

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD WEDNESDAY, NOVEMBER 12, 2014, BEGINNING AT 1:30 P.M.**

CALL TO ORDER AND ROLL CALL

Chairman Nicolas T. Leger called the meeting to order at 1:30 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 AGENDA

Upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the Agenda was approved, without change. **[Unless otherwise indicated, the meeting agenda is approved without change or deletion.]**

APPROVAL OF MINUTES

Upon a motion by Commissioner Sena and a second by Commissioner Padilla, the Commission approved the minutes of its regular monthly meeting held October 14 2014; and upon a motion by Commissioner Ortiz and a second by Commissioner Sena, the Commission approved the minutes of its special meeting/public hearing held November 03, 2014. **[Unless otherwise indicated, minutes are approved without change, correction or revision.]**

(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 1:35 p.m., and the following five persons addressed the Commission, the subject of their comments indicated parenthetically following each name: **Pat Leahan** (that Commission adopt the strictest possible oil and gas ordinance, and continue to strengthen the ordinance), **Brad Turk** (that the final oil and gas ordinance contain the recent recommendations made by Bob Wesseley), **Bob Wesseley** (that the proposed oil and gas ordinance is a good ordinance, that he proof read the final draft and made sundry recommendations for clarification and clarity, which should be included in the ordinance adopted by the Commission), **Leslie Hammel Turk** (provided brief chronology of events and process leading to adoption of oil and gas ordinance, and expressed gratitude to County Commission and staff for hard work and proposing to adopt a good ordinance), and **Arielle Hawney**, who explained the purpose of Protect San Miguel County, named its members and described their hard work concerning the oil and gas ordinance, and thanks the County Commission for its hard work in drafting a good ordinance). *[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 1:50 p.m.

INTRODUCTION OF NEW EMPLOYEES

County Sheriff Benjie Vigil introduced newly-employed deputy Anthony Madrid, who was present and welcomed by the Commission.

PRESENTATIONS

Alta Vista Regional Hospital

In his presentation to the County Commission, R. Chris Wolf, CEO of Alta Vista Regional Hospital, informed the Commission that it was his desire to foster an open and working relationship with the County, and he provided a brief overview of the mission of the Hospital. At the conclusion of his presentation, Chairman Leger thanked Wolf, and noted that health care is a priority for the County Commission, and that health care

costs were especially concerning. Leger also urged Wolf to participate with Think New Mexico, and work to bring all stakeholders together to address health care needs.

San Miguel County Extension Service

County Extension Agent Samantha Ortiz made her regular presentation, and informed the Commission of recent activities in her office, including participation at the NM State Fair, and 4-H activities. Commissioners thanked Ortiz for her presentation, and Commission Padilla said he attended the County Fair and was impressed with both the participation and activities.

AT 2:07 P.M., THE COMMISSION PROCEEDED TO REGULAR ORDER, AS FOLLOWS:

ITEM 1: ADOPTION OF RESOLUTION NO. 11-12-14-CP, AMENDING THE COUNTY'S COMPREHENSIVE PLAN, BY ADOPTING AN OIL AND GAS ELEMENT TO BECOME PART OF THE COMPREHENSIVE PLAN

This Item was introduced by Chairman Leger, who provided a brief overview of the work undertaken by the Commission and staff concerning the proposed Oil and Gas Element Amendment to the County's Comprehensive Plan, and the several public hearings held in regard thereto. Leger noted that by prior action at its last meeting, the Commission proposed final passage of the Oil and Gas Amendment which is before the Commission under the above-entitled and numbered Resolution.

Planning & Zoning Supervisor Alex Tafoya then addressed the Commission, and noted that the final Oil and Gas Element Amendment before the Commission has been updated and revised to address the several concerns raised at the November 3 public hearing, including reference to open pits.

