

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD WEDNESDAY, JULY 09, 2014, BEGINNING AT 1:30 P.M.**

CALL TO ORDER AND ROLL CALL

Chairman Nicolas T. Leger called the meeting to order at 1:36 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 Sena, and a second by Commissioner Ortiz, the Commission approved the minutes of its special meeting held May 30, 2014; upon a motion by Commissioner Ortiz and a second by Vice Chairman Ortega, the Commission approved the minutes of its special meeting held June 06, 2014; and upon a motion by Commissioner Sena and a second by Commissioner Ortiz, the Commission approved the minutes of its regular monthly meeting held June 10, 2014. ***[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 County Manager Les Montoya. ***[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

Only one person, Daniel Fisher of Pecos, sought recognition under the public input part of the agenda. Fisher's comments related to a civil case he filed in Magistrate Court, and he complained that County employees Harold Garcia and Leonard Marquez failed to appear at a hearing, despite being subpoenaed, and Fisher also claimed that County Manager Les Montoya acted improperly concerning the case, which involved an on-going dispute (about dogs) between Fisher and neighbors in the Pecos area.

INTRODUCTION OF NEW EMPLOYEES

The County Manager noted the recent hiring of County employee Eric Esquibel as a Deputy Sheriff. Esquibel was present, briefly addressed the Commission, and Chairman Leger welcomed him as a new employee.

PRESENTATIONS

Three presentations were made to the County Commission, as follows:

Kiki Arellano, SMC Human Resources Supervisor, informed the Commission that San Miguel County was awarded the 2014 RAP (Risk Awareness Program) award by the New Mexico Association of Counties at the recent state conference in Deming, NM; and the Commission commended County staff, and noted a resulting reduction in insurance premiums.

Tito Chavez of the Entrepreneurial Network of Las Vegas and San Miguel County, made a presentation about the group's efforts to stimulate the area economy, and again sought funding assistance from the County.

Terry Pierce of the Tri-County Family Justice Center, made her annual report of the Center's activities and accomplishments, emphasizing that much outreach and staff training had been undertaken throughout the year.

**THE COMMISSION PROCEEDED
TO REGULAR ORDER, AS FOLLOWS:**

ITEM 1: HEALTH IMPACT ASSESSMENT/LV-SMC HEALTH COUNCIL

Warden Patrick W. Snedeker introduced this Item, and informed the Commission that work was continuing on the Health Impact Assessment Project. He then introduced Rosalie Martinez and Barbara Perea-Casey of the Health Council, who made presentations and answered questions posed by Commissioners. They were followed by Thomas Heine of Highlands University, who is the principal investigator for the health assessment and collection of mental health data.

Following the above presentations, all Commissioners expressed their continued support for the Health Impact Assessment, and commended those undertaking the project. The County Manager concluded this Agenda Item by informing the Commission that a final report will be made to the Commission at the August or September meeting, to include how the County Extension Service can be integrated into the area of health care, especially as concerns nutrition and awareness generally.

ITEM 9: CERTIFICATES OF NOMINATION FOR PRIMARY ELECTION

[This item was advanced on the Agenda by unanimous consent of all Commissioners.]

County Clerk Melanie Y. Rivera announced the Certificates of Nomination issued to all candidates who were successful at the Primary election held June 03 2014, and the Certificates were approved and executed by the Commission.

Chairman Leger, on behalf of all Commissioners, congratulated all winning candidates, and also commended all candidates who ran for public office.

ITEM 2: ADOPTION OF RESOLUTION NO. 07-09-14-GRT

County Manager Les Montoya introduced this Item, beginning at 2:55 p.m., and informed the Commission that under the County Local Option Gross Receipt Taxes Act, San Miguel County may by ordinance impose a gross receipt tax of one-twelfth of one percent on any person engaging in business in the county, and that revenues from this tax may be dedicated to county general purposes, as provided in such ordinance.

Montoya informed the Commission that the above-titled and numbered Resolution directs that such an ordinance be brought before the Commission for adoption at the August meeting, after notice and hearing as required by law.

Whereupon a discussion ensued by and between Commissioners, who expressed their support of the Resolution, but also indicated that health care be one of the several purposes for which revenue from the tax will be dedicated; and at 3:10 p.m., Vice Chairman Ortega moved and Commissioner Padilla seconded, approval and adoption of Resolution No. 07-09-14-GRT, with the addition of health care to the dedicated purposes for which revenues from the tax will expended, and the motion was duly adopted by unanimous voice vote of all Commissioners.

