

**MINUTES OF REGULAR MONTHLY MEETING OF  
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS  
HELD TUESDAY, NOVEMBER 8, 2016 BEGINNING AT 2:00 P.M.**

**CALL TO ORDER**

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday November 8, 2016, beginning at 2:00 p.m. The meeting convened at the San Miguel Administration Complex located at 500 West National Avenue, Suite 200, New Mexico 87701.

**ROLL CALL:**

Upon a call of the roll, Chairman Gilbert J.B. Sena present, Vice-Chairman Rock Ulibarri present, Commissioners Arthur J. Padilla present, Marcellino A. Ortiz present, and Nicolas T. Leger present, and a quorum was duly noted.

**PLEDGE OF ALLEGIANCE AND SALUTATION TO NM STATE FLAG**

Commissioners, staff and citizens in attendance joined in the pledge and salute.

**APPROVAL OF AGENDA**

Motion made by Commissioner Rock Ulibarri to approve the agenda. Second by Commissioner Arthur Padilla. Motion carried.

**APPROVAL OF MINUTES**

Motion made by Commissioner Marcellino Ortiz to approve the minutes of the Regular meeting held October 13, 2016. Second by Commissioner Rock Ulibarri. Motion carried.

**PRESENTATIONS**

**PRESENTATION: Heavy Equipment Simulators at San Miguel County Detention Center**

**PRESENTER: Michael Adams, Luna Board of Trustees**

Luna Board of Trustees Member Michael Adams presented to the Commission an Equipment Simulator introduced at the County. Mr. Adams proposed the County consider utilizing this device long-term, as a component to the County Reintegration Facility Detention Center, in hopes of preparing inmates for equipment operator positions.

**INTRODUCTION OF NEW SAN MIGUEL COUNTY EMPLOYEES**

**Eileen Sedillo-** Human Resource Supervisor- San Miguel County Human Resource Division- Exempt Employee

**Leo Maestas-** NIMS Coordinator- San Miguel OEM Division- Exempt Full-Time Employee

## **PUBLIC INPUT FORUM**

Manuel Garcia addressed the Commission of the importance of fulfilling our civic duty.

Geralynn Croun addressed the Commission on the issue of bringing a birthing center back to Alta Vista.

Catherine Kahn addressed the Commission that she would like to be appointed to the steering committee for the Comprehensive Land use plan. Ms. Kahn also stated she is very glad to see the Commissioners are working on updating the County Comprehensive Plan.

## **REGULAR ORDER**

### **1. ORDINANCE AUTHORIZING EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENTS BY AND BETWEEN SAN MIGUEL COUNTY AND THE NEW MEXICO FINANCE AUTHORITY IN THE PRINCIPAL AMOUNT OF \$4,563,985.00 FOR THE PURPOSE OF (1) REFINANCING THE COUNTY'S OUTSTANDING GROSS RECEIPTS TAX REFUNDING AND IMPROVEMENT REVENUE BONDS SERIES 2007 AND (2) IMPROVING THE COUNTY SHERIFF'S OFFICE AND DETENTION CENTER FACILITIES**

County Manager Les Montoya informed the Commission of the discussion of refinancing San Miguel County's existing debt 2007 Bond Series. San Miguel County Finance Advisor Chris Muirhead informed the Commission of the County's refinancing of certain debt to achieve interest cost savings over the life of the debt while including funds to improve and remodel County buildings including the Sheriff's Office and Detention Center. Mr. Muirhead requested the Commission approve the Resolution authorizing the County to submit an application to the New Mexico Finance Authority to refinance existing 2007 Bond Series.

At this time Chairman Gilbert Sena conducted a public hearing. In favor of the Ordinance were Sheriff Gary Gold and Warden Patrick Snedeker. No opposition of the Ordinance at this time.

Motion made by Commissioner Leger to approve the Ordinance authorizing execution and delivery of a loan and intercept agreements. Second by Commissioner Ortiz. Motion carried.

### **2. 2017 LEGISLATIVE FUNDING REQUESTS**

County Manager Les Montoya informed the Commission that the New Mexico Legislative Session will begin toward the middle of January 2017. The County is preparing to identify its 2017 legislative funding priorities so the County can prepare for its funding requests. Mr. Montoya informed the Commission that last year's County request was \$500,000 for road improvements, the County received 160,000. Mr. Montoya informed the Commission the County is in need of \$500,000, on road improvements between \$120,000 to \$130,000 for equipment and \$15,000.00 maintenance of County Fairgrounds and, Mr. Montoya requested the Commission look at the funding request and approve 2017 Legislative Funding Requests.