Whereupon, Chairman Leger asked Commissioners if they had any other revisions to the Oil and Gas Element Amendment, and hearing none, at 2:12 p.m., Chairman Leger made a motion for adoption and final passage of Resolution No. 11-12-14-CP, amending the County's Comprehensive Plan by adopting the Oil and Gas Element Amendment which is part of said Resolution, and Leger's motion was duly seconded by Vice Chairman Ortega. Upon a call for the question, the Clerk called the roll of the Commissioners and all five Commissioners voted in the affirmative, and Resolution No. 11-12-14-CP and the Oil and Gas Element Amendment affixed thereto, were adopted by unanimous roll call vote of the Board of County Commissioners, each of whom proceeded to execute Resolution No. 11-12-14-CP and its Oil and Gas Element Amendment, by affixing their individual signatures thereto.

ITEM 2: ADOPTION OF RESOLUTION NO. 11-12-14-O&G, ADOPTING AND ENACTING A COUNTY ORDINANCE REGULATING OIL AND GAS EXPLORATION AND DRILLING IN SAN MIGUEL COUNTY

Planning and Zoning Supervisor Alex Tafoya introduced this Item, briefly explaining to the Commission that the final proposed Oil and Gas Ordinance is submitted to the Commission as part of Resolution No. 11-12-14-O&G, and incorporates all changes recommended by Protect San Miguel County at the November 3 public hearing, as approved by Dr. Robert Freilich, as well as all proof-reading changes and revisions recommended by Bob Wesseley, as also approved by Dr. Robert Freilich.

Chairman Leger then explained that the recommendations made by the organization known as Protect San Miguel County, as noted by Tafoya, were good, and that the Commission had expressed its support of those recommendations at the November 3 public hearing. Leger also explained that the proof-reading and editing revisions recommended by Bob Wesseley were also very helpful and added clarity to the proposed ordinance, and he was pleased that Wesseley's revisions had been incorporated into the ordinance which is presented for final passage today.

Whereupon Chairman Leger asked Commissioners if they had any recommendations for further revision of the proposed Oil and Gas Ordinance, and hearing none, at 2:16 p.m., Leger made a motion to adopt and approve Resolution No. 11-12-14-O&G, adopting and enacting San Miguel County Ordinance No. 11-12-14-O&G, and Leger's motion was duly seconded by Vice Chairman Ortega; and at 2:17 p.m., upon a call of the question and a call of the roll by the Clerk, all five Commissioners voted in the affirmative and in favor of the motion, which was duly passed by unanimous roll call vote of the Board of County Commissioners, each Commissioner proceeding to execute Resolution No. 11-12-14-O&G and San Miguel County Ordinance No. 11-12-14-O&G, by affixing their individual signatures thereto.

Immediately following the Commission's action, the audience in attendance provided a loud and commendatory applause, and Chairman Leger then invited Commissioners to offer their comments on the momentous occasion, and Commissioners proceeded as follows:

Commissioner Gilbert J. B. Sena stated that while the Ordinance is not perfect, it is as nearly perfect as the Commission could make it; that further delay in the process would have been detrimental to the public interest; that the Ordinance protects everyone and allows oil and gas exploration, with caution; and Commissioner Sena concluded his remarks by inviting all interested persons to continue to address other vital issues of the day, including the plight of the homeless, poverty, the drug problem, among others.

Commissioner Arthur J. Padilla noted that everyone involved in the process learned a great deal during the lengthy proceedings and public hearings; that the oil and gas

industry should look at the Ordinance with a positive attitude, and understand that the Commission's main goal was to protect the public health and safety of the citizens of San Miguel County; and Commissioner Padilla concluded his remarks by thanking everyone in attendance, and everyone who participated in the process.

Vice Chairman Ron R. Ortega said it had been "an interesting ride" and that the "process does work." Ortega also stated that with the adoption of the Ordinance, "we are no longer wondering aimlessly" and that the Ordinance "is a growing document that can be changed" as the need arises.

Commissioner Marcellino A. Ortiz said he was pleased that "we've all come together after a long road," and concluded his comments by offering the following remark: "God Bless San Miguel County."

