

**MINUTES OF REGULAR MONTHLY MEETING OF
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
HELD TUESDAY APRIL 13, 2021 BEGINNING AT 2:00 P.M.**

CALL TO ORDER

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday, April 13, 2021, beginning at 2:00 p.m. The meeting convened at the San Miguel County Administration Complex located at 500 West National Ave. Suite 200 Las Vegas, New Mexico 87701. During the meeting, a County Board of Finance Meeting will take place.

Chairman Harold Garcia called the meeting to order at 2:00 p.m.

ROLL CALL:

Upon a call of the roll by County Clerk Deputy Arleen Ortiz, Chairman Harold Garcia, present, Madam Vice-Chair Janice Varela, present, Commissioner Max Trujillo, present, Commissioner Martin Sena, present, and Commissioner Kenneth Medina, present, and a quorum was duly noted.

PLEDGE OF ALLEGIANCE

SALUTATION TO THE NEW MEXICO STATE FLAG

San Miguel County Commissioner Kenneth Medina led the Pledge of Allegiance and the Salutation to the New Mexico State Flag.

APPROVAL OF AGENDA

San Miguel County Interim Manager Melinda Gonzales requested the Commission change item #4 to be presented after item #18 and remove item #17 which will be rescheduled for May or June 2021 regular meeting. Madam Interim County Manager Melinda Gonzales also requested a 5 Minute recess after item #18 so that documents may be signed by the Commissioners.

Madam Vice-Chair Janice Varela called for a point of order in regards to meeting date, in which Chairman Harold Garcia called the meeting to order stating March 30, 2021 when the meeting date should be April 13, 2021. Chairman Harold Garcia stated for the record, he stands corrected on the meeting date correction.

Motion made by Commissioner Martin Sena to approve the Agenda with the above mentioned changes. Second by Madam Vice-Chair Janice Varela. Motion carried.

APPROVAL OF MINUTES

RM-03-09-2021

SM-03-30-2021

San Miguel County Chairman Harold Garcia stated for the record, there was an error on Item #13 of RM-03-09-2021 Local Government Transportation Project Fund. County Clerk Geraldine E. Gutierrez informed Chairman Harold Garcia she noted error done.

Motion made by Commissioner Kenneth Medina to approve the minutes of the Regular Meeting of 03-09-21 with changes made. Second by Commissioner Max Trujillo. Motion carried.

Motion made by Commissioner Kenneth Medina to approve the minutes of Special Meeting 03-30-21. Second by Madam Vice-Chair Janice Varela. Motion carried.

PUBLIC INPUT

Sally Witters-spoke on the agenda issues on bridge project, County Manager selection and applauded detailed information on executive session

Manuel Garcia- spoke on new solid waste, continuation on recycling, CDBG Project, bad audio on last 2 county meetings, congrats on all that has been done in regards to Covid.

NEW BUSINESS

REGULAR ORDER

Presentation: Retirement of Matthew Elwell
Presenter: Eileen Sedillo Human Resource Supervisor and Antonio Padilla, Warden

San Miguel County Human Resource Supervisor Eileen Sedillo and San Miguel County Warden Antonio Padilla presented retiring Warden Matthew Elwell with a certificate and gift in recognition of his outstanding service to the San Miguel County Detention Center.

1. **NATIONAL VICTIMS' RIGHTS WEEK PROCLAMATION**

District Attorney Tom Clayton informed the Commission on the proclamation declaring April 18-24, 2021 National Crime Victims' Rights Week. Mr. Tom Clayton informed the Commission on the issues going on in the Community. Mr. Tom Clayton informed the Commission that just this past year since he took office his office prosecuted 1800 new cases. Mr. Tom Clayton requested the Commission approval of the proclamation.

Motion made by Commissioner Kenneth Medina to approve the National Victims' Rights Week Proclamation. Second by Commissioner Martin Sena. Motion carried.

