

**MINUTES OF REGULAR MONTHLY MEETING OF  
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS  
HELD TUESDAY MARCH 10, 2020 BEGINNING AT 2:00 P.M.**

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday March 10, 2020, 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.

**CALL TO ORDER:**

Madam Chair Maria Martinez called the meeting to order at 2:00 p.m.

**ROLL CALL:**

Upon a call of the roll, Madam Chair Maria Martinez present, Vice-Chairman Chris Najar present, Commissioner Janice Varela present, Commissioner Harold Garcia present, and Commissioner Max Trujillo present and a quorum was duly noted.

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

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

**APPROVAL OF AGENDA**

Motion made by Commissioner Harold Garcia to approve the agenda. Second by Vice-Chairman Chris Najar. Motion carried.

**APPROVAL OF MINUTES**

Motion made by Vice-Chairman Chris Najar to approve the minutes of the Special monthly meeting held on January 7, 2020. Second by Commissioner Max Trujillo. Motion carried.

Motion made by Commissioner Harold Garcia to approve the minutes of the Regular monthly meeting held on January 14, 2020. Second by Commissioner Max Trujillo. Motion carried.

February 11, 2020 Regular meeting was cancelled due to the weather.

**PUBLIC INPUT FORUM**

The following persons addressed the Commission during the public input forum

**Daniel Romero** – Spoke of his concerns on a county road easement/encroachment.

**NEW BUSINESS**

## Oath of Office – Detention Center Staff

San Miguel County Warden Matthew Elwell informed the Commission of the newly hired cadets for the position of detention officer. Mr. Elwell also informed the Commission that they have met all their requirements to be promoted from cadet status to officer status. Madam Chair Maria Martinez gave thanks to the officers and lead while the officers followed in the oath of office.

### **REGULAR ORDER**

#### **1. RESOLUTION RECOGNIZING THE VATOS RUGBY TEAM**

San Miguel County Commissioner Harold Garcia presented to the Commission Resolution 2020-10-03-VR recognizing the Las Vegas Vatos Rugby team. Commissioner Garcia requested the Commission review and approve the resolution.

No motion.

#### **2. PRESENTATION OF THE FY18/19 AUDITED FINANCIAL STATEMENTS**

Benjamin Martinez, Senior Manager with Carr, Riggs and Ingram LLC presented to the Commission the Auditors reports, findings, and financial statements for the fiscal year 18/19.

For informational purposes only.

#### **3. RESOLUTION 2020-02-11-F1 ACCEPTANCE AND APPROVAL OF THE FY19 AUDIT**

Benjamin Martinez, Senior Manager with Carr, Riggs and Ingram LLC requested the Commission approve Resolution 2020-02-11-F1 acceptance and approval of the FY19 audit.

Motion made by Commissioner Janice Varela to approve Resolution 2020-02-11-F1 acceptance and approval of the FY19 audit. Second by Commissioner Max Trujillo. Motion carried.

#### **4. CDBG PRE-PROJECT SELECTION PUBLIC HEARING**

Motion made at 2:37 p.m. by Commissioner Janice Varela to adjourn from the regular session and call to order the CDBG public hearing. Second by Vice-Chairman Chris Najjar. Motion carried.

San Miguel County Planning and Zoning Supervisor Alex Tafoya informed the Commission that at the January 14, 2020 Commission meeting, the Board of County Commissioners took action to table the CDBG Pre-Project Selection Public Hearing. The Community Development Block Grant (CDBG) program requires that a Pre-Project Selection Public Hearing be held and conducted in order to report on past CDBG program activities, receive public input to generate ideas about potential projects eligible for CDBG funding and select a project for a CDBG application. The Pre-Project Selection Public Hearing must be a hearing unto itself, separate from the regular County Commission meeting. Mr. Tafoya requested the Commission (1) Bring this item back to the table; (2) Adjourn from the regular Commission meeting and call to order the CDBG Pre-Project Selection

Public Hearing; (3) hear a presentation as per CDBG Exhibit 1-Q-1; (4) accept public input; and (5) select a project.

Mr. Tafoya informed the Commission of all the requests they have received for the CDBG pre-project selection.

Attorney Dave Romero swore in the following individuals to speak on item number 4 at 2:55 p.m.

**Cathy Romero** – Considered County Road B43B for the CDBG application.

**Commissioner Janice Varela** – Considered County Road B43B for the CDBG application.

**Commissioner Harold Garcia** – Considered Country acres subdivision for the CDBG application.

Attorney Dave Romero swore in Mr. Tafoya at 3:48 p.m.

