

**MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS OF  
SAN MIGUEL COUNTY, NEW MEXICO,  
HELD TUESDAY, MAY 13, 2014, BEGINNING AT 1:30 P.M.**

**CALL TO ORDER AND ROLL CALL**

Chairman Nicolas T. Leger called the meeting to order at 1:33 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 Sena, the Commission approved the minutes of its special meeting held March 06, 2014; and upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the Commission approved the minutes of its special meeting and public hearing held at Conchas Dam on April 02, 2014; and upon a motion by Commissioner Ortiz and a second by Commissioner Sena, the Commission approved the minutes of its regular monthly meeting held April 08, 2014; and upon a motion by Commissioner Sena and a second by Commissioner Padilla, the Commission approved the minutes of its special meeting and public hearing held in Pecos on April 22, 2014. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

**APPROVAL OF AGENDA**

County Manager Les Montoya stated that he had no changes to recommend concerning the Agenda, whereupon Commissioner Padilla moved and Commissioner Ortiz

seconded, approval of the Agenda, 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 public input forum began at 1:37 p.m., and 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, including constitutional notice and Commissioners' oaths of office, and sundry matters relating to their opposition to oil and gas exploration in the county, including water availability and contamination and environmental degradation, and detrimental health effects of oil and gas exploration and hydraulic fracturing, in support of extending the existing moratorium on oil and gas exploration and drilling in the county, the emission of methane gas by oil and gas production, and concerning recommendations regarding the on-going development of a county ordinance relating to oil and gas exploration and drilling: Bill Madison, Cordia Sammeth, Salvador Higgins, Bernadette Fernandez, Edward Woll and Ralph Laumbach.

[An audio recording of all presentations is preserved by the County Clerk's office, and available for inspection and copying at any time during regular business hours; and submissions made by speakers are received and preserved by county staff.]

The public input forum ended at 1:58 p.m.

## **INTRODUCTION OF NEW EMPLOYEES**

The following four new county employees were introduced by the County Manager and welcomed by the Commission, and all but Urioste were present: Deputy Sheriff Darin Romero, Deputy Sheriff Aaron Gallegos, convenience center operator Luis Aragon III, and convenience center operator Leroy L. Urioste.

## **PRESENTATIONS**

Two presentations were made to the Commission, as follows:

- (1) Tim Garcia, Utilities Manager for the City of Las Vegas, made a presentation concerning water availability, storage and long-terms plans for same. All Commissioners posed questions to Garcia during his presentation, and Commissioners' questions and concerns included why the City had not looked to

Storrie Lake for storage, the status of the City's water rights lawsuit, and how legislative and other funding will be utilized for expansion of water storage (Chairman Leger), the rate structure for water consumption (Commissioner Padilla) and plans for expanding existing reservoirs (Vice Chairman Ortega). [At the end of Garcia's presentation, at 2:39 p.m., Las Vegas Mayor Alfonso E. Ortiz arrived at the meeting, and apologized for his lateness.]

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**ITEM 2: AWARD OF FLYING DIAMOND SCHOLARSHIP**

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(Before proceeding to the second presentation, Chairman Leger suggested that Item 2 of the Agenda, regarding the award of the Flying Diamond scholarship, be taken up at this time (2:41 p.m.), and there being no objection, the County Manager informed the Commission that the award was made to the sole applicant, Helenea Grace Gonzales, who was present and commended by all Commissioners.)

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Presentations, continued:

- (2) The second presentation was made by Jeff Romero, Program Manager for the Drug Court Program of the Fourth Judicial District. Romero began his presentation at 2:44 p.m., and informed the Commission of the workings of Drug Court, how it is funded (liquor excise tax fund) and administered, its success rate, and its importance to the community. Romero's presentation concluded at 3:05 p.m., after several questions from Commissioners, who thanked Romero.
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**AT 3:05 P.M., THE COMMISSION PROCEEDED  
TO REGULAR ORDER, AS FOLLOWS:**

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**ITEM 1: RESOLUTION FOR EXTENSION OF OIL & GAS MORATORIUM**

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Planning & Zoning Supervisor Alex Tafoya introduced this Item, noting that at its April meeting, the Commission directed staff to move forward with bringing before the Commission an extension of the oil and gas moratorium, for six months. Tafoya said the Resolution before the Commission, No. 05-13-14-P&Z proposes the extension, and directs staff to publish notice of the proposed moratorium, to be heard by the Commission at a public hearing at the regular monthly meeting on June 10, 2014.