Chairman Nicolas T. Leger stated that the Oil and Gas Ordinance was probably the most significant legislation ever adopted in San Miguel County; that "democracy is a messy process, but it works"; that the Ordinance strikes a balance between those who wanted an outright oil and gas ban, and cautious development, noting that "it is a restrictive ordinance, but it does allow for responsible development." Leger concluded his remarks by thanking everyone for their participation throughout the long process.

County Manager Les Montoya then proceeded to read a letter from Ralph Laumbach and Catherine Kahn, commending the Commission for its hard work and the ultimate Ordinance enacted today. Montoya also thanked everyone for their participation and input, thanked the Commission for setting a milestone, and said staff will continue to be very involved in this matter, because "we are now open for business and we will need to ensure compliance."

At 2:39 p.m., Chairman Leger concluded this Item of the Agenda, by acknowledging and thanking Kim Kirkpatrick, now deceased, who early in the process provided much insight and expertise.

ITEM 3: EMMRD GRANTS FOR CABO LUCERO AND PECOS CANYON FIRE DISTRICTS

Upon the recommendation of Fire Chief Russell Pacheco, Commissioner Padilla moved and Commissioner Sena seconded, approval and ratification of Wildland Equipment grants from the NM Energy, Mineral and Natural Resources Department for the Cabo Lucero Fire Department (\$20,000.00), and for the Pecos Canyon Fire Department (\$19,862.73).

ITEM 4: PETITION 14-002 TO ESTABLISH COUNTY ROAD IN PECOS AREA

Planning & Zoning Supervisor Tafoya introduced this Item, noting that the above-titled and numbered Petition was submitted to the County, seeking to establish a county road in the Pecos River Retreats Subdivision, and asking the Commission to proceed with

the required process by appointing road viewers to make an on-site inspection of the proposed road.

Upon an inquiry from Vice Chairman Ortega, County Attorney Jesus L. Lopez noted that the subject Petition simply triggers the statutory process, and the Commission will later determine whether the Petition will be granted or denied.

Whereupon, Commissioner Sena moved and Commissioner Ortiz seconded, that road viewers be appointed as required by law, and that they make their recommendations to the County Commission concerning the subject Petition to establish a county road, and the motion passed by unanimous voice vote of all Commissioners.

ITEM 5: APPROVAL OF CAPITAL APPROPRIATION 13-L-1753/PECOS FIRE DIST.

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-numbered Capital Appropriation, ratifying and approving the acceptance of an appropriation of \$97,500 for purchase and equipment of a fire truck for the Pecos Canyon Fire District.

ITEM 6: UPDATED 2015 LEGISLATIVE PRIORITIES BY THE NMAC

Upon a presentation by County Assessor Elaine Estrada, who is a member of the Executive Committee of the New Mexico Association of Counties, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of Resolution endorsing revised and updated 2015 Legislative priorities to be advanced the NMAC, including restoration of the sunset clause concerning the new Safety Net law relating to the Indigent Fund.

ITEM 7: CANCELLATION & RESCISSION OF AWARD TO TOUCH POINT PRINTING AND AWARD OF CONTRACT TO SECOND BIDDER, MASTER TOUCH

Upon the recommendation of Chief Deputy County Treasurer Justin Garcia, Commissioner Padilla moved and Commissioner Sena seconded, that the contract award previously made by the Commission to Touch Point Printing for printing and mailing of property tax bills, be rescinded and cancelled, and that the contract award be made to Master Touch, for the reason that the Treasurer determined that Touch Point could not meet the specifications required in the procurement, and Master Touch could timely meet all requirements; and the motion passed by unanimous voice vote of all Commissioners.

ITEM 8: ACCEPTANCE OF DWI GRANT AGREEMENT NO. 15-D-F-G-27

Upon the recommendation of the County Manager, Vice Chairman Ortega moved and Commissioner Sena seconded, approval and acceptance of DWI Grant Agreement No. 15-D-F-G-27, Amendment No. 1, awarding to the County's DWI Program the amount of \$14,279.00 (reversionary funds) to be used for the coordination, planning and evaluation component of the DWI Program, and the motion carried by unanimous voice

vote of all Commissioners. (County Manager Montoya thanked and commended Administrative Assistant Gina Medina for her efforts in securing this Grant.)

