

**MINUTES OF REGULAR MONTHLY MEETING OF
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
HELD TUESDAY, JANUARY 10, 2017 BEGINNING AT 2:00 P.M.**

CALL TO ORDER

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday January 10, 2017, 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 Rock Ulibarri present, Vice-Chairman Arthur J. Padilla present, Commissioner Janice Varela present, Commissioner Maria Martinez present, and Commissioner Chris Najjar 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 Vice-Chairman Padilla to approve the agenda. Second by Commissioner Najjar. Motion carried.

APPROVAL OF MINUTES

Motion made by Vice-Chairman Padilla to approve the minutes of the Regular meeting held December 13, 2016. Second by Commissioner Martinez. Motion carried.

Motion made by Commissioner Najjar to approve the minutes of the Special Meeting held December 28, 2016. Second by Vice-Chairman Arthur Padilla. Motion carried.

PRESENTATIONS

INTRODUCTION OF NEW SAN MIGUEL COUNTY EMPLOYEES:

BARNEY SALAZAR-PROJECT INSPECTOR-SAN MIGUEL COUNTY PUBLIC SERVICE OPERATIONS DIVISION –CASUAL EMPLOYEE (AS NEEDED BASIS)

SAMUEL SALAZAR-SKILLED LABORER-SAN MIGUEL COUNTY PUBLIC SERVICE OPERATIONS DIVISION- PROBATIONARY FULL TIME EMPLOYEE

ANAYELI RIVERA-OFFICE MANAGER- SAN MIGUEL COUNTY SHERIFF'S OFFICE-EXEMPT EMPLOYEE

HARRY ANDERSON-FINANCIAL SPECIALIST III- SAN MIGUEL COUNTY FINANCE DIVISION- TEMPORARY PART TIME EMPLOYEE

San Miguel County Acting Manager Alex Tafoya introduced all elected Officials and Department heads to the incoming Commissioners.

San Miguel County Chairman Rock Ulibarri read a letter of appreciation for Gabriel Griego, from the Head Quarters Department at the Airforce, Airbase Wing 377 from John Fink Emergency Management. Mr. Fink informed the Commission that on January 7, 2017 while traveling through Las Vegas he got his vehicle stuck and Mr. Griego was kind enough to lend a helping hand. It is for this kind genericity that Mr. Griego is recognized at this time.

PUBLIC INPUT FORUM

Manuel Garcia-New Commission study and learn the County Commissioner hand book. Search for County Manager from out of the County. Appoint New County Manager for no more than 2 years.

Emilio Aragon- Addressed issues of the Harvest Festival, waiting on the monies for this contract.

Catherine Kahn- Welcome new Commission, look for new County Manager from out of the County,

Ralph Lambach-Protesting water transfer, questioning the way public hearings are held, and opposing the transferring of the Liquor License in Romeroville.

Salvador Higgins-Religious input.

Miguel Angel- Speaking in reference to item 14 & 15 the importance of water. Stop the transferring of water rights.

Georgina Ortega Angel- Representing the LV Land Grant, also opposing water transfers.

Molly Smollett-Jail issues the beating of a young lady in the jail not only once but twice, also supports the rotation of County Commission chair and the appointing of seeking out of house for new County Manager.

Liova Padilla- Protesting of the water transferring.

Carol Johnson-Protect our water opposing the transferring of water, preserving our Land Grants, and the jail issues.

Cordia Sammeth-Continue with the rotation of Commission Chair, opposing the water transferring, and look for County Manager from outside of the County.

Diane Lindsay- Jail issues, rotation of the Chairman and Vice-Chairman and also the water transferring issue.

Julia Olague- Opposes the water transferring, Jail issues, disapproves Liquor license in Romeroville.

NEW BUINESS

REGULAR ORDER

1. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

San Miguel County Commissioner Rock Ulibarri informed the Commission that according to Section 4-38-10, NMSA 1978, it is required that at the first meeting of each year, County Commission select a Chairman and Vice-Chairman.

Motion made by Commissioner Varela to nominate Commissioner Ulibarri to the seat of Chairman. Second by Commissioner Martinez. Motion carried.

Motion made by Commissioner Ulibarri to nominate Commissioner Padilla to the seat of Vice-Chairman. Second by Commissioner Najjar. Motion carried.

2. ADOPTION OF OPEN MEETING ACT RESOLUTION FOR 2017

San Miguel County Attorney Marc Grano informed the Commission that Section 10-15-1 of the New Mexico Open Meetings Act, NMSA 1978, requires that each year the County Commission adopt a Resolution setting forth the date and time of the Commission Meetings and notice requirements for all meetings. Mr. Grano requested the Commission adopt the Open Meetings Resolution for 2017 as required by law.

Motion made by Chairman Ulibarri to approve the adoption of the Open Meeting Act Resolution for 2017. Second by Commissioner Varela. Motion carried.

3. APPOINTMENT TO CITY/COUNTY EXTRA-TERRITORIAL ZONING AUTHORITY

San Miguel County Planning and Zoning Division Supervisor Ralph Bustos informed the Commission of the City/County Extra-Territorial Zoning Authority consists of five (5) members as provided by the Joint Powers Agreement between the City of Las Vegas and San Miguel County that established extra-territorial Zoning, consisting of two members from the city and three from the County. Mr. Bustos requested the Commission appoint another County Commissioner to serve on the Extra-Territorial Zoning Authority to replace former County Commissioner Nicolas Leger.

Motion made by Chairman Ulibarri to appoint Commissioner Najjar to replace former County Commissioner Leger's seat to the Extra-Territorial Zoning Authority. Second by Vice-Chairman Padilla. Motion carried.

4. REQUEST FOR COMMISSIONERS TO CONSIDER APPOINTING MEMBERS TO THE SAN MIGUEL COUNTY COMPREHENSIVE PLAN STEERING COMMITTEE

San Miguel County Planning and Zoning Division Supervisor Ralph Bustos informed the Commission that San Miguel County is working on updating the County's comprehensive plan. The County and Consultants will conduct a series of public visionary meetings. The steering committee will work with County staff and planning consultants to conduct 4-5 meetings to help guide the subarea 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 in the plan are land use, housing, transportation, infrastructure, economic development, water hazards mitigation and implementation. The project also plans to complete a Pecos Subarea Plan. Commissioner Martinez suggested the Commission hold back on conducting the 4-5 subarea meetings until the steering committee members were appointed. San Miguel County Attorney Marc Grano informed the Commission that if there is no financial impact on this project it would be fine to postpone this project till next month.