Motion made by Commissioner Harold Garcia to accept the exhibits presented for County Road B43B. Second by Commissioner Max Trujillo. Motion carried.

Motion made by Commissioner Harold Garcia to close the public hearing at 3:52 p.m. Second by Commissioner Max Trujillo. Motion carried.

Motion made by Commissioner Janice Varela to go back into regular order at 3:52 p.m. Second by Commissioner Max Trujillo. Motion carried.

Attorney Romero requested at roll call vote

Commissioner Janice Varela – Yes

Commissioner Max Trujillo – Yes

Madam Chair Maria Martinez – Not present

Commissioner Harold Garcia – Yes

Vice-Chairman Chris Najjar – Yes

Motion made by Commissioner Harold Garcia to approve the Country acres Subdivision application. Second by Commissioner Max Trujillo. Motion carried.

Motion made by Commissioner Janice Varela to approve the San Isidro road project application. No Second. Motion does not pass.

Attorney Romero requested a roll call vote on the motions voting for County acres subdivision

Commissioner Harold Garcia – Yes

Commissioner Max Trujillo – Yes

Commissioner Janice Varela – No

Vice-Chairman Chris Najjar – Yes

Madam Chair Maria Martinez – Not present

Motion made by Commissioner Harold Garcia to approve the agenda with the amended changes recommended by Vice-Chairman Chris Najjar, namely, that item #10 be moved up on the agenda. Second by Commissioner Janice Varela. Motion carried.

## **5. SAN MIGUEL COUNTY REGIONAL HOUSING AUTHORITY ANNUAL PLAN AND FIVE YEAR PLAN 2020**

Acting Director San Miguel County Regional Housing Authority Betty Valdez informed the Commission of the San Miguel County regional housing authority annual plan and five year plan 2020. The Annual Plan and Five Year Plan is a comprehensive guide to public housing agency policies, programs, operations and strategies for meeting local housing needs and goals. There are two (2) parts to the Plan: the Five Year Plan which each Housing Authority submits to HUD once every 5th fiscal year and the Annual Plan, which is submitted to HUD every year. The addition of Project Based Vouchers is included in the Plan. Ms. Valdez requested the Commission approve of the annual plan and five year plan.

Motion made by Commissioner Harold Garcia to approve of the annual plan and five year plan. Second by Commissioner Janice Varela. Motion carried.

## **6. MANAGERS REPORT**

County Manager Vidal Martinez informed the Commissioner of a memorandum concerning capital outlay, which is the 2020 legislative appropriations for San Miguel County that are being provided under house bill 349 and under senate bill 232. The total funding is \$2,050,900.

Planning and Zoning Director Alex Tafoya updated the Commission on what has occurred under house bill 349 and senate bill 232.

For informational purposes only.

## **7. PUBLIC WORKS LGRF 2020 PROJECTS**

San Miguel County Public Works Road Foreman Arnold Lopez informed the Commission on their participation in local Government Road fund requests for possible funding for road improvements for 2020. Public works is recommending County Road (CAP) B26A for the amount of 224,617.01, County Road (SP) b27 for the amount of \$152,451.12 and County Road (SB) B26A for the amount of \$145,293.29. Mr. Lopez advised the Commission a project(s) for 2020 LGRF needs to be selected.

Motion made by Commissioner Harold Garcia to recommend a different project be selected instead of County Road B26A and leave County Road B27 as proposed; that being the San Isidro Road Project. Second by Commissioner Janice Varela. Motion carried.

## **8. CORONAVIRUS UPDATE**

San Miguel County Emergency Manager Leo Maestas updated the Commission on the current status of the Coronavirus.

For informational purposes only.

## **9. RESOLUTION NO. 03-10-2020-CM**

San Miguel County Manager Vidal Martinez informed the Commission that at the last meeting Ms. Sedillo presented a draft agenda of the social media policy. Mr. Martinez requested the Commission approve Resolution No. 03-10-2020-CM.

Motion made by Vice-Chairman Chris Najar to approve Resolution No. 03-10-2020-CM. Second by Commissioner Harold Garcia. Motion carried.

#### **10. RESOLUTION NO. 03-10-2020-PERSONNEL**

San Miguel County Manager Vidal Martinez informed the Commission of Resolution No. 03-10-2020-Personnel which is a resolution proposing the amendment of the San Miguel County Personnel Ordinance No. 06-12-2018-Personnel Section 4 to add an employee classification category to Term Appointed Employee to the current employment status. Mr. Martinez requested the Commission approve Resolution No. 03-10-2020-Personnel.

