

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

**CALL TO ORDER AND ROLL CALL**

Chairman Nicolas T. Leger called the meeting to order at 1:32 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 Sena, and a second by Vice Chairman Ortega, the Commission approved the minutes of its regular meeting held August 12, 2014; and upon a motion by Vice Chairman Ortega and a second by Commissioner Ortiz, the Commission approved the minutes of its emergency meeting held August 22, 2014. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

**APPROVAL OF AGENDA**

County Manager Les Montoya requested that Items 17, 18 and 19 of the Agenda (relating to contracts for snow removal) be removed from the Agenda, and upon a motion by Commissioner Ortiz and a second by Vice Chairman Ortega, the Agenda was approved, with the deletions recommended by the County Manager. ***[Unless otherwise indicated, the meeting agenda is approved without change or deletion.]***

***(ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED WITHOUT FURTHER INDICATION OF SAID ACTION; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)***

## **PUBLIC INPUT FORUM**

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No person sought recognition for the public input forum.

## **INTRODUCTION OF NEW EMPLOYEE**

The County Manager noted the recent hiring of County employee Lorella Gallegos-Romero (County Clerk's office, temporary), who was present and welcomed by the Commission.

## **PRESENTATIONS**

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### **Northern New Mexico 2-1-1 Program:**

Ms. Kim Ferguson made a presentation concerning the referral services provided by her program, an outreach program concerned with preparedness, and explained that they are based in Los Alamos but become mobile during disasters, and they cover six counties, providing referral services for rent, food, clothing and other assistance during emergencies. She also noted that September is preparedness month.

### **Santa Fe National Forest Revision Plan:**

The following persons, representing the Santa Fe National Forest, addressed the County Commission about the on-going revision of the Land and Resource Management Plan for the Santa Fe National Forest: Jessica Richardson, Collaboration Specialist, Jennifer Cramer, Forest Planner, and Steve Romero, District Ranger for Pecos and Las Vegas. (Their presentation included overhead images presented on the monitors in the Commission Chambers.)

During the above presentation, all Commissioners and the County Manager asked questions and expressed concerns, including matters relating to wilderness boundaries and management, firewood gathering and forest thinning, revival of the lumber industry, ATV activity and recreation, and whether additional public meetings will be held, following which Chairman Leger thanked the presenters.

## **AT 2:08 P.M., THE COMMISSION PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

### **ITEM 1: RESOLUTION 09-09-14-CHILDHOOD CANCER AWARENESS MONTH**

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Chairman Leger summarized the above-titled and numbered Resolution, explaining that September is Childhood Cancer Awareness Month, and upon a motion by Commissioner Sena and a second by Commissioner Padilla, the Resolution was approved.

## **ITEM 2: RESOLUTION 09-09-14-NMAC LEGISLATIVE PRIORITIES**

County Assessor Elaine Estrada, San Miguel County's representative on the Executive Committee of the New Mexico Association of Counties, presented the eight legislative priorities endorsed by the NMAC and contained in the above-entitled and numbered Resolution, and upon a motion by Commissioner Ortiz and a second by Commissioner Sena, the Resolution was duly approved by the County Commission.

## **ITEM 3: EDC PRESENTATION AND REQUEST FOR FUNDING**

County Manager Les Montoya introduced this Item, briefly reviewed recent activities of the Las Vegas/San Miguel Economic Development Corporation (EDC), and informed the County Commission that EDC is being re-organized and wants to continue as an entity under the Local Economic Development Act and the County's local LEDA ordinance.

Montoya then introduced Sharon Vandermeer, Chairman of the EDC Board of Directors and interim Executive Director of EDC, who addressed the Commission, reviewed recent re-organization activities by EDC, and requested continued funding as a LEDA participant, for the primary purpose of developing the Wood Business Park and promoting tourism.

Commissioners posed questions to Vandermeer, and offered their comments on economic development in the area, which included concerns by Vice Chairman Ortega that emphasis should be directed to manufacturing and permanent economic development, rather than tourism alone; Commissioner Padilla's observation that he supports efforts to increase tourism and like the idea of a commercial kitchen, as described by Vandermeer; and Chairman Leger's query as to whether EDC had in fact restructured and is under new direction, and as to EDC's funding sources. (Vandermeer noted that EDC is funded by both San Miguel County and the City of Las Vegas; that its request for funding is pending with the City, and that if the City does not provide funding, EDC will not accept funding from San Miguel County, as it needs both funding sources to be viable.)