2. **REQUEST FOR THE REGULAR MAY 2021 COUNTY COMMISSION MEETING BE MOVED TO PECOS**

San Miguel County Chairman Harold Garcia informed the Commission that Madam Vice-Chair Janice Varela is requesting the May 2021 Board of County Commissioners Meeting be moved to Pecos. Chairman Harold Garcia informed the Commission the date of the meeting will be determined once San Miguel County Staff finalizes the date with the village of Pecos for the use of their facility. Chairman Harold Garcia requested the Commission approve the request to move the May 2021 Regular monthly meeting to the Village of Pecos.

Motion made by Chairman Harold Garcia to approve the May 2021 meeting to be held in the Village of Pecos. . Second by Commissioner Max Trujillo. Motion carried.

3. **SAN MIGUEL COUNTY HOUSING AUTHORITY (SMCHA) HUD ANNUAL PLAN 2021 AND FIVE (5) YEAR PLAN**

San Miguel County Housing Authority Acting Director Betty Valdez informed the Commission on the Comprehensive Guide for SMCHA policies and programs, operations and strategies for meeting local housing

needs and goals. Ms. Betty Valdez informed the Commission on the Foster Youth to Independence FYI vouchers plan. This would assist those youth turning 18 years of age who are aging out of the foster program so that they do not fall into homelessness. This voucher plan will consist of an annual and a five year plan that will serve the needs of the low, very low and extremely low families in San Miguel County. Ms. Betty Valdez requested the Commission approval to work together with HUD and CYFD to create an MOU to assist with this program.

Motion made by Madam Vice-Chair Janice Varela to approve the MOU for the HUD Annual Plan 2021 and Five Year Plan. Second by Commissioner Max Trujillo. Motion carried.

This item is for informational purposes only.

4. PRESENTATION OF THE FY19/20 AUDITED FINANCIAL STATEMENTS

Carr, Riggs & Ingram, LLC CPA Benjamin Martinez presented to the Commission the FY19/20 Audited Financial Statement which shows the County received a release letter from the State Auditor's Offices stating the County received a good audit.

This item is for informational purposes only.

5. RECOMMENDATION TO CONTRACT WITH CARR, RIGGS AND INGRAM, LLC, TO PERFORM THE FY20/21 AUDIT

San Miguel County Interim County Manager Melinda Gonzales informed the Commission the Finance Office would like to renew their contract with Carr, Riggs and Ingram, LLC to perform the FY20/21 Audit. Last fiscal year the County sought requests for proposals with this contract being the second of a three year response. Ms. Melinda Gonzales requested the Commission review and approve the recommendation to contract with Carr, Riggs and Ingram LLC to perform the FY20/21 Audit.

Motion made by Commissioner Kenneth Medina to approve the contract with Carr, Riggs and Ingram LLC to perform the FY20/21 Audit. Second by Madam Vice-Chair Janice Varela. Motion carried.

6. COVID-19 UP-DATE

San Miguel County Emergency Manager Leo Maestas presented to the Commission the monthly Covid -19 update.

This item is for informational purposes only.

7. RESOLUTION 04-13-2021-FIRE RESTRICTIONS

San Miguel County Fire Chief Andrew J. Duran informed the Commission, due to abnormally warm temperatures, low humidity and on-going drought conditions, a resolution is necessary to impose open burning restrictions in the unincorporated areas of San Miguel County, New Mexico. Mr. Andrew Duran requested the Commission adopt Resolution 04-13-2021-Fire Restrictions.

Motion made by Commissioner Martin Sena to approve Resolution 04-13-2021-Fire Restriction. Second by Commissioner Kenneth Medina. Motion carried.

8. PROCLAMATION – MOTORCYCLE AWARENESS MONTH

San Miguel Interim County Manager Melinda Gonzales presented the Commission the proclamation declaring the month of May Motorcycle Awareness Month. Ms. Melinda Gonzales read the proclamation out loud to the Commission. Ms. Melinda Gonzales requested the Commission review and approve the proclamation.

Motion made by Commissioner Kenneth Medina to approve the Proclamation declaring the month of May Motorcycle Awareness Month. Second by Commissioner Martin Sena. Motion carried.

