

**MINUTES OF REGULAR MONTHLY MEETING OF  
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS  
HELD TUESDAY NOVEMBER 14, 2017 BEGINNING AT 2:00 P.M.**

**CALL TO ORDER**

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday November 14, 2017, beginning at 2:00 p.m. The meeting convened at the San Miguel Administration Complex located at 500 West National Avenue, Suite 200, New Mexico 87701.

**ROLL CALL:**

Upon a call of the roll, Chairman Rock Ulibarri present, Vice-Chairman Arthur Padilla present, Commissioner Janice Varela present, Commissioner Maria Martinez present, and Commissioner Chris Najjar present and a quorum was duly noted.

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

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

**APPROVAL OF AGENDA**

Motion made by Commissioner Maria Martinez to approve the minutes of the October 10, 2017 Regular meeting. Second by Commissioner Chris Najjar. Motion carried.

**INTRODUCTION OF NEW SAN MIGUEL COUNTY EMPLOYEE**

**VICTORIA LUCERO**-Transport Officer-Probationary Full Time Employee San Miguel County Sheriff's Division

San Miguel County Human Resources Supervisor Eileen Sedillo presented to the Commission Victoria Lucero-Transport Officer Probationary Full Time Employee for the San Miguel County Sheriff's Division.

**PUBLIC INPUT FORUM**

**Manuel Garcia**-Spoke in regards to flood damage to roads and bridges resulting from the rainfall on 06/25/17,

**Douglas Hughes**-Herbicide spraying and the effects resulting from it

**Anna Romero Johnson**- Addressed the matter of the flooding on old National Road

**Pat Leahan**- Addressed the Herbicide issue that Dr. Hughes presented and also Thank the Commissioners, County Manager, Warden and staff for what they have done for the Integration Center.

**NEW BUSINESS**

San Miguel County Chairman Rock Ulibarri presented to the Commission the MBT Project and the State of Emergency Project for San Miguel County.

Motion made by Commissioner Maria Martinez to make changes to the MBT Project and the State of Emergency Project. Second by Commissioner Chris Najar. Motion carried.

Mr. Lorenzo Flores informed the Commission of the issues pertaining to the MBT Project and the State of Emergency Project. Mr. Flores informed the Commission ten years ago deceased individual Lawrence Alires formed the Environmental Consultant Plan. Mr. Flores along with Mr. Alires got Senator Jeff Bingaman to donate half a million dollars for these projects. Highlands University and Las Cruces did studies pertaining to these dangerous waste hazards but nothing was ever finalized.

**PRESENTATION:** Fears Nachwati Law Firm  
**Presenter:** Matthew McCarley-Partner

Fears Nachwati Law Firm presenter Matthew McCarley-Partner informed the Commission of the dangerous and deadly affects that Opioids have on us today. Since 1999 half a million people have died due to the usage of Opioid Drugs. The Nachwati Law Firm is looking forward to winning this lawsuit and for the government to educate the public of the results of the dangers of using these drugs.

**PRESENTATION:** Department of Homeland Security and Emergency Management  
**Presenter:** Rosalita Whitehair, Ashley Marsh, and Brenda A. Jacquez

San Miguel OEM Manager Leo Maestas informed the Commission the Department of Homeland Security and Emergency Management presenters are unable to present their presentation, but would return to present next month.

