

**MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS OF  
SAN MIGUEL COUNTY, NEW MEXICO,  
HELD TUESDAY, NOVEMBER 12, 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 2<sup>nd</sup> floor of the San Miguel County Courthouse. Upon a call of the roll by the Clerk, all 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, Arthur J. Padilla and Gilbert J. B. Sena.

**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 Padilla, and a second by Commissioner Ortiz, the Commission approved the minutes of its regular monthly meeting held October 08, 2013. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

**APPROVAL OF AGENDA**

Upon a motion by Commissioner Sena and a second by Commissioner Padilla, the Commission approved the Agenda as presented by the County Manager. ***[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**

The following twenty-three persons addressed the Commission concerning oil and gas exploration in the county, hydraulic fracturing, a community rights ordinance, constitutional rights, and sundry matters relating thereto, including water availability and contamination and environmental degradation, and their verbatim presentations are preserved in the audio recording of the meeting, maintained by the office of the San Miguel County Clerk: Vic Harp, Bill Smileye, Bill Madison, Cordia Sammeth, Miguel Angel, Lee Einer, Paula Hern, Sarah Moore, Ellen Drew, Catherine Montano, William Mora, Marcus Montano, Nicole Rains, Jose Montoya, Julian Aragon, Muina Arther, Catherine Kahn, Jose Gonzales, Clifford A. Cross, Molly Smollett, Miguel Pacheco, Ralph Laumbach, and Bernadette Fernandez.

The following person thanked the Commission for its attention to the road in Las Dispensas, and thanked Commissioner Arthur J. Padilla in particular.

The public input forum ended at 2:49 p.m.

## **INTRODUCTION OF NEW EMPLOYEE(S)**

New employee Samantha Armijo (Probate Court clerk) was introduced and welcomed by the Commission.

## **PRESENTATIONS**

One presentation was made to the Commission, as follows:

Lavinia Fenzi, representing the Las Vegas/San Miguel Economic Development Corporation, presented a working draft of the economic development strategic plan thus far developed by a Leadership Collaborative, with the intent of fostering economic development in Las Vegas and San Miguel County. Ms. Fenzi reviewed the plan in detail, making reference to the BBEBR study and other data utilized by the Collaborative, noting that four general areas relating to growth and development have been identified, namely, water availability, agriculture/natural resources, small business development and tourism.

Following the presentation, all Commissioners engaged in dialogue with Fenzi, propounded questions to her, and expressed their views and concerns about local economic development. No formal action was taken by the Commission, but both Chairman Leger and the County Manager expressed to Fenzi that the Leadership Collaborative should continue its work and incorporate in the plan the views expressed by Commissioners at today's meeting.

**AT 3:18 P.M., THE COMMISSION PROCEEDED  
TO REGULAR ORDER, AS FOLLOWS:**

**ITEM 1: RESOLUTION NO. 11-12-13-P&Z, AND ORDINANCE No. 11-12-13-OIL AND GAS MORATORIUM, EXTENDING OIL AND GAS MORATORIUM FOR AN ADDITIONAL FOUR MONTHS**

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Planning & Zoning Supervisor Alex Tafoya presented this Item, noting that at its last meeting the Commission expressed its intention that the oil and gas moratorium be extended to allow sufficient time for adequate consideration of the draft ordinance worked-up by Freilich & Popowitz, and submitted to and under review by the Commission. Tafoya noted that the above-numbered Resolution before the Commission proposes that an ordinance be enacted extending the moratorium for an additional four months; that the Resolution incorporates the ordinance extension for immediate adoption as an emergency measure; and also provides for its adoption at the December 2013 meeting, after notice and hearing.

Commissioners expressed their concern that a four-month extension may not be sufficient, and that rather than having to later again extend the moratorium, the additional moratorium period be six months.

Whereupon Commissioner Padilla moved and Commissioner Sena seconded, that the above-numbered Resolution and Ordinance be amended to provide for a six-month extension, in lieu of the proposed four-month extension. Upon a call of the roll, all Commissioners voted in favor of the motion to amend, and it carried unanimously.

Commissioner Padilla then moved that the above-numbered Resolution and Ordinance, extending the oil and gas moratorium for an additional six months, be adopted and ordained. Upon a call of the roll, all Commissioners voted in the affirmative, and the Resolution and Ordinance were duly adopted.

