

**MINUTES OF REGULAR MONTHLY MEETING OF
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
HELD TUESDAY, MAY 12, 2015, BEGINNING AT 2:00 P.M.**

CALL TO ORDER

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday, May 12, 2015, beginning at 2:00 p.m. The meeting convened at the County Commission Chambers, San Miguel County Courthouse, 2nd floor, 500 West National Ave., Suite 200, Las Vegas, New Mexico 87701.

ROLL CALL:

Upon a call of the roll, Chairman Arthur J. Padilla, Vice-Chairman Gilbert J.B. Sena, and Commissioners Rock G. Ulibarri, Marcellino A. Ortiz, and Nicolas T. Ieger were 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

County Manager Les Montoya advises the Commission to approve agenda as is. Motion made by Commissioner Ortiz to approve agenda as is. Second by Commissioner Sena. Motion carried.

APPROVAL OF MINUTES

Motion made by Commissioner Sena to approve the minutes of the regular monthly meeting held April 14, 2015. Commissioner Ieger advised he abstains from motion due to his absence for this meeting. Second by Commissioner Ulibarri. Motion carried.

Motion made by Commissioner Ulibarri to approve the minutes of the special meeting held April 29, 2015. Second by Commissioner Sena. Motion carried.

Motion made by Commissioner Ortiz to approve the minutes of the special meeting held on May 05, 2015. Second by Commissioner Ulibarri. Motion carried.

PUBLIC INPUT FORUM

The public input forum began at 2:06 p.m., and the following persons addressed the Commission, the subject of their comments indicated parenthetically following each name: **Lee Einer** (requested to hire local attorney); **Catherine Cann** (expressed her opinions on local attorney); **Georgina Ortega** (local attorney); **Bill Madison** (spoke on fracking); **Ray Sedillo**

(wants illegal junk yard in Bernal removed); **Ralph Laumbach** (wants local attorney); **Cordia Sammath** (wants local attorney); **Veronica Karla Martinez** (expressed her concerns on trash in Montezuma area); **Georgina Ortega** (expressed gratitude to Commissioners for clean-up); **Molly Smollett** (wants local attorney); **Salvador Higgins** (ban fracking); **Sara Moore** (spoke on bringing energy); **Carol Ende** (concerns on bad roads at Mineral Hill); **Z. Pinsley** (concerns on bad roads and wants local attorney); **Bernadette Fernandez** (concerns on global heating crisis the world is facing and requested for annexation for Biddegan)

The public input forum ended at 2:55 p.m.

INTRODUCTION OF NEW SAN MIGUEL COUNTY EMPLOYEES

Sheriff Gary Gold introduced the new county employees Andrea Herrera-Gabaldon (Office Manager), Jerade Nix (Deputy Sheriff), County Manager Les Montoya introduced Joe Lopez (Convenience Center Operator) most were present and welcomed by the Commission.

PRESENTATION

San Miguel County Vice-Chairman Gilbert J.B. Sena recognized San Miguel County Veteran, his brother, Larry Sena.

REGULAR ORDER

1. APPROVAL AND AWARD OF THE 2015 EL VALLE DE SAN MIGUEL FLYING DIAMOND SCHOLARSHIP RECIPIENTS FOR THE 2015 FALL SEMESTER AND THE 2016 SPRING SEMESTER

SMC Human Resource Supervisor Kiki Arellano advised the Commission the El Valle De San Miguel Flying Diamond Scholarship was announced on March 18, 2015 with a deadline of April 17, 2015. Ten applications were received. The Scholarship Committee met on Wednesday, April 22, 2015 and recommended that six applicants receive the scholarship for the 2015 Fall Semester and 2016 Spring Semester. Among the applicants are:

Richard Montoya
Charles J. Torrez, III
Faith Gonzales
Francesca A. Gonzales
Andres A. Gallegos
Helenea Grace Gonzales

Richard Montoya was present to receive his scholarship.

2. ANNEXATION REQUEST BY PHIL BIDEGAIN AND OTHERS

Planning and Zoning Supervisor Alex Tafoya advised the Commission at the Commission meeting on February 10, 2015, the Board of County Commissioners tabled a second request submitted by Phil H. Bidegain, Sam Arnett, Abby Quinn, John C. Mast and Travis Mast III, for annexation of land owned by them into Quay County. Previous to this second annexation request on August 12, 2014, the Board of County Commission denied Mr. Bidegains' annexation request.