5. APPOINTMENTS TO SAN MIGUEL COUNTY PLANNING AND ZONING COMMISSION

San Miguel County Planning and Zoning Supervisor Ralph Bustos informed the Commission the terms of the San Miguel County Planning and Zoning Commission members who represent Commission District two (Janice Varela), Four (Mr. Richard Flores), and Five (Mr. Robert Gutierrez) have expired. It is necessary to either re-appoint one or more members and/or to appoint new members to serve on the Planning and Zoning Commission, to be considered at the February Commission Meeting.

Discussion ensued.

6. APPOINTMENT TO CITY/COUNTY EXTRA-TERRITORIAL ZONING COMMISSION

San Miguel County Planning and Zoning Supervisor Ralph Bustos informed the Commission the current Joint Powers Agreement between the City of Las Vegas and San Miguel County that established extra-territorial zoning provides for an Extra-Territorial Zoning Commission, which consists of five members, two from the Las Vegas City Council, two from San Miguel County, and one member appointed by the majority of the members. The term of Leroy H Garcia, one of the individuals who represent San Miguel County on the Extra-Territorial Zoning Commission has expired. It is necessary to either re-appoint him or to appoint another individual to serve the Commission. The term as per the Joint Powers Agreement is a two year term. Mr. Bustos requested the Commission consider for the February meeting either re-appointing Mr. Garcia as a representative of the County or appoint a new member.

Discussion ensued.

7. APPROVAL OF LIQUOR LICENSE APPLICATION

San Miguel County Planning and Zoning Supervisor Ralph Bustos informed the Commission that Western Refining Retail, LLC DBA Giant #078 has received preliminary approval from NM Regulation and Licensing Department, Alcohol and Gaming Division, for the transfer of ownership of existing NM Dispenser Liquor License No. 0350. The County Commission is now required to provide approval or disapproval of the Liquor License Application. If approved, the transferred license will be located at the Giant station located in Romeroville. Mr. Bustos requested that the Commission conduct a public hearing and accept comments, and (2) take action to approve or deny the Liquor License Application.

San Miguel County Chairman Rock Ulibarri called a public hearing to order at 3:33 PM. First item on the list is the support of the approval for the Liquor License in Romeroville.

Maurice Banal- Representing Agent representing the transfer of the liquor license from the North Dock Marina to the Giant Store in Romeroville. **Diane Rodriguez**-Operations Manager for Western Refining Operations and the Romeroville Giant stated they are responsible management and they have zero tolerance for sale of Liquor or tobacco. **Randy Banrinkly**-Facility Sole Director, worked with the Romeroville Giant Store to make sure that they up hold the law. San Miguel County Commissioner Maria Martinez questioned Western Refining how it was put out to the community that they were proposing to sell liquor at the Giant Store in Romeroville.

Wayne Chew- Lawyer for the Conchas North Dock Marina addressed the matter of the transfer of the Liquor License to the Giant Store in Romeroville. The Public hearing in favor of the approval of the liquor license concluded at 3:56 PM.

San Miguel County Chairman Rock Ulibarri at 3:57 PM requested that all opposing the Liquor License in Romeroville to please step forward.

Catherine Kahn-very much opposes the approval of the liquor license in Romeroville. San Miguel County DWI Coordinator **Yolanda Cruz** presented to the Commission data provided by law in regards to the sales of alcohol. According to statistics San Miguel County is fourth in the state for exceeding the sales of liquor and fifth in the state for the most alcohol related deaths. **Jim Henning**- asked how the sheriff feels about selling liquor in the vicinity of the highway. San Miguel County Sherriff **Gary Gold** stated he was not for or against the liquor license approval in Romeroville but rather is concerned about the bad choices that people make when they purchase liquor. **Ralph Lambach**-strongly opposes the liquor license approval in Romeroville. San Miguel

County Attorney Marc Grano informed the Commission that if they feel as if they do not have information in regards to the Liquor License Application and feel that they need more time to review this, then they can do so.

Motion made by Commissioner Najar to table Item #7, Approval of Liquor License until February's Monthly Meeting. Second by Vice-Chairman Padilla. Motion carried.

8. REQUEST TO RATIFY FY2017 CDWI GRANT APPLICATION

San Miguel County DWI Coordinator Yolanda Cruz informed the Commission the San Miguel County DWI Program was notified of a \$6,800 award of CDWI funds. The Community DWI Grant Fund is administrated by the NM Department of Transportation to support very specific activities. The funds will be used to support the Safe Ride Home service. Ms. Cruz requested the Commission ratify the FY17 CDWI Grant Application.

Motion made by Commissioner Najar to Ratify FY2017 CDWI Grant Application. Second by Commissioner Varela. Motion carried.

9. VEHICLE LEASE AGREEMENT BETWEEN SAN MIGUEL AND OLD WOOD LLC

San Miguel County Grants Writer Alex Tafoya informed the Commission the San Miguel County has been advised by the USDA office in Albuquerque that the County can proceed with the vehicle lease agreement between the County and Old Wood LLC, which provides for the lease of one pickup truck and one trailer. County staff proceeded to finalize the agreement with Old Wood LLC. Mr. Montoya requested the Commission ratify the action taken by County staff in finalizing the vehicle lease agreement.

Motion made by Chairman Ulibarri to ratify the action taken by County staff. Second by Commissioner Najar. Motion carried.

10. SAN MIGUEL COUNTY TITLE VI PLAN

San Miguel County Public Service Division Supervisor Morris Madrid informed the Commission that San Miguel County is required to approve a formal Title VI Plan to provide assurance of compliance with federal laws and regulations relating to Non-Discriminatory practices for relevant federally funded programs and projects. Mr. Madrid requested the Commission approval for title VI Plan.

Motion made by Commissioner Varela to approve the San Miguel County Title VI Plan. Second by Vice-Chairman Padilla. Motion carried.

