

**MINUTES OF REGULAR MONTHLY MEETING OF  
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS  
HELD TUESDAY APRIL 10, 2018 BEGINNING AT 2:00 P.M.**

**CALL TO ORDER**

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday April 10, 2018, 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 Chris Najjar 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**

Motion made by Commissioner Rock Ulibarri to approve agenda. Second by Commissioner Maria Martinez. Motion carried.

**APPROVAL OF MINUTES**

March 13, 2018 Regular Meeting.

Motion made by Commissioner Arthur Padilla to approve March 13, 2018 Regular Commission Meeting minutes. Second by Commissioner Maria Martinez. Motion carried.

**PUBLIC INPUT FORUM**

**Bob Witters-** Issues with Economic Development Projects not being started or completed.

**Sally Witters-** Issues with the Agenda and County matters.

**Manuel J. Garcia-** Public rights vs. Private rights.

**Catherine Kahn-** Issues with the County

**Manuel Martinez-** Looking for funding for different projects with the Hispano Chambers of Commerce.

## **NEW BUSINESS**

### **REGULAR ORDER**

#### **1. REQUEST FOR MAY 2018 COUNTY COMMISSION MEETING BE MOVED TO PECOS, NEW MEXICO ON MAY 9, 2018.**

San Miguel County Vice-Chairman Janice Varela requested the Commission move the county Commission meeting on May 9, 2018 to Pecos, NM. Ms. Varela would like to invite, recognize and congratulate all Pecos student athletes, their parents and coaches for a job well done in sports this year. Ms. Varela requested the Commission approve to move the Commission meeting on May 9<sup>th</sup>, 2018 to Pecos, New Mexico.

Motion made by Commissioner Arthur Padilla to move the Commission meeting on May 9<sup>th</sup>, 2018 to Pecos, New Mexico. Second by Commissioner Rock Ulibarri. Motion carried.

#### **2. POLICY NUMBER CM-04-10-2018-PCR**

San Miguel County Chairman Chris Najjar presented to the Commission a policy on creating a resolution review committee to investigate and research all proposed resolutions prior to being presented to Commission. Mr. Najjar requested the Commission table Policy number CM-04-10-2018-PCR.

Motion made by Commissioner Rock Ulibarri to table Policy number CM-04-10-2018-PCR. Second by Commissioner Arthur Padilla. Motion carried.

#### **3. RESOLUTION 2018-10-04-REPEAL**

San Miguel County Commissioner Rock Ulibarri presented to the Commission a resolution opposing the Department of Interior, Bureau of Land Management proposed repeal of its methane rule, which was intended to reduce and regulate methane leaking, venting and flaring from oil and gas operations. Mr. Ulibarri requested the Commission review and approve Resolution 2018-10-04-Repeal.

Motion made by Vice Chairman Janice Varela to review and approve Resolution 2018-10-04-Repeal. Second by Commissioner Arthur Padilla. Motion carried.

#### **4. RESOLUTION 2018-10-18-DACA**

San Miguel County Commissioner Rock Ulibarri presented to the Commission a resolution to call upon our federal representatives to support a legislative solution to DACA that offers opportunities for Dreamers to stay in this country and, ultimately, offers opportunities to those who wish to enhance their ability to contribute to our community and country by becoming citizens of our great nation. Mr. Ulibarri requested the Commission review and approve Resolution 2018-10-18-DACA.



Motion made by Commissioner Arthur Padilla to approve Resolution 2018-10-18-DACA. Second by Vice Chairman Janice Varela. Motion carried.

## **5. POVERTY SUMMIT**

San Miguel County Commissioner Rock Ulibarri presented to the Commission a discussion to hold a second poverty summit on June 16, 2018. Mr. Ulibarri requested the Commission approve Poverty summit 2.

Motion made by Commissioner Rock Ulibarri to approve Poverty summit 2 to be held on June 16, 2018. Second by Vice Chairman Janice Varela. Motion carried.

## **6. INFORMATION ON THE RFP FOR LEGAL SERVICES FOR THE OPIOID LITIGATION**

San Miguel County Finance Supervisor Melinda Gonzales informed the Commission that the Finance Office will present the events that have transpired regarding the RFP. Based on the facts on hand and based on the urgency of the matter, the Finance Office will be asking the Commission to entertain the idea of awarding the RFP to Cid Iopes in conjunction with the Law Office to David M. Houlston, the Vargas Law Firm and the Law Offices of Felicia C. Wingartner. Ms. Gonzales requested the Commission review and approve the RFP for Legal services for the Opioid Litigation.