Motion made by Commissioner Leger to approve the request for 2017 Legislative Funding Requests as presented by Mr. Montoya. Second by Commissioner Padilla. Motion carried.

**3. RESOLUTION NO. 11-8-2016-NMFA- PER, MICRO-BIOLOGICAL TREATMENT FOR THE COUNTY DETENTION CENTER IMPROVEMENTS**

San Miguel County Grant Writer Alex Tafoya informed the Commission that San Miguel County received close out documents from the Finance Authority for County Project 3247-PG, which provided planning funds for a preliminary engineering report for the proposed Micro-biological Treatment Facility. Mr. Tafoya requested the Commission approve and adopt Resolution No. 11-8-2016-NMFA.

Motion made by Commissioner Ulibarri to approve Resolution No. 11-8-2016-NMFA. Second by Commissioner Padilla. Motion carried.

**4. ORDINANCE NO. 1-13-16-SOLAR PROPOSING AMENDMENT TO SOLAR ENERGY FACILITY ORDINANCE**

San Miguel County Planning and Zoning Division Supervisor Ralph Bustos informed the Commission the Current Solar Ordinance does not address Solar Development Fees of Zoning Development Permits. The Resolution which was approved by the San Miguel County Commissioners on October 13, 2016, addressed this matter and was drafted based on the precedent approved by the County Commission with the previous PNM Solar Facility Project. Mr. Bustos requested the Commission conduct a public hearing of the Ordinance.

Chairman Gilbert Sena conducted a public hearing. There was no response for or against the Ordinance.

Motion made by Commissioner Ulibarri to approve Ordinance No. 1-13-16-Solar Proposing Amendment to Solar Facility Ordinance. Second by Commissioner Ortiz. Motion carried.

**5. REQUEST FOR COMMISSIONERS TO APPOINT MEMBERS TO SAN MIGUEL COUNTY COMPREHENSIVE PLAN STEERING COMMITTEE**

San Miguel County Planning and Zoning Division Supervisor Ralph Bustos informed the Commission San Miguel County is beginning a 3-phase project to update the County comprehensive plan. Beginning in late November/early December the County and consultants will conduct a series of six (6) sub-area public visioning meetings. The steering committee along with the County staff and planning consultants will work together to help guide the sub-area meetings, develop information and policy direction on the topics of the plan elements, and conduct general public meetings on the draft plan before developing a draft plan to present to the Board of County Commissioners. Topics of the plan consist of land use, housing, transportation, infrastructure, economic development, water, hazards mitigation and implementation to the City of Las Vegas or Village of Pecos. Mr. Bustos requested the Commission appoint one or two residents to the steering committee who have a general interest in the topics of the plan and can give some guidance in public engagement. Mr. Les Montoya suggested the Commission wait till the new elected Commissioners come in before appointing the residents. Cathy Kahn was appointed by Chairman Sena, other Commissioners chose to allow incoming Commissioners to appoint their residents.

**6. RESOLUTION NO. 11-08-2016-CM A RESOLUTION DECLARING NOVEMBER 17, 2016 WORLD PANCREATIC CANCER DAY IN SAN MIGUEL COUNTY**

San Miguel County Manager Les Montoya informed the Commission of an effort to bring attention and information to San Miguel County regarding Pancreatic Cancer. Mr. Montoya was asked to consider bringing the attached resolution before the Commission. Mr. Montoya requested the Commission review Resolution No. 11-08-2016-CM and consider declaring November 17, 2016 World Pancreatic Cancer Day in San Miguel County.

Motion made by Commissioner Ortiz to approve Resolution No. 11-08-2016-CM. Second by Commissioner Ulibarri. Motion carried.