11. REQUEST FOR SPECIAL MEETING OF THE SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS

San Miguel County Warden Patrick Snedeker informed the Commission the San Miguel County Detention Center is scheduling to accommodate the Board of Commissioners with a walk through/inspection of the County Detention Center. The recommended time and date is 10:00 am on January 24, 2017. This requires the scheduling of a Special Meeting of the San Miguel County Board of Commissioners. Mr. Snedeker requested the Commission consider the invitation and confirm a date to complete the annual inspection of the San Miguel County Detention Center by the Board of Commissioners.

Motion made by Vice-Chairman Padilla to approve the request for special meeting of the San Miguel County Board of County Commissioners. Second by Commissioner Najjar. Motion carried.

12. PUBLIC SERVICE DIVISION REPORT FOR THE MONTH OF DECEMBER 2016

San Miguel County Public Service Operations Division Road Foreman Arnold Lopez informed the Commission of the monthly maintenance of County roads and special projects with County Roads that are being addressed.

Informational Purposes Only.

13. IMUS TRAINING REQUEST FOR MONICA PADILLA, DWI PREVENTION SPECIALIST

San Miguel County DWI Coordinator Yolanda Cruz informed the Commission that Monica Padilla, DWI Specialist is in the process of achieving her Bachelor Degree in Early Childhood Development. Ms. Cruz is requesting the Commission approval for the costs of classes and applicable books be considered for reimbursement from Imus Funds, once Ms. Padilla successfully passes.

Motion made by Vice-Chairman Padilla to approve the Imus Training request for Monica Padilla, DWI Prevention Specialist. Second by Commissioner Varela. Motion carried.

14. RESOLUTION NO. 01-10-2017-ACEQUIAS WHICH SUPPORTS OPPOSITION TO WATER RIGHTS TRANSFERS FROM ACEQUIAS TO RESIDENTIAL OR COMMERCIAL USE.

San Miguel County Planning and Zoning Division Supervisor Ralph Bustos informed the Commission the staff has been advised that an application for a water rights transfer has been submitted to the State Engineer's Office which would divert water from the West Pecos Ditch. It has been suggested that the Board of County Commissioners consider the adoption of a Resolution stating that the transfer of water rights in San Miguel County from traditional uses such as irrigation by the acequias, to residential subdivision or commercial uses, elsewhere in the County or State. Mr. Bustos requested the Commission review and discuss the proposed resolution and take action to either approve or disapprove this resolution.

Motion made by Commissioner Varela to table the Resolution No. 01-10-2017 till next month meeting in February. Second by Commissioner Martinez. Motion carried.

15. REQUEST THAT THE BOARD OF COUNTY COMMISSIONERS DICUSS THE APPROPRIATIONESS OF FILING A PROTEST WITH THE OFFICE OF THE NEW MEXICO STATE ENGINEER REGARDING THE APPLICATION FROM STRICKLING RANCH PARTNERS, LP AND THE HERMAN GALLEGOS REVOCABLE TRUST FOR A PERMIT TO CHANGE POINT OF DIVERSION AND CHANGE OF PLACE OF USE OF SURFACE WATERS OF THE PECOS RIVER

San Miguel County Planning and Zoning Division Supervisor Ralph Bustos informed the Commission the point of diversion of the West Pecos Ditch was clarified in the amended application with the Office of the New Mexico State Engineer which proposes to cease the diversion of 19.99 acre-feet per annum, Consumptive use of 10.00 acre feet, of surface water from the Pecos River by a movable river pump from within 500 foot radius of eight separate locations. Any objection to the approval of the application must be based on (1) impairment; if impairment, objector must specifically identify their water rights; and or (2) Public Welfare/Conservation of

Water; if public welfare or conservation of water within the State of New Mexico, objector must show how the objector will be substantially and specifically affected.

San Miguel County Chairman Rock Ulibarri asked the public at this time if anyone would like to step and speak in regards to the acequia issues.

Ralph Vigil-Chairman of NM Acequia Commissioners Association eleven group member appointed by the Governor requesting the County Commissioners support this protest.

Andres Aragon-Protesting the water transfer strongly urges County Commission to consider protesting this transferring of water rights.

Wes Thompson-requesting help with the legal side asking Commission help with this protest of water rights.

Annette Alvarez- Secretary of the Pecos Water Ditch Association also requesting support from the County Commissioners to protest against the Acequia Water Rights.

Andrea La Cruz Crawford-Attorney representing the Acequias Association, this is the second transfer off of that property loss of cultural practice when the water rights are transferred they still obtain the same water rights, 1,700 water rights seniority better rights over their neighbors. Requesting County gets involved with the State Engineer since they have failed to receive public welfare,

Ralph Lambach-there is no amount of monitoring of the water rights. These men have failed to follow legal issues for running a business. Mr. Lambach strongly urges the County Commissioners to support this protest.

Motion made by Vice-Chairman Padilla to go into executive session. Second by Commissioner Varela. Motion carried.

Roll Call

Chairman- Rock Ulibarri Yes

Vice-Chairman- Arthur Padilla Yes

Commissioner- Maria Martinez Yes

Commissioner- Janice Varela Yes

Commissioner- Chris Najjar Yes

Motion made by Vice-Chairman Padilla to come out of executive session. Second by Commissioner Martinez. Motion carried.

Roll Call

Chairman- Rock Ulibarri Yes

Vice-Chairman- Arthur Padilla Yes

Commissioner- Maria Martinez Yes

Commissioner-Janice Varela Yes

Commissioner- Chris Najjar Yes

Motion made by Commissioner Varela to table the adoption till next month meeting in February. Second by Commissioner Martinez. Motion carried.

16. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF DECEMBER 2016

San Miguel County Human Resource Division Supervisor Eileen Sedillo presented to the Commission the personnel actions or changes which have taken place in San Miguel County for the month of December 2016. These actions or changes are submitted for ratification and approval by the San Miguel County Board of Commissioners. Ms. Sedillo is requesting the Commission approve and ratify the personnel actions or changes that have taken place for the month of December 2016.

Motion made by Commissioner Najar to approve and ratify the personnel actions or changes for the month of December 2016. Second by Vice-Chairman Padilla. Motion carried.

17. 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

San Miguel County Acting Manager Alex Tafoya informed the Commission that interviews were held for the position of Personal Property Mapping Clerk at the Assessor's Office and Ms. Sherry Serna is the best qualified to fill this position. Mr. Tafoya requested the Commission approval to hire Ms. Serna to fill the position of Personal Property Mapping Clerk at the San Miguel County Assessor's Office.