ITEM 3: ICIP RESOLUTION NO. 07-09-14-ICIP FOR 2016-2020

This Item was introduced by Planning & Zoning Supervisor Alex Tafoya, who informed the Commission that staff is in the process of preparing its Infrastructure Capital Improvement Plan for 2016-2012, and that the process requires public comment and adoption of the ICIP by resolution.

Whereupon, at 3:12 p.m., Chairman Leger convened a public hearing and solicited comment from anyone in attendance. The following three persons sought recognition, and offered public comment: (1) Public Works Supervisor Harold Garcia, who supported the three top priorities appearing on the ICIP list submitted by Tafoya, each of which affects his Department, (2) Zee Pinsley, who spoke of the need for a process and system to deal with sludge, and (3) Warden Patrick W. Snedeker, who supported the ICIP projects related to the SMC Detention Center.

At 3:20 p.m., Chairman Leger three times asked for additional public comment, and no person sought recognition. Leger then concluded the public hearing and invited deliberation and discussion by Commissioners, and a general discussion ensued by Commissioners as to the merit and priority of the projects, as designated in the ICIP listing submitted by staff; Commissioners expressing their satisfaction with the ICIP listing.

Whereupon, Commissioner Padilla moved and Vice Chairman Ortega seconded, that the ICIP list submitted by P&Z Supervisor Tafoya be adopted as presented, except that Item No. 3 (computer system) be removed from the list, as recommended by the County Manager, and the motion was adopted by unanimous voice vote of all Commissioners.

ITEM 4: ACCEPTANCE OF ROBINSON QUIT CLAIM DEED FOR CONCHAS PROP.

Upon the recommendation of the County Manager, and with the concurrence of County Attorney Jesus L. Lopez (who said title to the property appeared to be lawfully in grantors, and that there did not appear to be any legal impediments or entanglements concerning the property), Commissioner Padilla moved and Commissioner Sena seconded, acceptance of the quitclaim deed for approximately 7 acres of vacant land in the Conchas area of the county, from David and Barbara Robinson, husband and wife, by quitclaim deed.

ITEM 5: SMC ECONOMIC DEVELOPMENT LEADERSHIP COLLABORATIVE

This Item was introduced by County Manager Les Montoya, who briefly summarized for the Commission the on-going efforts being made to identify the major issues and goals relating to stimulating the area economy, based on the UNM BBER study completed in

2010, as well as the Economic Development Plan, Phase I, developed by the San Miguel County Economic Development Collaborative.

Montoya then introduced Lavinia Fenzi, EDLC Facilitator, who presented a detailed overview of the Economic Development Plan, Phase I, and answered questions propounded by Commissioners.

Whereupon, Commissioner Padilla moved and Commissioner Sena seconded, that the Economic Development Plan, Phase I, be approved, and that staff proceed with development of Phase II of the Plan.

[At 3:52, upon the conclusion of the foregoing Agenda Item, Chairman Leger absented himself temporarily from the Commission chambers, and Vice Chairman Ron Ortega assumed the gavel and presided over the meeting.]

ITEM 6: ADDENDUM TO AGREEMENT WITH ENGINEERS, INC.

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, second-year renewal (by addendum) of the Agreement between SMC and Engineers Inc., for on-going as-needed professional engineering services.

ITEM 7: ADDENDUM TO AGREEMENT WITH MILLER ENGINEERING

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Sena seconded, second-year renewal (by addendum) of the Agreement between SMC and Miller Engineering Consultants, for on-going as needed professional engineering services.

ITEM 8: ADDENDUM TO AGREEMENT WITH SOUDER MILLER & ASSOCIATES

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Sena moved and Commissioner Ortiz seconded, second-year renewal (by addendum) of the Agreement between SMC and Souder Miller & Associates, for on-going as needed professional engineering services.

ITEM 9: CERTIFICATES OF NOMINATION FOR PRIMARY ELECTION

[This Item of the Agenda was taken up by the Commission previously, after Item 1 above of the Agenda.]

ITEM 10: OVERTIME FUNDING FROM U.S. MARSHAL'S SERVICE FOR SHERIFF

Upon a presentation (and recommendation) of SMC Undersheriff Theodore Carr, Commissioner Ortiz moved and Commissioner Padilla seconded, acceptance of annual

funding from the U.S. Marshal's office to the SMC Sheriff's Department, for overtime work on fugitive warrants and the Sex Offender Program, in the amount of \$2,000.00.