Following the dialogue between Commissioners and Vandermeer, the County Manager recommended funding for EDC, in the total amount of \$35,000.00, which will include both in-kind funding (use of building), and fund distribution, to be delineated in a formal funding agreement, which will specify the exact amounts allocated to EDC, and the scope of work which EDC will provide, the term, and all other particulars.

Whereupon, Commissioner Sena moved and Commissioner Padilla seconded, that funding be approved for EDC, as a LEDA entity, in the amount and for the purposes recommended by the County Manager, and the motion carried by unanimous voice vote of the Commission.

Following the foregoing action by the Commission, Chairman Leger directed that a letter be sent to City of Las Vegas officials, informing them of the action taken by the Commission, and urging the City to make a funding award to EDC.

#### **ITEM 4: ROAD PETITION 14-001-GUNNER ROAD (NATIONAL GUARD)**

Beginning at 2:42 p.m., Planning & Zoning Supervisor Alex Tafoya introduced this Item, noting for the Commission that a petition had been submitted by the NM National Guard for abandonment of a portion of Gunner Road in the Camp Luna area, and that road viewers had undertaken a site visit and made their recommendations. Tafoya then summarized the road viewers' recommendations, and also read several letters from residents in opposition to the road abandonment.

Following Tafoya's presentation, Master Sgt. Erin Montoya, representing the NM National Guard, made a presentation, summarizing the reasons for the petition seeking that the road be vacated and that an alternate route be established. Commissioners then posed questions to Montoya, asking what problems are occasioned by the existing road (Commissioner Padilla), what plans are in place to manage the area and whether a traffic count had been undertaken (Vice Chairman Ortega), and whether another alternative is feasible and whether area residents could agree on an alternate route (Commissioner Sena).

Following the discussion between Master Sgt. Montoya and Commissioners, Chairman Leger recognized area residents Gene Gonzales and Art Trujillo, both of whom expressed their opposition to the requested abandonment of the road.

Whereupon, at 3:20 p.m., Commissioner Padilla moved that the matter be tabled pending a traffic count and other necessary information regarding the impact and effect of the requested abandonment. Padilla's motion was seconded by Commissioner Sena, and was duly approved by unanimous voice vote of the Commission.

#### **ITEM 5: RES. 09-09-14-SEPTEMBER PREPAREDNESS AWARENESS MONTH**

Upon a presentation by Emergency Manager Dennis English, Commissioner Padilla moved and Vice Chairman Ortega seconded, approved of the above-titled and numbered Resolution, recognizing September as Preparedness Awareness Month.

*[At 3:25 p.m., before the next Item was taken up by the Commission, Vice Chairman Ortega left the Commission Chambers.]*

#### **ITEM 6: RES. 09-09-14-FAIR HOUSING (CDBG GRANT APPLICATIONS)**

Upon a brief presentation by P&Z Supervisor Tafoya, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the above-entitled and numbered Resolution adopting a fair housing policy as required by HUD for all CDBG

participants/recipients, and the motion carried by unanimous voice vote of the Commission.

**ITEM 7: RES. 09-09-14-RESIDENTIAL ANTI-DISPLACEMENT (CDBG GRANTS)**

Upon a brief presentation by P&Z Supervisor Tafoya, Commissioner Sena moved and Commissioner Padilla seconded, approval of the above-entitled and numbered Resolution adopting a Residential Anti-Displacement and Relocation Assistance Plan and Certification, as required by HUD for all CDBG participants/recipients, and the motion carried by unanimous voice vote of the Commission.

**ITEM 8: RES. 09-09-14-CITIZEN PARTICIPATION PLAN (CDBG GRANTS)**

Upon a brief presentation by P&Z Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-entitled and numbered Resolution adopting a Citizen Participation Plan, as required by HUD for all CDBG participants/recipients, and the motion carried by unanimous voice vote of the Commission.

**ITEM 9: RES. 09-09-14-PROCUREMENT (CDBG GRANT PARTICIPATION)**

Upon a brief presentation by P&Z Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-entitled and numbered Resolution adopting a Procurement Policy, as required by HUD for all CDBG participants/recipients, and the motion carried by unanimous voice vote of the Commission.