Motion made by Vice-Chairman Padilla to approve the hiring Ms. Serna to fill the position of Personal Property Mapping Clerk. Second by Commissioner Najar. Motion carried.

18. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF THE TRANSIT OPERATOR FOR THE SAN MIGUEL COUNTY SAFE RIDE HOME PROGRAM AND VETERANS' TRANSPORTATION SERVICE

TEMPORARY PART TIME EMPLOYEE

ROBERT R GARCIA- TRANSIT OPERATOR SAFE RIDE HOME PROGRAM AND VETERANS' TRANSPORTATION SERVICE- DATE OF HIRE: JANUARY 17, 2016- HOURLY SALARY: \$12.00

San Miguel County Acting Manager Alex Tafoya informed the Commission that four applications were received and three of the applicants were interviewed. The committee unanimously recommended Mr. Robert Garcia to fill the vacant position of Transit Operator for the Safe Ride Home Program and the Veterans' Transportation Service. The Safe Ride Program operates on Fridays and Saturdays, and the Veterans' Transportation operated on Wednesdays and Thursdays and on call basis. Mr. Tafoya requested the Commission approval to hire Mr. Garcia to fill the vacant position of Transit Operator for the Safe Ride Home Program and Veteran's Transportation Service.

Motion made by Commissioner Martinez to approve the hiring of Mr. Garcia to fill the vacant position of Transit Operator for Safe Ride Home Program and the Veterans' Transportation Service. Second by Vice-Chairman Padilla. Motion carried.

19. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO APPROVE THE HIRING OF THE FOLLOWING INDIVIDUALS AS THE OFFICIAL ABSENTEE EARLY VOTING BOARD FOR THE UPCOMING SCHOOL BOARD ELECTION ON FEBRUARY 7, 2017

CASUAL EMPLOYEES

RITA SANCHEZ-DATE OF HIRE: JANUARY 13, 2017 TO FEBRUARY 2, 2017- HOURLY SALARY: \$10.00

NOYOLA ARCHIBEQUE-DATE OF HIRE: JANUARY 13, 2017 TO FEBRUARY 3, 2017- HOURLY SALARY: \$10.00

TERRY SINGLETARY-ROMERO-DATE OF HIRE: January 13, 2017 to February 3, 2017- HOURLY SALARY: \$10.00

San Miguel County Acting Manager Alex Tafoya informed the Commission the above individuals will be the Official Absentee Voting Board for the upcoming School Board Election on February 7, 2017. The Absentee Early Voting Board will be housed in the San Miguel County Clerk's Office from January 13, 2017 to February 3, 2017. Mr. Tafoya is requesting the approval to hire the above individuals as the Official Absentee Early Voting Board.

Motion made by Commissioner Najar to approve the hiring of the above individuals as the Official Absentee Early Voting Board Workers for the upcoming School Board Election on February 7, 2017. Second by Vice-Chairman Padilla. Motion carried.

20. RECOMMENDATION TO APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT WITH WHITE SANDS DRUG AND ALCOHOL COMPLIANCE FOR YEAR 2017

San Miguel County Human Resource Division Supervisor Eileen Sedillo informed the Commission the White Sands Drug and Alcohol Compliance of Alamogordo New Mexico has been providing the third party administration of the San Miguel County Drug and Alcohol Policy and the mobile site Random Drug and Random Breath Alcohol Testing along with all the San Miguel County Pre-employment Drug Testing. Ms. Sedillo requested the Commission approval of the Independent Contractor Agreement with White Sands Drug and Alcohol Compliance for the year 2017.

Motion made by Commissioner Martinez to approve the Independent Contractor Agreement with White Sands Drug and Alcohol Compliance for the year 2017. Second by Commissioner Najar. Motion carried.

21. BANK TRANSFERS FOR THE MONTH OF DECEMBER 2016

San Miguel County Treasurer Bertha Bustamante informed the Commission of the wire transfers made for the month of December. Ms. Bustamante also informed the Commission that property tax collection were substantially less than last December 2015.

Informational purposes only.

22. RESOLUTION 2017-01-10-F1, AUTHORIZING THE CREATION OF FUND 222

San Miguel County Finance Division Supervisor Melinda Gonzales informed the Commission of the need to create a new fund to budget for Law Enforcement Capital Outlay. Ms. Gonzales requested the Commission review and approval of Resolution 2017-01-10-F1.

Motion made by Commissioner Najar to approve Resolution 2017-01-10-F1, authorizing the creation of Fund 222. Second by Vice-Chairman Padilla. Motion carried.

23. RESOLUTION 2017-1-10-F2 BUDGET ADJUSTMENTS

San Miguel County Finance Division Supervisor Melinda Gonzales informed the Commission the budget adjustments to Funds 704 to account for the refinancing and the new proceeds for the loan that closed in December. Fund 704 has transfers out to Fund 221 and Fund 222 which will be used for the Law Enforcement Building and Detention Center Renovations. Budget adjustment Fund 302 is to account for the decrease in projected grant revenue. Fund 307 adjustment is to account for an expected decrease in revenue and related expenses. Fund 527 adjustment is needed in order to budget the approved Cabo Lucero EMS carryovers. Ms. Gonzales requested the Commission review and approval of Resolution 2017-1-10-F2 Budget Adjustments.

Motion made by Vice-Chairman Padilla to approve Resolution 2017-1-10-F2 Budget Adjustments. Second by Commissioner Varela. Motion carried.

24. CASH BALANCE REPORT

San Miguel County Finance Division Supervisor Melinda Gonzales informed the Commission of the unreconciled cash balance as of 12-21-16.

Informational Purposes only.

25. ACCOUNTS PAYABLE REPORT FOR THE PERIOD OF NOVEMBER 18, 2016 THROUGH DECEMBER 21, 2016 ALSO, THE HOUSING PAYMENT REGISTER FOR THE MONTH OF NOVEMBER 2016

San Miguel County Finance Division Supervisor Melinda Gonzales informed the Commission the accounts payable during November 18, 2016 through December 21, 2016, and also to present the Housing Payment Register. Ms. Gonzales requested the Commission review and approval of the accounts payable.

Motion made by Vice-Chairman Padilla to review and approve the accounts payable report and the Housing Payment Register for the month of November 2016.