**7. APPROVAL FROM SAN MIGUEL COUNTY BOARD OF COMMISSIONERS TO SUBMIT THE EMNRD VFA GRANT (VOLUNTEER FIRE ASSISTANCE PROGRAM) APPLICATION FY 2017 FOR ROWE VFD AS WELL AS ANY SAN MIGUEL COUNTY VOLUNTEER FIRE DEPARTMENT THAT MAY SUBMIT**

San Miguel County Fire Chief Mike Montano informed the Commission of the approval to submit the grant application for VFA Grant Program FY 2017 which is due November 18, 2017 for Rowe VFD in the amount of \$21,499.00 with a 10% match of \$2,149.90. Mr. Montano requested permission to submit the VFA Grant Application for Rowe VFD and any Volunteer Fire Department that applies/submits.

Motion made by Commissioner Ulibarri to approve the EMNRD VFA Grant application FY 2017. Second by Commissioner Padilla. Motion carried.

**8. BID AWARD FOR OUTDOOR SEATING AND GATHERING AREA**

San Miguel County Grant Writer Alex Tafoya informed the Commission of bids received by San Miguel County on October 14, 2016 for outdoor seating and gathering area project. Franken Construction was the only qualifying bidder. County on-call Architect Soleil West has reviewed the bid and is recommending award to Franken Construction Company. Mr. Tafoya requested the Commission award the Outdoor Seating and Gathering Area Project to Franken Construction Company for the amount \$54,332.31.

Motion made by Commissioner Ortiz to approve Bid Award to Franken Construction. Second by Commissioner Leger. Motion carried.

**9. AGREEMENT/CONTRACT FOR INMATE CONFINEMENT- HARDING COUNTY, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO**

San Miguel County Warden Patrick Snedeker informed the Commission of the Contract/Agreement by and between Harding County, NM and San Miguel County for the housing and care of Harding County inmates, at the San Miguel County Detention Center. The cost per inmate/day is \$90.00 and there is a \$20.00 booking fee for each Harding County detainee booked into the San Miguel County Detention Center. Mr. Snedeker requested review and approve Agreement/Contract for inmate confinement.

Motion made by Commissioner Padilla to approve Agreement/Contract. Second by Commissioner Ulibarri. Motion carried.

## **10. ADDENDUM TO AGREEMENT WITH LEE GAMELSKY & ASSOCIATES**

San Miguel County Grant Writer Alex Tafoya informed the Commission of the professional service agreement between San Miguel County and Lee Gamelsky & Associates for architectural services as-needed, is for a one year term that may be extended each year not to exceed four years. Mr. Tafoya requested the Commission approve the Addendum to Agreement between San Miguel County and Lee Gamelsky & Associates for a fourth and final year.

Motion made by Commissioner Leger to approve the Addendum to Agreement. Second by Commissioner Padilla. Motion carried.

## **11. RATIFICATION TO AWARD BID FOR CINDER TRAIL MEMORIAL SCHOOL STUDENT DROP OFF #4100940 (FEDERAL PROJECT)**

San Miguel County Public Service Operations Division Supervisor Morris Madrid informed the Commission the San Miguel County Public Services Division advertised bids for the Cinder Trail Memorial School Student Drop Off. Proposals were opened Wednesday August 11, 2016 with Crespin's paving being the only bidder. Mr. Madrid requested the Commission approve the ratification to award bid for Cinder Trail Memorial School Student Drop Off #4100940 to Crespin's paving.

Motion made by Commissioner Ortiz to approve ratification to award bid for Cinder Trail. Second by Commissioner Ulibarri. Motion carried.

## **12. ADDENDUM TO AGREEMENT-SOLEIL WEST ARCHITECTS**

San Miguel County Grant Writer Alex Tafoya informed the Commission of the agreement with Soleil West for architectural services as-need is up for renewal. An addendum to agreement is being presented to the Board of County Commissioners to renew the agreement for architectural services for a fourth and final year. Mr. Tafoya requested the Commission renew the agreement between San Miguel County and Soleil West for a fourth and final year.

Motion made by Commissioner Padilla to renew the agreement. Second by Commissioner Ortiz. Motion carried.

## **13. RESOLUTION NO. 11-08-16-RA01; ADDITION OF DANCING HAWK DR. AND LOS NIDOS LN. NEWLY NAMED PRIVATE ROADS TO THE OFFICIAL E-911 ROAD LIST OF SAN MIGUEL COUNTY, NEW MEXICO**

San Miguel County Interim IT Supervisor Mario Vasquez informed the Commission due to a statement of vacation and the realigning of lots, two roads had to be created. The road names have been determined to be acceptable by San Miguel County Rural Addressing staff per San Miguel Ordinance No.SMC-07-13-99-ORD-2. Mr. Vasquez requested the Commission review and approve Resolution No. 11-08-16-RA01; addition of Dancing Hawk Dr. and Los Nidos LN.