ITEM 9: RESOLUTION NO. 11-12-14-LUNG CANCER AWARENESS MONTH

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Sena seconded, approval of the above-titled and numbered Resolution, declaring November as Lung Cancer Awareness Month in San Miguel County. (Chairman Leger noted the importance of public awareness about cancer, and the high mortality rate caused by the disease.)

ITEM 10: BID AWARD TO ALLIANCE SOLUTION GROUP/EMERGENCY MANG.

Upon the recommendation of Emergency Manager Dennis English, Commissioner Ortiz moved and Commissioner Sena seconded, that the contract award for the pipeline rupture exercise to be conducted by the Emergency Management office, be made to Alliance Solution Group in the amount of \$44,116.71, as the most responsible offer, following the procurement process which was undertaken in this matter.

ITEM 11: RESOLUTION 11-12-14-OEM/EMERGENCY MANG. MITIGATION PLAN

[At the inception of this Agenda Item, at 3:05 p.m., Chairman Leger absented himself from the Commission Chambers, and Vice Chairman Ortega assumed the gavel.]

Upon the recommendation of Emergency Manager English, Commissioner Padilla moved and Vice Chairman Ortega seconded, that the above-numbered Resolution be approved, adopting a multi-jurisdictional mitigation plan, and allowing the County to apply for funding for mitigation projects.

ITEM 12: MOA 11-12-14-DWI-LVPD/DWI COUNCIL AND LAS VEGAS POLICE DEPT

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the above-numbered and titled Resolution, by which the DWI Council will provide \$5,330.16 to the Las Vegas City Police Department, for DWI enforcement activities.

ITEM 13: MOA WITH LV CITY SCHOOLS FOR SAPELLO CONVENIENCE CENTER

Upon the recommendation of Public Works Supervisor Harold Garcia, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the Memorandum of Agreement between SMC and the Las Vegas City Schools, for the continued use of the School District property in Sapello for a solid waste convenience center.

ITEM 14: MONTHLY REPORT OF PUBLIC WORKS DIVISION FOR OCTOBER

Beginning at 3:14 p.m., Road Foreman Rudy Salazar and Public Works Division Supervisor Harold Garcia made their monthly report to the Commission, noting that a written report was previously submitted and included in the Commissioners' meeting materials. In addition, Garcia reviewed the clean-air issue at the Assessor's office, and the several road projects being undertaken by the County, as described in the written material submitted by him.

Whereupon, County Commissioners offered the following comments, and asked the following questions:

Commissioner Padilla: Informed the Commission that accompanied by staff, he visited several of the County roads, and that road projects appear to be well underway; and Padilla noted that debris at the bridge crossing at El Llano Road needs to be cleared to avoid backup from any storm runoff.

Commissioner Sena: Asked about the culverts in Tecolotito, and H. Garcia replied that the culverts will be installed the coming year; and Sena also noted that the washboard condition of the road in Chapelle needs to be addressed as soon as possible, that it continues to be of grave concerns to residents in the area.

Chairman Leger: That heavy equipment operators may be wasting base course material by pushing it into bar ditches, and Leger asked about the progress of work for County Road C-23.

Commissioner Ortiz: Expressed his thanks to the Road Department on behalf of the people of the Gonzales Ranch area, who are pleased with the road work recently undertaken there.

Vice Chairman Ortega: Asked about future work at the Country Acres Subdivision, to which the County Manager replied that the project is still being planned and staff will communicate with the owners' attorney about commencing the project. Ortega also asked about lighting in the Camp Luna area and about the status of the crusher operation, and as to the latter Harold Garcia replied that the crusher operation is progressing well.

[At 3:25 p.m., during the Public Works Report, Commission Chairman Leger returned to the Chambers.]

ITEM 15: PERSONNEL ACTIONS/CHANGES FOR OCTOBER, 2014

[Having returned to the Chambers at 3:25, as noted above, Chairman Leger resumed the gavel at the inception of this Item, beginning at 3:34 p.m.]