26. APPOINTMENT OF INTERIM COUNTY MANAGER

San Miguel County Chairman Rock Ulibarri informed the Commission that they must have a discussion first in regards to the County Manager position before making any immediate decision.

Motion made by Vice-Chairman Padilla to go into Executive/Closed Session at 6:13 pm to discuss personnel matters and the appointing of new County Manager. Second by Commissioner Najar. Motion carried.

Chairman Rock Ulibarri indicated the Commission return to regular session. He also indicated a discussion of the interim County manager ensued however no action was taken. Chairman Ulibarri then opened nominations to be considered for Interim County Manager. Commissioner Arthur Padilla made a motion to make Acting

County Manager Alex Tafoya Interim County Manager and begin the process of hiring a County Manager with a second by Commissioner Janice Varela. Motion passed unanimously. Direction to newly appointed Interim County Manager Alex Tafoya by Chairman Ulibarri was to begin immediately working on a Job Description, qualifications and salary schedule that will be edited and approved by the Board of Commissioners and then posted to begin the process as soon as possible.

County Attorney Marc Grano asked for clarification regarding the salary for the Interim County Manager which was confirmed by Chairman Ulibarri to be \$89,905.00.

A motion to adjourn was made by Commissioner Padilla with a second by Commissioner Najjar. Motion passed.

Executive/Closed Session

- A. Limited Personnel Matters, as permitted by NMSA 1978, Section 10-15-1(H) (2) (as amended) of the Open Meetings Act. More specifically, Personnel Matters regarding specific County Employees.**
- B. 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 and potential civil litigation claims against the County.**
- C. Bargaining Strategy Preliminary to Collective Bargaining Negotiations, as permitted by NMSA 1978, Section 10-15-1(H)(5) (as amended) of the Open Meetings Act. More specifically, on-going strategy regarding future discussions with current union in existence.**

Roll Call:

Chairman Rock G. Ulibarri Yes

Vice-Chairman Arthur J Padilla Yes

Commissioner Janice C Varela Yes

Commissioner Maria L Martinez Yes

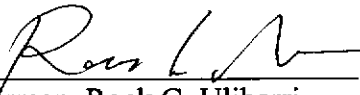
Commissioner Chris A Najjar Yes

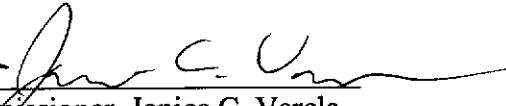
Motion made by Vice-Chairman Padilla to come out of executive session at 7:00 PM. Second by Commissioner Varela. Motion carried.

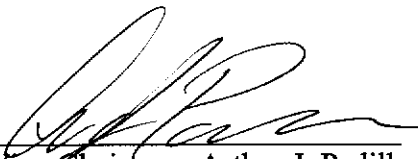
ADJOURNMENT

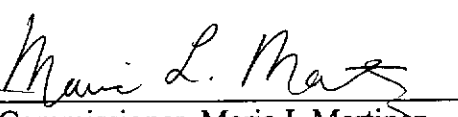
Motion made by Vice-Chairman Padilla to adjourn the meeting at 7:28 PM. Second by Commissioner Najjar. Motion carried.

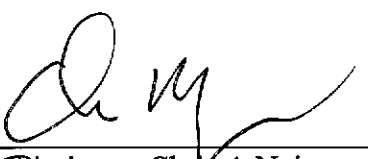
Approved this 13th day of February, 2017 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held January 10, 2017.


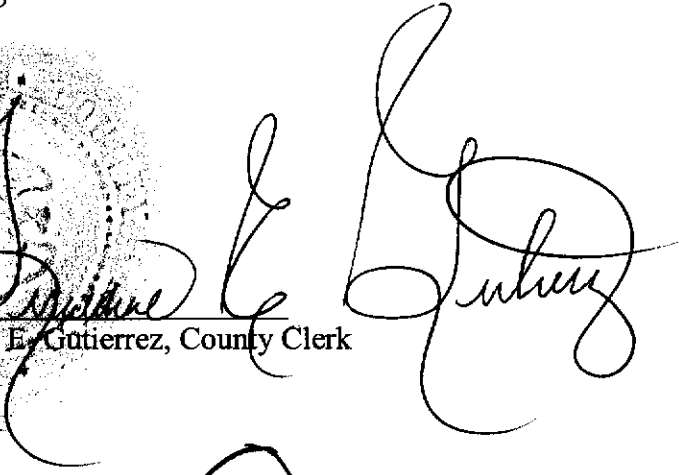

Chairman, Rock G. Ulibarri
District 1

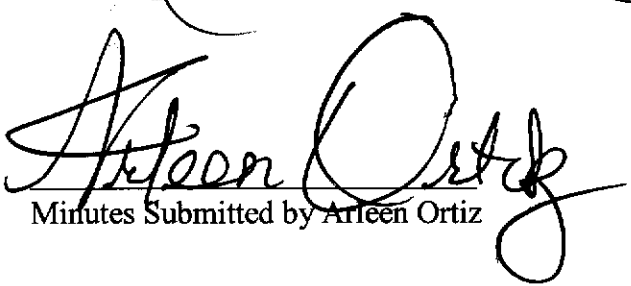

Commissioner, Janice C. Varela,
District 2


Vice Chairman, Arthur J. Padilla
District 3


Commissioner, Maria L. Martinez
District 4


Commissioner, Chris A. Najjar
District 5


ATTEST

Gefaldine E. Gutierrez, County Clerk


Minutes Submitted by Arleen Ortiz



Board of County Commissioners

Gilbert J. B. Sena
Chairman - District 4

Rock G. Ulibarri
Vice Chair - District 1

Marcellino Ortiz
Commissioner - District 2

Arthur J. Padilla
Commissioner - District 3

Nicolas T. Leger
Commissioner - District 5

Les W. J. Montoya
County Manager

PUBLIC NOTICE DISSEMINATED FOR TODAY'S MEETING

The San Miguel County Board of Commissioners will hold a regular monthly meeting on Tuesday, January 10, 2017, beginning at 2:00 p.m., at the San Miguel County Administration Complex located at 500 West National Avenue, Suite 200, New Mexico 87701. During the meeting, a Board of Finance Meeting will take place. Any person requiring special assistance or service to attend or participate at the meeting should call the County Manager's office at 1.505.425.9333.