**ITEM 10: RES. 09-09-14-CAP-4-15(405) FOR COUNTRY ACRES IMPROVEMENTS**

Upon the recommendation of Public Works Supervisor Harold Garcia, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-entitled and numbered Resolution, memorializing the grant of funds from the NM Department of Transportation for road/drainage improvements at the Country Acres subdivision, in the amount of \$123,177.05 (75%), and a County match of \$41,059.00 (25%).

*[At 3:30, before the next Item was taken up, Vice Chairman Ortega returned to the Commission Chambers.]*

**ITEM 11: RES. 09-09-14-LGRF-CAP-4-15(405) FOR HARDSHIP WAIVER**

Upon the recommendation of Public Works Supervisor Harold Garcia, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of the above-entitled and numbered Resolution, seeking a hardship waiver for the County's match amount which is the subject of the Resolution approved in the preceding Agenda Item (No. 10) re the Country Acres improvements, and the motion carried by unanimous voice vote of the Commission.

**ITEM 12: RES. 09-09-14-SP-4-15(955) FOR IMPROVEMENTS AT TECOLOTITO**

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Sena moved and Commissioner Padilla seconded, approval of the above-entitled and numbered Resolution, memorializing the grant of funds from the NM DOT for road improvements in the Tecolotito area, for grant funds of \$60,609.00 (75%), and a County match of \$20,203.00 (25%), and the motion carried by unanimous voice vote of the Commission.

**ITEM 13: RES. 09-09-14-LGRF-SP-4-15(955) FOR HARDSHIP WAIVER**

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the above-entitled and numbered Resolution, seeking a hardship waiver for the County's match amount which is the subject of the Resolution approved in the preceding Agenda Item (No. 12) re improvements at Tecolotito, and the motion carried by unanimous voice vote of the Commission.

**ITEM 14: RES. 09-09-14-SB-7747(933)15 FOR IMPROVEMENTS AT LA TEWA**

Upon the recommendation of Public Works Supervisor Garcia, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-entitled and numbered Resolution, memorializing the grant of funds from the NM DOT for road improvement at La Tewa, for grant funds of \$68,848.00 (75%) and a County match of \$22,949 (25%), and the motion carried by unanimous voice vote of the Commission.

**ITEM 15: RENEWAL OF CONTRACT WITH SOLEIL WEST ARCHITECTS**

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of second year renewal of contract between SMC and Soleil West Architects for on-call architectural services.

**ITEM 16: AUTHORIZATION OF LEDA FUNDS FOR MARTINEZ & SONS**

Upon the recommendation of Planning & Zoning Supervisor Tafoya Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of LEDA funds (from NM Department of Economic Development) for use by Martinez & Sons Meat Processing, as allowed by the grant authorization from the NM Department of Economic Development, in the amount of \$75,000.00.

**ITEM 17: AGREEMENT WITH ROCKY ROAD FOR SNOW REMOVAL**

*[This Item was removed from the Agenda, per the recommendation of the County Manager, as approved by the County Commission under Approval of Agenda, above.]*

### **ITEM 18: AGREEMENT WITH EXTREME BUILDERS FOR SNOW REMOVAL**

*[This Item was removed from the Agenda, per the recommendation of the County Manager, as approved by the County Commission under Approval of Agenda, above.]*

### **ITEM 19: AGREEMENT WITH HAYS PLUMBING FOR SNOW REMOVAL**

*[This Item was removed from the Agenda, per the recommendation of the County Manager, as approved by the County Commission under Approval of Agenda, above.]*

### **ITEM 20: AGREEMENT FOR INMATE CONFINEMENT/GUADALUPE COUNTY**

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Padilla moved and Commissioner Sena seconded, approval of an inmate confinement agreement between SMC and Guadalupe County, for the latter's housing of prisoners at the SMC Detention Center, at \$80.00 per day per inmate, with a booking fee of \$20.00.

### **ITEM 21: RENEWAL OF AGREEMENT/DETENTION OFFICER UNIFORMS**

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Sena moved and Vice Chairman Ortega seconded, approval of third annual renewal of contract with Neve's Uniforms of Santa Fe, for uniforms for detention officers and employees at the SMC Detention Center.

