

**MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS OF  
SAN MIGUEL COUNTY, NEW MEXICO,  
HELD TUESDAY, JANUARY 14, 2014, BEGINNING AT 1:30 P.M.**

**CALL TO ORDER AND ROLL CALL**

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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**

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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**

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Upon a motion by Commissioner Padilla, and a second by Commissioner Ortiz, the Commission approved the minutes of its regular monthly meeting held December 10, 2013. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

**APPROVAL OF AGENDA**

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Upon the recommendation of County Manager Les Montoya, Commissioner Sena moved and Commissioner Padilla seconded, approval of the Agenda as presented. ***[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.)***

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## **PUBLIC INPUT FORUM**

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The following five persons addressed the Commission:

Larry Webb, of Newkirk, who favors oil and gas exploration, and said state regulations re same are sufficient to avoid any possible contamination.

Pamela Garcia, Field Representative for Congressman Ben Ray Lujan, who reviewed constituent services offered by the Lujan's office and staff. (Chairman Leger asked Garcia to express the Commission's thanks to Congressman Lujan for his hard work on behalf of San Miguel County and New Mexico, and to emphasize to the Congressman the need to continue PILT funding.)

Tito Chavez, who spoke concerning the Visitors' Guide (urging that one publication alone be undertaken), and the Entrepreneurial Network (urging funding for same).

Phil Bidegain, of east San Miguel County, who asked that the oil and gas moratorium be lifted; that an oil and gas ordinance was not necessary, because state regulations were sufficient; that a rigid ordinance with drive away the oil and gas industry and deprive landowners of the beneficial use of their land.

Catherine Montano, who stated that Commissioners had previously been put on constitutional notice concerning their oaths of office and public trust, and that the Commission minutes should reflect the written constitutional notice she had previously submitted at a public meeting; and Montano also submitted for the record a recent Optic article relating to oil and gas contamination. (Chairman Leger noted that any written submissions by Montano or other persons are made part of the record.)

The public input forum ended at 1:54 p.m.

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

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New employees Sabrina Sandoval (DWI Program) and Monica Padilla (DWI Program), were introduced and welcomed by the Commission.

## **PRESENTATIONS**

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Two presentations were made to the Commission, as follows:

- (1) Dr. Rey Martinez of Highlands University followed-up his presentation of the previous month, noting that his grant application was funded in the amount of \$35,000.00, to undertake a health impact assessment for a reintegration program aimed at recidivism reduction in the corrections system. (Chairman Leger

expressed his pleasure that the County is partnering with Highlands University on this venture; and in answer to a question by Commissioner Sena, Dr. Martinez informed the Commission that the study/assessment for which funding was granted, should be concluded by June 30, 2014.)

- (2) The second presentation was introduced by Warden Patrick W. Snedeker, and was also a follow-up presentation to information imparted to the Commission at previous meetings. Warden Snedeker reviewed the on-going efforts being undertaken to introduce Nalaxone to detainees (who are opioid dependent) at the SMC Detention Center, and that the same is a joint effort between the Detention Center, the NM Department of Health, Health Care Partners, NM Drug Policy Alliance, and the NM Women's Justice Project. The Warden noted that the program should be underway by the end of January, 2014. (Warden Snedeker then introduced and thanked the following persons who are working on the project: Betty Fleishman, Esq., Monica Alt, Esq., Olivia Sloan, Lisa Gallegos, Antonio Escudero, Monique Gerdis and Antonio Padilla of the Detention Center, and all were thanked by Chairman Leger on behalf of the County Commission.)

**AT 2:05 P.M., THE COMMISSION PROCEEDED  
TO REGULAR ORDER, AS FOLLOWS:**

**ITEM 1: OPEN MEETINGS RESOLUTION FOR 2014**

Chairman Leger introduced this item, noting that the Open Meetings Act requires that at least annually the Commission adopt a resolution setting forth notice requirements for its meetings, and that the proposed Resolution is in compliance with state law. (Upon inquiry from Leger, the county attorney noted that all new requirements, including posting the agenda on the county's website at least 72 hours in advance of a meeting, are included in the Resolution.)