Motion made by Commissioner Padilla to approve Resolution No. 11-08-16-RA01. Second by Commissioner Ulibarri. Motion carried.

**14. PUBLIC SERVICE OPERATIONS DIVISION REPORT FOR THE MONTH OF OCTOBER 2016**

San Miguel County Public Service Operations Division Road Foreman Arnold Lopez informed the Commission the San Miguel County Public Service Division submits a report to County Commission on a monthly basis on any maintenance including blading of County roads and/or special projects with County Roads that are addressed. Mr. Lopez informed the Commission that for the month of October they had 1700 yards of base course, 400 yards of waste and 1750 yards held out and 236 yards of base course applied.

This was for informational purposes only.

**15. REVIEW AND APPROVAL OF CONTRACT NEGOTIATIONS WITH FORSGERN ASSOCIATES, INC.**

San Miguel County Grant Writer Alex Tafoya informed the Commission that on October 13, 2016, County Staff was authorized to negotiate with engineering companies for the cost of professional engineering for road and drainage improvement projects. Forsgern Associates Inc. is one of the engineering companies and engineering costs are being submitted for review and approval. An agreement has been provided by County Manager Les Montoya, Mr. Madrid and Ken Dal for the amount of \$52,170.00 for all property projects. Mr. Madrid informed the Commission that County staff contacted all three firms being, Forsgern Associates, Occam Engineers and Miller Engineering. Mr. Madrid stated that he is looking forward to working with all three firms. Mr. Madrid requested the Commission to review and approve engineering costs submitted by Forsgern Associates for the road and drainage projects assigned to Forsgren.

Motion made by Commissioner Padilla to review and approve contract negotiations with Forsgern Associates. Second by Commissioner Ulibarri motion carried.

**16. REVIEW AND APPROVAL OF CONTRACT NEGOTIATIONS WITH OCCAM ENGINEERS INC.**

San Miguel County Grant Writer Alex Tafoya informed the Commission of the review and approval of contract negotiations with Occam Engineering. Mr. Tafoya this contract would work the same as Forsgern contract. Mr. Madrid also agreed with Mr. Tafoya that these two contracts would work the same with the exception of one portion of Occam contract not being submitted in a timely bases because they had to switch a couple of projects so the two companies are not working on the same project. Mr. Madrid informed the Commission the payments will be paid progressively as the job is done. Mr. Madrid requested the Commission to review and approve the engineering costs submitted by Occam Engineers Inc.

Motion made by Commissioner Padilla to review and approval of contract negotiations with Occam Engineers. Second by Commissioner Ortiz. Motion carried.

**17. REVIEW AND APPROVAL OF CONTRACT NEGOTIATIONS WITH MILLER ENGINEERING**

San Miguel County Grant Writer Alex Tafoya informed the Commission that on October 13, 2016 County staff was authorized to negotiate with engineering companies for the cost of professional engineering services for road and drainage projects. Miller Engineering Consultants is one of the engineering companies and engineering costs are being submitted for review and approval. Mr. Madrid informed the Commission that this contract is the same as the two contracts. Mr. Madrid requested the Commission to review and approve the engineering costs submitted by Miller Engineering for the road and drainage projects.

Motion made by Commissioner Ulibarri to review and approve the contract negotiations with Miller Engineering. Second by Commissioner Padilla. Motion carried.

**18. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF OCTOBER 2016**

San Miguel County Interim Human Resource Division Supervisor Loretta Medina informed the Commission of the Personnel actions of changes which have taken place in San Miguel County for the Month of October 2016 are submitted for ratification and approval by the San Miguel County Board of Commissioners. Ms. Medina requested the Commission approve and ratify the personnel actions or changes that have taken place during the month of October 2016.

Motion made by Commissioner Padilla to approve the Personnel actions or changes for the month of October 2016. Second by Commissioner Ortiz. Motion carried.