Motion made by Vice Chairman Janice Varela to approve the RFP for Legal services for the Opioid Litigation. Second by Commissioner Arthur Padilla. Motion carried.

## **7. SAN MIGUEL COUNTY REGIONAL HOUSING AUTHORITY ANNUAL PLAN 2018**

San Miguel County Regional Housing Authority Acting Director Betty Valdez presented to the Commission the Regional Housing Authority Annual Plan for 2018. This Plan is a detailed plan which is focused on an agreement with the New Mexico Mortgage Finance Authority. It is an administrative approval that is needed annually to submit to HUD. Ms. Valdez requested the Commission approve of the Annual Plan for 2018.

Motion made by Commissioner Arthur Padilla to approve the San Miguel County Regional Housing Authority Annual Plan for 2018. Second by Commissioner Maria Martinez. Motion carried.

## **8. RESOLUTION 04-10-2018-FIRE RESTRICTIONS**

San Miguel County Fire Marshal Andrew J. Duran informed the Commission that Due to on-going drought conditions, and snowpack at almost historic lows, and extraordinary grass growth from a previously wet summer, a resolution is necessary to impose open burning restrictions in the unincorporated areas of San Miguel County, New Mexico. Mr. Duran Requested the Commission Adopt Resolution 04-10-2018-Fire Restrictions.

Motion made by Commissioner Arthur Padilla to Adopt Resolution 04-10-2018-Fire Restrictions . Second by Vice Chairman Janice Varela. Motion carried.



## **9. USDA GRANT-SPEC BUILDING (OLD WOOD)**

San Miguel County Planning and Zoning Supervisor Alex Tafoya updated the Commission on the Spec Building currently being used by old wood. The agreement between San Miguel County and EDC in regards to the building in regard to what their duties are, will be reviewed and the County will be advised accordingly to whether the County is in compliance with the appropriate USDA regulations.

For informational purposes only

## **10. FAIR HOUSING PROCLAMATION**

San Miguel County Planning and Zoning Supervisor Alex Tafoya informed the Commission that the month of April is the month that Fair Housing is acknowledged so in using the Fair Housing Proclamation provided by the CDBG Program Mr. Tafoya is asking the Board of County Commissioners to Declare April 10 Fair Housing Day in San Miguel County. The Fair Housing Proclamation reads, whereas fair and equal housing has a right guarantee to all Americans and whereas the principal affair and equal housing is a fundamental human entitlement and whereas all citizens have the right to live where they choose within their financial means and whereas people must not be denied housing because of race, color, religion, sex, national origin, handicap or familiar status and whereas we must as individuals assure equal access to housing for all in our community. Mr. Tafoya requested the Commission Adopt a proclamation designating April 10, 2018 as Fair Housing Day

Motion made by Vice Chairman Janice Varela to Adopt a proclamation designating April 10, 2018 as Fair Housing Day. Second by Commissioner Arthur Padilla. Motion carried.

## **11. RESOLUTION NO. 04-10-18-UPPERTOWN SAN ANTONIO**

San Miguel County Planning and Zoning Supervisor Alex Tafoya informed the Commission on March 13, 2018; the Board of County Commissioners held and conducted a public hearing concerning consideration of projects for a Community Development Block Grant application. Upon conclusion of the public hearing, the Board selected the Upper town San Antonio Road and Drainage Project as a project for 2018 Community Development Block Grant application. Selection of a project must be finalized by a resolution adopted by the governing body. Mr. Tafoya requested the Commission adopt Resolution No. 04-10-18-UPPERTOWN SAN ANTONIO and authorize Commission Chair Chris A. Najjar to sign the Resolution

Motion made by Vice Chairman Janice Varela to adopt Resolution No. 04-10-18-UPPERTOWN SAN ANTONIO. Second by Commissioner Arthur Padilla. Motion carried.

