

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, DECEMBER 10, 2013, BEGINNING AT 1:30 P.M.**

CALL TO ORDER AND ROLL CALL

Chairman Nicolas T. Leger called the meeting to order at 1:34 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, 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 November 12, 2013. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

APPROVAL OF AGENDA

County Manager Les Montoya requested that Item 4 be removed from the Agenda, at the request of the LEDA applicant, who needed additional time to review the documents which are the subject of that Agenda Item. Whereupon, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of the Agenda, with the removal of Item 4, as recommended by the County Manager, and the motion carried. ***[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 six persons addressed the Commission concerning oil and gas exploration in the county, hydraulic fracturing, a community rights ordinance,

constitutional and civil rights, and sundry matters relating thereto, including water availability and contamination and environmental degradation, and detrimental health effects of oil and gas exploration and hydraulic fracturing: Miguel Pacheco, Salvador Higgins, Julie Olague, Vic Harp, Muina Arthur and Catherine Montano. [The comments made by the foregoing persons are preserved, verbatim, in the audio recording of the meeting, as maintained by the office of the County Clerk, and available for public inspection at any time.]

In addition to the foregoing persons who appeared in person, the following persons emailed their comments to the County Manager, and the same are preserved by the County, and said persons and their emails support extension of the moratorium on oil and gas exploration in the county: Bernard Schaer, Zi Pinsley, Jesus A. Rivas, Sharon Franklet, Bill Madison and Raphael M. Weisman, which written comments have been preserved by the County.

The public input forum ended at 2:00 p.m.

INTRODUCTION OF NEW EMPLOYEE(S)

New employees Steven Patron (Sheriff's deputy) and Joseph Gallegos (convenience center operator) were introduced and welcomed by the Commission.

PRESENTATIONS

Two presentations were made to the Commission, as follows:

Lawrence Aires, representing MBT Technology System, together with Justin Atkinson and Bernie Beers, made a lengthy presentation concerning their proposal to collect and dispose of septage waste for the county. A model of the proposed operating plant was presented, and all three explained the nature of the collection and disposal system. All Commissioners propounded questions to the trio, including matters relating to recycling, EPA and state environmental requirements, plant capacity, and compatibility with existing facilities. The County Manager noted that the process and proposal has been a long-time in the making, and that it was now ready to present to the Commission for potential use. Chairman Leger, with the approval of all Commissioners, expressed to Montoya and to the presenters, that a definitive proposal with all associated costs and expenses should be presented later, for consideration by the County Commission.

The second presentation was made by Dr. Rey Martinez (accompanied by Warden Patrick W. Snedeker), who explained to the Commission that he and students at the Social Work Department of NMHU are undertaking a health impact assessment for the county; that funding and other associated matters are in the offing, and that once the study is completed, it will allow the Commission and other local public agencies to assess health needs in the area. Commissioners assured Martinez that they were

supportive and offered any assistance which he may require, including a resolution of support.

**AT 3:04 P.M., THE COMMISSION PROCEEDED
TO REGULAR ORDER, AS FOLLOWS:**

ITEM 1: ORDINANCE NO. SMC-11-12-13-OIL AND GAS MORATORIUM

Planning & Zoning Supervisor Alex Tafoya introduced this Item, presented this Item, noting that at its last meeting the Commission adopted Resolution No. 11-12-13-P&Z, proposing adoption of the above-titled and numbered Ordinance, extending for six months the county's moratorium on the approval of conditional or other permits for oil, gas or geothermal exploration, drilling or extraction in San Miguel County. Tafoya noted that the title and content of the proposed Ordinance (moratorium), and notice of today's hearing thereon, was published in the Las Vegas Optic at least two weeks in advance, as required by law.

Whereupon, at 3:07 p.m., Chairman Leger convened a public hearing on the proposed Ordinance, and first invited all persons in support of the proposed Ordinance (moratorium) to address the Commission, and the following persons appeared before the County Commission and expressed their support of the moratorium extension: Cordie Sammeth, Meredith Britt, Miguel Angel, Diane Presser, Elizabeth Ratzlaff, Diane Lindsay, Lee Einer, Georgina Ortega, Salvador Higgins, Miguel Pacheco, Victor Harp, and Bernadette Fernandez. [The verbatim comments made by each of the foregoing persons are preserved in the audio recording of the meeting, which recording is maintained in the office of the San Miguel County Clerk and available for public inspection.]

