fire Mayor Barbara Cotton, and that the next meeting of the Workforce Development Board is scheduled for August 16 2013. (Chairman Leger thanked Commissioner Sena for the presentation and for his participation on the Workforce Development Board.)

The other presentation was made by Terry Pierce, for the Tri-County Family Justice Center, which is housed in a building owned and maintained by San Miguel County. Ms. Pierce updated the Commission on work performed by the Family Justice Center and answered questions propounded by Commissioners.

AT 1:45 P.M., THE COMMISSION CONVENED AS THE SAN MIGUEL COUNTY BOARD OF FINANCE, AS FOLLOWS:

ITEM 1: COUNTY TREASURER'S MONTHLY REPORT

Chief Deputy County Treasurer Arturo Marlow made the monthly presentation for the Treasurer's office, and entertained questions from Commissioners.

ITEM 2: APPROVAL OF INDIGENT BURIAL PAYMENT TO GONZALES MORTUARY

Upon the recommendation of County Finance Supervisor Melinda Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of indigent burial payment of \$1,200.00 to Gonzales Funerals and Cremations.

ITEM 3: APPROVAL OF INDIGENT BURIAL PAYMENTS TO ROGERS MORTUARY

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Sena seconded, approval of indigent burial payment of \$1,200.00 to Roger's Mortuary.

ITEM 4: APPROVAL OF BUDGET ADJUDGMENT RESOLUTION 2013-07-09-F2

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approved of the above-titled Resolution allowing transfer of funds from Fund 996 to Fund 201, for a proper accounting of said funds, as more particularly noted in the Resolution.

ITEM 5: CASH BALANCE REPORT AS OF JUNE 26, 2013

Finance Supervisor Gonzales provided her monthly presentation as to the County's cash balance as of June 26, 2013, and no questions or concerns were expressed by any Commissioner. (The matter is presented for the information of the Commission, and no action is sought or required.)

ITEM 6: APPROVAL OF ACCOUNTS PAYABLE (2013-12-1/2013-12-563)

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the accounts payable listing noted above, with Gonzales verifying in concurrent written documentation, that all payments are lawful.

ITEM 7: FARM AND RANGE IMPROVEMENT FUND APPOINTEE

Finance Supervisor Gonzales informed the Commission that the USDA has confirmed the appointment of Gabriel Estrada to represent USDA on Farm and Range Improvement Fund matters, and that Estrada will assist the county in making decisions concerning Farm and Range Improvement Fund expenditures. (No action was sought from the Commission concerning this Item, which was presented as an informational item.)

ITEM 8: APPROVAL OF APPLICATION FOR PURCHASE OF SHERIFF'S VEHICLE

Upon the recommendation of Finance Supervisor Gonzales (and Sheriff Benjie Vigil), Vice Chairman Ortega moved and Commissioner Sena seconded, approval of Resolution No. 2013-07-09-F1, authorizing the submission of an application to the New Mexico Finance Authority for the purchase of a vehicle for the Sheriff's office.

**HAVING CONCLUDED ITS BUSINESS AS THE
COUNTY BOARD OF FINANCE, AT 2:05 P.M. THE COMMISSION
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

ITEM 9: APPROVAL OF SUB-LEASE AND PPA FOR FRUGAL CASKETS

Upon a presentation by Lavinia C. Fenzi, acting executive director of EDC, and the recommendation of County Manager Les Montoya, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of a Sub-Lease and Project Participation Agreement between EDC and Meadows City Manufacturing, a/k/a Frugal Caskets, for use of the SPEC building at the Wood Business Park, all pursuant to the County's Local Economic Development Ordinance and the NM Local Economic Development Act. (Upon inquiry from Vice Chairman Ortega, County Attorney Jesus L. Lopez informed the Commission that the documents were in order, and the matter was ripe and proper for approval by the Commission.)

