

**MINUTES OF REGULAR MONTHLY MEETING OF
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
HELD TUESDAY, AUGUST 10, 2021 BEGINNING AT 2:00 P.M.**

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday, August 10, 2021, beginning at 2:00 p.m. The meeting was held at the San Miguel County Commission Chambers at 500 W. National Ave., Suite 201. Zoom link is active.

1 CALL TO ORDER:

2 ROLL CALL:

Roll Call: Chairman Harold Garcia, present, Vice-Chairman Janice Varela present via zoom, Commissioner Max Trujillo present, Commissioner Martin Sena present, Commissioner Kenneth Medina present, and a quorum was duly noted.

3 PLEDGE OF ALLEGIANCE

Commissioner Martin Sena led staff and citizens in the pledge,

4 SALUTATION TO NM STATE FLAG

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

5 APPROVAL OF AGENDA

Commissioner Martin Sena requested that item 8E be heard after 8A.

Motion made by Commissioner Max Trujillo to approve agenda with changes. Second by Commissioner Martin Sena. Motion carried.

6 APPROVAL OF MINUTES

Motion made by Commissioner Kenneth Medina to approve minutes for the July 13, 2021 Regular Commission Meeting. Second by Commissioner Max Trujillo. Motion carried.

Minutes for the 07-26-2021 Special Commission Meeting will be tabled until next commission meeting with new input data entered into the minutes. Motion made by Chairman Harold Garcia to table SM-7-26-21 minutes. Second by Commissioner Max Trujillo. Motion carried.

7 PUBLIC INPUT FORUM

Manuel J. Garcia – Spoke about the C53B road and C53 Bridge; spoke on his meeting with land commissioner Stephanie Garcia-Richards about incoming federal infrastructure funding, and Covid-19 Delta and Lambda surges.

Others signed up for Public Input, Julie Ann Villanueva, will be recognized on agenda item 8E; and John Sedillo will speak on agenda item 8J.



NEW BUSINESS

8 Regular Order

a. COUNTY MANAGER'S REPORT*

County Manager Joy Ansley informed the Commission of two Request For Proposals for Legal Services and Architectural Services with deadline for submittal August 13, 2021; and a Special Meeting to award RFP will be held on August 17, 2021.

The NM Counties Summer Conference will be held September 22-23 in Hobbs, and invited Elected Officials and Department Heads to contact her office for registration and hotel assistance.

County Manager met with a citizen taxpayer who assisted in developing a Broadband Utilities Special District in Georgia and offered assistance to San Miguel County to establish such district. Mr. Cordova informed and will forward information to Manager Ansley about a Broadband Systems Conference being held in Houston in September. Commissioner Max Trujillo expressed an interest in attending; and spoke on the importance of building technical infrastructure to complement business and education opportunities in San Miguel County.

Manager Ansley informed there are over \$1.7 million outstanding accounts in Solid Waste receivables. Constructs in next steps to collect are being reviewed.

Manager Ansley informed the commission about Hispano Chamber's on-going efforts in clean-up of Kings Stadium. Mr. Martinez requested additional funding to remove trees from the area. The Commission feels that this is unnecessary and the Land Grant should be contacted for further action/direction.

*For Informational Purposes Only.

e. POSSIBLE NAME CHANGE TO FLYING DIAMOND SCHOLARSHIP

County Manager Joy Ansley presented changing the name of Flying Diamond Scholarship and indicated that there are no legal hurdles in re-naming, County Attorney Dave Romero, Jr. affirmed. Commissioner Martin Sena recommended the name change be Flying Diamond Manuel "Manny" Villanueva Memorial Scholarship. Mr. Villanueva was a long-time counselor and coach for West Las Vegas Schools. His daughter, Julie Ann Villanueva-Barela spoke on her father's contribution to the education efforts in El Valle and thanked the Commission for considering the memorialization.

Motion made by Commissioner Kenneth Medina to initiate the name change. Second by Commissioner Max Trujillo. Roll call: all commissioners voted in the affirmative. Motion carried.