### **ITEM 22: BID AWARD FOR ROAD CONSTRUCTION PROJECTS**

Public Works Supervisor Harold Garcia informed the Commission that bids were invited for road construction projects for La Liendre, Las Dispensas, Garita/Trujillo, La Tewa and San Pablo; that two bids were received, one from Rocky Road Gravel Products and one from CBKN Dirtworks, Inc.; that the bid from Rocky Road was the lowest bid and is otherwise a responsible bids; and that the County's consulting engineer, Engineers Inc., recommends that the bid award be made to Rocky Road Gravel Products as follows: La Liendre (Bid Lot A-1) in the amount of \$46,197.50; La Tewa (Bid Lots B1,B2,B3 and B4) in the amount of \$159,824.50; Las Dispensas (Bid Lots C1 and C2) in the amount of \$38,128.28; San Pablo (Bid Lots D2 and D3) in the amount of \$37,032.25; and Garita/Trujillo (Bid Lot E1) in the amount of \$37,940.00; for a total bid award of \$319,122.53, plus applicable gross receipts tax.

Whereupon, at 3:44 p.m., Commissioner Sena moved and Commissioner Padilla seconded, that the bid award be made to Rocky Road Gravel Products as the lowest responsible bidder, for the road projects, and in the amounts, recommended above by Public Works Supervisor Harold Garcia, and the motion carried by unanimous voice vote of the County Commission.

### **ITEM 23: PUBLIC WORKS DIVISION REPORT FOR AUGUST, 2014**

Having submitted his written monthly report in advance of the meeting, Public Works Supervisor Rudy Salazar stood for questions from Commissioners, and no questions were asked of Salazar, except that Chairman Leger asked whether the Road Department was back to its normal routine following all the flooding-aftermath road work, to which Salazar indicated that they are still catching up with their work. Chairman Leger then thanked Salazar and the entire crew for their hard work.

#### **ITEM 24: SOLID WASTE UTILITY ACCOUNT SPECIALIST**

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Sena moved and Commissioner Padilla seconded, approval of a new position of Solid Waste Utility Account Specialist, who will be responsible for researching and determining property owners and solid waste billing accounts, to ensure uniformity and effectiveness in solid waste billing.

#### **ITEM 25: OUT-OF-STATE TRAVEL REQUEST/HUMAN RESOURCES SUPERVISOR**

Upon the recommendation of Emergency Manager Dennis English, Commissioner Padilla moved and Commissioner Sena seconded, approval of out-of-state travel for Human Resources Supervisor Kiki Arellano, for attendance at the Emergency Management Institute in Emmitsburg, Maryland from November 1 to 7 2014. (Arellano is the SMC public information officer for emergencies in the County.)

#### **ITEM 26: PERSONNEL ACTIONS/CHANGES FOR AUGUST, 2014**

Upon a presentation by Human Resources Supervisor Kiki Arellano, and the recommendation of the County Manager, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of all personnel actions and changes made in the County during the month of August, 2014.

#### **ITEM 27: APPROVAL OF EMPLOYMENT/PUBLIC WORKS DIVISION**

Upon the recommendation of Public Works Supervisor Garcia and the County Manager, Commissioner Padilla moved and Commissioner Sena seconded, approval of employment of Jonathan Trujillo as Equipment Operator I, effective August 18, 2014, at an hourly salary of \$14.00, as a probationary employee, and Eric Tapia, as Equipment Operator I, effective August 18, 2014 at an hourly salary of \$14.00, as a probationary employee.

#### **ITEM 28: APPROVAL OF EMPLOYMENT/DETENTION CENTER**

Upon the recommendation of Warden Snedeker and the County Manager, Commissioner Padilla moved and Commissioner Sena seconded, approval of employment of the following persons as detention officers at the SMC Detention Center, effective August 18, 2014, at a salary of \$20,900.00, as probationary employees: Janet Baca, Sue Alcon and Wallace Lebrane.



**AT 3:54 P.M., HAVING CONCLUDED ITS REGULAR ORDER,  
THE COUNTY COMMISSION CONVENED AS THE  
COUNTY BOARD OF FINANCE, AS FOLLOWS:**

**ITEM 29: REPORT BY COUNTY TREASURER BERTHA BUSTAMANTE**

County Treasurer Bertha Bustamante made her monthly report to the Commission, and in addition to her regular recapitulation of revenues and disbursements, informed the Commission of the recent public sale of delinquent property, and concerning investments made by the County. As to the latter, Chairman Leger asked the Treasurer to present, at the next meeting, a detailed report to the Commission as to investments held and maintained by the County.

