



# Board of County Commissioners

*Chris A. Najjar*  
*Chairman-District 5*

*Janice C. Varela*  
*Vice-Chair-District 2*

*Rock G. Ulibarri*  
*Commissioner-District 1*

*Arthur J. Padilla*  
*Commissioner-District 3*

*Maria L. Martinez*  
*Commissioner-District 4*

*Vidal Martinez, Ed.D.*  
*County Manager*

## PUBLIC NOTICE DISSEMINATED FOR TODAY'S MEETING

The San Miguel County Board of Commissioners will hold a regular monthly meeting on Tuesday, November 13, 2018 beginning at 2:00 p.m., at the San Miguel County Administration Complex located at 500 West National Avenue, Suite 200, Las Vegas, New Mexico 87701. During the meeting, a County Board of Finance Meeting will take place.

**NOTICE TO PEOPLE WITH DISABILITIES:** If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any form of auxiliary aid or service to attend or participate in the hearing(s) or meeting(s), please contact the San Miguel County Managers Office at (505) 425-9333 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Commission Administrator at either of the above numbers if a summary or other type of accessible format is needed.

**Notice Published Las Vegas Optic: October 26, 2018**

**Notice Posted on the SMC Website at [www.co.sanmiguel.nm.us](http://www.co.sanmiguel.nm.us): October 15, 2018**

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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.co.sanmiguel.nm.us](http://www.co.sanmiguel.nm.us), and also available in hard copy at the office of the San Miguel County Manager.

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## 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**

Administration Complex  
500 West National Avenue, Suite 201 Las Vegas, New Mexico 87701 (505) 425-9333 phone (505) 425-7019 fax

**APPROVAL OF MINUTES**

October 9, 2018 Regular Meeting  
September 11, 2018 Regular Meeting  
Revised August 14, 2018 Regular Meeting

**INTRODUCTION OF NEW SAN MIGUEL COUNTY EMPLOYEES:**

**PUBLIC INPUT FORUM**

**NEW BUSINESS**

All Presentations will be limited to 10 minutes each

*Presentation: Community Rights  
Presenter: Michael Coca*

**REGULAR ORDER**

**1. RESOLUTION NO. 2018-10-13-CM MATTHEW JOHN SANDOVAL**

**Background Information:** A resolution in recognition of District Judge Matthew John Sandoval

**Action Requested of Commission:** Approval of resolution

**Staff Recommendation:** Approval of resolution

**Presenter:** Chris Najar, Chairman

**2. RESOLUTION NO. 10-31-18-GRP IN SUPPORT OF THE HERMIT'S PEAK WATERSHED ALLIANCE AND THE GALLINAS RIVER PARK PROJECT**

**Background Information:** The Hermit's Peak Watershed Alliance has received funding for Gallinas River Park enhancements, and is requesting support for future endeavors.

**Action Requested of Commission:** Approval of Resolution of Support

**Staff Recommendation:** Approval of Resolution of Support

**Presenter:** Lea Knutson, Executive Director, Elizabeth Juarros, HPWA Education Director, and Morris Madrid, Public Works Supervisor

### **3. REQUEST TO APPROVE CAPITAL OUTLAY FOR THE SHERIFFS DEPARTMENT**

**Background Information:** Request to approve Capital Outlay for the 2019 Legislative Session for \$ 80,000 for two (2) Sheriff Patrol Units.

**Action Requested of Commission:** Approval of Legislative Priority

**Staff Recommendation:** Approval of Legislative Priority

**Presenter:** Gary Gold, Sheriff and Chris Lopez, Sheriff Elect

### **4. REQUEST COUNTY COMMISSION TO APPROVE CAPITAL OUTLAY FOR THE 2019 LEGISLATIVE SESSION IN THE AMOUNT OF \$250,000 FOR THE PURCHASE OF A NEW FIRE ENGINE FOR THE GALLINAS VOLUNTEER FIRE DEPARTMENT**

**Background Information:** San Miguel County is seeking capital outlay for the purchase of a replacement fire engine for the Gallinas Volunteer Fire Department. Gallinas Volunteer Fire Department currently has a 1995 Fire Engine that has exceeded its life expectancy; the fire engine needs continual repairs. The fire departments budget is limited and cannot support this expenditure from within its own budget.

