MINUTES OF REGULAR MONTHLY MEETING OF SAN MIGUEL COUNTY BOARD OF COMMISSIONERS HELD TUESDAY NOVEMBER 13, 2018 BEGINNING AT 2:00 P.M.

CALL TO ORDER

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday November 13, 2018, beginning at 2:00 p.m. The meeting convened at the San Miguel County Administration Complex located at 500 West National Avenue, Suite 200, Las Vegas, New Mexico 87701.

ROLL CALL:

Upon a call of the roll, Chairman Chris Najar present, Commissioner Rock Ulibarri present, Commissioner Arthur Padilla present, Commissioner Maria Martinez present, and Vice-Chairman Janice Varela 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

No motion made.

APPROVAL OF MINUTES

Motion made by Commissioner Arthur Padilla to approve October 9, 2018 Regular Meeting. Second by Commissioner Maria Martinez. Motion carried.

Motion made by Commissioner Arthur Padilla to approve September 11, 2018 Regular Meeting. Second by Commissioner Maria Martinez. Motion carried.

Motion made by Commissioner Arthur Padilla to approve revised August 14, 2018 Regular Meeting. Second by Commissioner Maria Martinez. Motion carried.

INTRODUCTION OF NEW SAN MIGUEL COUNTY EMPLOYEES

No new Employees.

PUBLIC INPUT FORUM

Kristin Yount - Discussed the Water Resolution.

Miguel Angel – Discussed the Water Resolution.

Georgina Ortega - Discussed the Water Resolution.

Emilio Aragon - Discussed the Water Resolution.

Ernesto Lujan - Discussed the Las Vegas Land Grant and Water Resolution.

Gabe Estrada - Discussed Water and Legal Matters.

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Manuel J. Garcia – Discussed County matters.

Eric Romero – Discussed the Water Resolution.

Leslie Turk – Discussed the Community rights Ordinance.

Hilario Romero – Discussed concerns with the land and water.

Sofia Martinez – Discussed concerns with the water, landfill, and environmental issues.

NEW BUSINESS

Presentation: Community Rights
Presenter: Michael Coca

Mr. Michael Coca presented to the Commission a model resolution to have community control of water, land use environment, and economic development.

REGULAR ORDER

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

San Miguel County Chairman Chris Najar presented to the Commission Resolution No. 2018-10-13-CM in recognition of District Judge Matthew John Sandoval. Matthew John Sandoval stood up and gave a speech and the discussion ensued. Chairman Najar requested the Commission approve Resolution No. 2018-10-13-CM Matthew John Sandoval.

Motion made by Vice Chairman Janice Varela to approve Resolution No. 2018-10-13-CM Matthew John Sandoval. Second by Commissioner Maria Martinez. Motion carried.

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

San Miguel County Commissioner Rock Ulibarri presented to the Commission Resolution No. 10-31-18-GRP in support of the Hermit's Peak Watershed Alliance and the Gallinas River Park Project. Executive Director Lea Knutson and HPWA Education Director Elizabeth Juarros presented to the Commission an update on the Gallinas River Park Project and that the Hermit's Peak Watershed Alliance has received funding for the Gallinas River Park enhancements. Mr. Madrid requested the Commission approve Resolution No. 10-31-18-GRP in support of the Hermit's Peak Watershed Alliance and the Gallinas River Park Project.

Motion made by Commissioner Rock Ulibarri to approve Resolution No. 10-31-18-GRP in support of the Hermit's Peak Watershed Alliance and the Gallinas River Park Project. Second by Vice Chairman Janice Varela. Motion carried.

3. REQUEST TO APPROVE CAPITAL OUTLAY FOR THE SHERIFFS DEPARTMENT

San Miguel County Sheriff Gary Gold and Sheriff Elect Chris Lopez informed the Commission that the Sheriff's department is requesting \$80,000.00 for two (2) Sheriff Patrol Units. Mr. Gold and Mr. Lopez requested the Commission approve Capital Outlay for the 2019 Legislative Session for \$80,000.00 for two (2) Sheriff Patrol Units.

Motion made by Commissioner Arthur Padilla to approve of Legislative Priority. Second by Vice Chairman Janice Varela to approve of Legislative Priority. Motion carried.

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

San Miguel County Fire Marshal Andrew J. Duran and members of the Gallinas Volunteer Fire Department informed the Commission that 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. Mr. Duran requested the Commission approve capital outlay of \$250,000 for the purchase of a replacement fire engine for the Gallinas Volunteer Fire Department.