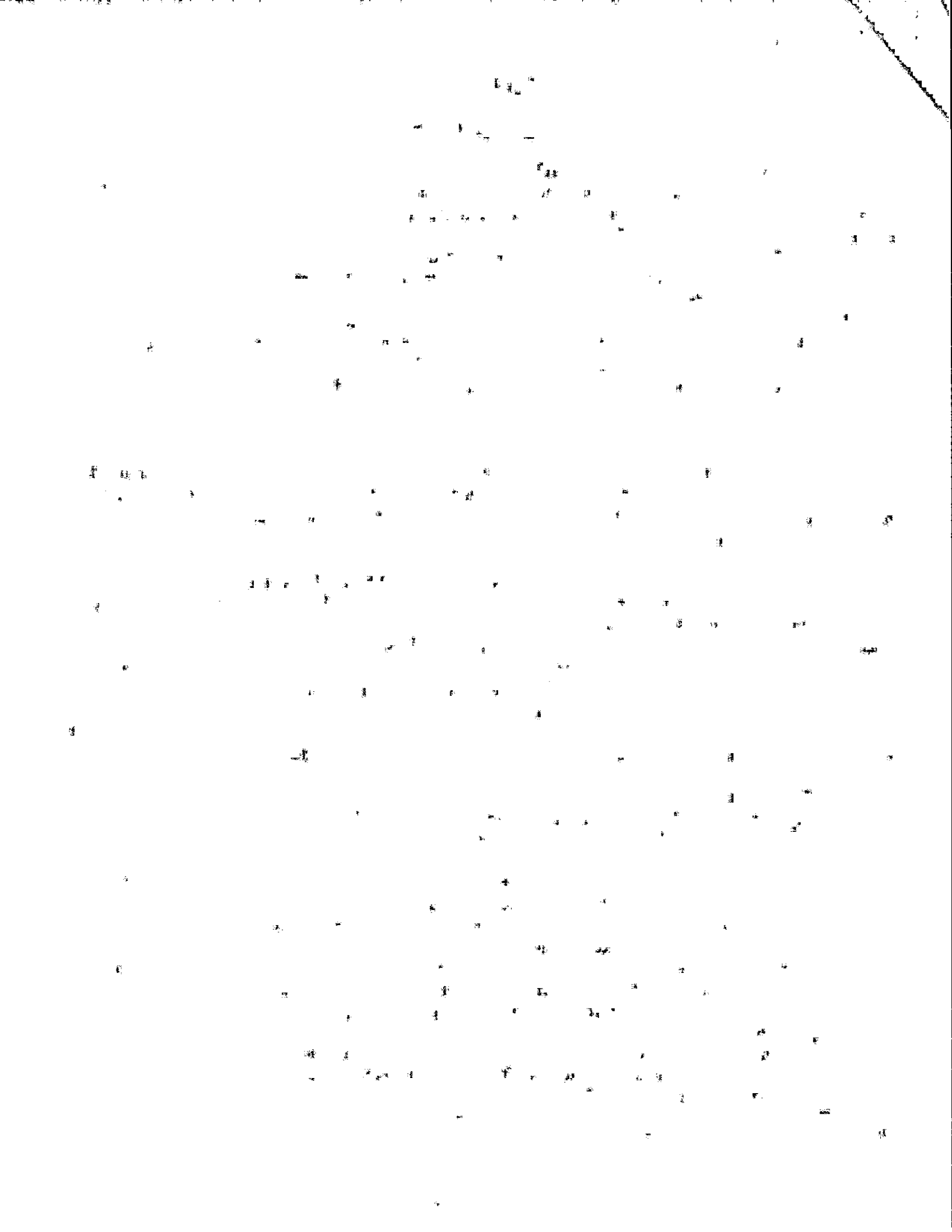
b. DEPARTMENT HEAD UPDATES

County Manager Joy Ansley informed the Commission that this Update by Department Heads will be a standing Agenda item to allow Department Heads and Elected Officials to address concerns and updates to the Commission if no agenda request was submitted.

Manager Ansley introduced the newly hired Emergency Manager Dennis Esquibel who thanked the Commission and is looking forward to his employment with the County.

Public Works Director Gerald Garcia informed the commission: 1. reiterated outstanding Solid Waste receivables. 2. Progress of the Cinder Road project and that the Engineer will assist in tweaking the application which is due sometime in September. 3. The Tecolote Creek project is moving forward, however, cost of material/shipping is presenting obstacles. 4. LGRF San Ysidro and Chapel chip-seal, and future projects as well as LTAP. 5. Public Works is awaiting word from the NM Dep't of Transportation match-grants for various funding requests. 6. PW machine operators work very hard for SMC.

Finance Director Melinda Gonzales informed the Commission that \$300,000 will be set-aside for miscellaneous General Fund obligations, but only afforded \$150,000 to maintain cash-reserve rules. Budget has been recorded and forwarded to NM-DFA.



c. ICIP PRIORITIES

Manager Joy Ansley informed the Commission that deadline for submissions is September 17, 2021. Removing County Clerk storage, Sheriff's Dep't building and data/lapel cameras, emergency vehicles, Assessor's spectrometry, Public Works Heavy Equipment as they were funded in FY22 budget. Commission expressed improvements or new buildings for the Fire Departments in Gallinas, Tecolotito, San Jose, and San Ignacio. Fire Chief Andrew Duran indicated that the Department is well-equipped, and is seeking a grant for minor equipment updates.