Whereupon Commissioner Padilla asked the Commission to reconsider its prior decision extending the moratorium for only six months, and Padilla urged that the extension be for two years, as recommended by the Planning & Zoning Commission. Padilla stated his reasons in support of a two-year extension, saying he felt more time was needed to adequately address issues faced by oil and gas producing counties in

New Mexico, and cited a housing shortage and rising crime in Eddy County. Padilla then asked the County Attorney if the moratorium extension could now be changed from six months to two years, and the attorney answered in the affirmative, stating that the Resolution before the Commission could be amended to change the period from six months to two years.

Commissioner Sena was then recognized, and he said he agreed with Commissioner Padilla that more time is needed to properly formulate and develop the oil and gas ordinance, after taking into consideration the voluminous amount of data that is being made available to the Commission. Sena said the issue is "too big, too important" and that the two-year recommendation of the Planning & Zoning Commission should be honored.

Whereupon Chairman Leger asked if any Commissioner had a motion to offer, and Commissioner Padilla moved that Resolution 05-13-14-P&Z be amended to provide for a two-year extension of the oil and gas moratorium, rather than a six-month extension. Padilla's motion was seconded by Commissioner Sena, and upon a call of the roll, the motion failed, Chairman Leger, Vice Chairman Ortega and Commissioner Ortiz voting against the motion, and Commissioners Padilla and Sena voting in favor.

At 3:16 p.m., Chairman Leger then made a motion that Resolution 05-13-14-P&Z, proposing that the oil and gas moratorium be extended for six months, be approved and adopted, and Leger's motion was seconded by Vice Chairman Ortega. Upon a call of the roll, Leger's motion was adopted by a vote of three in favor and two against, as follows: Leger, Ortega and Ortiz voted aye, and Padilla and Sena voted nay.

## **ITEM 2: AWARD OF FLYING DIAMOND SCHOLARSHIP**

[This Item was taken up previously, between presentations, as noted hereinabove.]

[At 3:19 p.m., Joseph Simpson, who was in the audience, sought recognition to speak on the oil and gas moratorium, and Chairman Leger advised him that he failed to sign-up for the public forum which had already transpired, and that he would have an opportunity to speak at the public hearing on the moratorium extension on June 10, 2014.]

## **ITEM 7: NM NATIONAL GUARD PETITION TO ESTABLISH NEW ACCESS ROAD**

[Upon the recommendation of Chairman Leger, there being no opposition, Item 7 was advanced on the agenda and taken up as follows:]

Upon a presentation and recommendation by Planning and Zoning Supervisor Tafoya (joined by a representative of the National Guard), Vice Chairman Ortega moved and Commissioner Padilla seconded, that staff move forward with the petition to establish a new access road for the Las Vegas Readiness Center in the Camp Luna area, as requested and described in said petition, that a road viewing be scheduled as required

by law, and that the Commission consider, if lawfully allowed, a waiver of the \$75.00 fee for filing of the petition. The motion was seconded by Commissioner Padilla, and adopted by unanimous voice vote of the Commission.

### **ITEM 3: ROBINSON QUITCLAIM DEED**

The County Manager informed the Commission that David and Barbara Robinson desired to donate to the County, approximately 7 acres of property at Ranchos Lake Conchas and that they executed a quitclaim deed for this purpose, which is subject to acceptance by the Commission.

Whereupon Chairman Leger expressed his reservations, noting that the property is within a subdivision which has experienced problems in the past concerning land holdings within the subdivision, and that he preferred to defer the matter until staff could determine if it is advantageous for the Commission to accept the property, taking into account the location of the parcel and its market value. Leger then made a motion to table this Item, and upon a second by Commissioner Padilla, the matter was tabled by unanimous voice vote of the Commission.

### **ITEM 4: RESOLUTION 05-13-14-SAFETY NET, PROPOSING SAFETY NET ORD.**

County Manager Montoya presented this Item, stating that newly enacted legislation requires that before July 01, 2014, the Commission adopt an ordinance dedicating to the safety net care pool fund an amount equal to a gross receipts tax rate of 1/12<sup>th</sup> percent. Montoya said the above-numbered and -titled Resolution proposes such an ordinance, and directs staff to publish notice of same, and bring the ordinance before the Commission at the June 10 meeting, after notice and hearing as required by law.

