

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, FEBRUARY 10, 2015, BEGINNING AT 2:00 P.M.**

CALL TO ORDER AND ROLL CALL

Chairman Arthur J. Padilla called the meeting to order at 2:00 p.m., at the Commission chambers on the 2nd floor of the San Miguel County Administration Building. 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 Arthur J. Padilla, Vice Chairman Gilbert J. B. Sena, and Commissioners Nicolas T. Leger, Marcellino A. Ortiz and Rock G. Ulibarri.

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 Ulibarri and a second by Vice Chairman Sena, the Agenda was approved, without change, except that Item 1 of the Agenda was moved ahead of Presentations to be made to the Commission, per the recommendation of County Manager Les Montoya (Commissioner Ortiz recommended that at future meetings, an agenda item be included to honor military veterans.) **[Unless otherwise indicated, the meeting agenda is approved without change or deletion.]**

APPROVAL OF MINUTES

Upon a motion by Vice Chairman Sena and a second by Commissioner Ulibarri, the Commission approved the minutes of its regular monthly meeting held January 13, 2015. **[Unless otherwise indicated, minutes are approved without change, correction or revision.]**

(ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED, AND FURTHER INDICATION OF SAID ACTION MAY OR MAY NOT BE INDICATED; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)

PUBLIC INPUT FORUM

The public input forum began at 2:07 p.m., and the following eight persons addressed the Commission, the subject of their comments indicated parenthetically following each name: **Lavinia Fenzi** (thanked Commission for its support of the Las Vegas-San Miguel Chamber of Commerce, and noted the up-coming 90-year anniversary of the Chamber); **Georgina Ortega** (commended work of the Chamber of Commerce and noted her efforts to establish a special postage cancellation for the Chamber's anniversary); **Sarah Moore** (spoke against annexation of land in east San Miguel County into Quay County); **Ralph Laumbach** (spoke against annexation of land in east San Miguel County into Quay County, and concerning duties of Sheriff); **Salvador Higgins** (spoke against fracking); **Miguel Angel** (spoke concerning the Community Development Initiative); **Bill Madison** (listed countries which have banned fracking); **Julia Olague** (spoke against annexation of land in east San Miguel County into Quay County, and in support of environmental quality). *[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 written submissions made by speakers are received and preserved by county staff.]*

The public input forum ended at 2:34 p.m.

INTRODUCTION OF NEW EMPLOYEES

The County Manager introduced new county employees Leslie D. Vigil (Financial Specialist II), who was present, and Lucy Salazar (Convenience Center Operator), who was not present but whose photograph was displayed via the overhead projection screens in the Commission chambers; and both employees were welcomed by the Commission.

ITEM 1: RESOLUTION 02-10-15-IT/SURPLUS EQUIPMENT (COMPUTERS)

[This Item was advanced, ahead of Presentations, by action taken in approving the Agenda, above.]

Agenda Item 1 was presented by Information Technology Supervisor John Tiernan, who informed the Commission that the above-numbered Resolution allows an outright donation of obsolete and excess computers to the Rio Gallinas School of Ecology and the Arts, a Charter School.

Whereupon, Commissioner Ortiz moved and Commissioner Ulibarri seconded, adoption of Resolution No. 02-10-15-IT, and the motion carried by unanimous voice vote of the Commission.

PRESENTATIONS

Recognition of former employee Theresa Gonzales

County Assessor Patricia Gallegos made a presentation of a retirement plaque to former Assessor's office employee Theresa Gonzales, who recently retired but was not present; and Gallegos commended Gonzales for her many years of service to San Miguel County.

Detention Center/Reintegration Center

Warden Patrick W. Snedeker, joined by Dr. Andrew Israel of the Highlands University School of Social Work, made a presentation about the ongoing project to establish a re-integration center at the Detention Center, both noting that the center will address recidivism and treatment.

The Food Depot

Sharon Hooper, Executive Director of The Food Depot, located in Los Alamos, informed the Commission of the work undertaken by The Food Depot to feed hungry and food-insecure people throughout Northern New Mexico.

Drug Court/Fourth Judicial District Court

Jeff Romero, Program Manager of Drug Court for the Fourth Judicial District Court, made his quarterly presentation to the Commission, and reviewed the work undertaken by his Program in both Adult and Juvenile Drug Court.

Emergency Operations

Kurt Parkinson, the NIMS coordinator in the County's office of Emergency Management, made a brief presentation concerning the Emergency Operation Plan, the Multi-Jurisdictional Hazardous Mitigation Plan, and ICS Training recommendations.

**AT 3:18 P.M., THE COMMISSION PROCEEDED
TO REGULAR ORDER, AS FOLLOWS:**

ITEM 1: RESOLUTION 02-10-15-IT/SURPLUS EQUIPMENT (COMPUTERS)

[This Agenda Item was taken-up by the Commission earlier in the meeting, having been advanced on the Agenda.]