ITEM 11: JAG GRANT FUNDING FOR EQUIPMENT FOR SHERIFF'S OFFICE

Upon a presentation (and recommendation) of SMC Undersheriff Theodore Carr, Commissioner Padilla moved and Commissioner Ortiz seconded, acceptance of U.S. Department of Justice funding in the amount of \$6,332.00 to the Sheriff's office, for purchase of equipment.

ITEM 12: AUTHORIZATION TO ISSUE RFP FOR MECHANIC SERVICES

Upon the recommendation of Public Works Supervisor Harold Garcia, Commissioner Padilla moved and Commissioner Sena seconded, authorization for staff to issue a request for proposals for mechanic services for heavy equipment and light-duty diesel powered equipment.

ITEM 13: RENEWAL OF AGREEMENT WITH DIAMOND PEST CONTROL

Upon the recommendation of Public Works Supervisor Harold Garcia, Commissioner Padilla moved and Commissioner Sena seconded, renewal of agreement (for second year) with Diamond Pest Control Services.

ITEM 14: APPLICATION TO NMFA FOR DETENTION CENTER PROJECT

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, (1) authorization for submittal of application to the New Mexico Finance Authority for funding to construct a community-based housing unit at the SMC Detention Center, (2) authorizing Commission Chairman Leger to sign the application, and (3) adopting Resolution No. 07-09-14-NMFA, memorializing the foregoing.

ITEM 15: APPROVAL OF CONTRACT WITH FREILICH & POPOWITZ

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Sena seconded, approval of contract for legal services with Robert Freilich and Neil Popowitz, for legal services in connection with the on-going development of an ordinance relating to oil and gas exploration and drilling in SMC, and matters relating thereto, including amendment of the County's Comprehensive Plan, under the small purchase provisions of the NM Procurement Code, Section 13-1-125, NMSA 1978, as amended.

ITEM 16: ACCEPTANCE OF FY14 EMERGENCY MANAGEMENT GRANT

Upon the recommendation of Emergency Manager Dennis English, Commissioner Padilla moved and Commissioner Ortiz seconded, acceptance of the fiscal year 2014 Emergency Management Performance Grant in the amount of \$74,621.00, to be used toward salary and benefits for the positions of Emergency Manager, NIMS Coordinator and OEM administrative assistant.

[At 4:17 p.m., Chairman Leger returned to the Commission chambers and assumed the gavel, and presided over the remainder of the Commission meeting.]

ITEM 17: APPROVAL OF RESOLUTION NO. 07-09-14-RAP

Upon the recommendation of the County Manager, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of the above-numbered and titled Resolution, again implementing a Risk Awareness Program for SMC employees, as set forth with particularity in said Resolution.

ITEM 18: PERSONNEL ACTIONS FOR JUNE, 2014

Upon a presentation by Human Resources Supervisor Kiki Arellano, and the recommendation of the County Manager, Commissioner Sena moved and Commissioner Ortiz seconded, approval and ratification of personnel actions and changes made in the County for the month of June, 2014.

ITEM 19: APPROVAL OF EMPLOYMENT/DETENTION CENTER

Upon the recommendation of the County Manager and Warden Snedeker, Commissioner Sena moved and Vice Chairman Ortega seconded, the approval of employment of Zachary F. Armijo as a Detention Officer at the SMC Detention Center, effective June 23, 2014, as a probationary employee at a salary of \$20,900.00.

ITEM 20: APPROVAL OF EMPLOYMENT/VETERANS TRANSPORTATION

Upon the recommendation of the County Manager and DWI Coordination Wendy Armijo, Commissioner Padilla moved and Commissioner Sena seconded, approval of employment of Henry E. Herrera, as transit operator for the Veterans' Transportation Services, as a probationary employee, effective July 07, 2014, at an hourly salary of \$12.00.

ITEM 21: APPROVAL OF EMPLOYMENT/ASSESSOR'S OFFICE

Upon the recommendation of the County Manager and County Assessor Elaine Estrada, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of employment of Alicia R. Cummings as a Personal Property Mapping Clerk at the County

Assessor's office, effective July 21, 2014, as a probationary employee with a salary of \$22,800.00.

