

MINUTES of the REGULAR MEETING
of the BOARD of COUNTY COMMISSIONERS
of SAN MIGUEL COUNTY, NEW MEXICO
HELD TUESDAY, AUGUST 09, 2022

ZOOM LINK is active. At least 72 hours in advance of this meeting, the following agenda for today's meeting was posted and available for public inspection on the San Miguel County Website at www.co.sanmiguel.nm.us and available in hard copy at the office of the San Miguel County Manager.

1. CALL TO ORDER

Chairman Harold Garcia called the meeting to order at 2:01 PM at the San Miguel County Administration Complex located at 500 West National Avenue, Suite 200, Las Vegas, New Mexico 87701.

2. ROLL CALL

Sr. Deputy Clerk Jacob Gonzales administered Roll-Call: Chairman Harold Garcia present, Vice-Chairman Janice Varela present, Commissioner Max Trujillo present, Commissioner Martin Sena present, and Commissioner Kenneth Medina present.

A quorum is present.

3. PLEDGE OF ALLEGIANCE

Vice-Chairman Janice Varela led the Chambers in the Pledge to the United States, and:

4. SALUTATION TO THE NEW MEXICO STATE FLAG:

"I salute the flag of the State of New Mexico and the Zia Symbol of perfect friendship among United Cultures".

5. APPROVAL OF AGENDA

County Manager Joy Ansley asked for an addition, upon advice of Counsel Dave Romero, Jr., to the Agenda regarding Resolution 08-09-2022-SMC as item "F(a)". Chairman Harold Garcia asked for items "G" and "H" to be discussed in Executive Session with actions taken in re-adjourning of regular session.

Motion made by Commissioner Martin Sena to approve the agenda with changes indicated above. Second by Chairman Harold Garcia. Motion carried.

6. APPROVAL OF MINUTES

Motion to approve minutes of 07-11-22-RM and 07-25-22-SM made by Commissioner Kenneth Medina. Second by Commissioner Max Trujillo. Motion carried.

7. PUBLIC INPUT FORUM

Mr. Manuel Garcia joined via ZOOM-link to encourage the Commission to thoroughly pursue all legal avenues on behalf of citizens and the county to recover costs related to clean-up, building and water and flooding issues due to the devastation caused by Calf Canyon/Hermit's Peak Fires and subsequent flooding.

NEW BUSINESS

8. REGULAR ORDER

a. SMC Detention Center Oath of Office: New Officers and Sergeant promotions*

SMC Detention Center Warden Andrew Padilla and Deputy Warden Steven Garcia asked the Commission to administer the Oath of Office for Cadet becoming Officers, and on the promotions to Sergeant. Chairman Harold Garcia asked for the officers to raise their right hand and pledge an Oath to The Constitution of the United States and to honorably discharge duties as an SMC detention center officer. New officers are: Larissa Romero, Brooke Knezevich, J. D. Yara; and new Sergeants are: Robert Ortega and Brianna Roybal.

*For Informational Purposes Only

b. PRESENTATION BY DR. JOSEPH SANCHEZ FROM AARP-NM OF A CHECK TO THE SMC FIRE DISTRICTS FOR \$5,500*+^

This was presented to the Commission out of order due to technical connectivity issues.+ Presentation occurred after discussion on Item F(a).^

Dr. Joseph Sanchez, AARP-NM, the check to SMC Volunteer Fire Departments will be presented at an event at Luna Community College on 10 September 2022 at noon. The 22 Volunteer Fire Departments will receive a check for \$11,000. SafeSpace will be used as fiduciary pass-through. AARP-NM issued a challenge to Las Vegas Community Foundation to match the contribution.

*For Informational Purposes Only

c. PRESENTATION BY THE NORTH CENTRAL NM COUNCIL OF GOVERNMENT STAFF ON THE PROCESS OF APPLYING FOR POTENTIAL FUNDING (CDBG, LGRF, etc.).*

Chris Madrid informed the Commission that NCMCOG Staff is available to assist the County in securing grants, bonds and other forms of financial support through grant-writing support, legal avenues and financing options on various projects available to the County through various agencies at the state and federal level. The Council was created in 1960 and is a consortium of 8 counties in North Central NM. Mr. Madrid presented members of his staff: Paul Sittick whose primary focus is transportation, Felicity Fonseca concerns regarding Community Development, Allison Gillette concerns regarding Rural Planning and Development.