**19. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF DETENTION OFFICER AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR**

**PROBATIONARY/FULL TIME EMPLOYEES:**

**DANIEL LANKFORD-DETENTION OFFICER-EFFECTIVE DATE OF HIRE: OCTOBER 24, 2016-  
PROBATIONARY SALARY: \$20,900.00**

San Miguel County Manager Les Montoya informed the Commission of the hiring of the above individual. Mr. Montoya requested the Commission approval and ratification of the hiring of Daniel Lankford.

Motion made by Commissioner Padilla to approve and ratify the hiring of Daniel Lankford. Second by Commissioner Leger. Motion carried.

**20. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE POSITION OF PERSONAL PROPERTY MAPPING CLERK WITH THE SAN MIGUEL COUNTY ASSESSOR'S DEPARTMENT AS PER THE RECOMMENDATION OF PATRICIA GALLEGOS, SAN MIGUEL COUNTY ASSESSOR**

**PROBATIONARY/FULL TIME EMPLOYEE:**

**ORLANDO E. GUTIERREZ-PERSONAL PROPERTY MAPPING CLERK-DATE OF HIRE:  
November 21, 2016-PROBATIONARY SALARY: \$22,800.00.**

San Miguel County Manager Les Montoya informed the Commission of the hiring of the above individual. Mr. Montoya requested the Commission to approve and ratify the hiring of Orlando Gutierrez.

Motion made by Commissioner Padilla to approve to hire Orlando E. Gutierrez to fill the Property Mapping Clerk position at the Assessor's Office. Second by Commissioner Leger. Motion carried.

### **BOARD OF FINANCE MEETING**

#### **21. BANK TRANSFERS FOR THE MONTH OF OCTOBER 2016**

San Miguel County Treasurer Bertha Bustamante was not present at the meeting. Mr. Montoya informed the Commission that the County Treasurer Bertha Bustamante informed him that there were only two transfers done for the month of October 2016, one to section eight and the other for payroll.

#### **22. RESOLUTION 2016-11-8-F1 AUTHORIZING THE CREATION OF FUND 983**

San Miguel County Finance Division Supervisor Melinda Gonzales informed the Commission of Create Fund 983, to be entitled Reserve Tecolote USDA. This fund will account for the Tecolote USDA Reserve requirements. The reserves will need to be held in place until the final payment of the debt which will take place in FY2024/2025. Ms. Gonzales requested the Commission to review and approve Resolution 2016-11-8-F1.

Motion made by Commissioner Padilla to approve Resolution 2016-11-8-F1. Second by Commissioner Ortiz. Motion carried.

#### **23. RESOLUTION 2016-11-8-F2 AUTHORIZING THE CREATION OF FUND 984**

San Miguel County Finance Division Supervisor Melinda Gonzales informed the Commission of Create Fund 984, to be entitled Reserve Cabo Lucero USDA Reserve requirement. The reserves will need to be held in place until the final payment of debt which will take place on FY2028/2029.

Motion made by Commissioner Padilla to approve Resolution 2016-11-8-F2. Second by Commissioner Ortiz. Motion carried.

#### **24. RESOLUTION 2016-11-8-F3 BUDGET ADJUSTMENT**

San Miguel County Finance Division Supervisor Melinda Gonzales informed the Commission of the budget adjustments. Fund 215, originally budgeted a loan of \$3,800.00 but the proceeds ended up being \$3,882,353 so budgeting for the difference plus \$10,000 in interest. Fund 412, reduce expenditures and transfer the portion tied to the debt reserve, Fund 984, Reserve Cabo Lucero. Fund 416, reduce expenditures and transfer the portion tied to the debt reserve, Fund 983, Reserve Tecolote. Ms. Gonzales requested the Commission to review and approve Resolution 2016-11-8-F3.



Motion made by Commissioner Ortiz to review and approve Resolution 2016-11-8-F3. Second by Commissioner Padilla. Motion carried.

## **25. CASH BALANCE REPORT**

San Miguel County Finance Division Supervisor Melinda Gonzales informed the Commission of the unreconciled cash balance as of 10-18-16.

This is for informational purposes only.

## **26. ACCOUNTS PAYABLE REPORT FOR THE PERIOD OF SEPTEMBER 24, 2016 THROUGH OCTOBER 23, 2016 AND THE HOUSING REGISTER FOR THE MONTH SEPTEMBER OF 2016**

San Miguel County Finance Division Supervisor Melinda Gonzales informed the Commission of the present payments made during the period of September 24, 2016 through October 23, 2016.