### **REGULAR ORDER**

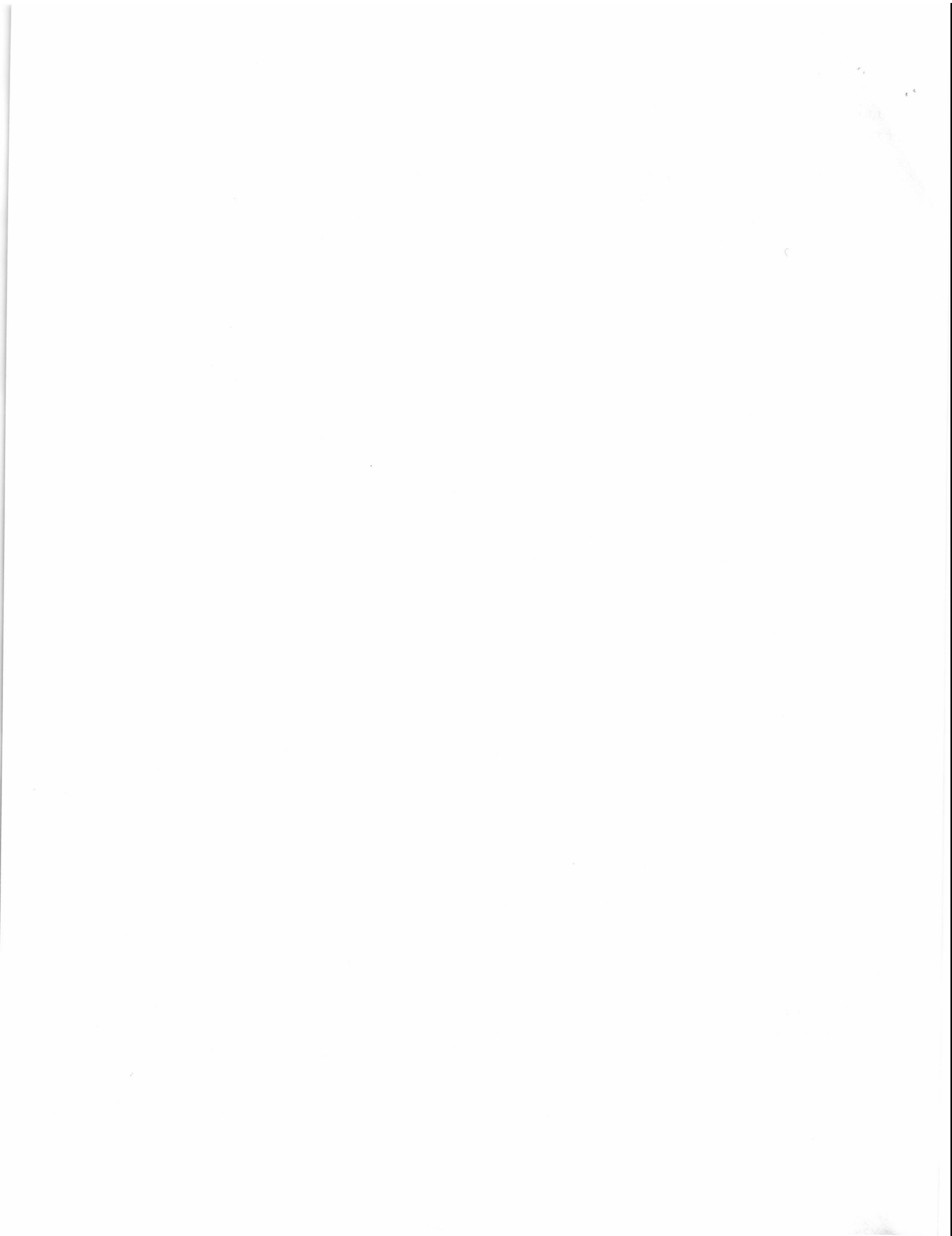
#### **1. THE SAN MIGUEL COUNTY FAMILY AND COMMUNITY HEALTH COUNCIL MEMBERSHIP**

San Miguel County Family and Community Health Council Member Dr. Barbara Casey Perea is requesting Commission appoint existing and new members to the San Miguel County Family and Community Health Council.

Motion made by Commissioner Chris Najar to reappoint existing and appoint new members to the San Miguel County Family and Community Health Council. Second by Vice-Chairman Arthur Padilla. Motion carried.

#### **2. ECONOMIC DEVELOPMENT CORPORATION (EDC)**

San Miguel County Chairman Rock Ulibarri informed the Commission of the Economic Development Corporation. Mr. Ulibarri informed the three new Commissioners two years ago the Commission voted to raise our taxes by 2 1/8 for health, roads, and economic development but nothing was done to help these issues. Mr. Ulibarri requested Commission approval for \$30,000.00 to fund EDC with deliverables. Luna Community College intern of the EDC Program Mr. Michael Adams informed the Commission of the different projects he is working with to help the community, such as the Commercial Kitchen. Commissioner Martinez requested the Commission go into executive session to further discuss this matter.



Motion made by Vice-Chairman Arthur Padilla to go into executive session at 2:57 pm. Second by Commissioner Chris Najjar. Motion carried.

## **ROLL CALL**

Chairman Rock Ulibarri- Yes  
Vice-Chairman Arthur Padilla- Yes  
Commissioner- Janice Varela- Yes  
Commissioner-Maria Martinez- Yes  
Commissioner- Chris Najjar- Yes

Chairman Rock Ulibarri made a motion at 3:01 pm to have a roll call to go back into regular session.

## **ROLL CALL**

Chairman Rock Ulibarri- Yes  
Vice-Chairman Arthur Padilla- Yes  
Commissioner-Janice Varela- Yes  
Commissioner- Maria Martinez- Yes  
Commissioner- Chris Najjar- Yes

No action taken in executive session.

Motion made by Vice-Chairman Arthur Padilla to approve \$30,000 to fund EDC with deliverables. Second by Commissioner Chris Najjar. Motion carried.