**Action Requested of Commission:** Approve support from the County Commission for the Capital Outlay request for \$250,000 for the purchase of a new fire engine for the Gallinas Volunteer Fire Department.

**Staff Recommendation:** Approve support from the County Commission for the Capital Outlay request for \$250,000 for the purchase of a new fire engine for the Gallinas Volunteer Fire Department.

**Presenter:** Andrew J. Duran, Fire Marshal and Members of the Gallinas Volunteer Fire Department

### **5. SELECTION AND APPROVAL OF LEGISLATIVE PRIORITIES REGARDING ROAD PROJECTS IN SAN MIGUEL COUNTY.**

**Background Information:** Public Works Department is recommending that surfaced roads be considered as a priority for Capital Outlay funding.

**Action Requested of Commission:** Selection and Confirmation of top five (5) Road Projects from attached list.

**Staff Recommendation:** Same as above

**Presenter:** Morris Madrid, and Arnold Lopez Public Works Department

## **6. APPROVAL OF LEGISLATIVE PRIORITIES FOR PUBLIC WORKS DEPARTMENT**

**Background Information:** Based upon age and mileage of equipment at the Public Works Department, a periodic replacement of equipment must be undertaken.

**Action Requested of Commission:** Approval of Legislative Priority list of equipment as attached.

**Staff Recommendation:** Same as above

**Presenter:** Morris Madrid and Arnold Lopez Public Works Department

## **7. REQUEST TO APPROVE CAPITAL OUTLAY FOR THE DETENTION CENTER**

**Background Information:** Request to approve Capital Outlay for the 2019 Legislative Session for \$ 70,900.00 for Detention Center Medical Cells and living area Floor Resurfacing.

**Action Requested of Commission:** Approval of Legislative Priority

**Staff Recommendation:** Approval of Legislative Priority

**Presenter:** Matt Elwell, Warden

## **8. RESIGNATION OF THE PROBATE JUDGE**

**Background Information:** To recognize the resignation of Ms. Charlynn Otero, as Probate Judge for San Miguel County, effective October 19, 2018.

**Action Requested of Commission:** Recognition of resignation

**Staff Recommendation:** Recognition of resignation

**Presenter:** Chairman Chris Najar

## **9. SELECTION PROCESS FOR APPOINTMENT OF PROBATE JUDGE**

**Background Information:** The San Miguel County Commission will select a committee to interview and present back to the Commission 3 finalists for the Commissions' appointment to replace San Miguel County Probate Judge. Each commissioner will appoint an individual to the committee.

**Action Requested of Commission:** Approval of Committee members and process

**Staff Recommendation:** Approval of Committee members and process

**Presenter:** Chairman Chris Najar

## **10. AWARD OF LODGERS' TAX FUNDS – RFP 2018-2019(2)**

**Background Information:** The Lodgers' Tax Advisory Board reviewed proposals received for marketing and advertising in response to RFP 2018-2019(2) and is recommending award of Lodgers' Tax funds as follows: Pecos Business Association \$11,057.75; Las Vegas First \$8,000.00; Las Vegas/San Miguel Chamber of Commerce-Main Street \$2,000.00; and Rough Rider Rally \$5,400.00.

**Action Requested of Commission:** Ratify and approve the award of Lodgers' Tax funds as recommended by the Lodgers' Tax Advisory Board.