Mr. Bidegan was present and advised the Commission distance was closer to Quay County vs. San Miguel County, and they have no voting capabilities in San Miguel County.

Commissioner Leger asks Mr. Bidegan if anything has changed since the last two meetings. Mr. Leger advised the Commission to adopt the questions and answers from two prior meetings to reflect on this item. Mr. Leger stated that the request did not fit within the parameters of this statute.

Discussion ensued with Chair Arthur Padilla and Mr. Bidegain, Chair Padilla advised to table the matter until legal representation is available.

Motion made by Commissioner Ulibarri to table this matter until legal representation is available. Second by Commissioner Sena. Motion carried.

3. LAS VEGAS FIRST/SAN MIGUEL COUNTY CHAMBER OF COMMERCE AND INDUSTRY ECONOMIC-BUSINESS DEVELOPMENT PROJECTS/DELIVERABLES PROPOSAL

CCI Executive Director Lavinia Fenzi advised the Commission she is seeking specific project funding for the 2015-2016 fiscal year. Ms. Fenzi presented information regarding the use of the requested funding. Ms. Fenzi advised the County of opportunities she is looking into implementing and is requesting a letter of support for grant opportunities and fundings.

Commissioner Ulibarri showed gratitude to Ms. Fenzi and advised he supports letter of support; all other Commissioners agreed. Motion made by Commissioner Ulibarri to approve Letter of Support. Second by Commissioner Ortiz. Motion carried.

Commissioner Ulibarri requested the Commission to direct the County Manager to identify available funding sources for Ms. Fenzi. Mr. Montoya advised the Commission funding was identified and will be discussed at special budget hearing.

4. REQUEST ACCEPTANCE OF THE EMW-2013-EP-00079-S01-SAN MIGUEL COUNTY EMPG 50/50 GRANT FROM THE NEW MEXICO DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$131,515.00

SMC Emergency Manager Dennis English advised the Commission the OEM office received permission from the San Miguel County to ratify the application of the 50/50 grant through the

New Mexico Department of Homeland Security on April 14, 2015 in the amount of \$131,515.00. This grant application was approved and OEM now wants the County Commission to allow OEM to accept the grant.

Motion made by Commissioner Ulibarri to approve the Grant. Second by Commissioner Ortiz. Motion carried.

5. RESOLUTION NO. 05-12-2015-PECOS WILDERNESS---DESIGNATION PROPOSAL

Planning and Zoning Division Supervisor Alex Tafoya advised the Commission San Miguel County has received a request from local wildlife organization representatives to consider adopting a resolution which endorses wilderness designation of inventoried road less areas adjacent to the Pecos Wilderness.

Max Trujillo presented information on the importance of defending public land system. According to New Mexico Game and Fish, San Miguel County is second only to Bernalillo County in spending for fishing. Public land has been a Partisan issue.

John Olivas advised the Commission of the areas that are road less areas. Mr. Olivas received letters of support from the public. The campaign is attempting to protect the water shed.

Chair Arthur Padilla opens public input at 4:23 p.m.

Public in favor of the Resolution were as follows:

Collin Holloway
Carole Johnson
Alma Castro
Joe White
Carol Johnson
Betty Quick- spoke on fracking
Margaret Villanueva
Georgia Ortega
Bernadette Fernandez

County Manager Les Montoya received e-mails and phone calls from Wallace Schultz, Harry Anderson and Mita Livinster in support of Resolution.

Public in opposition were as follows:

Sigmund Silver
Ralph Vigil
Joseph Padilla
Leo Oprah
Gabe Estrada
Andres Aragon

William Gonzales
Phil Bidegan
Valerie Huerta
Tommy Ortiz

County Manager Les Montoya advised he has a letter from the New Mexico Acequia Commission addressed to Mr. John Olivas, dated December 14, 2011, stating the Commission respects the work of Wilderness Alliance and shares the same goals, Commission has serious concerns proposed Wilderness area, and will create problems for obtaining permits.

Subsequent letter dated May 10th in opposition of the Resolution.

Discussion ensued.