Published: Las Vegas Optic: January 1, 2017

Disseminated to Radio Stations KFUN, KLVF, KNMX and KBLQ: January 3, 2017

Posted on the SMC Website at www.smcounty.net: January 3, 2017

At least 72 hours in advance of the meeting, the following agenda for today's meeting was posted and available for public inspection on the San Miguel County Website at www.smcounty.net, and also available in hard copy at the office of the San Miguel County Manager, Suite 201 of the location noted above.



AGENDA

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SALUTATION TO THE NEW MEXICO STATE FLAG:

"I salute the flag of the State of New Mexico and the Zia Symbol of perfect friendship among United Cultures."

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Regular meeting held on December 13, 2016
Meeting Minutes

Special meeting held on December 28, 2016
Meeting Minutes

PRESENTATIONS

INTRODUCTION OF NEW SAN MIGUEL COUNTY EMPLOYEES:

BARNEY SALAZAR – PROJECT INSPECTOR – SAN MIGUEL COUNTY PUBLIC SERVICE OPERATIONS DIVISION – CASUAL EMPLOYEE (AS NEEDED BASIS)

SAMUEL SALAZAR – SKILLED LABORER – SAN MIGUEL COUNTY PUBLIC SERVICE OPERATIONS DIVISION – PROBATIONARY FULL TIME EMPLOYEE

ANAYELI RIVERA – OFFICE MANAGER – SAN MIGUEL COUNTY SHERIFF'S OFFICE – EXEMPT EMPLOYEE

HARRY ANDERSON – FINANCIAL SPECIALIST III – SAN MIGUEL COUNTY FINANCE DIVISION – TEMPORARY PART TIME EMPLOYEE

PUBLIC INPUT FORUM

NEW BUSINESS

REGULAR ORDER

1. ELECTION OF CHAIRMAN AND VICE CHAIRMAN OF THE SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

BACKGROUND INFORMATION: Section 4-38-10, NMSA 1978, requires that at its first meeting of each year, the County Commission select a Chairman and Vice Chairman.

ACTION REQUESTED OF COMMISSION: Select a Chairman and Vice Chairman for 2017

STAFF RECOMMENDATION: Same as above.

PRESENTER: Alex Tafoya, Acting SMC Manager

2. ADOPTION OF OPEN MEETINGS ACT RESOLUTION FOR 2017

Resolution

BACKGROUND INFORMATION: Section 10-15-1 of the New Mexico Open Meetings Act, NMSA 1978, requires that each year the County Commission adopt a Resolution setting forth the date and time of the Commission Meetings and notice requirements for all meetings.

ACTION REQUESTED OF COMMISSION: Adopt Open Meetings Resolution for 2017 as required by law.

STAFF RECOMMENDATION: Same as above.

PRESENTER: Marc Grano, SMC Attorney

3. APPOINTMENT TO CITY/COUNTY EXTRA-TERRITORIAL ZONING AUTHORITY

Memo

BACKGROUND INFORMATION: The City/County Extra-Territorial Zoning Authority consists of five (5) members as provided by the Joint Powers Agreement between the City of Las Vegas and San Miguel County that established extra-territorial zoning. It is necessary to appoint a County Commissioner to serve on the Extra-Territorial Zoning Authority to replace former County commissioner Nicolas T. Leger.

ACTION REQUESTED OF COMMISSION: Appoint a County Commissioner to serve on the Extra-Territorial Zoning Authority.

STAFF RECOMMENDATION: Appoint a County Commissioner to serve on the Extra-Territorial Zoning Authority.

PRESENTER: Ralph E. Bustos, SMC Planning and Zoning Division Supervisor

4. REQUEST FOR COMMISSIONERS TO CONSIDER APPOINTING MEMBERS TO THE SAN MIGUEL COUNTY COMPREHENSIVE PLAN STEERING COMMITTEE.

Memo

BACKGROUND INFORMATION: San Miguel County is working on updating the County's comprehensive plan. The County and consultants will conduct a series of public visionary meetings. The steering committee will work with County staff and planning consultants to conduct 4-5 meetings to help guide the subarea 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 in the plan are land use, housing, transportation, infrastructure, economic development, water, hazards mitigation and implementation. The project also plans to complete a Pecos Subarea Plan.

ACTION REQUESTED OF COMMISSION: Each Commissioner is asked to select and appoint one member to the steering committee at the February meeting who has a general interest in the topics of the plan and can provide some guidance in public engagement.

STAFF RECOMMENDATION: To appoint members to the steering committee at the February meeting.

PRESENTER: Ralph Bustos, SMC Planning and Zoning Division Supervisor

5. APPOINTMENTS TO SAN MIGUEL COUNTY PLANNING AND ZONING COMMISSION

Memo

BACKGROUND INFORMATION: The terms of the San Miguel County Planning and Zoning Commission members who represent Commission Districts Two (Ms. Janice Varela), Four (Mr. Richard Rivera) and Five (Mr. Robert Gutierrez) have expired. It is necessary to either re-appoint one or more members and/or to appoint new members to serve on the Planning and Zoning Commission.

ACTION REQUESTED OF COMMISSION: To consider, for the February meeting, the re-appointment of one or more members and/or the appointment of new members to serve on the Planning and Zoning Commission to represent County Commission Districts Two (2), Four (4) and Five (5).

STAFF RECOMMENDATION: At the February Commission meeting, re-appoint one or more members and/or appoint new members to serve on the Planning and Zoning Commission. These are Board of County Commission appointments.

PRESENTER: Ralph Bustos, SMC Planning and Zoning Division Supervisor

6. APPOINTMENT TO CITY/COUNTY EXTRA-TERRITORIAL ZONING COMMISSION

Memo

BACKGROUND INFORMATION: The current Joint Powers Agreement between the City of Las Vegas and San Miguel County that established extra-territorial zoning provides for an Extra-Territorial Zoning Commission. The term of LeRoy H. Garcia, one of the individuals who represent San Miguel County on the Extra-Territorial Zoning Commission has expired. It is necessary to either re-appoint him or to appoint another individual to serve on this Commission. The term as per the Joint Powers Agreement is a two (2) year term.

ACTION REQUESTED OF COMMISSION: Consider, for the February meeting, either re-appointing Mr. Garcia as a representative of the County or appointing a new member. The term should be for two (2) years.