**Staff Recommendation:** Ratify and approve the award of Lodgers' Tax funds.

**Presenter:** Alex Tafoya, Planning and Zoning Supervisor

## **11. BUILDING LEASE BETWEEN SAN MIGUEL COUNTY AND OLD WOOD LLC**

**Background Information:** Ordinance No. SMC-08-14-18 terminated a primary lease and a sub-lease, which leases provided for the use of a 10,000 square foot County owned building by Old Wood LLC. The Ordinance is now in effect and Old Wood LLC is presently occupying a County owned building without a lease in place. The building was constructed with USDA grant funded received by San Miguel County and therefore USDA has a property interest in the building. As such, any building lease

between the County and a tenant must be reviewed by USDA and must comply with appropriate USDA Federal requirements. USDA has reviewed the building lease and it is now ready for approval.

**Action Requested of Commission:** Review and approve the building lease by and between San Miguel County and Old Wood, LLC.

**Staff Recommendation:** Review and approve the building lease.

**Presenter:** Alex Tafoya, Planning and Zoning Supervisor

## **12. 2019 FAIR MARKET RENTS (FMR'S) AND UTILITY ALLOWANCES FOR SAN MIGUEL COUNTY**

**Background Information:** Fair Market Rents (FMR's) are used to determine payment standard amounts for the Housing Choice Voucher programs to determine renewal rents for 2019. FMRM's is the rent amount, including utilities (except telephones) to rent privately owned, existing, decent, safe and sanitary rental housing. The FMR rate established by Department of Housing and Urban Development (HUD) to be used as a basis for paying federal housing assistance programs.

Utility Allowance – San Miguel County Housing Authority (SMCHA) is obligated to review utility expense within San Miguel County and adjust the allowable utility allowance according to utility rates scheduled and published and the size and characteristics of the unit. The utility allowance is provided to Section 8 program participants to offset the cost of utilities. Each year the cost of utilities is averaged and changed if necessary. For calendar year 2019, the cost of utilities in San Miguel County saw an increase, which will increase the subsidy for utility allowances.

**Action Requested of Commission:** Approval of 2019 Fair Market Rents and Utility Allowances for calendar year 2019

**Staff Recommendation:** As requested

**Presenter:** Betty Valdez – Acting San Miguel County Housing Authority

## **13. RESOLUTION NO. 11-13-18-EL PUEBLO FIRE**

**Background Information:** At its July 2018 meeting, the Board of County Commissioners approved conditional use permit application CU-0250 and granted approval of the property lease agreement subject to lease agreement approval by the State Board of Finance and completion of a fair market value appraisal. The State Board of Finance requires the governing body to approve the property lease agreement under resolution adopted by the governing body.

**Action Requested of Commission:** Adopt Resolution No. 11-13-18-El Pueblo Fire that approves the lease agreement by and between San Miguel County and Vertical Bridge Development, LLC.

**Staff Recommendation:** Adopt Resolution No. 11-13-18-El Pueblo Fire

**Presenter:** Alex Tafoya, Planning and Zoning Supervisor

#### **14. ADDENDUM TO AGREEMENT GL ENVIRONMENTAL INC.**

**Background Information:** GL Environmental Inc., has indicated that they wish to extend its agreement with San Miguel County for professional engineering and consulting services as-needed, which agreement provides for technical services to ensure that the requirements of SMC Ordinance No. 11-12-14-O&G are complied with by applicants for conditional use permits for oil and gas drilling and exploration.

**Action Requested of Commission:** Approve Addendum No. Two (2) to Consulting Services Agreement with GL Environmental Inc., for a third year.

**Staff Recommendation:** Approve the Addendum

**Presenter:** Alex Tafoya, Planning and Zoning Supervisor

#### **15. REQUEST APPROVAL FROM SAN MIGUEL COUNTY BOARD OF COMMISSION TO ACCEPT THE FEMA-PDMC-PL-06-NM-2017-04 HAZARD MITIGATION PLAN UP-DATE GRANT FROM NEW MEXICO DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT.**

**Background Information:** Request approval from the San Miguel County Board of Commission to accept the FEMA-PDMC-PL-06-NM-2017-04, Hazard Mitigation Plan Up-Date Grant from New Mexico Department of Homeland Security Emergency Management for Federal Share \$41,250.00, Local Share \$13,750.00 with a total of \$55,000.00.