*For Informational Purposes Only

d. APPOINTMENT OF A COMMISSION REPRESENTATIVE TO THE NORTHERN AREAL LOCAL WORKFORCE DEVELOPMENT BOARD

Chairman Harold Garcia asked for a volunteer to represent SMC on the Northern Area Local Workforce Development Board. The Board has been requesting a representative for SMC for a few months but the fire and flooding disasters curtailed fulfilling this request. The Board holds monthly meetings. Commissioner Martin Sena was asked to take the appointment and he accepted the role.

Commissioner Max Trujillo made a motion to appoint Commissioner Martin Sena to the Workforce Development Board. Second by Commissioner Kenneth Medina. Motion carried.

e. PLAN FOR PROPERTY ASSESSMENT OF BURNED PROPERTIES DUE TO HERMIT'S PEAK/CALF CANYON FIRE DISASTERS*

County Assessor Connie Gallegos informed the Commission the Assessor's Office has an operational spreadsheet of property loss/damages due to the fires. The Assessor's Office will follow-up with field reviews, pictures and reports on fire/flood damages. The spreadsheet currently has over 200 entries of damaged/lost properties. The assessments will not affect 2022 tax base as units were still standing in January. The damage assessment will affect 2023 values. Total loss homes/structures in SMC number at 500. The County is encouraging taxpayers to protest valuation if they suffered losses to their structures/property as soon as possible rather than waiting until January for the "formal protest period."

The Commission wants taxpayer's to be assisted as smoothly and as productively as possible during these disaster assistance and assessments protests. Commissioner Martin Sena requested this item be on next meeting's agenda for follow-up.

*For Informational Purposes

f. COUNTY MANAGER/DEPUTY MANAGER'S REPORT*

County Manager Joy Ansley informed she received contracts for Capital Outlay Projects from NMDFA for the following allotments: \$220K Clerk's Voting Storage Facility, \$100K SMC Detention Body Scanner, \$100K Sheriff's Department Vehicles, \$1,720,000 SMC Treatment Center, and \$200K Shooting Range. Manager Ansley indicated that RFP for construction of the Clerk's Storage and Sheriff's office may be combined as the bids came in on the high-end.

The Audit contract has been executed.

Big Mesa Water Board in Conchas Dam has requested attendance at their Board meeting on 13 August 2022. Commissioner Martin Sena, Fire Chief Andrew Duran, Sherriff Chris Lopez and Manger Ansley and Deputy Manager Jesus Romero will attend.

Finance Director Karen LaCorte introduced herself to the Commission

An executed CBDG funding contract was received for the East Pecos Water System Project for \$200K.

Deputy Manager Jesus Romero has joined the Army Corps of Engineers on tours throughout the County to determine needs on roads, structures and drainage/flood zone areas and projects on HWY 65 maintenance of geo-brud system. Deputy Manager Romero applied for a \$10K grant from Las Vegas Community Foundation to continue sand-bagging operations for constituents affected by flooding. An application will be submitted to HRSA for funding grants in the amount of \$1.5M. The feasibility study has been completed on the Rodeo Grounds.

f.(a) RESOLUTION 08-09-2022-SMC

County Attorney Dave Romero, Jr., and Planning & Zoning Supervisor Amanda Salas informed this resolution is an Emergency Resolution establishing Requirements and Processes for Removal of Fire and Flood Debris from Private Property due to Calf Canyon/Hermit's Peak Fire and subsequent burn-scar flooding. Army Corp of Engineers and NM Environment Department is requesting for Right-of-Entry to enter private property to remove debris and hazardous material. This resolution requires property owners to opt-in/out of this debris removal program; however, if property owners ignore the letters, this resolution allows for Emergency ROE to remove debris. Chairman Harold Garcia is concerned that this resolution is Code Enforcement and abatement issues. Attorney Romero stated this Resolution meets state and federal mandate for a procedural move to have debris removed, and in his opinion, does not lay responsibility on the County to assume financial obligation for such clean-up – the cleanup cost will be the responsibility of the property owner if the ROE is not signed by the property owner. Commissioner Max Trujillo is concerned about hazardous run-off that will exacerbate