ITEM 10: PUBLIC HEARING & ADOPTION OF ORDINANCE NO. 07-09-13-LEDA

Chairman Leger introduced this Item, noting that proposed Ordinance No. 07-09-13-LEDA was before the Commission after being proposed for adoption by Resolution adopted at last month's Commission meeting. The Chairman also noted that the title and general summary of the subject ordinance were published in the Optic at least two weeks in advance of today's meeting/hearing, and that the proposed ordinance was lawfully before the Commission for final passage.

Whereupon Chairman Leger convened a public hearing on the proposed ordinance, and invited anyone in attendance to come forward and offer comment, for, against or otherwise. Only Lavinia C. Fenzi came forward, in support of the ordinance. No other person having come forward, Chairman Leger concluded the public hearing and entertained a motion for adoption; and upon Vice Chairman Ortega's motion for adoption of Ordinance No. 07-09-13-LEDA, and a second by Commissioner Ortiz, the clerk called the roll of the Commission, and all four Commissioners present voted aye, in favor of final passage of the Ordinance, which was duly adopted and ordained as required by law.

ITEM 11: PUBLIC HEARING & ADOPTION OF ORD. NO. 07-09-13-MOBILE HOMES

Chairman Leger introduced this Item, noting that proposed Ordinance No. 07-09-13-MOBILE HOMES was before the Commission after being proposed for adoption by Resolution adopted at last month's Commission meeting. The Chairman also noted that the title and full text of the subject ordinance were published in the Optic at least two weeks in advance of today's meeting/hearing, and that the proposed ordinance was lawfully before the Commission for final passage.

Whereupon Chairman Leger convened a public hearing on the proposed ordinance, and invited anyone in attendance to come forward and offer comment, for, against or otherwise. No one came forward, after three calls by the Chairman. Thereupon, Chairman Leger concluded the public hearing and entertained a motion for adoption; and upon Vice Chairman Ortega's motion for adoption of Ordinance No. 07-09-13-MOBILE HOMES, and a second by Commissioner Sena, the clerk called the roll of the Commission, and all four Commissioners present voted aye, in favor of final passage of the Ordinance, which was duly adopted and ordained as required by law.

ITEM 12: SHERIFF'S RESOLUTION DECLARING EXCESS PROPERTY

Upon a presentation by County Sheriff Benjie Vigil, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of Resolution No. SMC-RES-06-24-13-EXCESS PROPERTY, declaring the tangible personal property therein described (two vehicles) as excess property, no longer usable by the County, and subject to disposition as provided by law.

ITEM 13: ADOPTION OF RESOLUTION NO. 07-09-13-FARMERS

Upon a presentation by Planning & Zoning Supervisor Alex Tafoya, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of the above-titled Resolution, granting Farmers' Electric Cooperative a one year franchise within San Miguel County.

ITEM 14: ROAD VIEWERS REPORT AND PUBLIC HEARING ON PETITION NO. CR-2013-001, TO VACATE A PORTION OF COUNTY ROAD C-53-D NEAR MAES

Planning & Zoning Supervisor Tafoya introduced this Item, reminding the Commission that Robert Shipp and Janet Horton submitted a petition for vacation and abandonment of a portion of county road C-53-D, near Maes; that at a previous meeting the Commission appointed three road viewers to inspect the subject roadway and make their written report to the Commission, as required by law; and that the viewers conducted a public road viewing on June 12, 2013, and submitted their individual written reports to the Commission. Tafoya concluded by informing the Commission that the road viewers reports and the entire subject matter were now properly before the Commission for final action on the Shipp/Horton petition. (Chairman Leger then called upon the county attorney to advise the Commission concerning the statutory procedure and requirements for road abandonment by the County, and the attorney proceeded to do so.)

Chairman Leger then entertained oral reports from the two road viewers in attendance, to wit, Ernesto Lujan and Adelaido Trujillo. (The third viewer, Dwight Torres, was not in attendance and did not present an oral report).

Whereupon Chairman Leger proceeded to conduct a public hearing on the subject petition, and attorney Cullen Hallmark and his client, Janet Horton, both spoke in support of the Petition, and their argument and testimony is preserved verbatim in an audio recording available for public inspection and copying.