## **12. AMENDMENT TO BUSINESS LICENSE ORDINANCE**

San Miguel County Planning and Zoning Supervisor Alex Tafoya informed the Commission of the current County business license ordinance which does not provide for the verification of State issued certificates, permits or licenses issued or not issued to persons, firms, corporations or associations engaged in businesses and occupations within the unincorporated area of San Miguel County. Mr. Tafoya requested the Commission review a proposed draft ordinance which amends the current business license ordinance and authorize County staff to proceed in submitting said amendment for approval.



Motion made by Commissioner Arthur Padilla to approve the amendment to business license ordinance. Second by Vice Chairman Janice Varela. Motion carried.

**13. RESOLUTION NO. 03-13-18-RA01; ADDITION OF APOSTOL SANTIAGO, A PROPOSED NAME THAT WILL REPLACE THE COUNTY VACATED ROAD C53B TO THE OFFICIAL E-911 ROAD LIST OF SAN MIGUEL COUNTY, NEW MEXICO**

San Miguel County Information Technology Supervisor Diego Trujillo informed the Commission that the Information Technology/Rural Addressing office received a Road Name Petition on February 7<sup>th</sup> 2016 requesting that vacated County Road C35B be renamed **Apostol Santiago**. The road is located in the Maes Area, which is located in the North Eastern 2/3 of the County. Per San Miguel County Ordinance No.SMC-07-13-99-ORD-2, Section 4.1; 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.” The Road Naming Petition exceeds the simple majority of the current residents/land owner’s signatures agreeing to the name of “**Apostol Santiago**”. 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. The petitioners have paid the \$100 fee required for road name changes as per San Miguel County Ordinance No.SMC-07-13-99-ORD-2 Section 4.3-A. Mr. Trujillo requested the Commission review and approve Resolution No. 03-13-18-RA01 addition of Apostol Santiago.

Motion did not pass.

**14. RESOLUTION NO. 04-10-18-RA04; ADDITION OF CAMINO SOLEDAD, A NEWLY NAMED PRIVATE ROAD TO THE OFFICIAL E-911 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 eight (8) addressed structures and three (3) additional properties on a single road/driveway located off County Road B41B in the San Jose Area. Per San Miguel County Ordinance No.SMC-07-13-99-ORD-2, Section 4.1c; 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.” On July 19, 2017, letters were sent to the residents/property owners affected by the County’s intent to name the road/driveway with the option to name the road. Forty six percent (46% - 5 of 11) of residents/property owners returned a Road name Petition with three (3) possible road names. A follow up letter was sent on February 5<sup>th</sup>, 2018 to residents/property owners informing them of San Miguel County’s intent to accept the Road name Petition. The recipients were given thirty (30) days to respond if they were in disagreement. To date, we have not received a reply.

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. Because this road naming was required and not requested by the residents, the \$100 fee has been waived. Mr. Trujillo requested the Commission review and approve Resolution No. 04-10-18-RA04 addition of Camino Soledad.

Motion made by Commissioner Arthur Padilla to approve Resolution No. 04-10-18-RA04 addition of Camino Soledad. Second by Maria Martinez. Motion carried.



**15. RESOLUTION NO. 04-10-18-RA02; ADDITION OF PARADISE LN, A PROPOSED NAME FOR A PRIVATE DRIVEWAY ADDED TO THE OFFICIAL E-911 ROAD LIST OF SAN MIGUEL COUNTY, NEW MEXICO**

San Miguel County Information Technology Supervisor Diego Trujillo informed the Commission that on February 6, 2018 Ms. Garza was requesting an address for a new residence through the County's Planning and Zoning permitting process. It was determined, that all addresses were exhausted where her property is located adjacent to County Road B47A, in Tecolote. The County E-911 office requested that Ms. Garza submit a Road Naming Petition for her driveway. The submitted petition has been determined to be acceptable by SMC Rural Addressing staff. Ms. Garza is the only resident that will be affected by this new road name; therefore, only one signature is required. Per San Miguel County Ordinance No.SMC-07-13-99-ORD-2, Section 4.1-C; proposed to San Miguel Board of County Commissioners. The petitioner has paid the \$100.00 fee required for a road name as per San Miguel County Ordinance No.SMC-07-13-99-ORD-2 Section 4.3A. Mr. Trujillo requested the Commission review and approve Resolution No. 04-10-18-RA02 addition of Paradise Ln.