environmental concerns down the water table and river flow. Commissioner Trujillo brought up that in Section 6 verbiage needs to be included that the County is not responsible financially in completion of this debris removal and damages sustained thereof. P&Z Supervisor Salas stated the state Homeland Security office wanted this type of a resolution enacted by 19 August 2022.

Commissioner Max Trujillo made a motion to table this Emergency Resolution until non-liability verbiage is included and outlines state and federal obligations with guidance from NM Homeland Security. Second by Commissioner Kenneth Medina with caveat that a Special Meeting be called to meet deadline if needed. Motion carried.

^Presentation Item B occurred at this point as connectivity issues were corrected.

f. REQUEST FOR PROPOSALS FOR LEGAL SERVICES REGARDING POTENTIAL LITIGATION+

Item will be discussed in Executive Session with Action taken in re-adjourned Regular Session.+

At 8:25 PM on re-convening regular session, Commissioner Max Trujillo made a motion to table RFP for Legal Services. Second by Commissioner Martin Sena. Motion carried.

g. APPOINTMENT OF EVALUATION COMMITTEE FOR RFP+

Item will be discussed in Executive Session with Action taken in re-adjourned Regular Session.+

At 8:25 PM on re-convening regular session, Chairman Harold Garcia made a motion to table Appointment of Evaluation Committee with caveat that each Commissioner will name an appointee in September's Regular Meeting. Second by Commissioner Max Trujillo. Motion carried.

h. ICIP PROJECTS FOR SAN MIGUEL COUNTY 2024-28

County Manager Joy Ansley informed the Commission a list of 2024-28 ICIP needs to be devised and then approval of a resolution of these items needs to be submitted to the state database. ICIP projects to be included:

Crisis Center, Sherriff's Office addition, County Clerk's Voting storage center, additional vehicles for various county departments, Ribera Housing Projects, arroyo crossings, various culverts and cattle guards, Detention Center and Administration Building needs an upgrade in wiring for server connectivity, Tecolotito Fire Station. The parking lot at the Detention Center needs an upgrade.

Public Works: blade and excavator, belly dump(s), transport trailers for heavy equipment, trucks and tractor, and refuse bins.

OEM: a new Incident Command Mobile Center, and a smaller truck for every-day normal use rather than using the large truck, and radios for all County vehicles as they traverse the County in areas where wireless/mobile service is not available, and eight new computers.

Assessor's Office: Eagle View Assessment software, and vehicle.

i. RESOLUTION APPROVING ICIP FOR SAN MIGUEL COUNTY

County Manager Joy Ansley informed the Commission this Resolution is classified as a "living document" thereby allowing changes and additions to the list after submission.

Commissioner Max Trujillo made a motion to approve ICIP Resolution for San Miguel County. Second by Vice-Chairman Janice Varela. Motion carried.

j. REQUEST FROM CITY OF LAS VEGAS TO WAIVE DELINQUENT TAXES ON DILAPIDATED PROPERTIES

County Attorney Dave Romero, Jr., stated receipt of a letter from City of Las Vegas Attorney Scott Aaron requesting SMC to waive taxes due on dilapidated properties which the city has or will foreclose upon. Attorney Romero raised concerns on how the County may realize less revenue. Manager Ansley raised concerns on legality to the process of how the County could accommodate this. County Assessor Connie Gallegos stated that the County may not have the legal avenues to disrupt the tax revenue to the State Department of Tax and Revenue. Attorney Romero recommended that more research to legality and process be conducted to determine if this is within the purview of the Commission, and to seek resource information from the County Treasurer and New Mexico Tax and Revenue.