Motion made by Commissioner Maria Martinez to approve capital outlay of \$250,000 for the purchase of a replacement fire engine for the Gallinas Volunteer Fire Department. Second by Commissioner Arthur Padilla. Motion carried.

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

San Miguel County Public Works Supervisor Morris Madrid and Road Foreman Arnold Lopez informed the Commission that surfaced roads be considered as a priority for Capital Outlay funding. Mr. Madrid and Mr. Lopez requested the Commission pay for a contractor to take care of the roads that they select from each District.

Motion made by Vice Chairman Janice Varela to approve the five (5) road projects selected by the Commission. Second by Commissioner Rock Ulibarri. Motion carried.

Motion made by Commissioner Rock Ulibarri to consolidate item twenty-three (23) with item five (5). Second by Vice Chairman Janice Varela. Motion carried.

San Miguel County Public Works Division Road Foreman Arnold Lopez informed the Commission of all Maintenance and blading of County roads that took place for the month of October 2018.

For informational purposes only.

6. APPROVAL OF LEGISLATIVE PRIORITIES FOR THE PUBLIC WORKS DEPARTMENT

San Miguel County Public Works Supervisor Morris Madrid and Road Foreman Arnold Lopez informed the Commission about equipment that needs to be replaced because of age and mileage. The public works department would need a Heavy equipment transport trailer worth \$90,000.00, Heavy equipment tractor truck worth \$150,000.00, replace a solid waste roll off transport truck worth \$170,000.00, and the solid waste bins worth \$100,000.00 for a total of \$510,000.00. Mr. Madrid and Mr. Lopez requested the Commission approve of Legislative Priority list of equipment.

Motion made by Vice Chairman Janice Varela to approve of Legislative Priority list of equipment. Second by Commissioner Rock Ulibarri. Motion carried.

7. REQUEST TO APPROVE CAPITAL OUTLAY FOR THE DETENTION CENTER

San Miguel County Warden Matt Elwell requested the Commission to approve Capital Outlay for the 2019 Legislative Session for \$70,900.00 for Detention Center Medical Cells and living area Floor Resurfacing.

Motion made by Commissioner Maria Martinez to approve Capital Outlay for the 2019 Legislative Session for \$70,900.00 for Detention Center Medical Cells and living area Floor Resurfacing. Second by Commissioner Arthur Padilla. Motion carried.

8. RESIGNATION OF THE PROBATE JUDGE

San Miguel County Chairman Chris Najar informed the Commission of the resignation of Ms. Charlynne Otero, as Probate Judge for San Miguel County. Chairman Najar requested the Commission to approve the resignation of Probate Judge.

Motion made by Commissioner Arthur Padilla to approve the resignation of Probate Judge. Second by Commissioner Maria Martinez. Motion carried.

9. SELECTION PROCESS FOR APPOINTMENT OF PROBATE JUDGE

San Miguel County Chairman Chris Najar informed the Commission that 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. There are nine applicants.

For informational purposes only.

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

San Miguel County Planning and Zoning Supervisor Alex Tafoya informed the Commission of proposals reviewed by 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. Mr. Tafoya requested the Commission to ratify and approve the award of Lodgers' Tax funds.

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Motion made by Commissioner Arthur Padilla to ratify and approve the award of Lodgers' Tax funds. Second by Vice Chairman Janice Varela. Motion carried.

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

San Miguel County Planning and Zoning Supervisor Alex Tafoya informed the Commission that 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. Mr. Tafoya requested the Commission review and approve the building lease.

Motion made by Commissioner Rock Ulibarri to table the building lease. Second by Vice Chairman Janice Varela. Motion carried.

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

San Miguel County Acting director of San Miguel County Housing Authority Betty Valdez informed the Commission about the Fair Market rents and Utility allowances for the San Miguel County section 8 housing authority program. The Fair Market rents and Utility allowances for the year 2019 did go up. Ms. Valdez requested the Commission approve Fair Market rents and Utility allowances for the calendar year 2019.

Motion made by Commission Arthur Padilla to approve Fair Market rents and Utility allowances for the calendar year 2019. Second by Commissioner Rock Ulibarri. Motion carried.

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

San Miguel County Planning and Zoning Supervisor Alex Tafoya informed the Commission that 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. Mr. Tafoya requested the Commission adopt Resolution No. 11-13-18-El Pueblo Fire.