The Commission would like to add a Drug Treatment Center to the ICIP.

Continuous road improvement projects to be added to ICIP and to retain current road projects on ICIP and seeking \$5 million (Country Acres, Camp Luna; East Pecos low-water crossing, B65A, and county road along the acequia in East Pecos; La Ardiente road; Sabinoso Road and Trujillo Road and road in Pendarie; research on adding speed-bumps in residential areas in District 4 rural areas to ensure public and property safety.)

Warden Padilla asked for improvement on the parking lot at the Detention Center.

Public Works Director Gerald Garcia asked for Cinder Road project be included, as the scope of the project is increasing as are costs for materials/supplies.

d. SET PUBLIC HEARING DATES FOR MINING ORDINANCE

County Manager Joy Ansley informed the Commission that this ordinance has a requirement of at least one Public Hearing with a Public Notice of two weeks prior -- a publish date of Friday, August 13, and the date of hearing be after August 27; Commission set the meeting for the week of the 30th and set it as an action item, Manager Ansley will coordinate the set-up of the Public Hearing and inform interested parties and the Commission on date selected. The Open Hearing will be held in Pecos in the evening as the mining project is in Terrero. County Attorney Dave Romero, Jr., informed the Commission that enacting the Ordinance is important and should be done quickly – the ordinance can be amended after enacted. Attorney Romero indicated the Mining Ordinance does not need Planning and Zoning review as there have been approximately 8 reviews and drafts with various experts and other counties.

f. PROPOSED REAL PROPERTY LEASE WITH STATE OF NEW MEXICO FOR EPI DURAN BUILDING

County Manager Joy Ansley delivered specifics of the lease for the Crisis Treatment Center: \$1 per year lease fee, utilities, and capital or maintenance projects paid for by lessee. The Commission will seek Capital Improvement funds for building improvements. Sublet is not an option.

Motion made by Commissioner Max Trujillo to approve the Lease with State of New Mexico for the Epi Duran building (3112 Hot Springs Blvd, LVNM) to be used as Crisis Treatment Center. Second by Commissioner Martin Sena. Motion carried.

g. DONATION OF MATERIAL TO MORA COUNTY FOR WORK ON MORPHY LAKE ROAD

County Manager Joy Ansley received a request for a donation of seven belly-dumps of crushed material for sealing and emergency patching of Morphy Lake Road in Mora County. Public Works will need a time-frame to crush and Mora county will pick-up materials and manage the project work. The Commission feels this is a neighborly thing to do and it will serve SMC residents in their recreation activities at Morphy Lake.

Motion to approve donation of material to Mora county made by Commissioner Kenneth Medina. Second by Commissioner Max Trujillo. Motion carried.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support informed decision-making.

3. The third part of the document focuses on the role of technology in modern data management. It discusses how advanced software solutions can streamline data collection, storage, and analysis, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data security and privacy. It provides guidance on implementing robust security measures to protect sensitive information from unauthorized access and breaches.

5. The fifth part of the document explores the importance of data quality and integrity. It discusses strategies for identifying and correcting errors in data, ensuring that the information used for analysis is accurate and reliable.

6. The sixth part of the document discusses the ethical considerations surrounding data collection and use. It emphasizes the need for transparency in data practices and the importance of obtaining informed consent from individuals whose data is being collected.

7. The seventh part of the document provides a summary of the key findings and recommendations. It reiterates the importance of a comprehensive data management strategy that encompasses all aspects of data collection, storage, analysis, security, and ethics.

8. The final part of the document offers concluding thoughts on the future of data management. It suggests that continued investment in technology and training will be essential for organizations to stay competitive in a data-driven world.

h. RESOLUTION NO 2021-07-30- SALE OF PROPERTY (2008 INTERNATIONAL FIRE ENGINE)

Fire Chief Andrew Duran informed the Commission the County is in the process of purchasing a new fire apparatus for the Rowe Volunteer Fire Department. During these discussions the idea emerged that the Rowe VFD is not using its 2008 International Fire Engine and could be used as a trade-in for the purchase of new equipment. Chief Duran requested approval from the Commission to declare the 2008 International Fire Engine as excess property and authorize the County Manager to trade said property as allowed by NM State Statute Annotated 1978. Approved Resolution will be sent to the NM State Auditor and Local Government Division as required by law – Fair Market Value determined by the County Finance Director and approved by NMSA/LGD. Manager Joy Ansley found comparable values ranging from \$13,900, and that valuation is lost by 50% in 5-7 years, and believes the trade-in value will be several thousand dollars.