Commissioner Sena advised to coordinate with the New Mexico Acequia Commission and learn together.

Commissioner Leger advised he supports the Resolution. Requested the Forest Service be available to explain and answer questions. Mr. Olivas advised the Forest Service would not be available to attend.

Commission Ulibarri advised he would like to see more wilderness areas protected, and listen to the public input; therefore, would like to table the matter.

Motion made by Commissioner Ulibarri to table the matter. Second by Commissioner Ortiz.
Motion carried.

6. AWARD OF CONSTRUCTION-CAPITAL IMPROVEMENT PROJECTS-12 BED ADULT REINTEGRATION CENTER; PHYSICAL PLANT/MAINTENANCE WORKSHOP BUILDING; FIRE SPRINKLER PROJECT/INMATE CELL(S)

Warden Snedeker and AIA, Soleil West Kevin Balciar advised Commission the bid process has been completed, specific to three (3) capital improvement projects, at the San Miguel County Detention Center. (12 bed adult Reintegration Center; Physical Plant/Maintenance Workshop Building; Fire Sprinkler Project/Inmate Cell(s). A recommendation for award is made; specific to construction and completion of the projects.

Mr. Snedeker requested to award bid for 12 bed adult bed reintegration and the fire sprinkler. The 3rd bid was submitted late, therefore, deemed inappropriate, so Mr. Snedeker is requesting to reject the maintenance workshop.

Motion made by Commissioner Ortiz to approve. Second by Commissioner Sena. Motion carried.

7. RESOLUTION NO. 05-12-15-LEDA---INTERGALACTICA

Planning and Zoning Division Supervisor Alex Tafoya advised the Commission that Intergalactica LLC., a local economic development project and recipient of LEDA funds will no longer complete its project or perform pursuant to its project participation agreement with San Miguel County. Termination of the project must be done by ordinance.

Mr. Tafoya is requesting the Commissioner to adopt Resolution No. 05-12-15-LED, which provides for the adoption of proposed Ordinance No. 06-09-15-INTERGALACTICA.

Commissioner Leger advised Mr. Tafoya that the letter stated that Wade Jackson requested refund because, "Intergalactica business climate in San Miguel County and staff make it impossible to conduct business".

Mr. Tafoya advised that Intergalactica was to provide a set of restrictive covenants of property, review electrical and mechanical plans, and to verify if use of Ansel system was required.

Mr. Montoya advised the Commission advised Intergalacatica had issues with requirements of Grant agreement and issues with electrical. Funds will be rejected by the County.

Motion made by Commissioner Leger to adopt Resolution No. 05-12-15-LED. Second by Commissioner Sena. Motion carried.

8. AWARD OF BIDS FOR FEMA DISASTER PROJECT DR-4199-SAN RAFAEL PROJECT

Emergency Manager Dennis English advised the Commission San Miguel County experienced a distaster on September 15, 2014 through September 30, 2014 wherein severe damage was caused to County road C-56-A (San Rafael). The damages were submitted through the Office of Emergency Management as a Federal Emergency Management Assistance (FEMA) Disaster project. The declaration was approved. Since then, an assessment of the damages has taken place by FEMA representatives with an outline of the damages identified to County Road C-56-A (San Rafael). Bids were opened on Wednesday, April 22, 2015. The lowest most qualified bidder(s) submitted a total cost (including gross receipts tax) of \$295,586.35.

Commissioner Leger does not recall conducting business with the company and inquires about the company being used. Mr. Montoya answered that he spoke to two engineers and they gave a positive recommendation and advised the company will do a good job.

Motion made by Commissioner Leger to approve. Second by Commissioner Ulibarri. Motion carried.

9. PROPOSAL TO SUPPORT TIGER VII DISCRETIONARY GRANT APPLICATION

County Manager Les Montoya advised the Commission La Junta, Colorado is proposing to submit an application for FY 2015 Federal National Infrastructure Investments (TIGER VII) Discretionary Grants Program for funding a railroad infrastructure project, replacement of railroad ties along a section of line in New Mexico. Mr. Montoya advised Colorado is requesting funding of approximately \$3,500.00 contribution from each City and County throughout New Mexico, Colorado, and Kansas to defer the cost to apply for TIGER Grant funds to assist in maintenance. The match is also requested \$12,500.00, if the grant is approved.