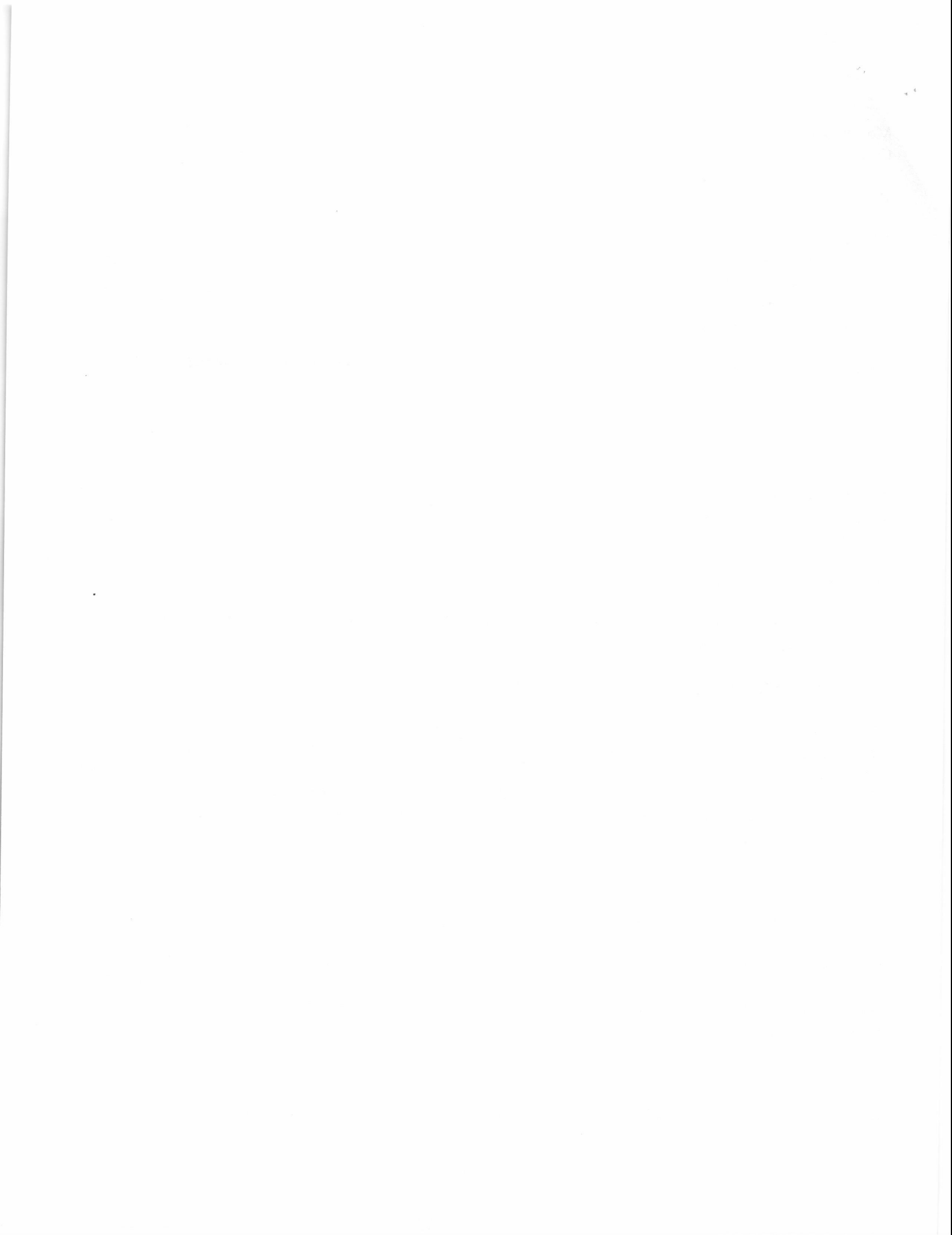
### **3. HEMP INDUSTRY IN SAN MIGUEL COUNTY**

San Miguel County Chairman Rock Ulibarri introduced to the Commission Hemp Industry expert Mikaela Nicki Anaya and also invited her to do a more detail presentation on the Hemp Industry next month in December. Ms. Anaya informed the Commission she has been working on the bill to legalize the Hemp plant. Ms. Anaya informed the Commission that in early 2017 two bills were passed but both got vetoed by the Governor. Ms. Anaya informed the Commission the Hemp Industry would be a great economic development for our communities.

Informational purposes only.

### **4. TRANSPORTATION ISSUES IN SAN MIGUEL COUNTY**

San Miguel County Chairman Rock Ulibarri presented to the Commission Mr. Gutierrez from the Help Office here in Las Vegas. Mr. Gutierrez informed the Commission he is working towards providing transportation services for the elderly in the rural areas that do not have means of transportation. Mr. Gutierrez informed the Commission that he is not here to ask for money but instead for the support in the Community to help these individuals.



Informational purposes only.

## **5. TOWN HALL MEETING**

San Miguel County Chairman Rock Ulibarri informed the Commission a Town Hall Meeting is to take place Friday, November 17, 2017 from 5:00 pm to 7:00 pm. The meeting will take place in the San Miguel County Commission Chambers. The topic of discussion will be cost of health care, types of health care, and quality of health care. Mr. Ulibarri informed the Commission they are looking to capture the voice of the people and their experiences throughout the County.

Informational purposes only.

## **6. LAS VEGAS NIGHT AT THE LEGISLATURE**

San Miguel County DWI Coordinator Yolanda Cruz informed the Commission that she had been appointed as San Miguel County Representative in planning stage for Las Vegas Night at the Legislature. Las Vegas Night at the Legislature is scheduled to take place on February 8, 2017 at La Fonda. Ms. Cruz said the total cost of this event has been cut down over half of the original estimated cost of \$40,000.00 to roughly about \$23,000.00. Representatives from Luna Community College and Highlands University will be assisting with this event.

Informational purposes only.