ITEM 2: UPDATED 2015 UTILITY ALLOWANCES/SECTION 8 HOUSING PROGRAM

Upon a presentation and recommendation by Betty Valdez (Director of the Bernalillo County Section 8 Housing Program), who administers the SMC Section 8 Housing Program, Commissioner Ulibarri moved and Vice Chairman Sena seconded, approval of updated utility allowances for Section 8 Program participants, for 2015, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 3: UPDATED SECTION 8 HOUSING ADMINISTRATIVE PLAN FOR 2015

Upon a presentation and recommendation by Betty Valdez (Director of the Bernalillo County Section 8 Housing Program), who administers the SMC Section 8 Housing Program, Commissioner Leger moved and Commissioner Ortiz seconded, approval of updated Section 8 Housing Choice Voucher Administrative Plan 2015, inclusive of Chapters 1 to 17, for the San Miguel County Section 8 Regional Housing Authority, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 4: RESOLUTION 02-10-15-NMFA VEHICLES (APPLICATION TO THE NMFA)

Planning & Zoning Supervisor Tafoya presented this Item, informing the Commission that the above-numbered and titled Resolution authorizes application by SMC to the New Mexico Finance Authority for the financing of vehicles and equipment under the Public Project Revolving Fund, for the purchase by SMC of vehicles to replace the County's aging fleet.

Whereupon a discussion ensued by and between Commissioners and staff, Commissioner Leger stating that before application is made, the Commission should be presented with a study and justification for purchase of vehicles. (County Manager Les Montoya noted that the need is real and exists, and purchase of new vehicles will allow the County to avoid costly repairs and maintenance of existing old vehicles.)

At 3:44 p.m., Commissioner Ulibarri moved adoption of Resolution No. 02-10-15-NMFA, and upon a second by Commissioner Ortiz, the motion carried by a voice vote of four to one, with Commissioner Leger voting nay.

ITEM 5: REQUEST FOR PLANNING FUNDS FOR COMMUNITY DEVELOPMENT INITIATIVE

This Item was introduced by Commissioner Ulibarri, who reviewed the merits of the request for planning funds (\$6,600.00) for the Community Development Initiative, and the study and effort which was undertaken in support of the funding request. Commissioner Ulibarri then introduced Michael Brown, who made a presentation to the Commission concerning the funding request. (Bill Henderson, Executive Director of EDC, also spoke in support of the funding request.)

Whereupon a discussion ensued by and between Commissioners and staff concerning the most feasible way to proceed to secure funding for the Community Development Initiative, consistent with the limitations and parameters established by law, including the Local Economic Development Act; and following the discussion, Commissioner Leger moved that the funding request be tabled, and upon a second by Commissioner Ortiz, the motion was adopted by a voice vote of four to one, with Commissioner Ulibarri voting nay.

ITEM 6: ACCEPTANCE OF GRANT AWARD FOR PECOS VOL. FIRE DEPT.

Upon the recommendation of County Fire Chief Russell Pacheco, Commissioner Leger moved and Vice Chairman Sena seconded, acceptance of a grant award in the amount of \$19,863.73 (with a local match of \$1,986.37) from the NM Energy, Minerals and Natural Resources Department, for the Pecos Canyon Fire and Rescue Volunteer Fire Department.

ITEM 7: EMS FUND APPLICATION FOR THREE FIRE DISTRICTS

Upon the recommendation of County Fire Chief Pacheco, Vice Chairman Sena moved and Commissioner Ortiz seconded, approval and ratification of application submitted for funding under the EMS Fund Act (Local Funding Program) for the Cabo Lucero, Conchas and Sapello/Rociada Volunteer Fire Department, for fiscal year 2016, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 8: AUTHORIZATION TO INVITE BIDS FOR EXHAUST SYSTEM (PECOS FD)

Upon the recommendation of County Fire Chief Pacheco, Commissioner Ortiz moved and Commissioner Leger seconded, authorizing staff to invite bids for procurement of an exhaust system for the Pecos Canyon Volunteer Fire Department, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 9: BIDEGAIN (AND OTHERS) ANNEXATION REQUEST INTO QUAY COUNTY

This Item came before the Commission at 4:50 p.m., and Phil H. Bidegain addressed the Commission on his request (and a written request previously submitted for himself

and for Abby Quinn, John C. Mast and Travis Mast), for annexation of their land in east San Miguel County, into Quay County.

Following Bidegain's presentation, a discussion ensued by and between Commissioners and staff, and it was noted that Chairman Padilla and the County Manager has been invited recently to a meeting in Santa Fe with some area legislators, and Mr. Bidegain, concerning a possible attempt, by legislation, to effect the annexation being requested by Mr. Bidegain and others; and the Commission expressed its concern that such legislation would be unconstitutional, and noted by attorney Jesus Lopez.