Mr. Montoya recommended should this grant be approved, the Commission should approve contingent upon New Mexico Department of Transportation provide a \$1 million contribution to the grant application.

Commissioner Leger stated that should this grant be approved, a letter to the Governor should be generated to advise her that the Commission approved the grant and the Commission expects her to advise the Department of Transportation to “kick in” \$1 million.

Motion made by Commissioner Sena to approve Memorandum of Agreement. Second by Commissioner Ulibarri. Motion carried.

10. ROAD CONDITIONS IN MINERAL HILL---CR A18A

Concerned citizens Ron Mahafe and Justin Seguras advised the Commission there has been no maintenance in this area of road for a while now. The first mile of road from Highway 283 is a concern during rainy or snowy weather. The hill becomes very dangerous during rainy or snowy conditions as well.

Mr. Mahafe advised that the first mile of A18A is horrendous and dangerous, and continued to describe the road.

Commissioner Padilla calls on Public Works Supervisor Arnold Lopez and Mr. Lopez advised he will assess the road. Mr. Montoya stated that Commission approved a gross receipts tax funds have been approved to assist on the roads. Revenue Bond should be generated to work on roads.

11. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF APRIL 2015

Public Works Supervisor Arnold Lopez submits a report to the County Commission on a monthly basis on any maintenance including blading of County Roads and/or special projects with County roads that are addressed.

12. SAN MIGUEL COUNTY EXTENSION OFFICE QUARTERLY UPDATE

Cooperative Extension agent Samantha Ortiz advised the Commission of all activities and opportunities she has been working on. Ms. Ortiz submits a quarterly report to the Commission.

13. AWARD OF CONTRACT FOR LEGAL SERVICES FOR SAN MIGUEL COUNTY

County Manager Les Montoya advised the Commission that recently, the County advertised a request for proposals for legal services for San Miguel County. Five (5) Legal Firms responded. Written proposals were reviewed and evaluated after interviews with each of the firms who submitted. Firms scoring the highest were shortlisted on May 5, 2015. Negotiations occurred and a recommendation to award the request for proposal for Legal Services to Stetson Law Firm is submitted.

Mr. Montoya advised the Commission of the summary of the chronology of events that took place regarding the process. Based on the ratings, scoring, reasonable fee structure, and work arrangements, Mr. Montoya requested the hiring of Stetson Law Firm.

Motion made by Commissioner Leger to approve the hiring of Stetson Law Firm. Second by Commissioner Ortiz. Commissioner Ulibarri advised he abstained from the motion. Motion carried.

14 PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF APRIL 2015

Human Resource Division Supervisor Kiki Arellano advised the Commission Personnel actions or changes which have taken place in San Miguel County for the month of April 2015. Motion made by Commissioner Sena to ratify the Personnel Actions. Second by Commissioner Ortiz. Motion carried.

BOARD OF FINANCE MEETING

15. RESOLUTION 2015-05-12-F1 AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND INTERCEPT AGREEMENT BETWEEN SAN MIGUEL COUNTY AND THE NEW MEXICO FINANCE AUTHORITY IN THE PRINCIPAL AMOUNT OF \$835,855, FOR THE PURPOSE OF FINANCING THE COST OF ACQUIRING TRANSPORT VEHICLES AND EQUIPMENT, PAYING A LOAN PROCESSING FEE AND FUNDING A LOAN AGREEMENT RESERVE ACCOUNT AND EVIDENCING THE SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNTIL TO REPAY THE PRINCIPAL AMOUNT OF \$835,855 TOGETHER WITH INTEREST THEREON

IN ADDITION TO THE RESOLUTION, THE FOLLOWING DOCUMENTS ARE ALSO PRESENTED: A LOAN AGREEMENT; GENERAL AND NO LITIGATION CERTIFICATE; ARBITRAGE AND TAX CERTIFICATE 8038-G; DELIVERY, DEPOSIT AND GROSS-RECEIPT CERTIFICATE; AND THE APPROVING OPINION OF SUTIN, THAYER AND BROWNE

Finance Division Supervisor Melinda Gonzales advised the Commission the New Mexico Finance Authority (NMFA) has approved the loan for the equipment. The loan will be pledged with one-twelfth of one percent (.0833%) County local option gross receipts tax revenues. Debt service on this loan will be for seven fiscal years beginning in FY15/16.