**ITEM 5: INTERGALACTICA LLC APPLICATION UNDER LEDA**

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**[Upon the recommendation of the County Manager, Commissioner Padilla moved that Item 5 of the Agenda be advanced and considered at this time, and upon a second by Commissioner Sena, the motion was adopted and Item 5 came before the Commission at this time.]**

Planning & Zoning Supervisor Tafoya presented this Item, informing the Commission that Intergalactica LLC, through its principal Amy Quirke, has submitted an application for funding assistance under New Mexico's Local Economic Development Act, and the County LEDA Ordinance. (The application relates to a business engaged in food processing and baking in the Rowe area of the county.)

Tafoya then explained that the only matter before the Commission was the approval and acceptance of the application, which will then trigger a process requiring the adoption of an ordinance designating the applicant as a qualifying entity, and approving a project participation agreement, after notice and hearing as required by law.

Tafoya was followed by Amy Quirke of Intergalactica, who explained her business and application. Antoinette Gallegos of the NM Economic Development Department also appeared and informed the Commission that the application had been approved for funding by her agency under LEDA.

Commissioners propounded questions to both Quirke and Gallegos and expressed their support of economic development generally. Whereupon, Commissioner Padilla moved and Commissioner Sena seconded, that the Intergalactica application be accepted and approved, and that the statutory process be initiated for ultimate approval of the application. The motion carried unanimously.

#### **ITEM 2: LODGERS' TAX ADVISORY BD. RECOMMENDATIONS/FY 2013-2014**

Upon a presentation (and recommendation) by the County Manager, Commissioner Ortiz moved and Commissioner Padilla seconded, that the following awards be made from the County's Lodgers' Tax fund, as recommended by the Lodgers' Tax Advisory Board: Casa de Culture, \$1,000.00; LV/SMC Chamber of Commerce, \$1,000.00; SMC/Mora Fair Board, \$1,000.00; MainStreet de Las Vegas, \$2,000.00; and Pecos Business Association, \$8,000.00.

#### **ITEM 3: 2014 LEGISLATIVE CAPITAL OUTLAY FUNDING REQUESTS**

Upon a presentation by the County Manager, and after discussion and review by the Commission, Commissioner Padilla moved and Commissioner Ortiz seconded, that the County's 2014 Legislative funding requests be prioritized as follows: (1) road and drainage improvements, (2) Detention Center sprinkler system upgrade, (3) Detention transportation vehicles, and (4) Detention Center workshop improvements.

#### **ITEM 4: CLEAN INDOOR POLICY (ADMIN. REG. ADM-R-07-01-07-PO)**

Upon the recommendation of the County Manager, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of the above-numbered amendment to the County's Clean Indoor Policy, adding electronic cigarette ("E-Cigarette") as a prohibited use under the Policy.

#### **ITEM 5: INTERGALACTICA LLC APPLICATION UNDER LEDA**

**[This Item of the Agenda was advanced and considered by the Commission following Item 1, above.]**

**[At 4:35 p.m. Chairman Leger recessed the meeting for a short stretch-break; and the meeting reconvened at 4:47, with all Commissioners in attendance.]**

#### **ITEM 6: INVITATION FOR BIDS FOR BASE COURSE FOR COUNTY ROADS**

Public Works Supervisor Harold Garcia presented this Item, noting a 2013 legislative appropriation for road maintenance in the amount of \$287,000.00, for work on the following roads: Manuelitas/bridge repairs (A-4-A); B-65, chip seal; Las Dispensas (A-3), 2 miles of work; San Geronimo/Cabo Lucero, 2 miles of work; Garrita/Trujillo area, 2.5 miles of work; and sign purchase for various roads.

Garcia then recommended that the Commission authorize staff to issue an invitation for bids for the purchase, delivery and placement of base course for the aforesaid road/bridge work, and upon a motion by Commissioner Padilla and a second by Commissioner Sena, an invitation for bids was approved.

#### **ITEM 7: BID WITHDRAWL/AWARD TO NEXT LOWEST BIDDER/ROWE FIRE STA.**

Upon the recommendation of County Fire Chief Russell Pacheco, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of withdrawal of bid by RL Leeder for the Rowe Fire Station paving project, and award of bid to the next lowest bidder, TLC, in the amount of \$74,945.00, as recommended by the County's architect, Soleil West.

#### **ITEM 8: ACCEPTANCE OF DOT GRANT FOR SHERIFF'S DEPARTMENT**

Upon a presentation by County Sheriff Benjie Vigil, Commissioner Padilla moved and Commissioner Ortiz seconded, approval and acceptance of grant funds to the Sheriff's Department from the NM Department of Transportation, for overtime pay for Sheriff's deputies.