9. NM EMERGENCY RENTAL ASSISTANCE PROGRAM

San Miguel Interim County Manager Melinda Gonzales informed the Commission the Emergency Rental Assistance Program is rental and utility assistance to households experiencing financial hardship due to the Covid -19 outbreak. The Department of Finance and Administration and several partners are developing an online application portal for New Mexicans to apply for assistance at www.RentalHelpNM.org. Ms. Melinda Gonzales informed the Commission of the eligibility requirements to obtain this assistance.

This item is for informational purposes only.

10. AUTHORIZATION TO APPLY FOR A PLANNING GRANT FOR A RODEO COMPLEX

San Miguel Interim County Manager Melinda Gonzales informed the Commission one of Northern New rich traditions has included rodeos. Rodeos are still very popular and well attended. Ms. Melinda Gonzales informed the Commission that the County would like to seek a planning grant for a Rodeo Complex. The planning grants are available through the New Mexico Finance Authority. The staff would work on getting an application

completed. Then upon completion of the application a resolution will be presented to the Commission for approval prior to submitting the application to NMFA. Ms. Melinda Gonzales requested the Commission approve the application for a planning grant.

Motion made by Commissioner Kenneth Medina to approve the application for a planning grant for a rodeo complex. Second by Commissioner Max Trujillo. Motion carried.

11. FAIR HOUSING PROCLAMATION

San Miguel Interim County Manager Melinda Gonzales informed the Commission that each year the month of April is recognized as the month of Fair Housing acknowledgment. San Miguel County recognizes that fair housing is a right guaranteed to all Americans. Entities receiving the Community Development Block Grant Fund are required to further fair housing within their communities by publicizing their commitment to fair housing. One way to acknowledge publicizing fair housing is by proclaiming the month of April Fair Housing Day. Ms. Melinda Gonzales requested the Commission proclaim April 13, 2021 as Fair Housing Day.

Motion made by Chairman Harold Garcia to approve Fair Housing Proclamation and acknowledge April 13, 2021 as Fair Housing Day. Second by Commissioner Kenneth Medina. Motion carried.

12. EXHIBIT 1-Z CITIZEN PARTICIPATION PLAN

San Miguel Interim County Manager Melinda Gonzales informed the Commission the Recipients (grantees) of Community Development Block Grant funds are required to adopt a Citizen Participation Plan in accordance with the 1987 revisions to housing and Community Development Act. Ms. Melinda Gonzales requested the Commission adopt Exhibit 1-Z Citizen Participation Plan.

Motion made by Commissioner Kenneth Medina to approve the adoption of Exhibit 1-Z Citizen Partnership Plan. Second by Commissioner Max Trujillo. Motion carried.

13. RESOLUTION NO. 04-13-2021-CDBG

San Miguel Interim County Manager Melinda Gonzales informed the Commission Recipients (grantees) of Community Development Block Grant funds must adopt certain required federal regulations. Ms. Melinda Gonzales informed the Commission that the compliance with federal regulations is ensured by adopting the following required certifications and commitments: Citizen Participation, Fair Housing, Residential Anti-Displacement and Relocation Assistance, Section 3 and Procurement. The adoption of the Resolution must be by Resolution. Ms. Melinda Gonzales requested the Commission approve Resolution NO 04-13-2021-CDBG.

Motion made by Commissioner Kenneth Medina to approve Resolution NO. 04-13-2021-CDBG. Second by Commissioner Martin Sena. Motion carried.

14. ADDENDUM TO CONTRACT WITH ELITE PEST CONTROL

San Miguel Interim County Manager Melinda Gonzales informed the Commission Elite Pest Control was awarded based off a Request for proposals. The contract was initiated for a one year term with the option to renew three additional years. The addendum is for the sole purpose of extending the contract for an additional year. Ms. Melinda Gonzales requested the Commission review and approve the addendum to contract with Elite Pest Control.

Motion made by Commissioner Kenneth Medina to approve the Addendum to contract with Elite Pest Control. Second by Commissioner Max Trujillo. Motion carried.

15. PUBLIC WORKS DIVISION REPORT FOR THE MONTH OF MARCH 2021

San Miguel County Public Works Road Foreman Arnold Lopez presented to the Commission the monthly road maintenance report and blading of all County roads for the month of March 2021.