Motion made by Commissioner Janice Varela to approve Resolution No. 03-10-2020-Personnel. Second by Commissioner Harold Garcia. Motion carried.

#### **11. ANIMAL SHELTER SERVICE AGREEMENT**

San Miguel County Sheriff Chris Lopez informed the Commission of an animal shelter service agreement between San Miguel County and Animal Welfare Coalition of northeastern New Mexico. Mr. Lopez requested the Commission approve animal shelter service agreement.

Motion made by Commissioner Janice Varela to approve animal shelter service agreement. Second by Commissioner Harold Garcia. Motion carried.

#### **12. BUREAU OF JUSTICE ASSISTANCE BULLETPROOF PARTNERSHIP**

San Miguel County Sheriff Chris Lopez informed the Commission that the Sheriff's office was awarded a grant through the Bureau of Justice Assistance in the amount of \$3,567.58 for the purchase of bullet proof vests. Mr. Lopez requested the Commission accept the award.

Motion made Vice-Chairman Chris Najar to accept the award. Second by Commissioner Janice Varela. Motion carried.

#### **13. DETENTION CENTER EMPLOYEE OF THE YEAR**

San Miguel County Warden Matthew Elwell presented to the Commission the Detention center employee of the year for 2019 Ms. Erlinda Romero. Warden Elwell presented Ms. Romero with an award for her outstanding performance during the 2019 year.

#### **14. OUT OF STATE TRAVEL – AMERICAN JAIL ASSOCIATION 39<sup>TH</sup> ANNUAL AJA CONFERENCE AND JAIL EXPO**

San Miguel County Warden Matthew Elwell requested the Commission approve out of state travel for Lieutenant Xavier Romero, to attend the AJA Conference, in Aurora, CO April 4, 2020 through April 8, 2020. This conference focuses on training, networking, and hot-topic discussions relating to Jail operations.

Motion made by Vice-Chairman Chris Najar to approve out of state travel. Second by Commissioner Janice Varela. Motion carried.

#### **15. RESOLUTION NO. 02-11-20-RA01 ADOPTING THE 2020 COUNTY ROAD LOG**

San Miguel County Information Technology Director Diego Trujillo informed the Commission that San Miguel County is responsible for submitting its road log annually to secure road funds through the Local Government Road Fund Program. This submission also qualifies SMC for other road funds that may become available through the New Mexico Department of Transportation. Mr. Trujillo requested the Commission approve Resolution No. 02-11-20-RA01 adopting the 2020 County Road Log.

Motion made by Commissioner Harold Garcia to approve Resolution No. 02-11-20-RA01 adopting the 2020 County Road Log. Second by Vice-Chairman Chris Najar. Motion carried.

#### **16. ADDENDUM TO JOINT POWERS AGREEMENT BETWEEN GUADALUPE AND SAN MIGUEL COUNTY – SOLID WASTE COLLECTION IN TECOLOTITO**

San Miguel County Public Works Director Gerald Garcia informed the Commission of the Solid Waste Collection in Tecolotito Agreement, by and between Guadalupe County, New Mexico and San Miguel County, New Mexico; San Miguel County shall reimburse Guadalupe County for Solid Waste Collection in Tecolotito the sum of \$31,200.00 annually, in the manner and time provided in the Joint Powers Agreement. Mr. Garcia requested the Commission approve of the addendum to joint powers agreement.

Motion made by Commissioner Harold Garcia to approve of the addendum to joint powers agreement. Second by Commissioner Max Trujillo. Motion carried.

#### **17. SAN MIGUEL COUNTY PUBLIC WORKS DEPARTMENT – RECOMMENDATION OF REJECTION OF BID(S) – 2019 SAN MIGUEL COUNTY ROAD IMPROVEMENTS BRIDGE RE-DECKING**

San Miguel County Public Works Director Gerald Garcia informed the Commission that San Miguel County, solicited competitive sealed bid(s) from a qualified vendor(s), for the Road Improvement Project/Bridge Re-Decking Projects. The received bid(s) were evaluated. Bidding Contractors did not have proper license required by the State of New Mexico. Mr. Garcia requested the Commission approve to reject submitted bids.

Motion made by Vice-Chairman Chris Najar to approve to reject submitted bids. Second by Commissioner Harold Garcia. Motion carried.