#### **ITEM 9: CONTRACT AWARD FOR OIL CHANGES FOR SHERIFF'S DEPARTMENT**

Upon a presentation by Sheriff Vigil, Commissioner Padilla moved and Commissioner Sena seconded, award of contract for oil changes for Sheriff's Department vehicles, to Pino's Quick Lube, as the only bidder who responded to the County's invitation for bids for this procurement.

#### **ITEM 10: MOA BETWEEN DWI PROGRAM & LAS VEGAS POLICE DEPARTMENT**

Upon the recommendation of DWI Program Coordinator Wendy Armijo, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of Memorandum of Agreement between the DWI Program and the Las Vegas City Police Department, for the latter's assistance in providing enforcement projects to reduce alcohol-related incidents.

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**ITEM 11: REVERSION FUNDING FOR FY 13-14 DWI GRANT AGREEMENT**

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Upon the recommendation of DWI Program Coordinator Armijo, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of reversion funding to the DWI Program in the amount of \$32,115.00, to be utilized to enhance services for prevention, enforcement, screening, and compliance monitoring and tracking, for FY 2013-2014.

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**ITEM 12: AUTHORIZATION TO UTILIZE FUNDS FOR BRIDGE REPAIR AT C-23**

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Upon the recommendation of Public Works Supervisor Garcia, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval to utilize Local Government Road Funds for immediate repair of the bridge on County Road C-23, known as the Storrie Project Road, which suffered severe damage during recent flooding, causing great hardship of many area residents.

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**ITEM 13: AUTHORIZATION TO ISSUE RFP FOR PLUMBING SERVICES**

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Upon the recommendation of Public Works Supervisor Garcia, Commissioner Padilla moved and Commissioner Ortiz seconded, approval for the issuance of a request for proposals for “as needed” plumbing services for county facilities.

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**ITEM 14: APPROVAL OF ELECTRICAL SERVICES CONTRACT/EGB ELECTRIC**

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Upon the recommendation of Public Works Supervisor Garcia, Commissioner Sena moved and Commissioner Padilla seconded, approval of 12-month renewal of contract with EGB Electric for “as needed” electrical services for county facilities.

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**ITEM 15: APPROVAL OF ELECTRICAL SERVICES CONTRACT/VALDEZ ELECTRIC**

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Upon the recommendation of Public Works Supervisor Garcia, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of 12-month renewal of contract with Valdez Electric for additional “as needed” electrical services for county facilities.

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**ITEM 16: MONTHLY REPORT BY PUBLIC WORKS DIVISION FOR OCTOBER, 2013**

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County Road Foreman Daniel Encinias presented his monthly report, highlighting that blade equipment is now working at the following areas: Gonzales Ranch, Manuelitas, San Geronimo, San Pablo and Ojitos Frios. Encinias also reported that the bear-proof trash containers recently purchased by the County are oversized for county trucks, and he is in the process of getting all county vehicles permitted for oversize loads. Encinias concluded by saying that his department is still working to get county roads back to normal after the recent flooding.

All Commissioners expressed their thanks to Encinias and staff for their hard work, especially for their work to upgrade roads after the recent flooding. In addition,

Commissioner Sena expressed concern about an arroyo in the Chapelle area which suffered flooding damage and requires warning signs.

Encinias was followed by Public Works Supervisor Garcia, who related his attendance at a recent meeting of the legislative subcommittee on Transportation, Infrastructure and Revenue. Garcia informed the Commission that a major issue of concern is the discontinuance of the railroad line north of Lamy. All Commissioners and County Manager Montoya expressed that they would be supportive of any legislative efforts to continue the line, emphasizing its importance to the local economy and property tax revenues for the county.

#### **ITEM 17: APPROVAL OF PERSONNEL ACTIONS/CHANGES FOR OCTOBER, 2013**

Upon a presentation by County Human Resources Supervisor Kiki Arellano and the recommendation of the County Manager, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval and ratification of all personnel actions and changes made during the month of October, 2013.

#### **ITEM 18: APPROVAL OF EMPLOYMENT/DETENTION CENTER**

Upon the recommendation of the County Manager and Warden Patrick W. Snedeker, Commissioner Sena moved and Commissioner Padilla seconded, approval of employment of William Bernard Roybal as a detention officer at the County Detention Center, effective October 28, 2013, as a probationary employee with a starting salary of \$20,900.00.