**Action Requested of Commission:** Request for approval to accept and sign

**Staff Recommendation:** Request for approval to accept and sign

**Presenter:** Leo Maestas, Emergency Manager

## **16. SAN MIGUEL COUNTY MANAGERS RECOMMENDATON FOR APPROVAL OF THE GOVERNING HOLIDAYS FOR THE CALENDAR YEAR 2019**

**Background Information:** Resolution Number SMC-RES-11-13-2018 Governing Holidays for the Calendar Year 2019 is being submitted to the Board of San Miguel Commission for approval.

**Action Requested of Commission:** Approval of Resolution Number SMC-RES-11-13-21087 Holidays for the Calendar Year 2019.

**Staff Recommendation:** Approval of Resolution Number SMC-RES-11-13-2018 Holidays for the Calendar Year 2019.

**Presenter:** Eileen Sedillo, Human Resource Supervisor

## **17. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF OCTOBER 2018**

**Background Information:** Personnel actions or changes, which have taken place in San Miguel County for the month of October 2018, are submitted for ratification and approval by the San Miguel County Board of Commissioners.

**Action Requested of Commission:** To approve and ratify the personnel actions or changes that have taken place during the month of October 2018.

**Staff Recommendation:** To approve and ratify the personnel actions or changes that have taken place during the month of October 2018.

**Presenter:** Eileen Sedillo, Human Resource Supervisor

## **18. AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN**

**Background Information:** The United States Federal Highway Administration (FHWA) has informed all local governments that they must provide an Americans with Disabilities Act (ADA) Transition Plan in order to remain eligible to receive Federal Funds. The Plan is not only to assess current compliance with Federal Law, but how the local government intends to address and correct issues of non-compliance in the future. The intent is not necessarily to achieve immediate compliance, but to show the County is following the proper guidelines to prioritize and address inadequacies. As long as the County is progressing in the process, federal funding will not be interrupted.

**Action Requested of Commission:** Informational purposes only



**Staff Recommendation:** Informational purposes only

**Presenter:** Morris Madrid, Public Service Director

#### **19. APPROVAL OF RESOLUTION NO. 11-13-18-ADA**

**Background Information:** A resolution adopting the San Miguel County Americans with Disabilities Act Title II Statement of Policy and Grievance Procedure and the Road Element of the San Miguel County ADA Transition Plan and Authorizing the County Manager to submit both documents to the New Mexico Department of Transportation.

**Action Requested of Commission:** Approval of Resolution No. 11-13-18-ADA.

**Staff Recommendation:** Approval of Resolution No. 11-13-18-ADA.

**Presenter:** Morris Madrid, Public Works Director

#### **20. ADDENDUM ONE (1) TO MOBILE MAINTENANCE AGREEMENT, EXTENDING THE MOBILE MAINTENANCE AGREEMENT BY AND BETWEEN SAN MIGUEL COUNTY, NEW MEXICO AND MJM SERVICE AND REPAIR**

**Background Information:** The San Miguel County Fire Division currently has a mobile maintenance agreement with MJM Service and Repair for on-site repair and maintenance of fire department engines and apparatus. The current agreement has the provision to allow a renewal of the agreement for up to 3 years at the end of each year. We are nearing the end of the first year and would like to renew the agreement for an additional year. I have made contact with Mario Marquez, Owner of MJM Service and Repair; it is his wish to renew the agreement for an additional year.

**Action Requested of Commission:** Approve Addendum one (1) to mobile maintenance agreement for on-site repair and maintenance service for the fire department engines and apparatus.

**Staff Recommendation:** Approve Addendum one (1) to mobile maintenance agreement for on-site repair and maintenance service for the fire department engines and apparatus.