**18. SAN MIGUEL COUNTY PUBLIC WORKS DEPARTMENT – RECOMMENDATION OF AWARD – 2019 SAN MIGUEL COUNTY ROAD IMPROVEMENTS – LA TEWA (CRA1) BRIDGE REPAIR**

San Miguel County Public Works Director Gerald Garcia informed the Commission that San Miguel County, solicited competitive sealed bid(s) from a qualified vendor(s), for the Road Improvement Project La Tewa – County Road A1, Bridge Repair. The received bid(s) were evaluated. Rocky Road Gravel & Well Drilling was the lowest and most qualified bidder. Mr. Garcia requested the Commission approve to enter into a contractual agreement with Rocky Road Gravel & Well Drilling for the Road Improvement Project.

Motion made by Commissioner Chris Najar to approve to enter into a contractual agreement with Rocky Road Gravel & Well Drilling for the Road Improvement Project. Second by Commissioner Harold Garcia. Motion carried.

**19. SAN MIGUEL COUNTY PUBLIC WORKS DEPARTMENT – RECOMMENDATION OF REJECTION OF BID(S) – 2019 SAN MIGUEL COUNTY ROAD IMPROVEMENTS CACTUS DRIVE**

San Miguel County Public Works Director Gerald Garcia informed the Commission that San Miguel County, solicited competitive sealed bid(s) from a qualified vendor(s), for the Road Improvement Projects – Cactus Drive. The received bid was evaluated. The bid received was greater than 10% over the available funded amount for this project. Mr. Garcia requested the Commission approve to reject the bid submitted for the Road Improvement project.

Motion made by Commissioner Max Trujillo to approve to reject the bid submitted for the Road Improvement project. Second by Commissioner Harold Garcia. Motion carried.

**20. SAN MIGUEL COUNTY PUBLIC WORKS DEPARTMENT – RECOMMENDATION OF REJECTION OF BID(S) – 2019 SAN MIGUEL COUNTY ROAD IMPROVEMENTS LAS DISPENSAS ROAD – A3**

San Miguel County Public Works Director Gerald Garcia informed the Commission that : San Miguel County, solicited competitive sealed bid(s) from a qualified vendor(s), for the Road Improvement Project on Las Dispensas Road – County Road A3. The received bid was evaluated. The bid received was greater than 10% over the available funded amount for this project. Mr. Garcia requested the Commission approve to reject the bid submitted for the Road Improvement project.

Motion made by Commissioner Janice Varela to approve to reject the bid submitted for the Road Improvement project. Second by Vice-Chairman Chris Najar. Motion carried.

**21. SAN MIGUEL COUNTY PUBLIC WORKS DEPARTMENT – RECOMMENDATION OF AWARD – 2019 SAN MIGUEL COUNTY ROAD IMPROVEMENTS SAN AUGUSTINE BRIDGE RECONSTRUCTION PROJECT**

San Miguel County Public Works Director Gerald Garcia informed the Commission that San Miguel County, solicited competitive sealed bid(s) from a qualified vendor(s), for the San Augustine Bridge Reconstruction

Project. The received bid(s) were evaluated. Rocky Road Gravel and Well Drilling, was the lowest and most qualified bidder. Mr. Garcia requested the Commission approve to enter into a contractual agreement with Rocky Road Gravel and Well Drilling for the Road Improvement Project.

Motion made by Vice-Chairman Chris Najar to approve to enter into a contractual agreement with Rocky Road Gravel and Well Drilling for the Road Improvement Project. Second by Commissioner Harold Garcia. Motion carried.

## **22. PUBLIC WORKS DIVISION REPORT FOR THE MONTH OF JANUARY/FEBRUARY 2020**

San Miguel County Public Works Division Road Foreman Arnold Lopez informed the Commission of all Maintenance and Blading of County roads that took place in the months of January and February 2020.

For informational purposes only.

## **23. REIMBURSEMENT TO JENNIFER LAFEBRE**

San Miguel Finance Supervisor Melinda Gonzales informed the Commission that Jennifer Lafebre will be taking classes from January through May, part of which will be done during working hours. Upon successful completion of the class with a C or better, she will qualify for reimbursement of her educational expenses. Ms. Gonzales requested the Commission approve reimbursement to Jennifer Lafebre.

Motion made by Commissioner Janice Varela to approve reimbursement to Jennifer Lafebre. Second by Commissioner Harold Garcia. Motion carried.

## **24. TRAVEL FOR THE COUNTY MANAGER TO ATTEND THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION ANNUAL CONFERENCE, SEPTEMBER 23-26, 2020 IN TORONTO CANADA**

San Miguel County Chair Maria Martinez requested the Commission approve travel for County Manager to attend the international city/county management association annual conference, September 23-26, 2020 in Toronto, Canada. The conference is where local government management professionals discover essential tools and strategies for managing local government in today's complex environment. IEMA is the world's largest conference for local government management professionals.