Motion made by Commissioner Ortiz to approve. Second by Commissioner Leger. Motion carried.

16. RESOLUTION 2015-05-12-F2, CREATION OF FUND 242

Finance Division Supervisor Melinda Gonzales advised the Commission the County received a grant through the Recreational Trails Program which is a Federal Grant through the New Mexico Department of Transportation. Motion made by Commissioner Leger to approve fund. Second by Commissioner Ortiz. Motion carried.

17. RESOLUTION 2015-05-12-F3, CREATION OF FUND 326

Finance Division Supervisor Melinda Gonzales advised the Commission the County received a grant through the Department of Homeland Security and Emergency Management. The resolution is to create a new fund to account for the activity. Motion made by Commissioner Leger to approve Resolution. Second by Commissioner Ortiz. Motion carried.

18. BUDGET ADJUSTMENT RESOLUTION 2015-05-12-F4

Finance Division Supervisor Melinda Gonzales advised the Commission of budget adjustments. Motion made by Commissioner Ortiz to approve the bid award. Second by Commissioner Ulibarri. Motion carried.

19. ACCOUNTS PAYABLE LISTING ITEMS 2015-9-257 THROUGH 2015-9-330 AND ITEMS 2015-10-1 THROUGH 2015-10-264

Finance Supervisor Melinda Gonzales advised the Commission of all payments from February 18, 2015 through March 24, 2015. Motion made by Commissioner Sena to approve grant agreement. Second by Commissioner Ulibarri. Motion carried.

20. INDIGENT BURIAL PAYMENT TO ROGERS MORTUARY

Finance Supervisor Melinda Gonzales advised the Commission that the finance office has received, reviewed and processed one indigent burial payment and is seeking ratification from the Commission. Motion made by Commissioner Sena to approve payment. Second by Commissioner Ortiz. Motion carried.

21. CASH BALANCE REPORT AS OF APRIL 30, 2015

Finance Division Supervisor Melinda Gonzales advised the Commission of all payments made since the last regular meeting. Ms. Gonzales advised the balances reflected are unreconciled balances, and are done the following month.

.
For informational purposes only.

Executive/Closed Session

- A. **Personnel Matters, as permitted by Section 10-15-1(H)(2) of the New Mexico Open Meetings Act, NMSA 1978.**
- B. **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)(7) of the New Mexico Open Meetings Act, NMSA 1978.**
- C. **Matters pertaining to the discussion of the acquisition of real property, as permitted by Section 10-15-1(H)(8) of the Open Meetings Act, NMSA 1978.**

County Manager Les Montoya recommended to retire into Executive/Closed Session to discuss Personnel Matters, as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978, 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) (7) of the New Mexico Open Meetings Act, NMSA 1978, and matters pertaining to the discussion of the acquisition or disposal of real property, as permitted by Section 10-15-1-(H)(8) of the Open Meetings Act, NMSA 1978, and matters pertaining to collective bargaining strategy preliminary to collective bargaining negotiations, as permitted by Section 10-15-1(H)(5) of the Open Meetings Act, NMSA 1978, as amended.

Motion made by Commissioner Sena to retire into Executive/Closed Session at 7:19 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Ulibarri. Roll call vote was conducted.

Commissioner Sena made a motion to return to regular session at 7:45 p.m. Second by Commissioner Ortiz. Motion carried.

The record will show that no action was taken in the Executive Session, and matters discussed in the closed meeting were limited to those specified in the motion for closure.

ADJOURNMENT

Commissioner Ortiz made a motion to adjourn. Second by Commissioner Sena. Motion carried. The meeting ended at 7:46 P.M.

Approved this _____ day of _____, 2015 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held May 12, 2015.

Arthur J. Padilla, Chairman

Gilbert J.B. Sena, Vice-Chair

Rock G. Ulibarri, Commissioner

Marcellino A. Ortiz, Commissioner

Nicolas T. Leger, Commissioner

ATTEST

Geraldine E. Gutierrez, County Clerk

Minutes Submitted by Michelle J. Cordova