**Presenter:** Andrew J. Duran, Fire Marshal

**21. ADDENDUM ONE (1) TO MOBILE MAINTENANCE AGREEMENT, EXTENDING THE MOBILE MAINTENANCE AGREEMENT BY AND BETWEEN SAN MIGUEL COUNTY, NEW MEXICO AND NEW MEXICO APPARATUS LLC**

**Background Information:** The San Miguel County Fire Division currently has a mobile maintenance agreement with New Mexico Apparatus LLC for on-site repair and maintenance of fire department engines and apparatus. The current agreement has the provision to allow a renewal of the agreement for up to 3 years at the end of each year. We are nearing the end of the first year and would like to renew the agreement for an additional year. I have made contact with Lance Brown, Owner of New Mexico Apparatus LLC; it is his wish to renew the agreement for an additional year.

**Action Requested of Commission:** Approve Addendum one (1) to mobile maintenance agreement for on-site repair and maintenance service for the fire department engines and apparatus.

**Staff Recommendation:** Approve Addendum one (1) to mobile maintenance agreement for on-site repair and maintenance service for the fire department engines and apparatus.

**Presenter:** Andrew J. Duran, Fire Marshal

**22. RESOLUTION NO. 10-19-18-RA01; ADDITION OF SCENIC VIEW RD, A NEWLY NAMED PRIVATE ROAD NAME THAT WILL BE ADDED TO THE OFFICIAL E9-1-1 ROAD LIST OF SAN MIGUEL COUNTY, NEW MEXICO**

**Background Information:** During a routine audit of San Miguel County addressing data, it was discovered that there are four (4) addressed structures on a single road located off **Box Canyon Rd South of Las Vegas, New Mexico**. Per San Miguel County Ordinance No.SMC-07-13-99-ORD-2, Section 4.1-C; proposed to San Miguel Board of County Commissioners please review and take appropriate action on road naming for, “any private road that provides access to three or more buildings and requires a name in order to promote the health, safety and welfare of the public.”

This name has been determined to be acceptable by SMC Rural Addressing staff per San Miguel County Ordinance No.SMC-07-13-99-ORD-2 and because this is an existing situation, the \$100 fee has been waived.

**Action Requested of Commission:** Review and approve

**Staff Recommendation:** Approval of Resolution

**Presenter:** Diego Trujillo, Information Technology Supervisor

### **23. PUBLIC WORKS DIVISION REPORT FOR THE MONTH OF OCTOBER 2018**

**Background Information:** The San Miguel County Public Works 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 Informational Purposes Only

**Presenter:** Arnold Lopez, SMC Public Works Division Road Foreman

### **24. BULLETPROOF VEST PARTNERSHIP 2018 AWARDS**

**Background Information:** San Miguel County Sheriff's Office has applied and has been awarded a grant to purchase bulletproof vests on May 28, 2018. San Miguel County Sheriff's Office is respectfully requesting the approval to accept the Bulletproof Vest Partnership 2018 Award Grant for \$1,875. This grant will be used to purchase new bulletproof vests for certified Deputies.

**Action Requested of Commission:** Review and approve Bulletproof Vest Partnership Award.

**Staff Recommendation:** Review and inform.

**Presenter:** Gary Gold, Sheriff

## **BOARD OF FINANCE MEETING**

### **25. BANK TRANSFERS FOR THE MONTH OF OCTOBER**

**Background Information:** Regulation No. ADM-R-08-09-2016-CM Governing Wire Transfer

**Action Requested of Commission:** Informational purposes only

**Staff Recommendation:** None

**Presenter:** Bertha Bustamante, SMC Treasurer

## **26. INDIGENT BURIAL CLAIMS**

**Background Information:** The Finance Office has received, reviewed and processed a claim from Avista Cremation and Burial for \$600.