Motion made by Commissioner Maria Martinez to approve Resolution No. 04-10-18-RA02 addition of Paradise Ln. Second by Vice Chairman Janice Varela. Motion carried

**16. RESOLUTION NO. 04-10-18-RA03; ADDITION OF PITTSBURG NELLY LN, A NEWLY NAMED PRIVATE ROAD TO THE OFFICIAL E-911 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 three (3) addressed structures on a single Driveway located off NM Highway 94 in the Tierra Monte Area. Per San Miguel County Ordinance No.SMC-07-13-99-ORD-2, Section 4.1-C; proposed to San Miguel Board of County Commissioners to 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." Letters were sent to the residents on November 9<sup>th</sup>, 2017 informing them on San Miguel County's intent to name the road. The residents returned a road-naming petition and two of the three current residents agreed to the name of Pittsburg Nelly Ln. 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. Because this road naming was required and not requested by the residents, the \$100 fee has been waived. Mr. Trujillo requested the Commission review and approve Resolution No. 04-10-18-RA03 addition of Pittsburg Nelly Ln.

Motion made by Vice Chairman Janice Varela to approve Resolution No. 04-10-18-RA03 Pittsburg Nelly Ln. Second by Commissioner Arthur Padilla. Motion carried.

**17. SECOND EXTENSION AGREEMENT – SAN MIGUEL COUNTY DETENTION CENTER – FACILITY JANITORIAL SUPPLIES, LAUNDRY PRODUCTS (DETERGENT, BLEACH, ETC.)**

San Miguel County Warden Matthew A. Elwell informed the Commission the San Miguel County/Brady Industries Inc. 2<sup>nd</sup> Extension Agreement, specific to the Bid Award for janitorial supplies and laundry products, at the San Miguel County Detention Center. Prices are set as per the bid award and all terms of the underlying agreement remain in full force and effect. Mr. Elwell requested the Commission review and approve the Second Extension Agreement for janitorial supplies and laundry products.



Motion made by Vice Chairman Janice Varela to review and approve the Second Extension Agreement for janitorial supplies and laundry products. Second by Commissioner Arthur Padilla. Motion carried.

**18. SAN MIGUEL COUNTY, NEW MEXICO – SUMMIT FOOD SERVICE/COMMISSARY SERVICES**

San Miguel County Warden Matthew A. Elwell informed the Commission of the second Extension Agreement for Food Service/Commissary Services Management Agreement, by and between San Miguel County, New Mexico, and Summit/A'Viands, for the operation and management of food services/commissary services at the San Miguel County Detention Center. The renewal agreement includes costs that are based on the number of meals served per meal period, within a sliding scale format, and reflect the contractual allowed price adjustment for inflationary costs within the food/beverage component of the U.S. Department of labor consumer price index. Mr. Elwell requested the Commission review and approve the second extension agreement for food service/commissary services management agreement.

Motion made by Vice Chairman Janice Varela to review and approve the second extension agreement for food service/commissary services management agreement. Second by Commissioner Arthur Padilla. Motion carried.

**19. PUBLIC WORKS DIVISION REPORT FOR THE MONTH OF MARCH 2018**

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

For informational purposes only.

**20. STATUS UPDATE ON REVISED PERSONNEL POLICY**

San Miguel County Human Resource Supervisor Eileen Sedillo presented to the Commission the Status Update of the Revised Personnel Policy which is very close to being completed. The Personnel policy will more than likely be presented at the May or June Commission Meeting for Commission action.

For informational purposes only.

**21. RECOMMENDATION TO APPROVE THE JOB DESCRIPTION OF NARCOTICS DETECTIVE WITH THE SAN MIGUEL COUNTY SHERIFFS DIVISION.**

San Miguel County Human Resource Supervisor Eileen Sedillo informed the Commission the Narcotics Detective with the San Miguel County Sheriff's Division will be working collaboratively with the Fourth Judicial District Attorney's Office, Las Vegas Police Department, New Mexico State Police as well as other law enforcement agencies to combat illegal drug use and distribution within San Miguel County. Ms. Sedillo Requested the Commission approve of the Narcotics Detective Job Description.

Motion made by Commissioner Maria Martinez to approve of the Narcotics Detective Job Description. Second by Commissioner Arthur Padilla. Motion carried.