Whereupon, at 3:43 p.m., Commissioner Padilla moved and Commissioner Sena seconded, approval and adoption of Resolution No. 05-13-14-SAFETY NET, and the motion carried upon a unanimous voice vote of the Commission.

### **ITEM 5: EMS PRESENTATION RE MITIGATION PLAN**

Emergency Services Manager Dennis English presented this Item, for the information of the Commission. English stated that his office had completed a final draft of the "All Hazards Multi-Jurisdictional Mitigation Plan," and presented the same to the Commission for its study and review. English noted that the same was subject to public review and comment, and would again be presented to the Commission for approval at a later date.

### **ITEM 6: BID AWARD FOR RINCONA FIRE STATION, PHASE ONE**

Upon a presentation and recommendation by County Fire Chief Russell Pacheco, Commissioner Ortiz moved and Commissioner Sena seconded, that phase one construction for the new Rincona Fire Station be awarded to Pacheco Construction, the

lowest and most responsible bidder, as determined by the County's architect, Soleil West, and the motion carried by unanimous voice vote of the Commission.

**ITEM 7: NM NATIONAL GUARD PETITION TO ESTABLISH NEW ROAD**

[This Item was taken up by the Commission previously, immediately preceding Agenda Item 3, above.]

**ITEM 8: ADOPTION OF CDBG SECTION 3 PLAN RE SMALL LOCAL BUSINESSES**

Planning & Zoning Supervisor Tafoya informed the Commission that the CDBG Program requires that recipients of CDBG funds adopt a Section 3 Plan by Resolution, for the purpose of encouraging the use of small local businesses in the hiring of low income residents.

Whereupon Commissioner Sena moved and Commissioner Ortiz seconded, adoption and approval of Resolution No. 05-13-14-SECTION 3, as recommended by Tafoya, and the motion carried by unanimous voice vote of the Commission.

**ITEM 9: APPROVAL OF PERSONNEL ACTIONS/CHANGES FOR APRIL, 2014**

Upon a presentation by Human Resources Supervisor Kiki Arellano, and the recommendation of the County Manager, Vice Chairman Ortega moved and Commissioner Sena seconded, approval and ratification of all County personnel actions and changes made for the month of April, 2014.

**ITEM 10: APPROVAL OF EMPLOYMENT/DETENTION OFFICER**

Upon the recommendation of the County Manager, and Warden Patrick W. Snedeker, Commissioner Sena moved and Commissioner Padilla seconded, approval of the employment of Eric A. Olguin as a detention officer, effective April 28, 2014, as a probationary employee at a salary of \$20,900.00.

**ITEM 11: APPROVAL OF EMPLOYMENT/CRUSHER PLANT EQUIP. OPERATOR**

Upon the recommendation of the County Manager and Public Works Supervisor Harold Garcia, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the employment of Livorio Vigil as crusher plant Equipment Operator II, effective May 27, 2014, as a probationary employee at a salary of \$25,935.00.

**ITEM 12: APPROVAL OF CASUAL EMPLOYMENT/CLERK'S OFFICE**

Upon the recommendation of the County Manager and County Clerk Melanie Y. Rivera, Commissioner Padilla moved and Commissioner Sena seconded, approval of the casual and temporary employment of the following persons to act as election officials for absentee and early voting for the June Primary election: Pauline Trujillo, Barbara

Romero, Angela Sanchez, Joann Gonzales, Priscilla Marquez, Germaine Padilla, Mary Griego, Deborah Chavez and Lorella Gallegos-Romero.

**ITEM 13: REVISED JOB DESCRIPTION/ASSESSOR'S OFFICE**

Upon the recommendation of the County Manager and County Assessor Elaine Estrada, Commissioner Sena moved and Commissioner Padilla seconded, approval of a revised job description for the position of Personal Property/Mapping Clerk with the Assessor's office.

**ITEM 14: REJECTION OF BIDS FOR CAMERAS AT COURTHOUSE**

Public Works Supervisor Harold Garcia informed the Commission that bids were invited for installation of surveillance cameras at the courthouse/administrative complex, and two bids were received. Garcia recommended, however, that both bids be rejected for the reason that the specifications issued by the County need to be revised, and that a new bid invitation be issued.

Whereupon, Commissioner Padilla moved and Vice Chairman Ortega seconded, that both bids for the surveillance cameras be rejected, and that staff be authorized to revise the specifications and issue a new invitation for bids, and the motion carried by unanimous voice vote of the Commission.