Whereupon, at 5:20 p.m. Commissioner Ulibarri moved and Commissioner Ortiz seconded, that the annexation request by Phil H. Bidegain, for himself and others, be tabled pending possible intervention by the New Mexico Legislature during its present session, and that all area legislators be advised in writing of the County's position that such legislation would be unconstitutional, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 10: PETITION NO. CR 14-003/DON GALLEGOS CIRCLE

This Item was introduced by Planning & Zoning Supervisor Alex Tafoya, who informed the Commission that a petition was submitted to establish a portion of Don Gallegos Circle (within the Monte Vista Subdivision) as a public county road; that road viewers were previously appointed by the Commission; that a road viewing had taken place as required by law; and that the road viewers recommended that the County not take on the road as a county road, for the reasons submitted in their written reports.

Whereupon, at 5:28 p.m., Chairman Padilla convened a public hearing on the road petition, and the following persons spoke in support of the petition, and each answered questions from one or more Commissioners: Tom Trujillo, Alfred Archibeque, Loyola Archibeque and Glenda Armijo. No person spoke in opposition.

At 5:59 p.m., no other persons seeking recognition on the matter, Chairman Padilla asked the pleasure of the Commission, and Commissioner Leger moved that Petition No. CR 14-003 (to establish the subject road as a public county road) be denied, and upon a seconded by Commissioner Ortiz, the motion carried by unanimous voice vote of all Commissioners.

ITEM 11: CERTIFYING OFFICIAL DESIGNATION FOR CDBG GRANT FUNDS

Upon the recommendation of P&Z Supervisor Tafoya, Vice Chairman Sena moved and Commissioner Ulibarri seconded, that Chairman Padilla be designated and certified by the Commission as the certifying environmental official for Community Block Grant No. 14-C-NR-1-01-G-04 and that Padilla be authorized to sign required documents, inclusive of Exhibit 2-A-1, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 12: APPOINTMENT OF BOARD OF REGISTRATION FOR 2015

Upon the recommendation of County Clerk Geraldine E. Gutierrez, and as required by law, Commissioner Ortiz moved and Commissioner Ulibarri seconded, that the following persons be appointed and designated at the County Board of Registration (to conduct a voter purge) for 2015, and the motion carried by unanimous voice vote of all Commissioners, to wit: Democrats: Michael Sweeney, Rita Sanchez, Rita Alarcon and Priscilla Marquez; and Republicans: Rey Herrera, Susie Tsyitee, Mike Spivey and Dave Hacker.

ITEM 13: MOA BETWEEN DWI COUNCIL AND LAS VEGAS POLICE DEPARTMENT

Upon the recommendation of DWI Coordinator Yolanda Cruz, Commissioner Ulibarri moved and Commissioner Ortiz seconded, approval of Memorandum of Agreement No. 02-10-15-DWI-LVPD, authorizing funds in the amount of \$5,330.16 from the DWI Program to the Las Vegas City Police Department, for DWI enforcement activities.

ITEM 14: REVISION OF SHERIFF'S OFFICE POLICIES AND PROCEDURES

Upon the recommendation of County Sheriff Gary Gold, Commissioner Ulibarri moved and Commissioner Ortiz seconded, approval of revised policies for the Sheriff's Office, to wit, Section 1-2 (Departmental Organization and Authority/General Duties), and Section 1-3 (Hiring Sworn Personnel), and the motion carried by unanimous voice vote of all Commissioners.

ITEM 15: AWARD BID TO EVERBRIDGE FOR NOTIFICATION SYSTEM/EMS

Upon the recommendation of NIMS Coordinator Kurt Parkinson, Commissioner Ortiz moved and Commissioner Ulibarri seconded, that the procurement for professional services for the development of a web-based countywide mass alert notification system be awarded to Everbridge in the amount of \$25,250.00, as the most advantageous and most responsible proposal, as recommended by the Evaluation Committee, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 16: AUTHORIZATION OF INVITATION FOR BIDS/DETENTION CENTER

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Ortiz moved and Commissioner Ulibarri seconded, authorization for staff to issue an invitation for bids for uniforms for officers at the SMC Detention Center, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 17: APPROVAL OF RESOLUTION 02-10-15-PW/COUNTY ROAD LOG

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Ulibarri seconded, approval of the above-titled and numbered Resolution, adopting the County Road Log for 2015, and transmitting same to the NM Department of Transportation.

ITEM 18: AUTHORIZATION OF INVITATION FOR BIDS/ROAD IMPROVEMENTS

Upon the recommendation of the County Manager, Vice Chairman Sena moved and Commissioner Ulibarri seconded, that staff be authorized to invite bids for road improvements within the Big Mesa Subdivision in Conchas, NM, as a result of flooding experienced in 2013 and 2014, and the motion carried by unanimous voice vote of all Commissioners.