Whereupon, Commissioner Padilla moved and Commissioner Sena seconded, adoption of the Open Meetings Resolution for meetings of the Board of County Commissioners, for the year 2014.

**ITEM 2: ELECTION OF CHAIRMAN AND VICE CHAIRMAN OF COUNTY COMM.**

Chairman Leger sought the pleasure of the Board of Commissioners, whereupon Vice Chairman Ortega nominated Leger to be chairman of the Commission. No other nominations being made, Leger called for the question, and all Commissioners voted in the affirmative, and Leger was elected Chairman of the County Commission for 2014. Leger thanked his fellow Commissioners, and stated that he would continue to work diligently in the best interests of San Miguel County.

Chairman Leger then entertained nominations for vice chairman of the Board of Commissioners, and Commissioner Ortiz nominated Commissioner Ortega to continue as vice chairman. No other nominations being made, Chairman Leger called for the question, and all Commissioners voted in the affirmative, and Commissioner Ortega was elected Vice Chairman of the County Commission for 2014. Ortega thanked his fellow Commissioners, and pledged to continue to do his best for all citizens of San Miguel County.

### **ITEM 3: ACCEPTANCE OF INDEPENDENT AUDIT FOR FY 2012-2013**

As required by law, County Finance Supervisor Melinda Gonzales presented the independent audit of the County's financial statements for fiscal year 2012-2013, conducted by CliftonLarsonAllen, who was represented at the meeting by Janet Pacheco-Morten, who reviewed all material findings.

Pacheco-Morten highlighted the following for the Commission: (1) the audit reflects an unqualified and "clean opinion," meaning that the County's financial statements were accurate and in accordance with law and financial standards, (2) five previous findings were resolved, (3) new findings are being addressed and resolved by county staff, including material weaknesses in the Section 8 Housing Program.

Whereupon Commission Padilla asked Pacheco-Morten if she was satisfied that all existing findings are being addressed, and she answered in the affirmative; and Vice Chairman Ortega asked county staff if material findings are being addressed, and both the County Manager and Finance Director noted that all findings indicating a deficiency are being addressed, and are related to the county's outdated computer system, which will be upgraded and replaced in the imminent future.

Finally, Chairman Leger noted that the Commission is pleased that the audit is a clean opinion and unqualified, and what is important is that any deficiencies be promptly addressed and corrected.

Chairman Leger thanked everyone for the presentation, and noted that no formal action was required of the Commission.

### **ITEM 4: REVIEW AND RATIFICATION OF (1) PROPOSED OIL AND GAS ORDINANCE, AS FINAL WORKING DRAFT FOR SUBMISSION TO PLANNING AND ZONING COMMISSION, AND (2) PROPOSED TIMELINE FOR FUTURE PROCEEDINGS RE FINAL WORKING DRAFT OF PROPOSED OIL AND GAS ORDINANCE**

Chairman Leger introduced this item at 2:25 p.m., and noted at the outset that the proposed draft oil and gas ordinance is a working draft subject to change as the process continues on the adoption of a final county ordinance relating to oil and gas exploration and drilling in San Miguel County, and that public hearings will be held as required by law.

Leger then invited Planning & Zoning Supervisor Alex Tafoya to make a brief presentation concerning the proposed draft ordinance, and Tafoya indicated the draft represents the Commission's tentative and general consensus, as developed over the course of many public hearings and meetings. Tafoya noted that staff reformatted and restructured the ordinance and, among other things, it now contains 90 pages, rather than 116, provides for two zoning areas in the eastern part of the county, which are incorporated into a natural resources zone, deletes the overlay zoning classification, provides for an oil and gas development zone, clarifies the approval process for conditional use permits, and consolidates interspersed findings into one section.

All Commissioners expressed their desire to develop a reasonable ordinance, after additional public hearings, and said they were satisfied with the draft as a "working" draft and starting point, which could change as the adoption process continues. Commissioner Sena noted that at least one public hearing should be held by the Commission in eastern San Miguel County, and Commissioner Ortiz emphasized to Tafoya that Tafoya would need to work closely with the Planning & Zoning Commission for its review of the proposed draft.

Upon inquiry from Vice Chairman Ortega, the county attorney explained the timeline which was being presented for approval by the Commission, and also noted that the proposed draft ordinance is only a starting point, which can be developed and changed by the Commission as the process continues.