At 3:36 p.m., Chairman Leger asked if anyone desired to speak against adoption of the moratorium Ordinance; and after making a call for the third time, Chairman Leger noted that no person sought recognition.

Whereupon, at 3:37 p.m., Chairman Leger concluded the public hearing on proposed Ordinance No. SMC-11-12-13-OIL AND GAS MORATORIUM, and asked the pleasure of the Commission. Commissioner Padilla moved adoption of the proposed Ordinance, and upon a second by Commissioner Ortiz, the Clerk called the roll of the Commission, and all five Commissioners voted in the affirmative and Ordinance No. SMC-11-12-13-OIL AND GAS MORATORIUM was duly adopted, approved and ordained by the County Commission.

[At 3:39 p.m., Chairman Leger recessed the meeting for a short stretch-break, and the meeting reconvened at 3:56 p.m., with all Commissioners in attendance.]

ITEM 2: ACCEPTANCE OF SUB-GRANT AGREEMENT/EMERG. MANAGEMENT

Upon a presentation by the County Manager (in the absence of Emergency Manager Dennis English), Commissioner Padilla moved and Commissioner Ortiz seconded, acceptance of Sub-Grant Agreement EMW-2013-SS-00152-S01, in the amount of \$197,858.66 from the NM Department of Homeland Security, for a rapid deployment shelter to be utilized by the San Miguel County/Las Vegas office of Emergency Management.

ITEM 3: ACCEPTANCE OF SUB-GRANT AGREEMENT/EMERG. MANAGEMENT

Upon a presentation by the County Manager (in the absence of Emergency Manager Dennis English), Commissioner Padilla moved and Commissioner Sena seconded, approval of Sub-Grant Agreement EMW-2011-SS-00094, in the amount of \$7,395.05 from the NM Department of Homeland Security, for per diem and mileage for personnel of the San Miguel County/Las Vegas office of Emergency Management.

ITEM 4: RESOLUTION 12-10-13-LEDA (INTERGALACTICA, LLC)

This Item was removed from the Agenda at the inception of the meeting. (See above, Approval of Agenda.)

ITEM 5: RESOLUTION 12-10-2013-CM/SAN MIGUEL/MORA FAIR BOARD ASSN.

Upon the recommendation of the County Manager, Commissioner Sena moved and Commissioner Padilla seconded, approval of the above-numbered Resolution, setting in place a policy for the management and operation of the county fair grounds by the San Miguel/Mora Fair Board Association.

[At 4:04 p.m., Vice Chairman Ortega absented himself from the chambers.]

ITEM 6: INMATE CONFINEMENT AGREEMENT WITH TOWN OF TAOS

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Padilla moved and Commissioner Ortiz seconded, approval (2nd renewal) of inmate confinement agreement between SMC and the Town of Taos, for confinement of Taos inmates at the SMC Detention Center, at \$65.00 per day, together with a booking fee of \$20.00. *[Vice Chairman Ortega absent.]*

ITEM 7: INMATE CONFINEMENT AGREEMENT WITH QUAY COUNTY

Upon the recommendation of Warden Snedeker, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of inmate confinement agreement between SMC and Quay County, for confinement of San Miguel County inmates at the Quay County Detention Center, at a cost of \$125.00 per day for adult inmates and \$75.00 per day for juvenile prisoners. *[Vice Chairman Ortega absent.]*

[At 4:08 p.m., Vice Chairman Ortega returned to the meeting.]

ITEM 8: INMATE CONFINEMENT AGREEMENT WITH MORA COUNTY

Upon the recommendation of Warden Snedeker, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of inmate confinement agreement between SMC and Mora County, for confinement of Mora County prisoners at the San Miguel County Detention Center, at the rate of \$80.00 per day and a booking fee of \$20.00.

ITEM 9: INMATE CONFINEMENT AGREEMENT WITH TAOS COUNTY

Upon the recommendation of Warden Snedeker, Commissioner Sena moved and Commissioner Ortiz seconded, approval of inmate confinement agreement (2nd renewal) between SMC and Taos County for confinement of San Miguel County juvenile detainees at the Taos County Juvenile Detention Center, at a rate of \$120.00 per day, plus a \$10.00 booking fee.