ITEM 19: PUBLIC WORKS DIVISION MONTHLY REPORT FOR JANUARY, 2015

County Manager Montoya asked Commissioners if they had any questions or concerns regarding the Public Works Report (submitted in writing prior to the meeting), and Commissioners expressed no questions or concerns. (In addition to the written report, Montoya also noted that people in the Gonzales Ranch area appear very pleased with the road work done recently in that area; and Montoya also advised the Commission that the Assessor's office would return to the old courthouse (administration building) in the next week.)

ITEM 20: REVISED JOB DESCRIPTION/SHERIFF'S DEPUTIES

Upon the recommendation of County Sheriff Gary Gold, Commissioner Ulibarri moved and Commissioner Ortiz seconded, approval of the revised job description for Sheriff's Deputies in San Miguel County, and the motion carried by unanimous voice vote of all Commissioners. (Sheriff Gold also introduced newly appointed Undersheriff Anthony Madrid, who was welcomed by the Commission.)

ITEM 21: APPROVAL OF PERSONNEL ACTIONS FOR JANUARY, 2015

Upon a presentation by Human Resources Supervisor Kiki Arellano, and the recommendation of the County Manager, Vice Chairman Sena moved and Commissioner Ortiz seconded, approval of all personnel actions and changes made in the County during the month of January, 2015, and the motion carried by unanimous voice vote of the Commission.

ITEM 22: APPROVAL OF EMPLOYMENT/DWI PROGRAM (TRANSIT OPERATOR)

Upon the recommendation of the County Manager, Vice Chairman Sena moved and Commissioner Ulibarri seconded, approval of employment of Isiah D. Roybal as Transit

Operator for the DWI Safe Ride Home Program, effective January 3 at an hourly salary of \$12.00, as a part-time, non-classified, probationary employee.

ITEM 23: APPROVAL/RATIFICATION OF EMPLOYMENT (DWI COORDINATOR)

Upon the recommendation of the County Manager, Vice Chairman Sena moved and Commissioner Ulibarri seconded, approval of employment of Yolanda B. Cruz as DWI Coordinator, effective February 02, 2015, at an annual salary of \$45,000.00, as an exempt, at-will employee.

**AT 6:29 P.M., HAVING CONCLUDED ITS REGULAR ORDER,
THE COUNTY COMMISSION CONVENED AS THE
COUNTY BOARD OF FINANCE, AS FOLLOWS:**

ITEM 24: AUDIT REPORT FOR FISCAL YEAR 2013/2014

County Finance Supervisor Melinda Gonzales informed the Commission that the County's audit report for fiscal year 2013/2014 has been received by the State Auditor, and has been released by the State Auditor for public dissemination. As required by law, Melinda presented the Audit Report to the Commission, and noted that the audit is an unmodified opinion. (Gonzales made the presentation for the information of the Commission, and no action was requested from nor taken by the Commission in regard to the Audit Report.)

ITEM 25: INDIGENT BURIAL PAYMENT TO ROMERO FUNERAL HOME

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Leger moved and Vice Chairman Sena seconded, approval of an indigent burial payment in the amount of \$600.00 to Romero Funeral Home, for burial of a SMC resident; Gonzales noting that all eligibility and statutory requirements were met.

ITEM 26: APPROVAL OF ACCOUNTS PAYABLE

Upon the recommendation of Finance Supervisor Gonzales, Commissioner Ortiz moved and Vice Chairman Sena seconded, approval of the following Accounts Payable, Gonzales certifying by concurrent written instrument that all payments are lawful and proper: Items 2015-6-267 through 2015-6-326 and 2015-7-438, reporting all payments from December 23, 2014, through January 23, 2015.

ITEM 27: CASH BALANCE REPORT AS OF JANUARY 23, 2015

Finance Supervisor Gonzales informed the Commission of the County's cash balance as of January 23, 2015. The Item is presented for 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 **6:44 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 **6:45 p.m.**, Vice Chairman Sena moved and Commissioner Ulibarri 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 **8:00 p.m.**, Commissioner Leger moved and Vice Chairman Sena seconded, that the Commission reconvene in public session, and the motion carried; and there being no further business to come before the Commission, and no person seeking recognition by the Commission, at **8:01 p.m.** Vice Chairman 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 March, 2015, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held February 10, 2015.

Arthur J. Padilla, Chairman

Gilbert J. B. Sena, Vice Chairman

Nicolas T. Leger, Commissioner

Marcellino A. Ortiz, Commissioner

Rock G. Ulibarrí, Commissioner

ATTEST:

Geraldine E. Gutierrez
San Miguel County Clerk

(S E A L)