For informational purposes only

16. REQUEST TO THE COUNTY COMMISSION SUPPORT A RESOLUTION AMENDING THE CURRENT LEDA ORDINANCE, ECONOMIC DEVELOPMENT PLAN TO INCLUDE THE LANGUAGE OF "CULTURAL FACILITY" AS A QUALIFIED ENTITY FOR THE EL VALLE COMMUNITY CENTER FOR THE ADMINISTRATION OF CAPITAL OUTLAY FUNDS FROM THE ECONOMIC DEVELOPMENT DEPARTMENT, STATE OF NEW MEXICO TO MOVE FORWARD ON A LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) GRANT IN THE AMOUNT OF \$30,000 DOLLARS FOR EMERGENCY ROOF REPAIR

San Miguel County Planning and Zoning Supervisor Robert Archuleta informed the Commission that in 2019, a capital outlay reauthorization was provided to the Economic Development Department, State of New Mexico (EDD) for \$30,000 for emergency repairs to the El Valle Community Center through LEDA. Mr. Robert Archuleta informed the Commission the El Valle Community Center is not owned by the County so therefore in order for the County to support or not support the repairs of this facility, the County will need to amend our LEDA Ordinance to add the language to facilitate the El Valle Community Center. Mr. Robert Archuleta requested the Commission approve or disapprove developing an amendment to the LEDA ordinance in order to accommodate the repairs for the El Valle Community Center.

Ms. Melinda Gonzales informed the Commission that this property is run by the San Miguel County Land Grants. The San Miguel Land Grant has given the Board of Trustees provision to act as a primary management tentative of the property. Ms. Melinda Gonzales informed the Commission this will allow the County to work with Economic Development Department to assist in working on this project.

Motion made by Commission Martin Sena to approve changing the language of the LEDA Ordinance in order for the County to work with Economic Development Department and the El Valle Land Grants to repair the roof of the El Valle Community Center. Second by Commissioner Kenneth Medina. Motion carried.

17. VACATION OF PLAT; RIM ROAD (AKA WAMPUM ROAD) AND CONSOLIDATION OF FOUR (4) LOTS

San Miguel Interim County Manager Melinda Gonzales informed the Commission this item is to be removed from the Agenda until the May 2021 or June 2021 Regular Commissioner Meeting.

18. REVIEW OF HAWK'S LANDING, TYPE 3 SUMMARY SUBDIVISION, PUBLIC HEARING

San Miguel County Planning and Zoning Supervisor Robert Archuleta informed the Commission the County has received an application from Bonnie J. McGowan Hawk's Landing for a Type 3 Summary Subdivision consisting of the addition of four residential lots in a 94.55 acre more or less tract of land owned by Hawk's Landing LLC approximately 3 miles northeast of the village of Pecos, New Mexico.

San Miguel County Chairman Harold Garcia asked if there was anyone present who wished to speak for or against the proposed subject. Chairman Harold Garcia at this time turned the meeting over at 3:44 p.m. to the County Attorney Dave Romero to conduct the public hearing in regards to Hawk's Landing Type 3 Summary Subdivision. No one present to speak against proposed subject.

San Miguel County Attorney Dave Romero swore in the individuals wishing to speak in favor of the subdivision those individuals being Ms. Bonnie McGowan and Mr. Robert Archuleta.

Mr. Robert Archuleta stated for the record that Ms. Bonnie McGowan has met all requirements needed for subdivision addition. Mr. Dave Romero questioned Ms. Bonnie McGowan in regards to the subdivision: questions such as the location of this subdivision, the benefits of the addition and whether there have been any calls regarding any pros and cons.

Chairman Harold Garcia called for a motion to close the public hearing.

Motion made by Commissioner Martin Sena to close the public hearing at 3:55 p.m. Second by Commissioner Kenneth Medina. Motion carried.