STAFF RECOMMENDATION: At the February Commission meeting, either re-appointing the current member or appointing a new member. This is a Board of County Commission appointment.

PRESENTER: Ralph Bustos, SMC Planning and Zoning Division Supervisor

7. APPROVAL OF LIQUOR LICENSE APPLICATION

Memo

BACKGROUND INFORMATION: Western Refining Retail, LLC dba Giant #078 has received preliminary approval from the NM Regulation and Licensing Department, Alcohol and Gaming Division, for the transfer of ownership of existing NM Dispenser Liquor License No. 0350. The County Commission is now required to provide approval or disapproval of the Liquor License Application. If approved, the transferred license will be located at the Giant station located in Romeroville.

ACTION REQUESTED OF COMMISSION: To (1) conduct a public hearing and accept comment; and (2) take action to approve or deny the Liquor License Application.

STAFF RECOMMENDATION: Conduct a public hearing and take action to approve or deny the Liquor License Application.

PRESENTER: Ralph Bustos, SMC Planning and Zoning Division Supervisor

8. REQUEST TO RATIFY FY2017 CDWI GRANT APPLICATION

Grant Application

BACKGROUND INFORMATION: The San Miguel County DWI Program was notified of a \$6,800 award of CDWI funds. Funding comes from a \$75 fee imposed on convicted drunk drivers. The Community DWI Grant Fund is administered by the NM Department of Transportation to support very specific activities. The San Miguel County DWI Program has traditionally used this funding to support the SAFE RIDE HOME service, which provided over 1,000 rides home between June 2015 to July 2016. The DWI Planning Council has prioritized this activity to be funded by CDWI in an online survey we sent out. In order to submit the application before the December 2, 2016 deadline, County Manager Les W. J. Montoya signed the document on behalf of the County.

ACTION REQUESTED OF COMMISSION: Ratify the FY17 CDWI Grant Application

STAFF RECOMMENDATION: Ratify the FY17 CDWI Grant Application

PRESENTER: Yolanda Cruz, SMC DWI Coordinator

9. VEHICLE LEASE AGREEMENT BETWEEN SAN MIGUEL COUNTY AND OLD WOOD LLC

Memo

Lease

BACKGROUND INFORMATION: San Miguel County has been advised by the USDA office in Albuquerque, that the County can proceed with the vehicle lease agreement between the County and Old Wood LLC, which provides for the lease of one (1) pickup truck and one (1) trailer. County staff proceeded to finalize the agreement with Old Wood LLC.

ACTION REQUESTED OF COMMISSION: Ratify the action taken by County staff in finalizing the vehicle lease agreement.

STAFF RECOMMENDATION: Ratify the action taken by County staff.

PRESENTER: Alex Tafoya, SMC Grants Writer

10. SAN MIGUEL COUNTY TITLE VI PLAN

Title VI Plan

BACKGROUND INFORMATION: San Miguel County is required to approve a formal Title VI Plan to provide assurance of compliance with federal laws and regulations relating to Non-Discriminatory practices for relevant federally funded programs and projects.

ACTION REQUESTED OF COMMISSION: Approval by Commission

STAFF RECOMMENDATION: Approval by Commission

PRESENTER: Morris Madrid, SMC Public Service Division Supervisor

11. REQUEST FOR SPECIAL MEETING OF THE SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS

Section 33-3-4

BACKGROUND INFORMATION: The San Miguel County Detention Center is scheduling to accommodate the Board of Commissioners with a walkthrough/inspection of the County Detention Center. The recommended time and date is 10:00 a.m. on January 24, 2017. This requires the scheduling of a Special Meeting of the San Miguel County Board of Commissioners.

ACTION REQUESTED OF COMMISSION: Consider the invitation and confirm a date to complete the annual inspection of the San Miguel County Detention Center by the Board of Commissioners.

STAFF RECOMMENDATION: Approval

PRESENTER: Patrick Snedeker, SMC Warden

12. PUBLIC SERVICE DIVISION REPORT FOR THE MONTH OF DECEMBER 2016

Monthly Report

Crusher Report

Financial Report

BACKGROUND INFORMATION: 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.

ACTION REQUESTED OF COMMISSION: For Information Purposes Only

STAFF RECOMMENDATION: For Information Purposes Only

PRESENTER: Arnold Lopez, SMC Public Service Operations Division Road Foreman

13. IMUS TRAINING REQUEST FOR MONICA PADILLA, DWI PREVENTION SPECIALIST

Memo

Class Schedule

BACKGROUND INFORMATION: Monica Padilla, DWI Prevention Specialist is completing a Bachelor Degree in Early Childhood Development. Yolanda Cruz, DWI Coordinator is requesting that the costs of classes and applicable books be considered for reimbursement from the Imus Fund, once Ms. Padilla successfully passes.

ACTION REQUESTED OF COMMISSION: Consider request to approve Imus Fund reimbursement for Monica Padilla, DWI Prevention Specialist for Spring 2017.

STAFF RECOMMENDATION: Approve Imus Fund reimbursement for Monica Padilla, DWI Prevention Specialist for Spring 2017.

PRESENTER: Yolanda Cruz, SMC DWI Coordinator

14. RESOLUTION NO. 01-10-2017-ACEQUIAS WHICH SUPPORTS OPPOSITION TO WATER RIGHTS TRANSFERS FROM ACEQUIAS TO RESIDENTIAL OR COMMERCIAL USE

Memo

Resolution

BACKGROUND INFORMATION: Staff has been advised that an application for a water rights transfer has been submitted to the State Engineer's Office which would divert water from the West Pecos Ditch. It has been suggested that the Board of County Commissioners consider the adoption of a Resolution stating that the transfer of water rights in San Miguel County from traditional uses such as irrigation by the acequias, to residential subdivision or commercial uses elsewhere in the county or state will generally not promote the public welfare of the state because of the adverse effects on the acequia and communities involved.

ACTION REQUESTED OF COMMISSION: Approval to hire Robert Garcia to fill the vacant position of Transit Operator for the Safe Ride Home Program and Veterans' Transportation Service.

STAFF RECOMMENDATION: Approval to hire Robert Garcia to fill the vacant position of Transit Operator for the Safe Ride Home Program and Veterans' Transportation Service.