Human Resources Supervisor Kiki Arellano presented this Item for approval, and a discussion ensued between Chairman Leger and the County Manager, other Commissioners and the County Attorney, concerning the increase in salary requested by the County Assessor for the position of Chief Deputy Assessor.

Whereupon, Chairman Leger moved to approve the October Personnel Actions, on the condition and with the exception, that the salary increase for the Chief Deputy County Assessor be effective and allowed only through December 31, 2014, and the motion carried by unanimous voice vote of all Commissioners.

[At 3:49 p.m., Chairman Leger again left the Commission Chambers, and Vice Chairman Ortega assumed the gavel.]

ITEM 16: APPROVAL OF JOB DESCRIPTION/PUBLIC WORKS DIVISION

Upon the recommendation of County Manager Les Montoya, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the job description for the position of Public Works Planner/Program Administration within the Public Works Division.

ITEM 17: APPROVAL OF ADMIN. REG. RE LEAVE FOR PARENT/TEACHER MTGS

Upon the recommendation of the County Manager, Commissioner Sena moved and Commissioner Padilla seconded, approval and adoption of Administrative Regulation No. 10-12-14-CM-ADMINISTRATIVE LEAVE FOR PARENT/TEACHER CONFERENCES, and the motion carried by unanimous voice vote of all Commissioners, Vice Chairman Ortega noting that he "whole heartedly supports" the Administrative Regulation.

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

ITEM 18: INDIGENT BURIAL PAYMENT TO ROGERS MORTUARY

Upon the recommendation of Finance Supervisor Melinda Gonzales, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of an indigent burial payment to Rogers Mortuary in the amount of \$1,200.00, as authorized by law.

[Having returned to the Commission Chambers at 3:54 p.m., as noted above, Chairman Leger resumed the gavel at 3:55, and presided hereafter.]

ITEM 19: 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 2015-4-1 through 2014-4-382.

ITEM 20: CASH BALANCE REPORT AS OF OCTOBER 30, 2014

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of October 30, 2014. (The Item is presented for the Commissioners' information, and formal Commission action is neither sought nor required.)

ITEM 21: RESOLUTION 2014-11-12-F1/CREATION OF FUND 324

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Padilla moved and Commissioner Sena seconded, approval of the above-numbered Resolution, creating a new fund for a new grant from the Department of Homeland Security for the Emergency Management office, to account for funds under account EMW-2014-SS-0030-S01-SMC.

ITEM 22: BUDGET ADJUSTMENT RESOLUTION 2014-11-12-F2

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Commissioner Sena seconded, approval of the above-numbered Resolution, making the following ten (10) budget adjustments: (1) and (2), to account for the shift in pledged revenues for the Detention Center loan, (3) to transfer \$25,000 from the General Fund/101 to the Solid Waste Fund/998, to account for a new position in the latter, (4) to account for cost in the amount of \$50,000 that exceeded insurance coverage, (5) to account for a \$25,000 grant from the NM Finance Authority for a waste water preliminary engineering report, (6) to account for the money in Fund 314 for the End DWI and 100 Days and Nights grants, (7) to account for the new Homeland Security Grant in the amount of \$68,520.03, (8) to account for the Fire Protection Grant awarded to SMC in the amount of \$94,096.00 for purchase of a brush truck for the Sheridan Fire District, (9) to account for a Fire Protection Grant in the amount of \$100,000.00 for purchase of a special response unit for the Pecos Canyon Fire District, and (10) to account for money in Funds 523 and 527 for EMS funding received for the Conchas and Cabo Lucero Fire Districts.

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

At **4:05 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 **4:06 p.m.**, Commissioner Sena moved and Commissioner Padilla 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 **5:14 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 **5:15 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 09th day of December, 2014, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held November 12, 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 by GGG

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 NOVEMBER 12th, 2014, beginning at 1:30 A.M./P.M.

Minutes prepared by:

Mr. Jesus Lopez

County Attorney