Thereafter, attorney Danelle J. Smith addressed the Commission, in opposition to the petition, and for continuance of the subject roadway as a public county road. Ms. Smith, representing Eugenio Romero and his family, also called as witnesses, in opposition to the petition, the following persons: June Vorhis, Richard Small, Darlene Salazar and Mike Salazar; and Louisa Quintana also appeared as an independent witness, in

opposition to the petition; and the verbatim testimony of counsel and all said witnesses is preserved in an audio recording available for public inspection and copying.

During the above proceedings, Commissioners propounded questions to both counsel and individual witnesses, and the county attorney administered the witness oath and affirmation to all persons who testified before the Commission.

Upon a conclusion of the foregoing argument by counsel and submission of documents and papers, and testimony by witnesses, Chairman Leger announced that it was the consensus of the Commission that a public road viewing be undertaken by the Commission, at a time and date to be determined, and that no decision would be made in the matter until after said road viewing.

Whereupon, at 4:35 p.m., Commissioner Sena moved and Vice Chairman Ortega seconded, that the hearing on the Shipp-Horton Petition be recessed and continued at such time and place as is later announced by the County Manager, and the motion carried.

ITEM 15: LOS PINONES SUMMARY SUBDIVISION APPLICATION NO. SC-0084

Planning and Zoning Supervisor Tafoya introduced this item and provided an overview of the referenced subdivision application, submitted for summary approval under the NM Subdivision Act and the County's Subdivision Ordinance. Tafoya also noted that at its June meeting, the Commission continued the hearing on this application, pending further data and responses from the subdivider, addressing concerns raised by Commissioners regarding water availability for fire suppression, and regarding a water treatment plan for the proposed subdivision.

Patrick Romero then addressed the Commission and noted that he represented the subdivider. Romero informed the Commission that in accordance with Commissioners' expressed concerns at the last meeting (hearing), the subdivider would provide both a 2,000 gallon water tank for domestic use, and two 3,000 gallon tanks for fire suppression, as well as a \$1,500.00 credit to homeowners as an incentive for installation of a water treatment (black and gray water) system.

Whereupon, Chairman Leger moved approval of Subdivision Application No. SC-0084, provided the disclosure statement and covenants and conditions, be amended to reflect the foregoing assurances by the developer, and upon a second by Vice Chairman Ortega, the motion carried and the subdivision application was approved.

ITEM 16: APPLICATION SV-0023, TO VACATE PLAT AT PENDARIES VILLAGE

Upon a presentation by Planning & Zoning Supervisor Tafoya, and brief remarks by applicant Susan Kirkland, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of Kirkland's above-numbered application to vacate Lots 14 and 15 of Subdivision 4-2, in the Pendaries Village Subdivision.

ITEM 17: BIDS FOR GUARDRAIL SAFETY PROJECT IN LOS VIGILES

Upon a presentation by Public Works Division Supervisor Harold Garcia, Commissioner Ortiz moved and Vice Chairman Ortega seconded, award of bid to San Bar Construction in the amount of \$79,927.00 (plus gross receipts tax), for the construction of the guardrail safety project in Los Vigiles. (Garcia informed the Commission that the award is made pursuant to the procurement process, and that San Bar submitted the lowest and most responsible bid.)

ITEM 18: ACCEPTANCE OF DWI (CDWI) GRANT AGREEMENT NO. 14-CD-05-087)

Upon a presentation by DWI Coordinator Wendy Armijo, Commissioner Ortiz moved and Vice Chairman Ortega seconded, acceptance of the above-titled and numbered grant in the amount of \$15,125.00 for the DWI Program, to be used for Safe-Ride-Home services.

ITEM 19: DWI GRANT AGREEMENT/AMENDMENT NO.2 (13-D-J-G-26)

Upon a presentation by DWI Coordinator Wendy Armijo, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the above-numbered amended DWI Agreement, authorizing a budget amendment to allow for an additional \$15,411.00 in personnel services for the Program.