PRESENTER: Alex Tafoya, Acting SMC Manager

19. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO APPROVE THE HIRING OF THE FOLLOWING INDIVIDUALS AS THE OFFICIAL ABSENTEE EARLY VOTING BOARD FOR THE UPCOMING SCHOOL BOARD ELECTION ON FEBRUARY 7, 2017

CASUAL EMPLOYEES

RITA SANCHEZ – DATE OF HIRE: JANUARY 13, 2017 TO FEBRUARY 3, 2017 – HOURLY SALARY: \$10.00

NOYOLA ARCHBEQUE – DATE OF HIRE: JANUARY 13, 2017 TO FEBRUARY 3, 2017 – HOURLY SALARY: \$10.00

TERRY SINGLETARY-ROMERO – DATE OF HIRE: JANUARY 13, 2017 TO FEBRUARY 3, 2017 – HOURLY SALARY: \$10.00

Documentation

BACKGROUND INFORMATION: The above individuals will be the official Absentee Voting Board for the upcoming School Board Election on February 7, 2017. The Absentee Early Voting Board will be housed in the San Miguel County Clerk's Office from January 13, 2017 to February 3, 2017.

ACTION REQUESTED OF COMMISSION: Approval to hire the above individuals as the official Absentee Early Voting Board Workers for the upcoming School Board Election on February 7, 2017.

STAFF RECOMMENDATION: Approval to hire the above individuals as the official Absentee Early Voting Board Workers for the upcoming School Board Election on February 7, 2017.

PRESENTER: Alex Tafoya, Acting SMC Manager

20. RECOMMENDATION TO APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT WITH WHITE SANDS DRUG AND ALCOHOL COMPLIANCE FOR YEAR 2017

Backup

BACKGROUND INFORMATION: The Independent Contractor Agreement with the White Sands Drug and Alcohol Compliance is being submitted for renewal. The White Sands Drug and Alcohol Compliance of Alamogordo New Mexico has been providing the third party administration of the San Miguel County Drug and Alcohol Policy and the mobile site Random Drug and Random Breath Alcohol Testing along with all the San Miguel County Pre-employment Drug Testing.

ACTION REQUESTED OF COMMISSION: Approval of the Independent Contractor Agreement with White Sands Drug and Alcohol Compliance for the year 2017.

STAFF RECOMMENDATION: Approval of the Independent Contractor Agreement with White Sands Drug and Alcohol Compliance for the year 2017.

PRESENTER: Eileen Sedillo, SMC Human Resource Division Supervisor

BOARD OF FINANCE MEETING

21. BANK TRANSFERS FOR THE MONTH OF DECEMBER 2016

BACKGROUND INFORMATION: Regulation No. ADM-R-08-09-2015-CM Governing Wire Transfers

ACTION REQUESTED OF COMMISSION: Information only.

STAFF RECOMMENDATION: None

PRESENTER: Bertha Bustamante, SMC Treasurer

22. RESOLUTION 2017-01-10-F1, AUTHORIZING THE CREATION OF FUND 222

Resolution

BACKGROUND INFORMATION: There is a need to create a new fund to budget for Law Enforcement Capital Outlay.

ACTION REQUESTED OF COMMISSION: Review and approval

STAFF RECOMMENDATION: Review and approval

PRESENTER: Melinda Gonzales, SMC Finance Division Supervisor

23. RESOLUTION 2017-1-10-F2 BUDGET ADJUSTMENTS

Resolution

Adjustments

BACKGROUND INFORMATION: Budget adjustment to Funds 704 to account for the refinancing and the new proceeds for the loan that closed in December. In addition, Fund 704 has transfers out to Fund 221 and Fund 222 which will be used for the Law Enforcement Building and Detention Center Renovations.

Budget adjustment to Fund 302 to account for the decrease in projected grant revenue, an increase in transfers in and a decrease in cost.

Budget adjustment to Fund 307 to account for an expected decrease in revenue and related expenses.

An adjustment to Fund 527 is needed in order to budget the approved Cabo Lucero EMS carryovers.

ACTION REQUESTED OF COMMISSION: Review and approval

STAFF RECOMMENDATION: Review and approval

PRESENTER: Melinda Gonzales, SMC Finance Division Supervisor

24. CASH BALANCE REPORT

Report

BACKGROUND INFORMATION: To inform the Commissioners of the unreconciled cash balance as of 12-21-16.

ACTION REQUESTED OF COMMISSION: Informational purposes only.

STAFF RECOMMENDATION: Informational purposes only.

PRESENTER: Melinda Gonzales, SMC Finance Division Supervisor

25. ACCOUNTS PAYABLE REPORT FOR THE PERIOD OF NOVEMBER 18, 2016 THROUGH DECEMBER 21, 2016. ALSO, THE HOUSING PAYMENT REGISTER FOR THE MONTH OF NOVEMBER 2016

Report

HAP Register

BACKGROUND INFORMATION: Present payments made during the period of November 18, 2016 through December 21, 2016 and to present the Housing Payment Register for the month of November 2016 as processed by Bernalillo County on behalf of San Miguel County.

ACTION REQUESTED OF COMMISSION: Review and approve.

STAFF RECOMMENDATION: Review and approve.

PRESENTER: Melinda Gonzales, SMC Finance Division Supervisor

26. APPOINTMENT OF INTERIM COUNTY MANAGER

BACKGROUND INFORMATION: Due to the recent resignation of County Manager, Les W. J. Montoya, Staff is asking the Commission to consider going in house to appoint an interim County Manager. Once this has been done, give County Staff the authority to begin the search for a new county manager.

ACTION REQUESTED OF COMMISSION: Appoint an interim County Manager and authorize staff to begin the search for a new County Manager

STAFF RECOMMENDATION: Same as above.

PRESENTER: Marc Grano, SMC Attorney

Executive/Closed Session

- A. Limited Personnel Matters, as permitted by NMSA 1978, Section 10-15-1(H)(2) (as amended) of the Open Meetings Act. More specifically, Personnel Matters regarding specific county employees.
- B. 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 and potential civil litigation claims against the County.
- C. Bargaining Strategy Preliminary to Collective Bargaining Negotiations, as permitted by NMSA 1978, Section 10-15-1(H)(5) (as amended) of the Open Meetings Act. More specifically, on-going strategy regarding future discussions with current union in existence.

ADJOURNMENT