## **7. SAN MIGUEL COUNTY COMPREHENSIVE PLAN SURVEY**

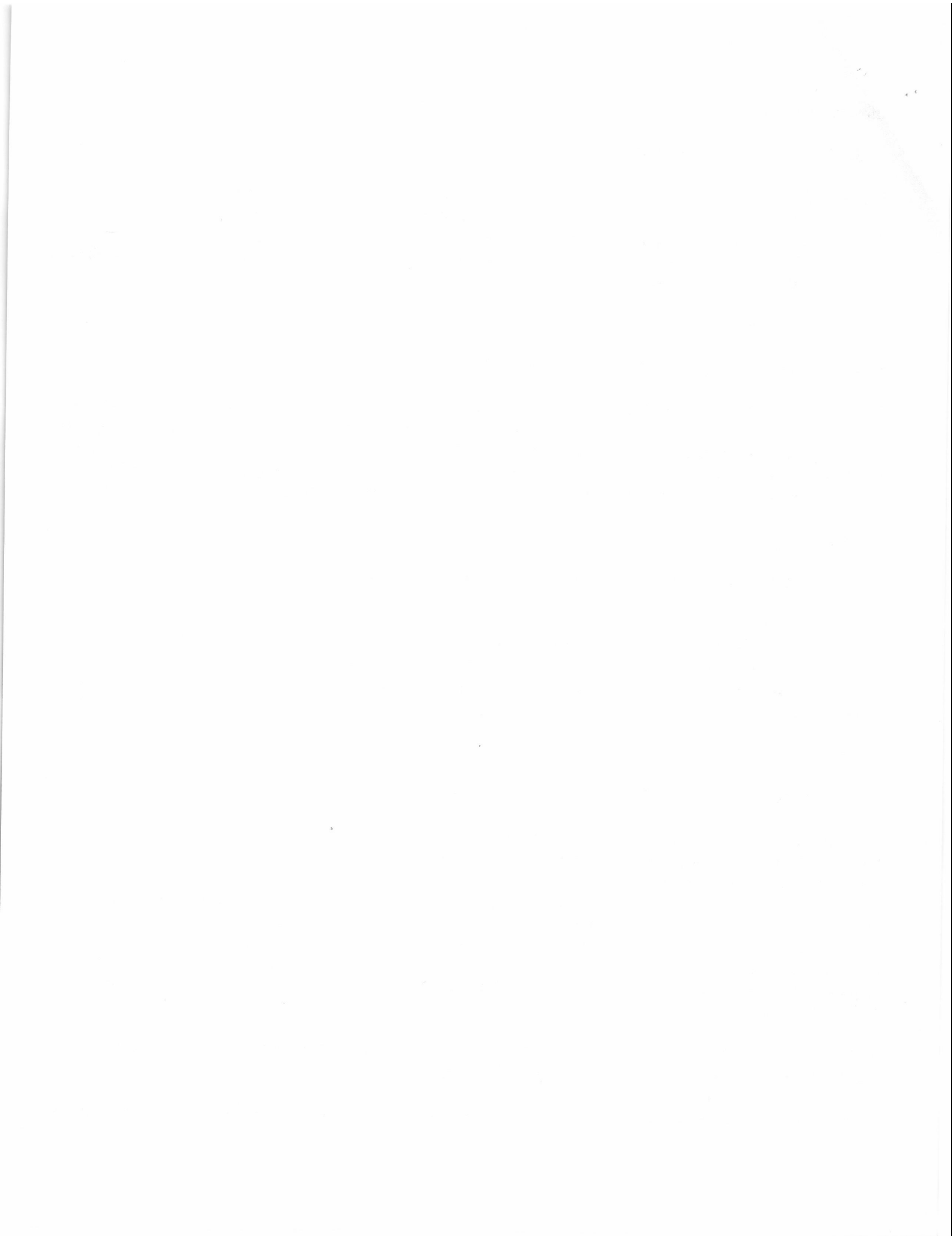
San Miguel County Information Technology Supervisor Diego Trujillo informed the Commission San Miguel County and ARC Planning deployed an electronic survey via the County Website on August 24<sup>th</sup> to compile information to assist County staff and County Commission in better understanding the opinions, ideas, needs and concerns of residents within the 11 San Miguel County Sub areas. Mr. Trujillo informed the Commission this is the most current data as of November 7, 2017.

This is for informational purposes only.

## **8. ON-SITE FIRE DEPARTMENT APPARATUS MAINTENANCE AND REPAIR**

San Miguel County Fire Chief Elauterio "Mike" Montano informed the Commission on recent requested proposals from those vendors who were qualified to provide on-site apparatus maintenance and repair. Three proposals were received, opened and evaluated. All three vendors met or exceed the minimum requested requirements. At this time, authorization is being requested to contract with the three vendors who provided proposals, those being Emergency Maintenance Services, MJM Service and Repair and New Mexico Apparatus. This would allow San Miguel Fire Department the ability to provide on-site apparatus maintenance and repair services as well as emergency repair service to the 12 Volunteer Fire Departments within San Miguel County. Mr. Montano requested approval from the Commission for the on-site Fire Department Apparatus Maintenance and Repair.

Motion made by Commissioner Chris Najjar to approve On-Site Fire Department Apparatus Maintenance and Repair. Second by Commissioner Maria Martinez. Motion carried.