**Action Requested of Commission:** Ratification of the indigent burial payments

**Staff Recommendation:** Ratification of the indigent burial payment

**Presenter:** Melinda Gonzales

## **27. BUDGET REPORT FOR THE PERIOD OF JULY 1, 2018 THROUGH SEPTEMBER 2018**

**Background Information:** To provide the Commissioners with a FY18/19 Year to Date Budget Report.

**Action Requested of Commission:** Informational purposes only.

**Staff Recommendation:** Informational purposes only.

**Presenter:** Melinda Gonzales

## **28. RECEIPT REPORT FOR THE MONTH OF SEPTEMBER 2018**

**Background Information:** To provide the Commissioners with a Receipt Detail Report for the months of September 2018.

**Action Requested of Commission:** Informational purposes

**Staff Recommendation:** Informational purposes.

**Presenter:** Melinda Gonzales

## **29. JOURNAL ENTRY REPORT FOR THE MONTH OF SEPTEMBER 2018**

**Background Information:** To provide the Commissioners with a Journal Entry Reports for the month of September 2018

**Action Requested of Commission:** Informational purposes

**Staff Recommendation:** Informational purposes

**Presenter:** Melinda Gonzales

**30. ACCOUNTS PAYABLE REPORT FOR THE PERIOD OF SEPTEMBER 25, 2018 THROUGH OCTOBER 29, 2018 AND THE HOUSING PAYMENT REGISTERS FOR THE MONTH OF SEPTEMBER 2018**

**Background Information:** Present payments processed through the finance office and Bernalillo County on behalf of San Miguel County.

**Action Requested of Commission:** Review and approve.

**Staff Recommendation:** Review and approve.

**Presenter:** Melinda Gonzales

**31. CASH BALANCE REPORT FOR THE MONTHS OF SEPTEMBER 2018**

**Background Information:** To report the September 2018 reconciled cash balances.

**Action Requested of Commission:** Informational purposes only.

**Staff Recommendation:** Informational purposes only

**Presenter:** Melinda Gonzales

**32. RESOLUTION 2018-11-13-F3**

**Background Information:** A budget adjustment is being proposed to increase the revenues and expenditures in Fund 101 by \$2,200.28 related to damage property reimbursements.

A budget adjustment is proposed to account for additional funds to be received for the Juvenile Justice Grant, which is accounted for in Fund 308. In addition, an additional matching transfer is also being budgeted from Fund 101.

A budget adjustment is proposed to account for the state fire allotment distribution per notice from the NM Public Regulation Commission totaling \$4,423.

Two Local Government Budget Management System (LGBMS) changes are being proposed. These changes will not affect our internal budget but will affect how the budget is rolled up in the LGBMS system.

A budget adjustment of \$7,906 to the Lodgers Tax Fund (470) to award the four new proposals.

A budget adjustment is proposed to account for the grant award received from the Bureau of Justice Assistance for \$1,875.00.

**Action Requested of Commission:** Review and approval

**Staff Recommendation:** Review and approval

**Presenter:** Melinda Gonzales

### **33. RESOLUTION 2018-11-13-F2, AUTHORIZING TO MODIFY THE USES OF FUND 206**

**Background Information:** During the July 30, 2018, the Commission approved a budget of \$250,000 in Fund 206 which is a disaster fund. The resolution indicated that the funds were to be used for any potential disasters tied to potential flood disasters that may affect roads. A recommendation is being made to use these funds for any natural or fabricated disaster deemed by the County Manager. The funds can be used regardless if it triggers a reimbursable event or not and the funds can be used towards a match of any disaster projects that may be reimbursed.

**Action Requested of Commission:** Review and approve fund authority.

**Staff Recommendation:** Review and approve fund authority.

**Presenter:** Melinda Gonzales

### **34. CERTIFICATION OF CAPITAL ASSET INVENTORY FOR FY17/18**

**Background Information:** Certify the capital asset inventory.

**Action Requested of Commission:** Informational purposes only.

**Staff Recommendation:** Informational purposes only

**Presenter:** Melinda Gonzales

**35. Resolution 2018-11-13-F1**

**Background Information:** Adoption of a formal retention policy for financial records.

**Action Requested of Commission:** Review and approval

**Staff Recommendation:** Review and approval

**Presenter:** Melinda Gonzales

**ADJOURNMENT**