*[At 4:05 p.m. Chairman Leger left the Commission Chambers, and Vice Chairman Ortega assumed the gavel as presiding officer.]*

**ITEM 15: PROCUREMENT AWARD FOR UNIFORMS/PUBLIC WORKS DIVISION**

Public Works Supervisor Garcia informed the Commission that a second invitation for bids for uniforms was issued by the County (per previous action taken by the Commission), and two bids were received, one from Big R and the other from Popular Dry Goods. Garcia further informed the Commission that it was his recommendation that a multi-source award be made, that is, that both bids accepted as responsible and most advantageous to the County, and that both be awarded the procurement for the purchase of uniforms for employees of the Public Works Division. (Garcia also stated that a cap of \$500.00 would be imposed for each employee purchase, that each vendor would tailor-fit the boots and garments for each individual employee, and that uniform embroidery by the vendor had been eliminated, but that individual uniform name-patches would be explored.)

Whereupon, Commissioner Padilla moved and Commissioner Ortiz seconded, that the multi-source procurement award be made to both bidders, Big R and Popular Dry Goods, per the above recommendation of staff, and the motion carried by unanimous voice vote of the Commission.

## **ITEM 16: REPORT OF PUBLIC WORKS DIVISION FOR APRIL, 2014**

Public Works Division Foreman Rudy Salazar made his monthly report to the Commission, and highlighted the following: (1) all 30 bear-proof containers have been delivered, (2) the ramp is in place at Gallinas and the new solid waste container will be installed there in the next few days, (3) flooding damage at County Road B-30-B has been repaired, (4) a water leak at the District Court Judicial Complex was repaired the same day, (5) two newly-hired convenience center operators are performing well, (6) and landscaping at the Public Works facility is underway. (These highlights are in addition to the written report submitted by Salazar to Commissioners, in advance of the meeting.)

The following questions and comments were offered by Commissioners during the presentation made by Salazar:

Commissioner Sena: Would like to see work done in Tecolotito, to which Salazar and H. Garcia responded that as soon as work is completed at Los Alamitos, crew and equipment will move on to Tecolotito.

Commissioner Padilla: (1) That bridge at Cañoncito is in bad condition and needs immediate attention, to which H. Garcia replied that crew and equipment will address the matter immediately, and that a permanent bridge improvement is planned as a result of a legislative funding request; (2) that eastern part of the road at Los Alamitos is in good condition, but that additional work is need west of La Placita, to which H. Garcia replied that said road work is scheduled for the next week, which will include drainage work and material; (3) whether debris has been cleared at El Llano Road, to which R. Salazar replied in the affirmative, noting assistance from the Tierras y Montes Soil Conservation District.

Vice Chairman Ortega: That roaming and stray dogs are a problem, especially in the areas of Camp Luna and the Country Acres Subdivision. (Ortega's comments drew a discussion from other Commissioners and staff, all agreeing that a problem exists with roaming and stray dogs throughout the county, Commissioner Padilla noting that the animal control ordinance is good, but that lack of staff creates an enforcement issue, and Chairman Leger suggesting that perhaps a leash law is needed, similar to the one enacted by the City of Las Vegas, and that public awareness of the problem should be pursued by county staff.)

*[Chairman Leger returned to the Commission Chambers at 4:30 p.m., and resumed the gavel.]*

## **ITEM 17: MOU BETWEEN SMC AND NM DEPT. OF VETERANS SERVICES**

Upon a presentation by DWI Program Coordinator Wendy Armijo, Vice Chairman Ortega moved and Commissioner Padilla seconded, approval of a memorandum of understanding between the County and the NM Department of Veterans Services, for

the provision of medical treatment related transportation for veterans, by which \$25,000.00 will be provided to the County for such purpose. (County Manager Les Montoya informed the Commission that Macario Gonzales, among others, was instrumental in securing the funding which is the subject of the MOU.)

**AT 4:37 P.M., HAVING CONCLUDED ITS REGULAR ORDER,  
THE COUNTY COMMISSION CONVENE AS THE  
COUNTY BOARD OF FINANCE, AS FOLLOWS:**

**ITEM 18: COUNTY TREASURER'S MONTHLY REPORT**

Finance Division Supervisor Melinda Gonzales (in the absence of County Treasurer Bertha Bustamante), informed the Commission that the County Treasurer asked Gonzales to state that operations in the Treasurer's office have been routine, and that property tax collection are typical for this time of year.