Motion to approve Resolution #2021-07-30-Sale of Property made by Commissioner Max Trujillo. Second by Commissioner Martin Sena. Motion carried.

i. PUBLIC WORKS DIVISION REPORT*

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 July 2021. County grader operators have been repairing the washouts from the recent rains and flooding throughout the County. Crushing, pothole repair and chip-seal is on-going throughout the County. Commission commended the Public Works department on their efforts at the SMC Fairgrounds.

*For Informational Purposes Only

j. ADOPTION OF RESOLUTION NO. 081021-P&Z IMPLEMENTING REGULATION OF RECREATIONAL AND MEDICAL CANNABIS PRODUCTION; PERSONAL USE IN SAN MIGUEL COUNTY

Planning and Zoning Supervisor Amanda Salas implemented previous discussions to write this Resolution in issuing hemp and medical cannabis production licenses and its various methods of production and sales in following State parameters of the Cannabis Regulation Act 2021 and of the Lynn and Erin Compassionate Use Act 2007, creating a Cannabis Regulatory Advisory Committee and Fund, and utilizing and enhancing SMCs existing Land Development Standards Ordinance in adopting above Resolution. Public Input from Mr. John Sedillo, a currently licensed hemp producer, spoke on the ethics and need for regulation in this emerging market and to honor local communities concerns and apprehensions in growing this economic development.

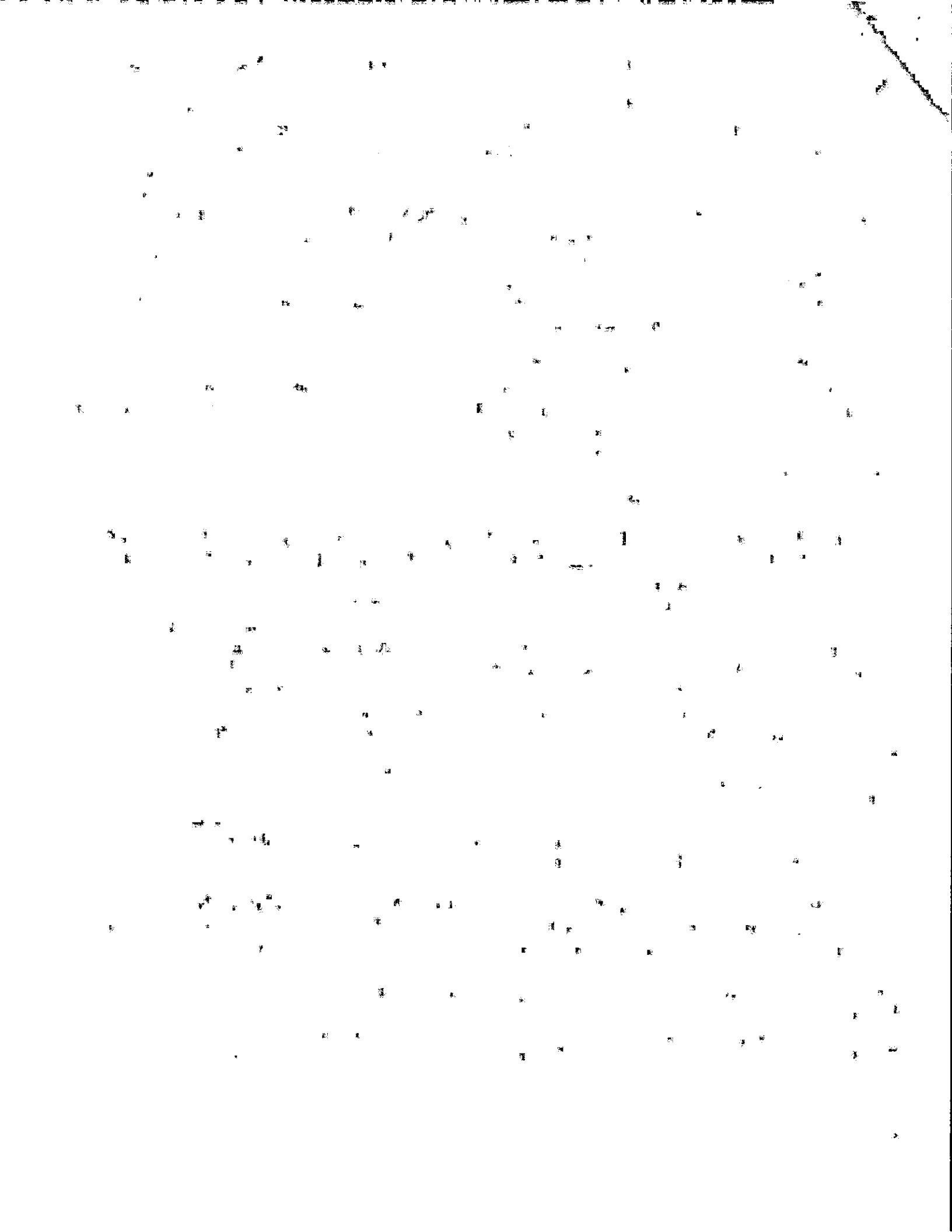
County Attorney Dave Romero Jr. informed the Commission that the Resolution is true to legal form and can be amended to ensure the ability to change with developments in implementation of this Resolution.