Commissioner Max Trujillo made a motion to table this City of Las Vegas request until more information is received from the Department of Tax and Revenue. Second by Commissioner Martin Sena. Motion carried.

k. COVID UPDATE*

Emergency Manager Dennis Esquibel reported total cases pandemic-wide is at 6,835 with 72 deaths total. In the past 14 days, there have been 102 confirmed cases. NMHU is testing at Melody Park on Tuesday, Thursday and Saturday. OEM has a request for the NMDOH to send additional tests to SMC for the Detention Center and Offices.

The Commission expressed gratitude on the professionalism and efficiency in leadership undertaken because of the Calf Canyon/Hermit's Peak Fires and Flooding.

I. DEPARTMENT HEAD UPDATES*

Interim Public Works Director Benito Romero informed the Commission that SMC will be reimbursed \$62,000 for bridge work done in Canoncito/Las Dispensas. PW has been meeting weekly with FEMA assessing damages in Rociada, Sapello, and Pendaries. In addition, El Llano bridge paperwork has been submitted to FEMA. Also, for debris cleanup on/off county roads FEMA grant is projected to be between \$3-3.5M. Tecolote, Pecos, Camp Blue Haven assessments will be forthcoming. Eight culverts will need to be replaced in six locations under the Work to Be Completed Project for \$51,766 to stack and support these culverts. Projected cost for road damage(s) is nearing the \$10M mark. Chairman Harold Garcia indicated the flooding in El Ancon is due to the fire damage because the arroyos run from Barrillas Peak. PW Interim Director Romero said the culverts in that area will have debris "blown-out" with assistance from the El Valle Fire Dep't.

Attorney Dave Romero Jr., stressed the importance on documenting gas/oil, tools, hours, and equipment usage in all fire/flood damage work done by PW in order to be properly reimbursed by USFS/FEMA/HS or to support litigation. Chairman Garcia also indicated that due to PW being pulled in many areas to assist necessary emergency work due to fire/floods many existing projects are experiencing delays in project completion and would like a letter be sent to NMDOT indicating the reason for delay in order to maintain funding for those projects.

Vice-Chairman Janice Varela asked for Interim Director Romero to coordinate with Plateautel Communications to fix the road in Sena they destroyed in laying fiber-optics.

Road Supervisor Johnny Trujillo informed the Commission that the PW team is working as diligently as possible to maintain roads not impacted by fires/flood. Supervisor Trujillo asked if another CDL can be hired to assist in recovery and general upkeep. Supervisor Trujillo asked if a request could be sent to NMDOT to borrow heavy-grade equipment with driver to assist in fire/flood zones or other county roads.

*For Informational Purposes Only

m. DETAINEE CONTRACT BETWEEN SAN MIGUEL COUNTY & CITY OF LAS VEGAS

SMC Detention Center Warden Andrew Padilla informed the Commission under this contract the City of Las Vegas will pay SMC \$90 per day per inmate and a \$20 booking fee.

Commissioner Martin Sena made a motion to approve SMC D-C/City of Las Vegas Detainee Contract. Second by Vice Chairman Janice Varela. Motion carried.

n. DETAINEE CONTRACT BETWEEN SAN MIGUEL COUNTY AND COLFAX COUNTY

SMC Detention Center Warden Andrew Padilla informed the Commission under this contract Colfax County will pay SMC \$95 per day per inmate and this contract calls for a 5% annual increase.

Vice-Chairman Janice Varela made a motion to approve SMC D-C/Colfax County Detainee Contract. Second by Commissioner Kenneth Medina. Motion carried.

o. DETAINEE CONTRACT BETWEEN COLFAX COUNTY AND SAN MIGUEL COUNTY

SMC Detention Center Warden Andrew Padilla informed the Commission under this contract San Miguel County will pay Colfax county \$95 per day per inmate and \$20 booking fee.

Commissioner Max Trujillo made a motion to approve Colfax County/SMC D-C detainee contract. Second by Commissioner Martin Sena. Motion carried.

p. DETAINEE CONTRACT BETWEEN GUADALUPE COUNTY AND SAN MIGUEL COUNTY

SMC Detention Center Warden Andrew Padilla informed the Commission under this contract Guadalupe County will pay SMC \$90 per day per inmate and a \$20 booking fee.