## **9. FIRE TRUCK**

San Miguel County Fire Chief Mike Montano informed the Commission on September 28, 2017, San Miguel County Fire Department was notified by Mr. Eugene Pino, from State Forestry, that a 2008 Ford F550 Type 6 Engine would be transferred to Ilfeld Volunteer Fire Department. San Miguel County Fire Chief Elauterio “Mike” Montano and Ilfeld Volunteer Fire Department Chief Ken Aringdale, traveled to Springerville, Arizona for the purpose of picking up the vehicle. Permission was granted and the truck was picked up on October 4, 2017.

This is for Informational purposes only.

## **10. RE-ORGANIZATIONAL CHART**

San Miguel County Warden Matthew A. Elwell informed the Commission San Miguel County Detention Center is requesting to change its organizational structure to increase inmate security and programs for the Reintegration Center. Mr. Elwell is requesting the Commission review and approve the Re-Organizational Chart.

Motion made by Commissioner Maria Martinez to approve the Re-Organizational Chart. Second by Vice-Chairman Arthur Padilla. Motion carried.

## **11. APPROVAL FOR J & J AUCTIONEERS, LLC AUCTION AGREEMENT**

San Miguel County Sheriff Gary Gold informed the Commission the San Miguel County Sheriff’s Office is respectfully requesting Commission approval to proceed with the Writ of Execution process via J & J Auctioneers LLC. Viewing of items to be sold will be held on Wednesday December 6, 2017. Final bidding will take place on December 7, 2017 starting at 12:00 p.m. Purchased items may be picked up on Friday December 8<sup>th</sup> or Saturday December 9<sup>th</sup> from the San Miguel County Public Works Department. J & J Auctioneers will be taking 10% of proceeds made. Mr. Gold informed the Commission the San Miguel County Attorney David Romero has reviewed and approved contract for legal sufficiency. Mr. Gold requested the Commission review and approve the “Auction Agreement.”

Motion made by Commissioner Maria Martinez to approve the Auction Agreement with J & J Auctioneers. Second by Vice-Chairman Arthur Padilla. Motion carried.

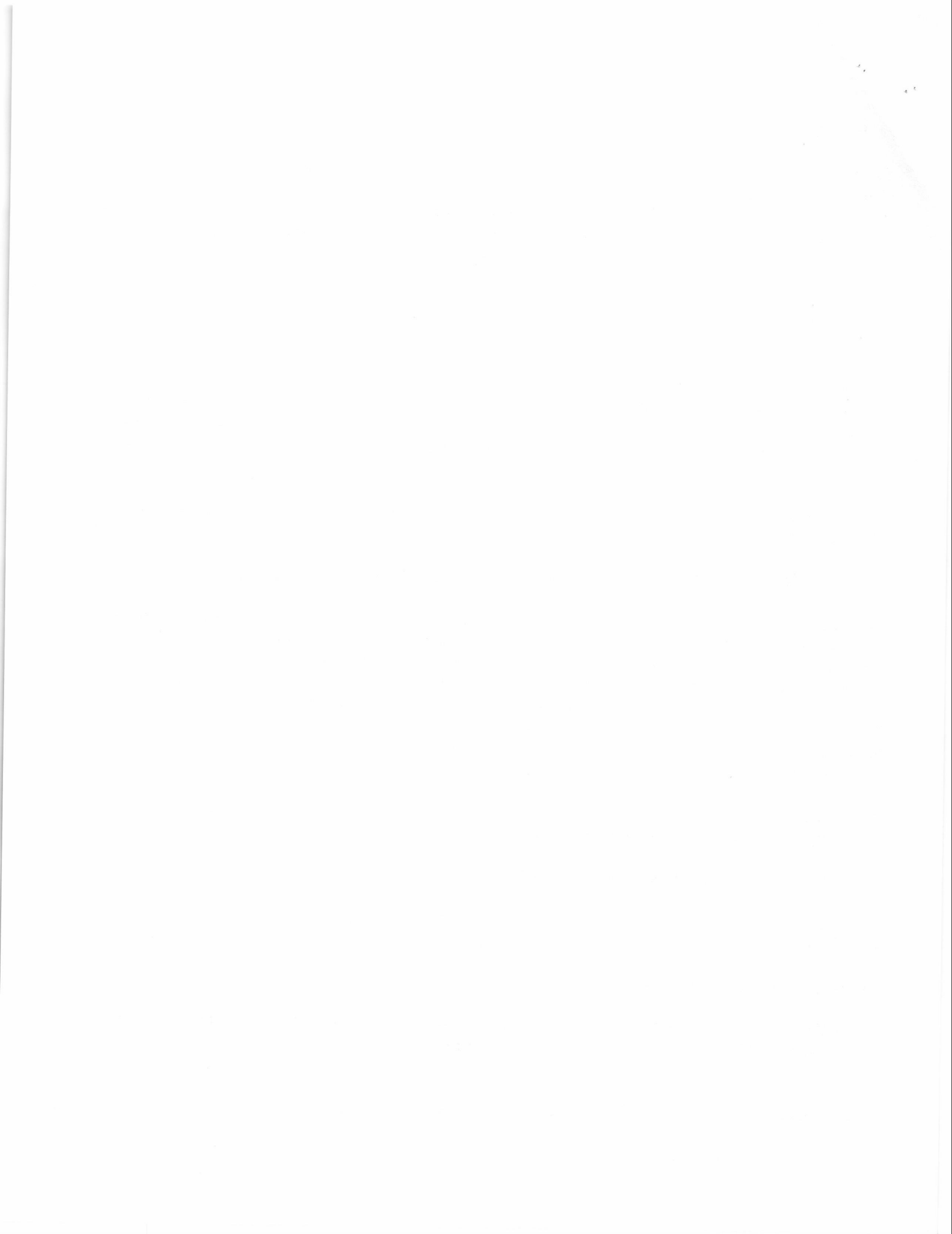
## **12. PUBLIC WORKS DIVISION REPORT FOR THE MONTH OF OCTOBER 2017**

San Miguel County Public Works Division Road Foreman Arnold Lopez informed the Commission of the monthly report on the road maintenance including blading and special projects throughout the county.