## **22. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF MARCH 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 March 2018. Ms. Sedillo requested the Commission to approve and ratify the personnel actions or changes that have taken place during the month of March 2018.

Motion by Vice Chairman Janice Varela to approve and ratify the personnel actions or changes that have taken place during the month of March 2018. Second by Commissioner Arthur Padilla. Motion carried.

## **BOARD OF FINANCE MEETING**

### **23. BANK TRANSFERS FOR THE MONTH OF MARCH AND TAX DOLLAR REPORT**

San Miguel County Treasure Bertha Bustamante informed the Commission of the bank transfers and tax dollar report for the month of March 2018.

For informational purposes only.

### **24. AMENDMENT TO ADMINISTRATIVE REGULATION GOVERNING PER DIEM AND MILEAGE IN SAN MIGUEL COUNTY**

San Miguel County Finance Supervisor Melinda Gonzales presented to the Commission two amendments for approval. The first amendment is regarding the approval of out of state travel. The second amendment is regarding mileage when no overnight lodging is required.

For informational purposes only.

### **25. JOURNAL ENTRY REPORT FOR THE MONTH OF FEBRUARY 2018**

San Miguel County Finance Division Supervisor Melinda Gonzales provided the Commission the journal entry report for the Month of February 2018.

For informational purposes only.

### **26. CASH BALANCE REPORT**

San Miguel County Finance Division Supervisor Melinda Gonzales presented to the Commission the reconciled cash balances report as of January 2018.

For informational purposes only.



## **27. RECEIPT REPORT FOR THE MONTH OF FEBRUARY**

San Miguel County Finance Division Supervisor Melinda Gonzales provided the Commission the receipt detail report for the Month of February 2018.

For informational purpose only.

## **28. ACCOUNTS PAYABLE REPORT FOR THE PERIOD OF FEBRUARY 27, 2018 THROUGH MARCH 23, 2018 AND THE JANUARY 2018 HOUSING PAYMENT REGISTER**

San Miguel County Finance Division Supervisor Melinda Gonzales presented to the Commission payments processed through the finance office and Bernalillo County on behalf of San Miguel County. Ms. Gonzales requested the Commission review and approve the accounts payable report for the period of February 27<sup>th</sup>, 2018 through March 23<sup>rd</sup>, 2018 and the January 2018 housing payment register.

Motion made by Vice Chairman Janice Varela to approve to approve and ratify the personnel actions or changes that have taken place during the month of March 2018. Second by Commission Arthur Padilla. Motion carried.

## **EXECUTIVE/CLOSED SESSION**

- A. 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: Union-AFSCME

San Miguel County Manager Vidal Martinez informed the Commission at 4:20 p.m. that they would need to go into Executive Session.

## **ROLL CALL**

Chairman Chris Najar- present  
Vice-Chairman Janice Varela- present  
Commissioner Maria Martinez- present  
Commissioner Rock Ulibarri- Not present  
Commissioner Arthur Padilla- present

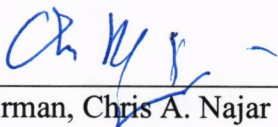
## **ADJOURNMENT**

Motion made by Commissioner Arthur Padilla to come out of executive session at 4:20p.m. Second by Vice Chairman Janice Varela. Motion carried.

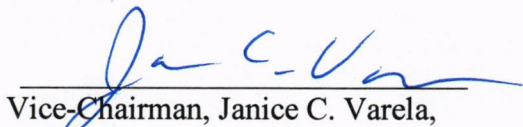
Motion made by Commissioner Arthur Padilla to adjourn the meeting at 4:21p.m. Second by Vice Chairman Janice Varela. Motion carried.




Approved this 9<sup>th</sup> day of May, 2018 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held April 10, 2018.




Chairman, Chris A. Najjar  
District 5



Vice-Chairman, Janice C. Varela,  
District 2




Commissioner, Arthur J. Padilla  
District 3



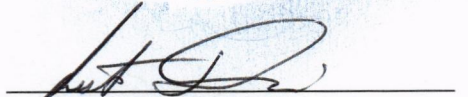
Commissioner, Maria L. Martinez  
District 4

Commissioner, Rock G. Ulibarri  
District 1

**ATTEST**



Geraldine E. Gutierrez, County Clerk



Minutes Submitted by Justin Dimas