Discussion concluded with Chairman Leger emphasizing that the proposed draft ordinance is only a starting point, that the Planning & Zoning Commission will be making recommendations, and that future public hearings will be held. On behalf of the entire Commission, Leger encouraged all interested persons to attend those public hearings.

Whereupon, Vice Chairman Ortega moved that (1) the proposed draft oil and gas ordinance be approved as a working draft for submission to the Planning & Zoning Commission, for its review, public hearing and recommendations, and that (2) the timeline presented by staff for continuation of the process for adoption of an oil and gas ordinance be approved. Ortega's motion was seconded by Commissioner Ortiz, and duly adopted by unanimous vote of the County Commission.

#### **ITEM 5: PENDARIES VILLAGE APPLICATION FOR VACATION OF PLAT**

Planning & Zoning Supervisor Tafoya introduced this item and noted that Pendaries Village submitted an Application (No. SV-0024) to vacate a platted cul-de-sac, for the purpose of expanding the size of a lot to comply with NM Environment Department requirements for a septage system.

Whereupon Chairman Leger convened a public hearing to entertain comment on the aforesaid Application. Speaking in support of the application were Ron Payne, general

manager of the Pendaries Village, and his attorney, Danelle J. Smith, both of whom explained the nature of and need for the plat vacation. (In answer to an inquiry from Vice Chairman Ortega, both Payne and Smith confirmed that all other alternatives had been explored, to no avail.) Chairman Leger then asked (three times) if anyone desired to speak in opposition to the Application, and no person came forward.

Having concluded the public input portion of the hearing, Chairman Leger then made inquiry of County Fire Chief Russell Pacheco, relative to any concerns from his department. Pacheco noted that fire protection access will be unimpeded, and that prior concerns were addressed.

Whereupon, Commissioner Padilla moved and Commissioner Sena seconded, approval of Application SV-0024 for vacation of plat at the Pendaries Village subdivision, and the same carried by unanimous vote of the Commission.

#### **ITEM 6: ACCEPTANCE OF AWARD FOR PECOS CANYON FIRE AND RESCUE**

[Chairman Leger left the Commission chambers temporarily, at 3:16 p.m., and Vice Chairman Ortega assumed the gavel.]

Upon the recommendation of Fire Chief Russell Pacheco, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of a grant in the amount of \$5,000.00 (with \$500.00 county match) from the NM Energy, Minerals and Natural Resources Department, for the Pecos Canyon Fire and Rescue Department, and the motion carried.

#### **ITEM 7: ACCEPTANCE OF AWARD TO PECOS CANYON FIRE AND RESCUE**

Upon the recommendation of Fire Chief Russell Pacheco and Chief Eric Roybal, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of a grant in the amount of \$97,475.60 (with a 20% county match) from the NM Fire Protection Fund, to the Pecos Canyon Fire and Rescue Department, for a fire suppression apparatus and extrication gear, and the motion carried. (Upon an inquiry from Commissioner Padilla, Finance Supervisor Gonzales said the county match would come from the Fire Protection Excise Tax; and upon a complimentary inquiry from Commissioner Ortiz, Chief Roybal indicated he spent a great deal of time on grant applications; and Roybal also showed the Commission pictures of his Department's new Class-A pumper.)

#### **ITEM 8: APPROVAL OF JAIL INSPECTION REPORT**

Warden Patrick W. Snedeker noted that the Commission conducted its annual inspection of the County Detention Center, as required by Section 33-3-4, NMSA 1978, and presented the Inspection Report for approval. Whereupon all Commissioners commended Snedeker for the condition of the Detention Center, Commissioner Sena noting that he was very impressed with staff professionalism and the cleanliness of the

facility, and Commissioner Padilla also commending the Warden for a job well done (and the cleanliness of the facility).

Whereupon, Commissioner Sena moved approval of the Jail Inspection Report, and upon a second by Commissioner Padilla, the Report was duly approved.

**ITEM 9: ACCEPTANCE OF GRANT FOR OVERTIME PAY AT SHERIFF'S DEPT.**

Upon a presentation by Undersheriff Theodore Carr, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of a grant to the Sheriff's office from the Joint Law Enforcement Operations Task Force, for overtime pay relating to duties undertaken for fugitive warrants and sex offender verification.