#### **ITEM 19: APPROVAL OF EMPLOYMENT/SHERIFF'S DEPARTMENT**

Upon the recommendation of Sheriff Benjie Vigil and the County Manager, Commissioner Sena moved and Commissioner Padilla seconded, approval of employment of Steven B. Patron as a Sheriff's deputy, as a probationary employee, effective November 25, 2013, at a salary of \$23,750.00.

#### **ITEM 20: APPROVAL OF EMPLOYMENT/SOLID WASTE DIVISION**

Upon the recommendation of the County Manager and Public Works Supervisor Garcia, Commissioner Padilla moved and Commissioner Sena seconded, approval of employment of Joseph R. Gallegos as a solid waste convenience center operator in Bernal, effective November 26, 2013, as a probationary employee with a salary of \$16,150.00.

#### **ITEM 21: APPROVAL OF REVISED JOB DESCRIPTION/ADMIN. ASSISTANT**

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of a revised job description for the position of Administrative Assistant to the County Manager.

**AT 5:40 P.M., HAVING CONCLUDED ITS REGULAR ORDER,  
THE COUNTY COMMISSION CONVENED AS THE  
COUNTY BOARD OF FINANCE, AS FOLLOWS:**

**ITEM 22: COUNTY TREASURER'S MONTHLY REPORT**

County Treasurer Bertha Bustamante made her monthly report to the Commission, recapitulating taxes collected and allocations made to political subdivisions, and noted that all is running well in her office. (Commissioner Ortiz asked the Treasurer how much is paid in property taxes by the Burlington Northern & Santa Fe Railroad, and Bustamante said she would get that information to him and the Commission.)

**ITEM 23: INDIGENT CLAIMS FOR ALTA VISTA REGIONAL HOSPITAL**

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Sena moved and Commissioner Padilla seconded, approval of indigent claim payments to Alta Vista Regional Hospital in the amount of \$7,254.76; Gonzales certifying that all claims met the eligibility requirements of County policy.

**ITEM 24: INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT HOSPITAL**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of indigent claim payments to Christus St. Vincent Hospital in the amount of \$6,038.97; Gonzales certifying that all claims met the eligibility requirements of County policy.

**ITEM 25: INDIGENT BURIAL PAYMENT TO ROGERS MORTUARY**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Sena moved and Commissioner Padilla seconded, approval of indigent burial payment to Rogers Mortuary in the amount of \$1,200.00, Gonzales certifying that the claim met the statutory requirements for indigent burial claims.

**ITEM 26: BUDGET ADJUSTMENT RESOLUTION 2013-11-12-F1**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Sena seconded, approval of the above-numbered Budget Adjustment Resolution, which provides (1) a budget increase to the General Fund for additional funds received for wildland fire reimbursement; (2) budgeting of Local Government Road funds; (3) increasing the Sheriff's Department fund to reflect grants received for ODWI and 100 Days and Nights of Summer; and (4) providing for return of funds to the Pecos Volunteer Fire Department, all as noted with particularity in the above-numbered Resolution.



## **ITEM 27: CASH BALANCE REPORT AS OF OCTOBER 31, 2013**

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of October 31, 2013. (The Item is presented for the Commissioners' information, and formal Commission action is neither sought nor required.)

## **ITEM 28: APPROVAL OF ACCOUNTS PAYABLE/2014-4-1 THROUGH 2014-4-453**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of Accounts Payable for October, 2013 (Items 2014-4-1 through 2014-4-453); Gonzales certifying by concurrent written instrument, that all payments are lawful and proper.

**HAVING CONCLUDED ITS BUSINESS AS THE  
COUNTY BOARD OF FINANCE, AT 5:51 P.M. THE COMMISSION  
PROCEEDED TO RETIRE INTO EXECUTIVE SESSION  
AS THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, NEW MEXICO,  
UNDER THE FOLLOWING ORDER AND PROCEDURE:**

The County Manager recommended that the Commission retire into executive/closed session to consider the following matter: 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 **5:52 p.m.**, Commissioner Sena moved and Commissioner Padilla 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 **6:50 p.m.** Vice Chairman Ortega moved and Commissioner Sena 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 subject 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 **6:51 p.m.** Commissioner Padilla moved and Vice Chairman Ortega seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

**MOVED, SECONDED AND ADOPTED** this 10th day of December, 2013, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held November 12, 2013.

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Nicolas T. Leger, Chairman

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Ron R. Ortega, Vice Chairman

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Marcellino A. Ortiz, Member

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Arthur J. Padilla, Member

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Gilbert J. B. Sena, Member

ATTEST:

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Melanie Y. Rivera  
San Miguel County Clerk

( S E A L )