**ITEM 30: BUDGET ADJUSTMENT RESOLUTION 2014-09-09-F1**

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the above-numbered Resolution making the following budget adjustments: (1) Transfer \$60,667 from Fund 996 to Fund 201 to correct designation of funds from crusher fund to road department fund, and (2) Transfer \$18,000 from Fund 996 to Fund 202 to pay for engineering services for Cinder Road Pocket Park.

**ITEM 31: INDIGENT BURIAL PAYMENT TO ROGERS MORTUARY**

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Sena moved and Commissioner Padilla seconded, approval of an indigent payment to Rogers Mortuary in the amount of \$1,200.00, Gonzales certifying that the request qualifies and the payment is lawful.

**ITEM 32: 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 payments are lawful and proper: Items 2015-01-238 through 2015-01-0281, and 2015-02-01 through 2015-02-0255, reporting all payments made from July 25, 2014 through August 25, 2014.

**ITEM 33: CASH BALANCE REPORT AS OF AUGUST 27, 2014**

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of August 27, 2014. (The Item is presented for the Commissioners' information, and formal Commission action is neither sought nor required.)

## **ITEM 34: ACCEPTANCE OF LETTER FROM LOCAL GOVT DIV. RE BUDGET**

As required by Sections 6-6-5 and 6-6-6, NMSA 1978, Finance Supervisor Gonzales presented to the Commission the letter of August 13, 2014, from the Local Government Division, approving the final budget for San Miguel County for fiscal year 2014-2015, subject to the terms, conditions, limitations and requirements contained in said letter, and Chairman Leger noted that the letter will be made part of the record, and its acceptance reflected in the Minutes of the meeting, as required by law.

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

At **4:04 p.m.**, the County Manager recommended that the Commission retire into executive/closed session to consider the following matters: Personnel matters and matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, as permitted by Section 10-15-1(H)(2) and (7) of the Open Meetings Act, NMSA 1978, as amended.

Whereupon, at **4:04 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, 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 **5:09 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 **5:10 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 14th day of October, 2014, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held September 09, 2014.

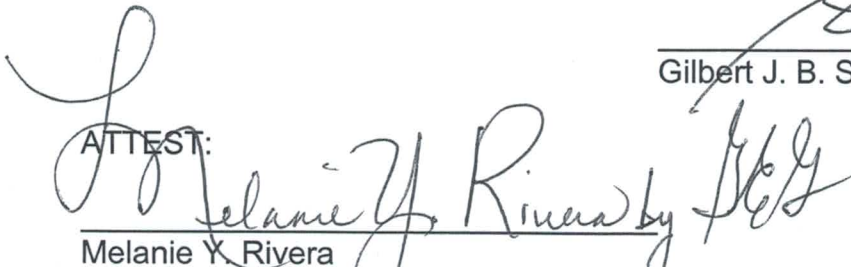
  
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Nicolas T. Leger, Chairman

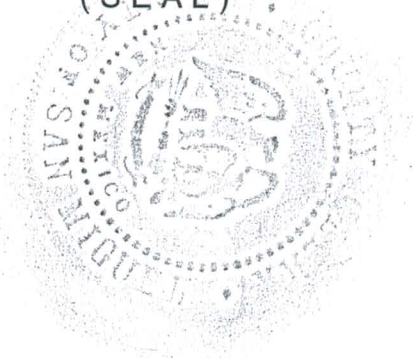
  
Ron R. Ortega, Vice Chairman

  
Marcellino A. Ortiz, Member

  
Arthur J. Padilla, Member

  
Gilbert J. B. Sena, Member

ATTEST:  
  
Melanie Y. Rivera  
San Miguel County Clerk  
(SEAL)



Minutes of Special/Regular/Emergency Monthly Meeting of the Board of County Commissioners of San Miguel County, New Mexico held SEPTEMBER 9<sup>TH</sup> 2014, beginning at 1:30 P.M.

Minutes prepared by:

Mr. Jesus Lopez

County Attorney