ROLL CALL VOTE

Chairman Harold Garcia- Yes

Madam Vice-Chair Janice Varela- Not Present

Commissioner Max Trujillo- Yes

Commissioner Martin Sena- Yes

Commissioner Kenneth Medina- Yes

Chairman Harold Garcia requested a motion be made to take a 5 minute Reese to sign documents.

19. SAN MIGUEL COUNTY MANAGER SELECTION

Chairman Harold Garcia stated for the record that this item would be discussed in executive session.

BOARD OF FINANCE MEETING

20. BANK TRANSFERS FOR THE MONTH OF MARCH 2021

San Miguel County Treasure Jennifer LaFebre presented to the Commission the Bank Transfers for the month of March 2021.

This item is for informational purposes.

21. RESOLUTION 2021-04-13-F2

San Miguel County Interim County Manager Melinda Gonzales informed the Commission the Sapello VFD was awarded funds from the Energy, Minerals and Natural Resources. Interim County Manager Melinda Gonzales requested the Commission review and approve Resolution 2021-04-13-F2.

Motion made by Chairman Harold Garcia to approve Resolution 2021-04-13-F2. Second by Commissioner Kenneth Medina. Motion carried.

22. INDIGENT CLAIMS

San Miguel Interim County Manager Melinda Gonzales informed the Commission of the indigent claims payments made for the month of February 2021. Interim County Manager Melinda Gonzales requested the Commission ratification for the Indigent Claims.

Motion made by Commissioner Martin Sena to approve the ratification for the indigent claims. Second by Commissioner Max Trujillo. Motion carried.

23. ACCOUNTS PAYABLE REPORT FOR THE MONTH OF FEBRUARY 2021

San Miguel Interim County Manager Melinda Gonzales presented to the Commission the payments processed through the finance office and Bernalillo County on behalf of San Miguel. Ms. Melinda Gonzales requested the Commission review and approve the accounts payable report for the month of February 2021.

Motion made by Commissioner Martin Sena to approve the Accounts Payable Report for the month of February 2021. Second by Commissioner Kenneth Medina. Motion carried.

24. JOURNAL ENTRY REPORT FOR THE MONTH OF FEBRUARY 2021

San Miguel Interim County Manager presented to the Commission the Journal Entry Report for the Month of February 2021.

This item is for informational purposes only.

25. RECEIPT REPORT FOR THE MONTH OF FEBRUARY 2021

San Miguel Interim County Manager Melinda Gonzales presented to the Commission with a Receipt Detail Report for the Month of February 2021.

This item is for informational purposes only.

26. CASH BALANCE REPORT FOR THE MONTH OF FEBRUARY 2021

San Miguel Interim County Manager Melinda Gonzales presented to the Commission the Cash Balance Report for the Month of February.

This item is for informational purposes only.

27. BUDGET REPORT FOR THE PERIOD OF JULY 1, 2020 THROUGH FEBRUARY, 2021

San Miguel Interim County Manager Melinda Gonzales presented the Commission with the FY 20/21 Year to Date Budget Report for the period of July 1, 2020 through February 2021.

This item is for informational purposes only.

EXECUTIVE/ CLOSED SESSION

Limited Personal Matters, as permitted by NMSA 1978, Section 10-15-1(H) (2) (as amended) of the Open Meeting Act, more specifically personnel matters, regarding specific County Departments:

- . Appointment of County Manager, Status of applicant information, Matter to be taken from the table in regular session and appointment made or other relevant options considered.
- . Status of Detention Center Warden
- . Status of vacancies for Planning and Zoning and I.T

Certain Purchases, as permitted by NMSA 1978, Section 10-15-1 (H)(6) (as amended) of the Open Meetings Act, and Section 13-1-116 of the procurement code:

- . Ambulance Services

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.

- . San Miguel County vs. Alta Vista Regional Hospital;
- . Protest of Values vs Country Acres, Dave Jones and Frank Gallegos etc.
- . Declaratory Judgment proposal with City of Las Vegas and resulting responsibility of work to be accomplished on 8th street extension

Motion made by Madam Vice-Chair Janice Varela to enter into executive/closed session at 5:36 pm. Second by Commissioner Max Trujillo. Motion carried.