**ITEM 10: APPROVAL OF RFP FOR COUNTY MANAGEMENT SOFTWARE SYSTEM**

[Chairman Leger returned to the chambers at 3:33 p.m., as assumed the gavel.]

County Information Technology Supervisor John Tiernan addressed the Commission, and requested authorization to issue a request for proposals for replacement of the County's outdated management software, which is the primary software for county operations, including operations of the Finance Department and the Treasurer's and Assessor's offices.

Commissioner Padilla asked if the capacity to be sought was sufficient, and Tiernan answered in the affirmative; Commissioner Ortiz asked the approximate cost, and Tiernan said it would be anywhere from \$450,000 to \$750,000; and Chairman Leger asked if the RFP would contain a training component, and Tiernan answered in the affirmative. Also, County Manager Montoya informed the Commission that all elected officials and supervisors would be involved in formulating the RFP and in any subsequent procurement.

Whereupon, Commissioner Padilla moved that staff be authorized to proceed with the issuance of a request for proposals as aforesaid, and upon a second by Chairman Leger, the motion carried by unanimous vote of the Commission.

**ITEM 11: AUTHORITY OF DISPOSITIO OF OBSOLETE PERSONAL PROPERTY**

Upon the recommendation of IT Supervisor Tiernan, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of Resolution No. 01-14-14-IT, allowing staff to proceed with the disposition of one Xerox Workcentre Pro 7232 copying machine, as obsolete tangible personal property, in accordance with applicable statutes governing the disposition of said property. The motion carried.

**ITEM 12: AWARD OF LEASE FOR COPYING MACHINES**

Upon the recommendation of IT Supervisor Tiernan, Vice Chairman Ortega moved and Commissioner Sena seconded, that the contract award for copiers (copying machines) for various county offices be made to Pacific Office Automation, as the most responsible offer, and the most advantageous to the county. (Tiernan noted that the award will be the end-result of a procurement process which included the issuance of an RFP, and evaluation by staff.)

Whereupon, Vice Chairman Ortega moved and Commissioner Sena seconded, approval of contract award to Pacific Office Automation for copying machines for various county offices, and the motion carried by unanimous vote of the Commission.

#### **ITEM 13: PUBLIC WORKS DIVISION REPORT FOR DECEMBER, 2013**

County Public Works Foreman Daniel Encinias made his monthly report to the Commission, and briefly summarized activities in his Department, noting in particular that solid waste bins from Colorado should be delivered by the end of April, 2014.

#### **ITEM 14: RATIFICATION OF PERSONNEL ACTIONS FOR DECEMBER, 2013**

Upon a presentation of Human Resources Supervisor Kiki Arellano (and the recommendation of the County Manager), Commissioner Ortiz moved and Commissioner Sena seconded, approval and ratification of all personnel changes and actions taken in the County during December, 2013.

#### **ITEM 15: APPROVAL OF EMPLOYMENT/PUBLIC WORKS DIVISION**

Upon the recommendation of the County Manager and Public Works Supervisor Harold Garcia, Commissioner Padilla moved and Commissioner Sena seconded, approval of employment of Maria Claudette Medina as a Maintenance Worker I, effective December 21, 2013, at a salary of \$22,880.00, as a probationary full-time classified employee.

#### **ITEM 16: APPROVAL OF IMUS TRAINING FOR EMPLOYEE TASHA MARTINEZ**

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Sena moved and Commissioner Padilla seconded, approval for IMUS funded training/education for Finance Department employee Tasha Martinez, toward her Master's degree in Business Administration, from January 13 to May 9, 2014.

#### **ITEM 17: LEGAL SERVICES CONTRACT EXTENSION WITH JESUS L. LOPEZ AND REVIEW AND RATING PROCESS FOR PROPOSALS RECEIVED FOR LEGAL SERVICES FOR SAN MIGUEL COUNTY**

After discussion by the Commission and the County Manager, Chairman Leger moved and Commissioner Padilla seconded, that (1) all legal services proposals received by the County be evaluated by a committee consisting of all five County Commissioners, the County Manager, County Clerk and Warden Snedeker, (2) and that until the



Commission awards a contract for legal services, Jesus L. Lopez continue to provide those services, and that his existing contract be extended accordingly. The motion carried by unanimous vote of the Commission.