ITEM 10: REJECTION OF ALL PROPOSALS FOR LEASE OF COPIERS

Upon the recommendation of Information Technology Supervisor John Tiernan, Commissioner Sena moved and Vice Chairman Ortega seconded, rejection of all proposals received for the lease of copying machines for various county offices, and authorization to issue a second request for proposals for same. (Upon inquiry from Vice Chairman Ortega, Tiernan informed the Commission that it was in the best interests of the County that proposals be rejected due to confusion in specifications, and that a second request for proposals be issued.)

ITEM 11: REPORT BY PUBLIC WORKS DIVISION FOR NOVEMBER, 2013

Following a brief report made by SMC Road Foreman Daniel Encinias, Commissioners expressed the following comments and concerns:

Vice Chairman Ortega made inquiry about signage at Gallegos Road, and Encinias said the Department of Transportation should be taking care of the matter soon.

Commissioner Sena expressed his thanks to the Road Department for its hard work, and noted in particular that the postmaster at San Pablo expressed his gratitude for work in that area, as did Kenny Lujan, for work in the Ojitos Frios area of the county. Sena also noted there was a need for road maintenance on the Bernal road, near Chapelle.

Commissioner Padilla asked if estimates were determined for road work at the Glenwood Estate Subdivision, as requested by residents there. Public Works Supervisor Harold Garcia reported that his estimate is \$423.15 for a one-time grading of the main road, inclusive of equipment and personnel hours. (Garcia also noted an estimate of \$159.00 for road work on a private road in San Geronimo.)

A discussion then ensued among Commissioners and staff concerning one-time private road maintenance, Commissioners indicating there was a consensus to permit such road maintenance, on the condition that owners compensate the county for the value of the work performed; but the matter not appearing on the Agenda, the Commission deferred formal action.

ITEM 12: RESOLUTION 12-10-13-CM/DISPOSAL OF 2001 CLAY MOBILE HOME

Upon the recommendation of the County Manager, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of the above-numbered Resolution authorizing the disposal of one 2001 Clay mobile home (located in Pecos), either by negotiated sale to the Pecos Independent School District, or by public sale, the Manager informing the Commission that the mobile home was excess property not needed by the County.

ITEM 13: ADMIN. REGULATION ADM-R-12-1-13-CM/LOSS & CONTROL MANUAL

Upon the recommendation of the County Manager, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the above-numbered Resolution, amending and revising the County's Safety and Loss Control Manual, in the County's continuing efforts to reduce property losses and employee injuries.

ITEM 14: AGREEMENT WITH WHITE SANDS DRUG & ALCOHOL SCREENING

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of the contract between SMC and White Sands Drug & Alcohol Screening (formerly the Safety Institute) for the latter's provision of drug and alcohol testing for county employees, for 2014.

ITEM 15: OUT-OF-STATE TRAVEL REQUEST/EMERGENCY MANAGEMENT

Upon the recommendation of the County Manager, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of out-of-state travel for Emergency Management employee Connie Abila, for training at Emmetsburg, Maryland, from May 19 to 22, 2014.

ITEM 16: APPROVAL OF EMPLOYMENT/SHERIFF'S DEPARTMENT

Upon the recommendation of the County Manager and Sheriff Benjie Vigil, Commissioner Padilla moved and Commissioner Sena seconded, approval of employment of Samuel L. Montoya as a deputy sheriff, effective December 9 2013, as a probationary employee with a beginning salary of \$23,750.00.

ITEM 17: APPROVAL OF EMPLOYMENT/DWI PROGRAM

Upon the recommendation of the County Manager and DWI Program Coordinator Wendy Armijo, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of employment of Monica Padilla as a DWI screener/tracker/prevention specialist with the DWI Program, effective January 06, 2014, as a probationary employee, with a beginning salary of \$27,664.00.

ITEM 18: APPROVAL OF EMPLOYMENT/DWI PROGRAM

Upon the recommendation of the County Manager and DWI Program Coordinator Armijo, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of employment of Sabrina Sandoval as a DWI compliance monitor and tracker, effective January 06, 2014, as a probationary employee with a beginning salary of \$28,120.00.