This is for informational purposes.

## **13. RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF DETENTION OFFICER AT THE SAN MIGUEL**





**COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF MATTHEW ELWELL, WARDEN/FACILITY ADMINISTRATOR**

**Jasmine Apache-Detention Officer-Effective Date of Hire: October 16, 2017-Probationary Salary: \$20,900.00.**

San Miguel County Human Resource Supervisor Eileen Sedillo informed the Commission a detention officer position became vacant in the detention center. Ms. Sedillo is requesting the Commission approval to ratify the hiring of Jasmine Apache to fill the vacant position of Detention Officer.

Motion made by Commissioner Maria Martinez to approve the hiring of Jasmine Apache Detention Officer at the Detention Center. Second by Commissioner Chris Najar. Motion carried.

**14. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF OCTOBER 2017**

San Miguel County Human Resource Supervisor Eileen Sedillo informed the Commission the Personnel Actions or changes which have taken place for the month of October 2017. Ms. Sedillo requested Commission approve and ratify the personnel actions or changes for the month of October 2017.

Motion made by Commissioner Chris Najar to approve the Personnel Actions or Changes for the month of October 2017. Second by Commissioner Janice Varela. Motion carried.

**15. BANK TRANSFERS FOR THE MONTH OF OCTOBER**

San Miguel County Treasurer Chief Deputy Justin Garcia presented to the Commission the wire transfers for the month of October 2017.

Informational purposes only.

**16. CASH BALANCE REPORT**

San Miguel County Finance Supervisor Melinda Gonzales presented to the Commission the August 31, 2017 reconciled cash balances.

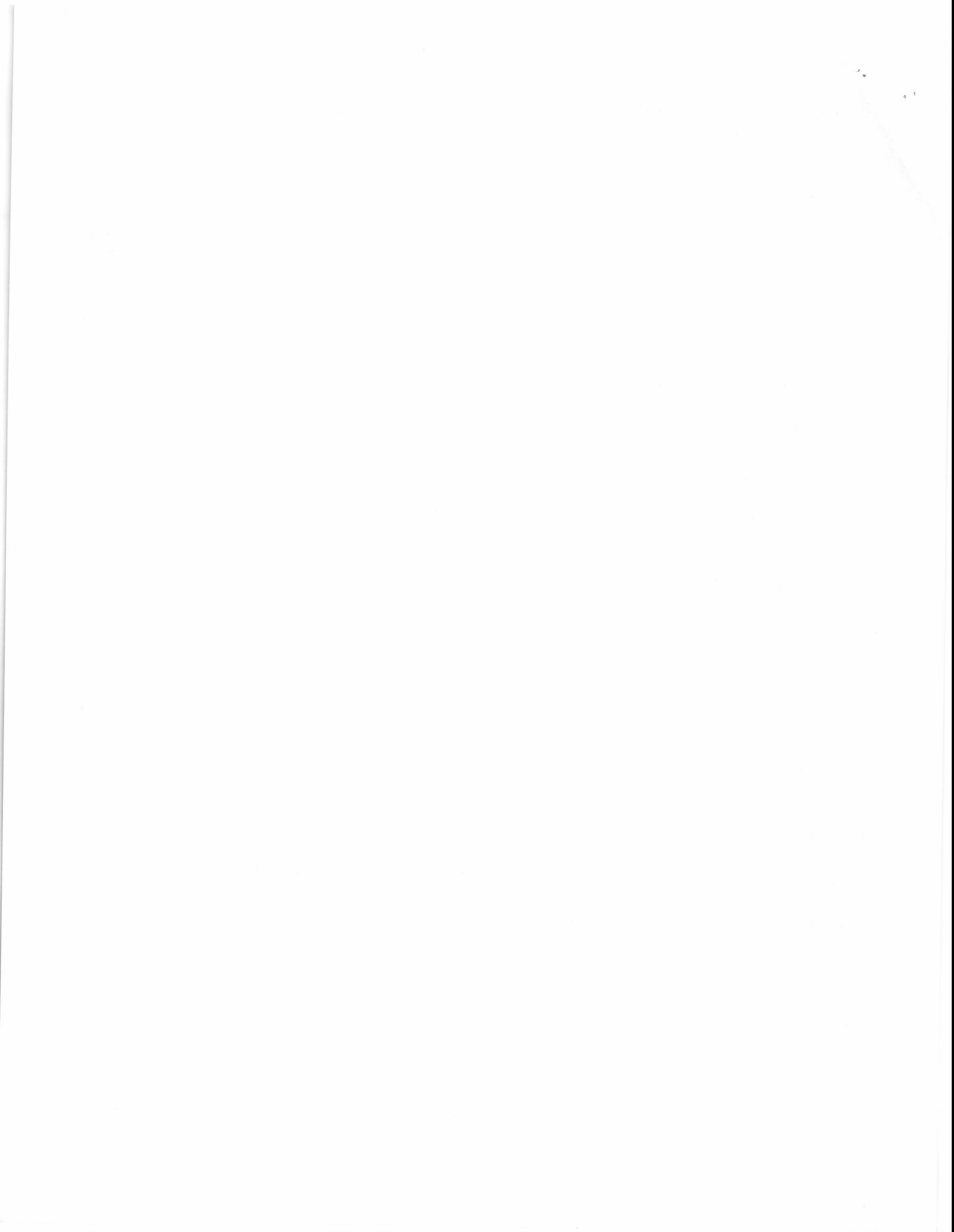
Informational purposes only.