Motion made by Commissioner Padilla to review and approve accounts payables report for the period of September 24, 2016 through October 23, 2016 and the Housing register for the month of September 2016. Second by Commissioner Ulibarri. Motion carried.

### **Executive/Closed Session**

- A. Attorney-Client Privilege Pertaining to Threatened or Pending Litigation, as permitted by NMSA 1978, Section 10-15-1(H)(7) (as amended) of the Open Meetings Act. More specifically, threatened civil litigation claims against the County and status of pending civil litigation claims.

Roll Call:

Chairman Gilbert J. B. Sena Yes  
Vice-Chairman Rock G. Ulibarri Yes  
Commissioner Marcellino Ortiz Yes  
Commissioner Arthur J. Padilla Yes  
Commissioner Nicolas T. Leger Yes


Motion made by Commissioner Ortiz to go into executive/closed session at 3:55 P.M. Second by Commissioner Leger. Motion carried.

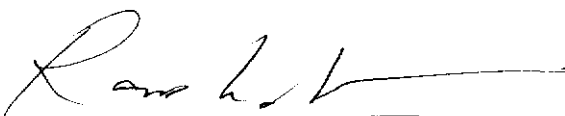
Motion made by Commissioner Padilla to come out of executive session at 4:10 P.M. Second by Commissioner Ulibarri.

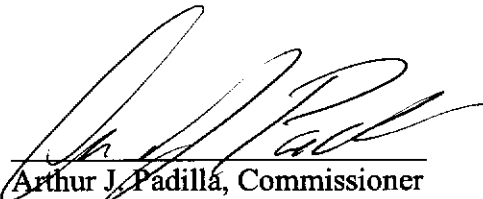
### **ADJOURNMENT**

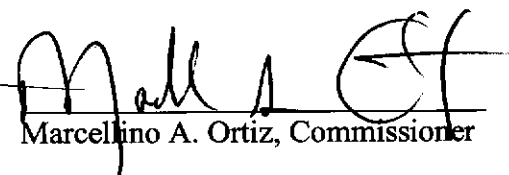
Motion made by Commissioner Ulibarri to adjourn the meeting at 4:11 P.M. Second by Commissioner Padilla. No action taken.

Approved this 13<sup>th</sup> day of December, 2016 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held November 8, 2016.

  
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Gilbert Sena, Chairman

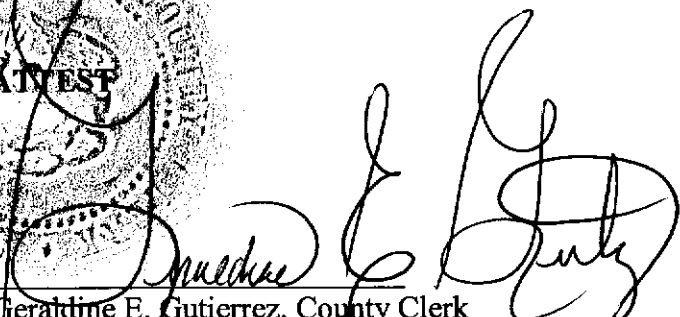
  
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Rock G. Ulibarri, Vice-Chair

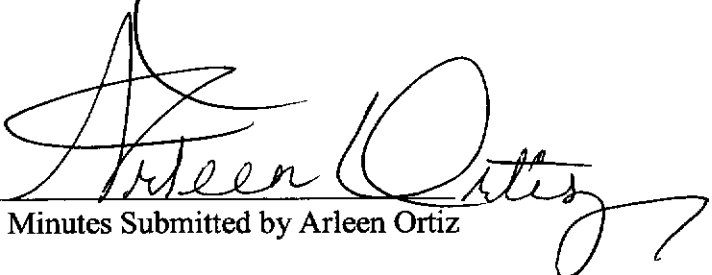
  
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Arthur J. Padilla, Commissioner

  
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Marcellino A. Ortiz, Commissioner

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Nicolas T. Leger, Commissioner



  
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Geraldine E. Gutierrez, County Clerk

  
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Minutes Submitted by Arleen Ortiz