Motion made by Commissioner Arthur Padilla to adopt Resolution No. 11-13-18-El Pueblo Fire. Second by Vice Chairman Janice Varela. Motion carried.

14. ADDENDUM TO AGREEMENT GL ENVIRONMENTAL INC.

San Miguel County Planning and Zoning Supervisor Alex Tafoya informed the Commission of an agreement the County has with GL Environment which provides engineering and consulting services, which is technical review of any applications that the county would receive for conditional use permits for oil and gas exploration and drilling. Mr. Tafoya requested the Commission approve Addendum No. Two (2) to Consulting Services Agreement with GL Environmental Inc., for a third year.

Motion made by Commissioner Rock Ulibarri to approve Addendum No. Two (2) to Consulting Services Agreement with GL Environmental Inc., for a third year. Second by Commissioner Arthur Padilla. Motion carried.

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

San Miguel County Emergency Manager Leo Maestas informed the Commission that the office emergency management applied for a pre disaster homeland mitigation plan in August 2017 and was recently awarded \$55,000.00 to update their current FEMA approved multi jurisdiction hazard mitigation plan which is due to be updated by December 2019. Mr. Maestas requested the Commission approve 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.

Motion made by Commissioner Maria Martinez to approve 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. Second by Commissioner Arthur Padilla. Motion carried.

16. SAN MIGUEL COUNTY MANAGERS RECOMMENDATION FOR APPROVAL OF THE GOVERNING HOLIDAYS FOR THE CALENDAR YEAR 2019

San Miguel County Human Resource Supervisor Eileen Sedillo informed the Commission of Resolution Number SMC-RES-11-13-2018 Governing Holidays for the Calendar Year 2019. Ms. Sedillo requested the Commission approve of Resolution Number SMC-RES-11-13-2108.

Motion made by Commissioner Maria Martinez to approve of Resolution Number SMC-RES-11-13-2108. Second by Commissioner Arthur Padilla. Motion carried.

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

San Miguel County Human Resource Supervisor Eileen Sedillo informed the Commission of the personnel actions or changes, which have taken place in San Miguel County for the month of October 2018. Ms. Sedillo requested the Commission approve and ratify the personnel actions or changes that have taken place during the month of October 2018.

Motion made by Commissioner Arthur Padilla to approve and ratify the personnel actions or changes that have taken place during the month of October 2018. Second by Commissioner Maria Martinez. Motion carried.

18. AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

San Miguel County Public Works Director Morris Madrid informed the Commission that 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.

For informational purposes only.

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

San Miguel County Public Works Director Morris Madrid presented to the Commission Resolution No. 11-13-18-ADA 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. Mr. Madrid requested the Commission approve Resolution No. 11-13-18-ADA.

Motion made by Vice Chairman Janice Varela to approve Resolution No. 11-13-18-ADA. Second by Commissioner Arthur Padilla. Motion carried.

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

San Miguel County Fire Marshal Andrew J. Duran informed the Commission that 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. Mr. Duran requested the Commission approve Addendum one (1) to mobile maintenance agreement for on-site repair and maintenance service for the fire department engines and apparatus.

Motion made by Commissioner Maria Martinez to approve Addendum one (1) to mobile maintenance agreement for on-site repair and maintenance service for the fire department engines and apparatus. Second by Vice Chairman Janice Varela. Motion carried.

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

San Miguel County Fire Marshal Andrew J. Duran informed the Commission that 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. Mr. Duran requested the Commission approve Addendum one (1) to mobile maintenance agreement for on-site repair and maintenance service for the fire department engines and apparatus.

Motion made by Commissioner Maria Martinez to approve Addendum one (1) to mobile maintenance agreement for on-site repair and maintenance service for the fire department engines and apparatus. Second by Commissioner Arthur Padilla. Motion carried.

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

San Miguel County Information technology Supervisor Diego Trujillo informed the Commission that 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. Mr. Trujillo requested the Commission review and approve Resolution No. 10-19-18-RA01; addition of Scenic View Rd.

Motion made by Commissioner Maria Martinez approve Resolution No. 10-19-18-RA01; addition of Scenic View Rd. Second by Commissioner Rock Ulibarri. Motion carried.

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

Motion made by Commissioner Rock Ulibarri to consolidate item twenty-three (23) with item five (5). Second by Vice Chairman Janice Varela. Motion carried.