ITEM 20: INMATE CONFINEMENT AGREEMENT WITH CITY OF ESPANOLA

Upon a presentation by Warden Patrick W. Snedeker, Commissioner Sena moved and Commissioner Ortiz seconded, approval of an inmate confinement agreement between SMC and the City of Espanola, providing a rate of \$80.00 per day per inmate, plus a booking fee of \$20.00.

ITEM 21: AGREEMENT WITH CYFD FOR JUVENILE JUSTICE CONTINUUM BD.

Upon a presentation by Warden Snedeker and Yolanda Cruz, Coordinator of the Las Vegas Juvenile Justice Continuum Board, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of agreement between SMC and the NM Children, Youth and Families Department, for sub-contracts with Ms. Cruz (\$16,800.00), Ride to Pride (\$13,140.00), and Somos Familia (\$8,680).

ITEM 22: OUT-OF-STATE TRAVEL REQUEST FOR EM PERSONNEL

Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of out-of-state travel for Emergency Manager Dennis English and NIMS Coordinator Kurt Parkinson, for travel to Reno, Nevada, from October 25 to 30, 2013, for attendance at the IAEM and EMEX annual conference.

ITEM 23: MONTHLY REPORT OF PUBLIC WORKS DIVISION FOR JUNE, 2013

County Road Foreman Daniel Encinias made his monthly presentation to the Commission, and the following comments, questions or observations were made by him and Commissioners:

Chairman Leger made inquiry about the condition of County Road C-23 in the Storrie Project area, noting that constituents had complained about the road's condition and loose planks on the bridge; and Encinias responded that the matters were being addressed.

Vice Chairman Ortega made inquiry and comment about wet shale erosion and debris alongside the road from the Country Acres subdivision to the Los Vigiles church, and asked if a long-term solution was being considered to remedy the problem; and Public Works Division Supervisor Harold Garcia responded that the long-standing problem needs to be addressed in the near future.

Commissioner Ortiz made inquiry about locked gates on county roads, and both the County Manager and County Attorney responded that obstruction of county or other public roads is a criminal offense; that any such obstructions are taken seriously and acted upon immediately, including referral to the office of the District Attorney.

ITEM 24: PERSONNEL ACTION/CHANGES FOR JUNE, 2013

Upon a presentation by Human Resources Supervisor Arellano, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval and ratification of all personnel actions and changes made in the County for the month of June, 2013.

HAVING CONCLUDED THE FOREGOING REGULAR ORDER, THE COUNTY MANAGER RECOMMENDED THAT THE COMMISSION RETIRE INTO EXECUTIVE/CLOSED SESSION TO CONSIDER THE FOLLOWING MATTERS:

Personnel matters, matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, matters pertaining to the discussion of the acquisition or disposal of real property, and matters pertaining to the discussion of bargaining strategy preliminary to collective bargaining negotiations, all as permitted by Section 10-15-1(H)(2), (5), (7) and (8) of the Open Meetings Act, NMSA 1978, as amended.

Whereupon, at **5:17 p.m.**, Commissioner Sena moved and Commissioner Ortiz seconded, that the Commission retire into executive/closed session to consider the matters noted and recommended by the County Manager, as particularized above. Upon a call of the roll by the Clerk, all five Commissioners answered in the affirmative on the motion to retire into executive/closed session, and the Commission proceeded to close the meeting as permitted by law.

At **6:21 p.m.**, Commissioner Sena moved and Commissioner Ortiz seconded, that the Commission reconvene in public session, and the motion carried. Whereupon Chairman Leger noted for the record that the Commission considered and discussed in executive/closed session only those matters and subjects for which the motion for closure was made.

There being no further business to come before the Commission, and no person seeking recognition by the Commission, at **6:22 p.m.** Commissioner Ortiz moved and Vice Chairman Ortega seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 13th day of August, 2013, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held July 09, 2013.

Nicolas T. Leger, Chairman

Ron R. Ortega, Vice Chairman

Marcellino A. Ortiz, Member

Arthur J. Padilla, Member

Gilbert J. B. Sena, Member

ATTEST:

Melanie Y. Rivera
San Miguel County Clerk

(S E A L)