ITEM 22: APPROVAL OF RESOLUTION NO. 07-09-14-PW/RAILROAD SUPPORT

Upon a presentation by Public Works Supervisor Harold Garcia (and after much discussion and interest by Commissioners), Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of the above-numbered Resolution, expressing support for continuation of the railway line north from Lamy.

ITEM 23: BID AWARD FOR FEMA DISASTER PROJECTS

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Ortiz moved and Vice Chairman Ortega seconded, contract award to Rocky Road Gravel Products, in the amount of \$282,439.07, as the lowest and most responsible bid, for repair of disaster damage to county roads as a result of flooding on September 13, 2013. (Garcia informed the Commission that Rocky Road submitted the lowest bid; that two other bids were submitted, one from Kimo in the amount of \$320,226.13, and the other from Lumar in the amount of \$336,603.90.)

ITEM 24: PUBLIC WORKS DIVISION MONTHLY REPORT FOR JUNE, 2014

At 4:45 p.m., Public Works Division Foreman Rudy Salazar addressed the Commission, noting he had submitted his regular written monthly report to the Commission in advance of the meeting. Salazar then stood for questions from Commissioners, who expressed the following:

Vice Chairman Ortega: That new bear-proof bins are causing issues, that many people do not like the new bins, as they are difficult to maneuver; to which Harold Garcia replied that staff is looking to retrofit the lids, allowing them to be open during the day and closed at night, but that citizens need to adjust to the new method provided by the bins. (Chairman Leger suggested a flyer explaining need for and use of the new bins.)

Commissioner Ortiz: Asked when work will be completed in the Pecos area, to which R. Salazar replied that work is planned very soon, immediately after completing repairs on Magnolia road in east part of the county; and Commissioner Ortiz also asked why crews cannot work 4 days per week, at 10 hours per day, to which R. Salazar and H. Garcia both replied that the concern is that a prolonged work day will burn out both equipment and personnel, that the consensus is that 5 days at 8 hours per day is more feasible.

ITEM 25: APPROVAL OF DWI (CDWI) GRANT APPLICATION

Upon the recommendation of DWI Project Coordinator Wendy Armijo, Commissioner Ortiz moved and Commissioner Sena seconded, approval and ratification of the DWI (CDWI) Grant application for fiscal year 2015, in the amount of \$11,927.00, which will be utilized for the Safe Ride Home transportation service.

**AT 5:02 P.M., HAVING CONCLUDED ITS REGULAR ORDER,
THE COUNTY COMMISSION CONVENED AS THE
COUNTY BOARD OF FINANCE, AS FOLLOWS:**

ITEM 26: APPROVAL OF ACCOUNTS PAYABLE

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the following Accounts Payable, Gonzales certifying by concurrent written instrument that all payments are lawful and proper: Items 2014-11-393 through 2014-11-478, and Items 2014-12-1 through 2014-12-701, for the period between May 25, 2014 and June 30, 2014.

ITEM 27: CASH BALANCE REPORT AS OF JUNE 30, 2014

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of June 30, 2014. (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 **5:07 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 **5:08 p.m.**, Commissioner Sena moved and Vice Chairman Ortega 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 **6:12 p.m.**, Vice Chairman Ortega 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 **6:13 p.m.** Commissioner Sena moved and Vice Chairman Ortega seconded, adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 12th day of August, 2014, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held July 09, 2014.



Nicolas T. Leger, Chairman




Ron R. Ortega, Vice Chairman



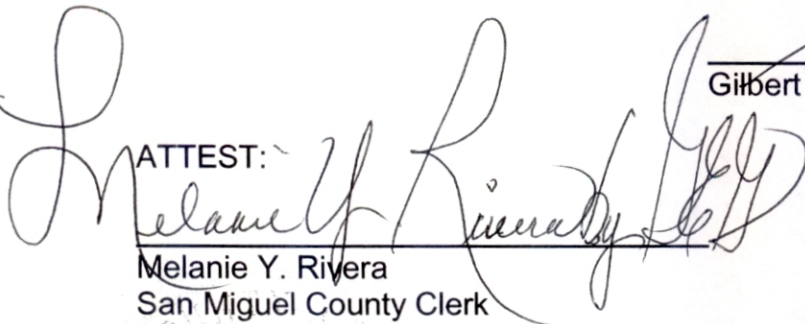
Marcellino A. Ortiz, Member



Arthur J. Padilla, Member



Gilbert J. B. Sena, Member

ATTEST:


Melanie Y. Rivera
San Miguel County Clerk
(SEAL)