**17. JOURNAL ENTRY REPORT FOR THE MONTH OF SEPTEMBER 2017**

San Miguel County Finance Supervisor Melinda Gonzales presented to the Commission the Journal Entry Report for the month of September 2017.

Informational purposes only.

**18. RECEIPT REPORT FOR THE MONTH OF SEPTEMBER 2017**



San Miguel County Finance Supervisor Melinda Gonzales presented to the Commission the Receipt Detail Report for the month of September 2017. The report is generated from Tyler Technologies. It shows transactions that take place in the Treasurers and Solid Waste Department.

Informational purposes only.

### **19. ACCOUNTS PAYABLE REPORT FOR THE PERIOD OF SEPTEMBER 26, 2017 THROUGH OCTOBER 26, 2017 AND THE SEPTEMBER 2017 HOUSING PAYMENT REGISTER**

San Miguel County Finance Supervisor Melinda Gonzales submitted to the Commission the accounts payable report processed through the finance office and Bernalillo County on behalf of San Miguel County. Ms. Gonzales requested the Commission review and approval of the Account Payable Report.

Motion made by Commissioner Chris Najar to review and approve the accounts payable report for the period of September 26, 2017 through October 26, 2017. Second by Commissioner Maria Martinez. Motion carried.

### **20. RESOLUTION 2017-11-14-F1**

San Miguel County Finance Supervisor Melinda Gonzales advised the Commission of the increase of the expenditures by \$19,157 in Fund 208. These funds will be used to cover costs associated with staff development and will be funded through the non-budgeted cash balance. The next adjustment is to increase the Lodgers Tax Budget by \$5000.00 to cover electrical work at the fairgrounds. Next is another adjustment tied to an approval from the Department of Health to budget the carryover cash balance of \$334.07 in the Cabo Lucero EMS Fund. Ms. Gonzales requested the Commission review and approval of Resolution 2017-11-14-F1.

Motion made by Commissioner Janice Varela to review and approve Resolution 2017-11-14-F1. Second by Vice-Chairman Arthur Padilla. Motion carried.