**ITEM 19: RATIFICATION AND APPROVAL OF AUDIT SERVICES**

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Padilla moved and Commissioner Sena seconded, approval and ratification of a procurement award to the auditing firm of CliftonLarsonAllen, as the independent auditing firm which will undertake the fiscal year audits of the County's financial statements, and the motion was approved by unanimous voice vote of the Commission. (Gonzales informed the Commission that an RFP for audit services was issued, that three proposals were received, and that CliftonLarsonAllen was ranked highest and determined to be the most responsible offeror.)

**ITEM 20: BUDGET ADJUSTMENT RES. 2014-05-13-F1**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-numbered and titled Resolution which provides for the following budget adjustments: (1) for the funds received for veterans' transportation services, as per Agenda Item 17, above, (2) for a transfer of \$52,852 from Fund 202 to Fund 210, for the landscaping project, (3) to correctly reflect the Federal Disaster Grant, (4) to budget \$90,000 for two LEDA grants, i.e., Martinez and Sons/\$75,000, and Intergalactica/\$15,000, and (5) to increase the Detention Center budget by \$32,000, to offset an increase in juvenile detention costs.

**ITEM 21: INDIGENT BURIAL PAYMENT TO ROGERS MORTUARY**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Sena moved and Commissioner Padilla seconded, approval of \$1,200.00 to Rogers Mortuary for one indigent burial, as authorized by law.

## **ITEM 22: APPROVAL OF ACCOUNTS PAYABLE**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Sena seconded, approval of the following Accounts Payable, Gonzales certifying by concurrent written instrument that all payment are lawful and proper: Items 2014-9-386 through 2014-9-521, and Items 2014-10-1 through 2014-10-425, for the period between March 22 2014, and April 25, 2014.

## **ITEM 23: CASH BALANCE REPORT AS OF APRIL 25, 2014**

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of April 25, 2014, and noted that the County is in good financial standing. (The Item is presented for the Commissioners' information, and formal Commission action is neither sought nor required.)

### **HAVING CONCLUDED ITS MEETING AS THE COUNTY BOARD OF FINANCE, THE COMMISSION PROCEEDED AS FOLLOWS:**

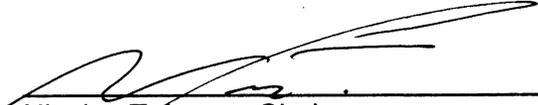
At **4:52 p.m.**, the County Manager recommended that the Commission retire into executive/closed session to consider the following matters: Personnel matters, matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, 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 **4:53 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, four of the 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. (Commissioner Padilla had temporarily absented himself from the Commission Chambers and was absent for the roll-call vote, but returned immediately after said vote and participated in executive session.)

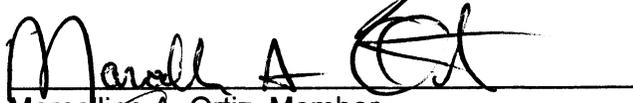
At **5:40 p.m.**, Commissioner Sena moved and Vice Chairman Ortega seconded, that the Commission reconvene in public session, and the motion carried. Whereupon Chairman Leger noted for the record that the Commission considered and discussed in executive/closed session, only those matters and subjects 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 5:40 p.m. Commissioner Sena moved and Commissioner Ortiz seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

**MOVED, SECONDED AND ADOPTED** this 10th day of June, 2014, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held May 13, 2014.

  
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Nicolas T. Leger, Chairman

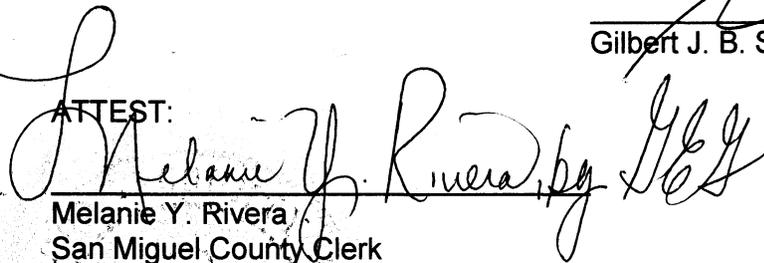
  
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Ron R. Ortega, Vice Chairman

  
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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:

  
\_\_\_\_\_  
Melanie Y. Rivera,  
San Miguel County Clerk

(SEAL)