24. BULLETPROOF VEST PARTNERSHIP 2018 AWARDS

San Miguel County Sheriff Gary Gold informed the Commission of a grant that has been applied and awarded to the San Miguel County Sheriff's Office to purchase bulletproof vests on May 28, 2018. Mr. Gold requested the Commission review and approve Bulletproof Vest Partnership Award.

Motion made by Commissioner Arthur Padilla to approve Bulletproof Vest Partnership Award. Second by Commissioner Rock Ulibarri. Motion carried.

BOARD OF FINANCE MEETING

25. BANK TRANSFERS FOR THE MONTH OF OCTOBER

San Miguel County Finance Supervisor Melinda Gonzales informed the Commission of the bank transfers and tax dollar report for the month of October 2018

For informational purposes only.

26. INDIGENT BURIAL CLAIMS

San Miguel County Finance Supervisor Melinda Gonzales informed the Commission that the Finance Office has received, reviewed and processed a claim from Avista Cremation and Burial for \$600. Ms. Gonzales is seeking Ratification of the indigent burial payments.

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Motion made by Commissioner Rock Ulibarri to approve Ratification of the indigent burial payments. Second by Commissioner Maria Martinez. Motion carried.

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

San Miguel Finance Supervisor Melinda Gonzales informed the Commission of the budget report for July 1, 2018 through September 2018.

For informational purposes only.

28. RECEIPT REPORT FOR THE MONTH OF SEPTEMBER 2018

San Miguel Finance Supervisor Melinda Gonzales presented to the Commission a receipt detail report for the Month of September 2018.

For informational purposes only.

29. JOURNAL ENTRY REPORT FOR THE MONTH OF SEPTEMBER 2018

San Miguel Finance Supervisor Melinda Gonzales informed the Commission of the journal entry report for the month of September 2018.

For informational purposes only.

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

San Miguel Finance Supervisor Melinda Gonzales informed the Commission of the 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. Ms. Gonzales requested the Commission review and approve the accounts payable report.

Motion made by Commissioner Rock Ulibarri to approve the accounts payable report. Second by Commissioner Arthur Padilla, Motion carried.

31. CASH BALANCE REPORT FOR THE MONTHS OF SEPTEMBER 2018

San Miguel County Finance Supervisor Melinda Gonzales informed the Commission of the September 2018 reconciled cash balances.

For informational purposes only.

32. RESOLUTION 2018-11-13-F3

San Miguel County Finance Supervisor Melinda Gonzales informed the Commission of A budget adjustment that 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. Ms. Gonzales requested the Commission review and approve resolution 2018-11-13-F3.

Motion made by Commissioner Rock Ulibarri to approve resolution 2018-11-13-F3. Second by Vice Chairman Janice Varela. Motion carried.

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

San Miguel County Finance Supervisor Melinda Gonzales informed the Commission that during the July 30, 2018 meeting, 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. Ms. Gonzales requested the Commission review and approve resolution 2018-11-13-F2.

Motion made by Vice Chairman Janice Varela to approve resolution 2018-11-13-F2. Second by Commissioner Rock Ulibarri. Motion carried.

34. CERTIFICATION OF CAPITAL ASSET INVENTORY FOR FY17/18

San Miguel County Finance Supervisor Melinda Gonzales presented to the Commission certification of capital asset inventory for FY17/18.

For informational purposes only.

35. RESOLUTION 2018-11-13-F1

San Miguel County Finance Supervisor Melinda Gonzales presented to the Commission resolution 2018-11-13-F1 to adopt a formal retention policy for financial records. Ms. Gonzales requested the Commission review and approve resolution 2018-11-13-F1.

Motion made by Commissioner Rock Ulibarri to approve resolution 2018-11-13-F1. Second by Commissioner Arthur Padilla. Motion carried.

ADJOURNMENT Motion made by Commissioner Rock Ulibarri to adjourn the meeting at 5:15p.m. Second by Commissioner Arthur Padilla. Motion carried.

| Approved this |
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| Chairman, Chris A. Najar District 5 Vice-Chairman, Janice C. Varela, District 2 |
| Commissioner, Arthur J. Padilla Commissioner, Maria L Martinez District 3 District 4 |
| Commissioner, Rock G. Ulibarri |
| ATTEST ATTEST Gerälding E. Gütierregi, County Clerk |
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| Minutes Submitted by Zachary Garza |