**HAVING CONCLUDED ITS REGULAR ORDER,  
THE COUNTY COMMISSION CONVENED AS THE  
COUNTY BOARD OF FINANCE, AS FOLLOWS:**

**ITEM 18: 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.

**ITEM 19: 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 \$2,710.54; Gonzales certifying that all claims met the eligibility requirements of County policy.

**ITEM 20: BUDGET ADJUSTMENT RESOLUTION 2014-01-14-F1**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of the above-titled and –numbered Resolution, authorizing the following five budget adjustments: (1) Provision for \$2,000.00 law enforcement grant, (2) provision for \$97,475.60 grant to Pecos Canyon Volunteer Fire Department, (3) \$37,000 from Pecos Canyon VFD to debt service, (4) provision for \$5,000.00 grant to Pecos Canyon VFD, and (5) budget adjustments for EMS funds/\$21,497.32 will be returned to EMS Bureau and \$7,091.44 has been approved for carryover.

**ITEM 21: ACCOUNTS PAYABLE LISTING (2014-6-1 THROUGH 2014-6-407)**

Upon the recommendation of Finance Supervisor Gonzales, Vice Chairman Ortega moved and Commissioner Padilla seconded, approval of Accounts Payable for December, 2013 (Items 2014-6-1 through 2014-6-407); Gonzales certifying by concurrent written instrument, that all payments are lawful and proper.

**ITEM 22: CASH BALANCE REPORT AS OF DECEMBER 30, 2013**

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of December 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 4:30 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:**

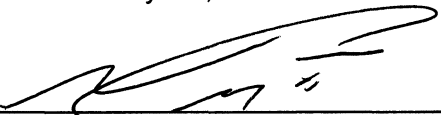
The County Manager recommended that the Commission retire into executive/closed session to consider the following matter: Personnel matters, matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, matters pertaining 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 **4:30 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.

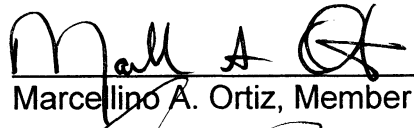
At **5:10 p.m.** Commissioner Sena moved and Commissioner Padilla seconded, that the Commission reconvene in public session, and the motion carried. Whereupon Chairman Leger noted for the record that the Commission considered and discussed in executive/closed session, only those matters and subjects 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 **5:11 p.m.** Commissioner Padilla moved and Commissioner Sena seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

**MOVED, SECONDED AND ADOPTED** this 11<sup>th</sup> day of February, 2014, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held January 14, 2014.

  
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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

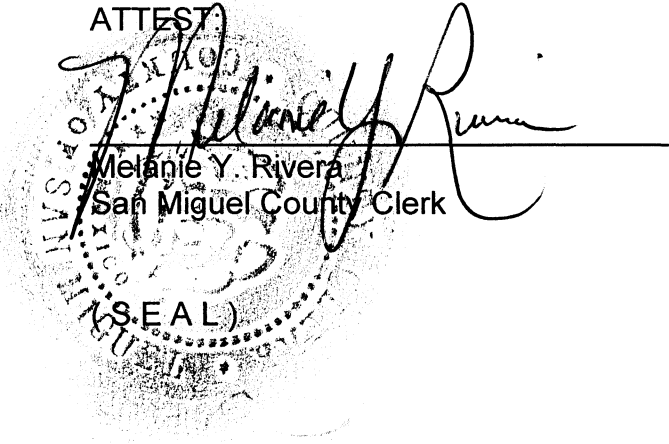
  
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Gilbert J. B. Sena, Member

ATTEST

  
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Melanie Y. Rivera  
San Miguel County Clerk



Minutes of Regular Monthly Meeting of the Board of County Commissioners of San Miguel County, New Mexico held JANUARY 14<sup>TH</sup> 2014, beginning at 1:30 P.M.

Minutes prepared by:

Mr. Jesus Lopez

County Attorney