ITEM 19: HOLIDAY SCHEDULE FOR 2014

Upon a presentation by SMC Human Resources Supervisor Kiki Arellano, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the Holiday calendar for 2014.

ITEM 20: APPROVAL OF PERSONNEL ACTIONS FOR NOVEMBER, 2013

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

AT 4:40 P.M., HAVING CONCLUDED ITS REGULAR ORDER, THE COUNTY COMMISSION CONVENED AS THE COUNTY BOARD OF FINANCE, AS FOLLOWS:

[Before proceeding to the following Agenda items, Chairman Leger informed the Commission and the public that he attended the recent audit exit conference, and was pleased to report that the County received an unqualified opinion (the highest rating, without reservation) from the independent auditors who conducted an audit of the County's financial statements for the FY 2012-2013; and Leger and all Commissioners proceeded to commend staff, and Finance Supervisor Melinda Gonzales in particular.]

ITEM 21: 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. (In follow-up to a request made by Commissioner Ortiz at the previous month's Commission meeting, Bustamante informed the Commission that the county receives from railroads traversing the county, property tax revenues in the amount of \$3,322,000.00 per annum.)

ITEM 22: INDIGENT CLAIMS FOR ALTA VISTA REGIONAL HOSPITAL

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Sena moved and Commissioner Ortiz seconded, approval of indigent claim payments to Alta Vista Regional Hospital in the amount of \$4,216.10; Gonzales certifying that all claims met the eligibility requirements of County policy.

ITEM 23: RESOLUTION 2013-12-10-F1/CREATING FUND 320

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of the above-numbered Resolution, creating a separate and independent fund (320) to account for grant money received for the County's Emergency Management office under Sub-grant No. EMW-2011-SS-00094-S01. (See Agenda Item 3, above.)

ITEM 24: RESOLUTION 2013-12-10-F2/CREATING FUND 321

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Sena moved and Commissioner Padilla seconded, approval of the above-numbered Resolution, creating a separate and independent fund (321) to account for grant money received for the County's Emergency Management office under Sub-grant No. EMW-2013-SS-00152-S01. (See Agenda Item 2, above.)

ITEM 25: BUDGET ADJUSTMENT RESOLUTION 2013-12-10-F3

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of the above-numbered Budget Adjustment Resolution, which allots and allocates the grant funds received by the County for the Emergency Management office under Agenda Items 23 and 24 above.

ITEM 26: APPROVAL OF NON-COLLECTIBLES/DETENTION CENTER

Upon a presentation by both Warden Snedeker and Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Sena seconded, determination and declaration that certain balances owing to the SMC Detention Center, in the amount of \$15,189.00, are uncollectible for the reason that the public agencies who have withheld payment may lawfully do so under the provisions of Section 33-3-14, NMSA 1978, relating to the confinement of prisoners. (In response to an inquiry from Commissioner Padilla, Finance Supervisor Gonzales explained that the determination will not adversely affect the county budget, nor be a reason for unfavorable review in any audit.)

[At this time, the County Manager informed the Commission that the annual tour and inspection of the SMC Detention Center by the Commission, as required by Section 33-3-4, NMSA 1978, has been set for January 09 2014, beginning at 11:00 a.m.]

ITEM 27: APPROVAL OF ACCOUNTS PAYABLE/2014-5-1 THROUGH 2014-5-444

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Sena seconded, approval of Accounts Payable for November, 2013 (Items 2014-5-1 through 2014-5-444); Gonzales certifying by concurrent written instrument, that all payments are lawful and proper.

ITEM 28: CASH BALANCE REPORT AS OF NOVEMBER 30, 2013

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of November 30, 2013. (The Item is presented for the Commissioners' information, and formal Commission action is neither sought nor required.)

**HAVING CONCLUDED ITS BUSINESS AS THE
COUNTY BOARD OF FINANCE, AT 5:04 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 **5:05 p.m.**, Commissioner Padilla 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 **5:20 p.m.** Commissioner Sena moved and Commissioner Padilla 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 **5:21 p.m.** Commissioner Sena moved and Commissioner Padilla seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 14th day of January, 2014, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held December 10, 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)