Motion made by Vice-Chairman Chris Najar to approve travel for the county manager. Second by Commissioner Harold Garcia. Motion carried.

## **BOARD OF FINANCE MEETING**

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

San Miguel County Finance Supervisor Melinda Gonzales presented to the Commission the bank transfers for the month of January 2020.



For informational purposes only.

**26. FY2020 SECOND QUARTER DFA BUDGET TO ACTUAL SUBMISSION, FINANCIAL REPORT ADJUSTMENT SCHEDULE AND SECOND QUARTER LINE ITEM TRANSFERS**

San Miguel County Finance Supervisor Melinda Gonzales presented to the Commission the quarterly reports that are submitted to DFA, Financial report adjustment schedule and a second quarter line item transfer.

For informational purposes only.

**27. INDIGENT CLAIMS**

San Miguel County Finance Supervisor Melinda Gonzales informed the Commission that the Finance Office has received, reviewed and processed two indigent burial claims. Ms. Gonzales is seeking Ratification of the indigent burial payments.

Motion made by Commissioner Harold Garcia to approve Ratification of the indigent burial payments. Second by Commissioner Max Trujillo. Motion carried.

**28. JOURNAL ENTRY REPORT FOR THE MONTH OF DECEMBER 2019 AND JANUARY 2020**

San Miguel County Finance Supervisor Melinda Gonzales informed the Commission of the journal entry report for the months of December 2019 and January 2020.

For informational purposes only.

**29. BUDGET REPORT FOR THE PERIOD OF JULY 1, 2019 THROUGH DECEMBER 31, 2019 AND JANUARY 2020**

San Miguel County Finance Supervisor Melinda Gonzales presented to the Board of County Commissioner the budget report for the period of July 1, 2019 through December 31, 2019 and July 1, 2019 through January 31, 2020.

For informational purposes only.

**30. CASH BALANCE REPORT FOR THE MONTHS OF DECEMBER 2019 AND JANUARY 2020**

San Miguel County Finance Supervisor Melinda Gonzales informed the Commission of the December 2019 and January 2020 reconciled cash balances.

For informational purposes only.

**31. ACCOUNTS PAYABLE REPORT FOR THE PERIOD OF DECEMBER 2019 AND JANUARY 2020**

San Miguel County Finance Supervisor Melinda Gonzales informed the Commission of the accounts payable report for the period of December 2019 and January 2020. Ms. Gonzales requested the Commission review and approve the accounts payable report for the period of December 2019 and January 2020.

Motion made by Commissioner Harold Garcia to approve the accounts payable report for the period of December 2019 and January 2020. Second by Commissioner Max Trujillo. Motion carried.

### **32. RECEIPT REPORT FOR THE MONTH OF DECEMBER 2019 AND JANUARY 2020**

San Miguel County Finance Supervisor Melinda Gonzales presented to the Commission a receipt detail report for the months of December 2019 and January 2020.

For informational purposes only.

#### **Executive/Closed Session**

A. Attorney-Client Privilege Pertaining to Threatened or Pending Litigation, as permitted by NMSA 1978, Section 10-15-1(H)(7) (as amended) of the Open Meetings Act. More specifically: CRA- Charles River Associates/ Mullen Coughlin law- Cyber Security: Dead Horse Ranch vs SMC

Madam Chair Maria Martinez recommends to retire into Executive Session to discuss 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: CRA- Charles River Associates/ Mullen Coughlin law- Cyber Security: Dead Horse Ranch vs SMC

Motion made by Vice-Chairman Chris Najar to retire into Executive Session at 5:09p.m to discuss 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: CRA- Charles River Associates/ Mullen Coughlin law- Cyber Security: Dead Horse Ranch vs SMC. Second by Commissioner Harold Garcia. Motion carried.

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

#### **ADJOURNMENT**

Motion made by Commissioner Harold Garcia to adjourn the meeting at 5:15p.m. Second by Vice-Chairman Chris Najar. Motion carried.

Approved this 14<sup>TH</sup> day of April, 2020 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held March 10, 2020.

Maria L. Martinez  
Madam Chair, Maria L. Martinez  
District 4

Chris A. Najjar  
Vice-Chairman, Chris A. Najjar  
District 5

Max O. Trujillo  
Commissioner, Max O. Trujillo  
District 3

Harold M. Garcia  
Commissioner, Harold M. Garcia  
District 1

Janice C. Varela  
Commissioner, Janice C. Varela  
District 2

**ATTEST**

Geraldine E. Gutierrez  
Geraldine E. Gutierrez, County Clerk

Zachary Garza  
Minutes Submitted by Zachary Garza