Vice-Chairman Janice Varela made a motion to approve Guadalupe County/SMC detainee contract. Second by Commissioner Martin Sena. Motion carried.

q. SAN MIGUEL COUNTY DETENTION CENTER MEDICAL AND BEHAVIORAL HEALTH SERVICES AGREEMENT

SMC Detention Center Warden Andrew Padilla informed the Commission the SMCDC Medical/Behavioral Health contract is up for Renewal, and the contract calls for a 3% increase which translates into \$26,000.

Commissioner Max Trujillo made a motion to approve Contract Renewal between SMCDC and CoreHealth for Medical and Behavioral Health Services. Second by Commissioner Kenneth Medina. Motion carried.

9. BOARD OF FINANCE MEETING*

County Manager Joy Ansley informed the Commission that Board of Finance meeting will be discussed with action in September meeting.

Commissioner Kenneth Medina made a motion to adjourn Regular Session and enter Executive Session. Second by Commissioner Martin Sena. Motion carried.

Executive Session was entered into 6:02 PM.

EXECUTIVE / CLOSED 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:

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

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: Capacity Issues at SMC Detention Center.

RESUME REGULAR COMMISSION MEETING

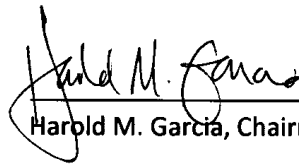
Commissioner Max Trujillo made a motion to adjourn Executive Session and re-enter Regular Session. Second by Vice-Chairman Janice Varela. Motion carried at 8:25 PM.

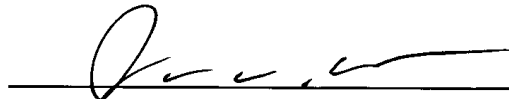
+Please refer to Item G and Item H for actions/motions.

10. ADJOURNMENT

Commissioner Kenneth Medina made a motion to adjourn. Second by Commissioner Martin Sena. Motion carried. Meeting adjourned at 8:27 PM.

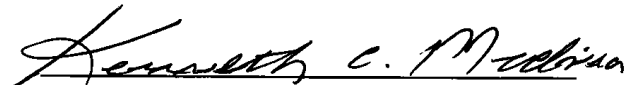
Approved this 13 day of September, 2022 as the Official Minutes of the Board of County Commissioners of San Miguel County New Mexico, of its Regular Meeting held August 9, 2022.

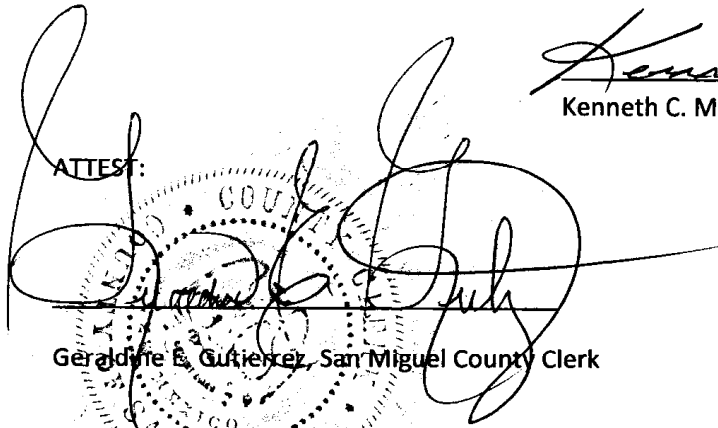

Harold M. Garcia, Chairman District 1

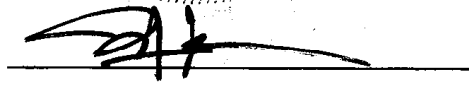

Janice C. Varela, Vice-Chairman District 2


Max O. Trujillo, Commissioner District 3


Martin Sena, Commissioner District 4


Kenneth C. Medina, Commissioner District 5

ATTEST:

Geraldine E. Gutierrez, San Miguel County Clerk


Minutes submitted by Jacob P. Gonzales

NOTICE TO PEOPLE WITH DISABILITIES

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