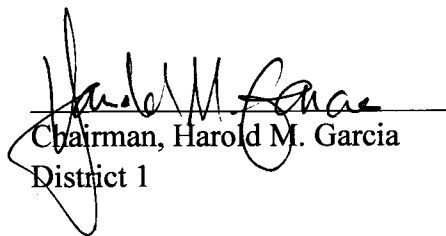
Motion made by Commissioner Kenneth Medina to come out of executive/closed session at 6:50pm. Second by Commissioner Martin Sena. Motion carried.

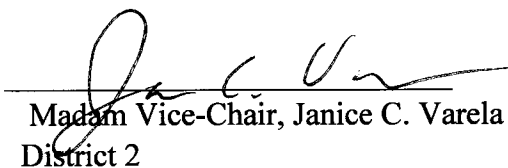
Chairman Harold Garcia at this time turned the meeting over to County Attorney Dave Romero. Mr. Dave Romero stated for the record that only those items mention under the Executive/Closed Session were discussed and no actions were taken.

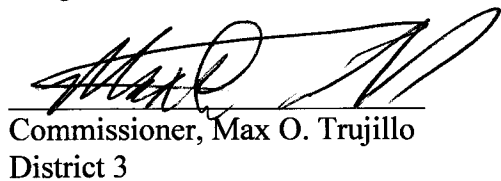
ADJOURNMENT

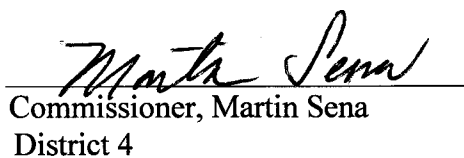
Motion made by Commissioner Max Trujillo to adjourn the meeting at 6:55pm. Second by Commissioner Martin Sena. Motion carried.

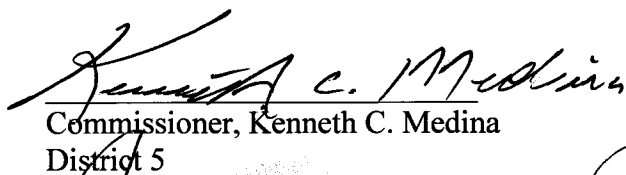
Approved this 11th day of May, 2021 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held April 13, 2021.

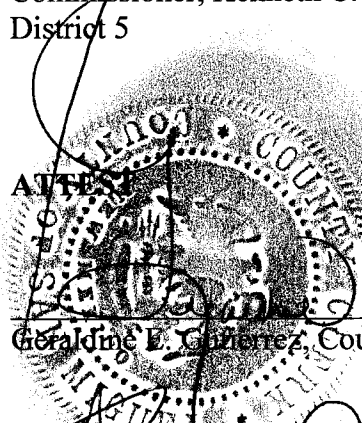
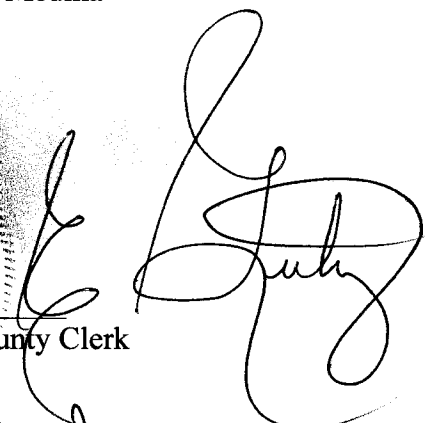

Chairman, Harold M. Garcia
District 1

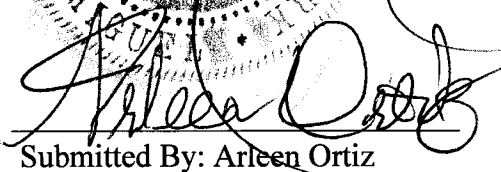

Madam Vice-Chair, Janice C. Varela
District 2


Commissioner, Max O. Trujillo
District 3


Commissioner, Martin Sena
District 4


Commissioner, Kenneth C. Medina
District 5


ATTEST

Geraldine E. Gomez, County Clerk


Submitted By: Arleen Ortiz