### **21. CLOSED/EXECUTIVE SESSION**

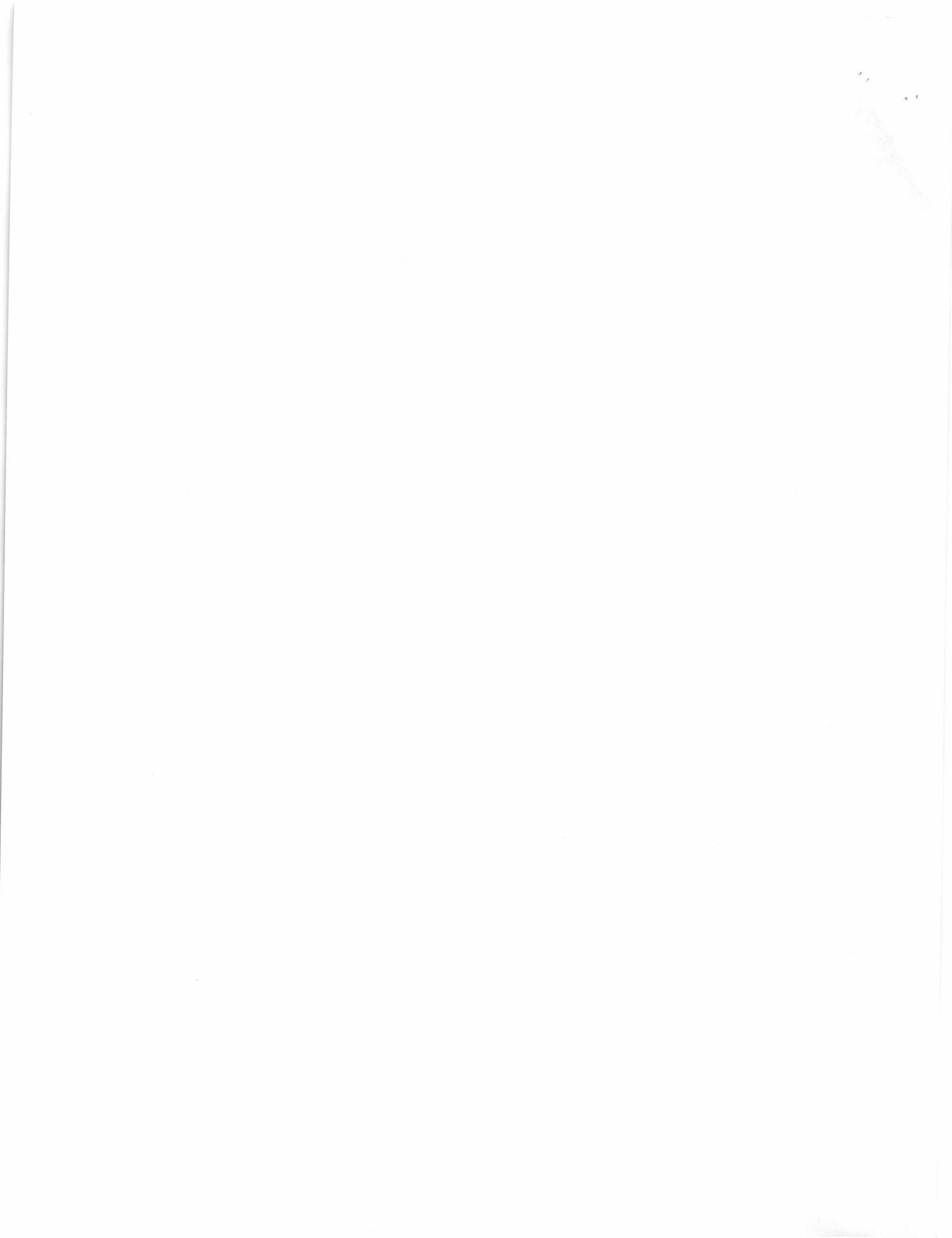
Limited Personnel Matters, as permitted by NMSA 1978, Section 10-15-1(H)(2) (as amended) of the Open Meetings Act, more specifically personnel matters regarding specific county departments: Detention Center; Planning and Zoning, and Public Works.

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 Strickling Litigation, Storrie Project Water Users Association v. Gonzales, 1949-NMSC-052, 53 N.M. 421, 2009P. 2d 530 (S. Ct. 1949) and fears Nachawati Law Firm.

Motion made by Vice-Chairman Arthur Padilla to go into executive session at 4:58 pm. Second by Commissioner Janice Varela. Motion carried.

### **22. ACTION ON FEARS NACHAWATI LAW FIRM**

Motion made by Commissioner Chris Najar to table the Action on Fears Nachawati Law Firm. Second by Commissioner Maria Martinez.



## **ROLL CALL:**

Chairman Rock G. Ulibarri Yes

Vice-Chairman Arthur J Padilla Yes

Commissioner Janice C Varela Yes

Commissioner Maria L Martinez Yes

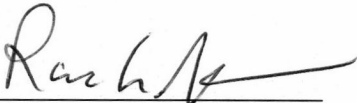
Commissioner Chris A Najjar Yes

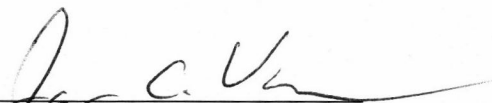
Motion made by Vice-Chairman Arthur Padilla to come out of Executive/Closed Session at 5:23 p.m. Second by Commissioner Janice Varela. Motion carried.


## **ADJOURNMENT**

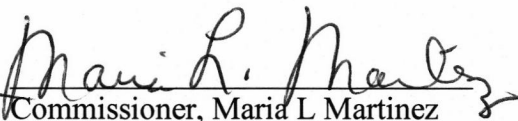
Motion made by Vice-Chairman Arthur Padilla to adjourn the meeting at 5:23 p.m. Second by Commissioner Janice Varela. Motion carried.

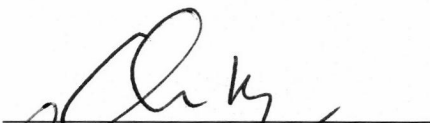
Approved this 9<sup>th</sup> day of January, 2017 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held November 14, 2017.

  
Chairman, Rock G. Ulibarri  
District 1

  
Commissioner, Janice C. Varela,  
District 2

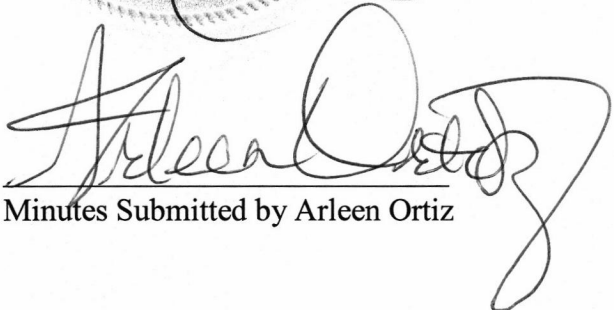
  
Vice-Chairman, Arthur J. Padilla  
District 3

  
Commissioner, Maria L. Martinez  
District 4

  
Commissioner, Chris A. Najar  
District 5

  
ATTEST  
Geraldine E. Gutierrez, County Clerk



  
Minutes Submitted by Arleen Ortiz