Motion to adopt Resolution #081021-P&Z Implementing Regulation of Recreational and Medical Cannabis Production; Personal Use in San Miguel County made by Chairman Harold Garcia. Second by Commissioner Kenneth Medina. Motion carried.

k. REQUESTING TO APPROVE MR. SEAN MEDRANO AS PLANNING & ZONING COMMISSIONER, BOARD OF ADJUSTMENT TO FILL THE FINAL VACANCY ON THE PLANNING AND ZONING COMMISSION, BOARD OF ADJUSTMENT

Planning & Zoning Supervisor Amanda Salas asked for approval to appoint Mr. Sean Medrano, a local business owner of Northeastern Construction and of Any Distressed Properties LLC, father and husband, and of local descent.

Motion to approve appointment of Mr. Sean Medrano as a commissioner of the Board of Adjustment P&Z Commission made by Commissioner Max Trujillo. Second by Commissioner Kenneth Medina. Motion carried.



I. ROAD VIEWING IN THE VILLAGE OF VILLANUEVA, NEW MEXICO AS PER ROAD PETITION REQUEST BY MR. GILBERT ORTIZ

Planning & Zoning Supervisor Amanda Salas asked for approval/disapproval of the application submitted on June 7, 2021 by Mr. Gilbert Ortiz for adoption of an unnamed road to be a public road and request maintenance of road by SMC in Villanueva. 50 citizens living within two miles signed a petition requesting such action be taken by the Commission. The P&Z recommends a road viewing to verify length, condition and location of the road. County Attorney Dave Romero Jr. indicated the process for a road viewing can take place, and if there are legal concerns they will be raised in determining whether to adopt the road petition.

Motion to approve Road Viewing in the Village of Villanueva as petitioned by Mr. Gilbert Ortiz made by Commissioner Martin Sena. Second by Commissioner Kenneth Medina. Roll Call vote – all commissioners voted in the affirmative. Motion carried.

m. CONTRACT FOR DETAINEE CONFINEMENT TO HOUSE SAN MIGUEL COUNTY DETAINEES IN COLFAX COUNTY

Warden Antonio Padilla asked for approval by the Commission of the contract to house detainees in Colfax County. Capacity in the SMC Detention Center is 120 inmates. Should capacity exceed 120, SMC needs to transport to house detainees in Colfax County at a cost of \$95 per day per inmate.

Motion to approve Detainee Confinement to House San Miguel County Detainees in Colfax County Detention center made by Vice-Chair Janice Varela. Second by Commissioner Max Trujillo. Motion carried.

n. CONTRACT FOR DETAINEE CONFINEMENT TO HOUSE COLFAX COUNTY DETAINEES IN SAN MIGUEL COUNTY

Warden Antonio Padilla asked for approval by the Commission of the contract to house detainees of Colfax County. Colfax County asked for housing overflow at a charge of \$95 per day per inmate plus a \$20 booking fee. Warden Padilla capped the amount at 5 beds.

Motion to approve Detainee Confinement to House Colfax County Detainees in San Miguel County made by Commissioner Kenneth Medina. Second by Commissioner Max Trujillo. Motion carried.

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

Warden Antonio Padilla asked for approval of renewal of Agreement with CorrHealth for medical and behavioral health services provided to the San Miguel County Detention Center for a period of one year. Commissioners asked if the Warden was pleased with services provided, and Warden Padilla indicated CorrHealth is committed to meet requirements and expectations of Agreement.

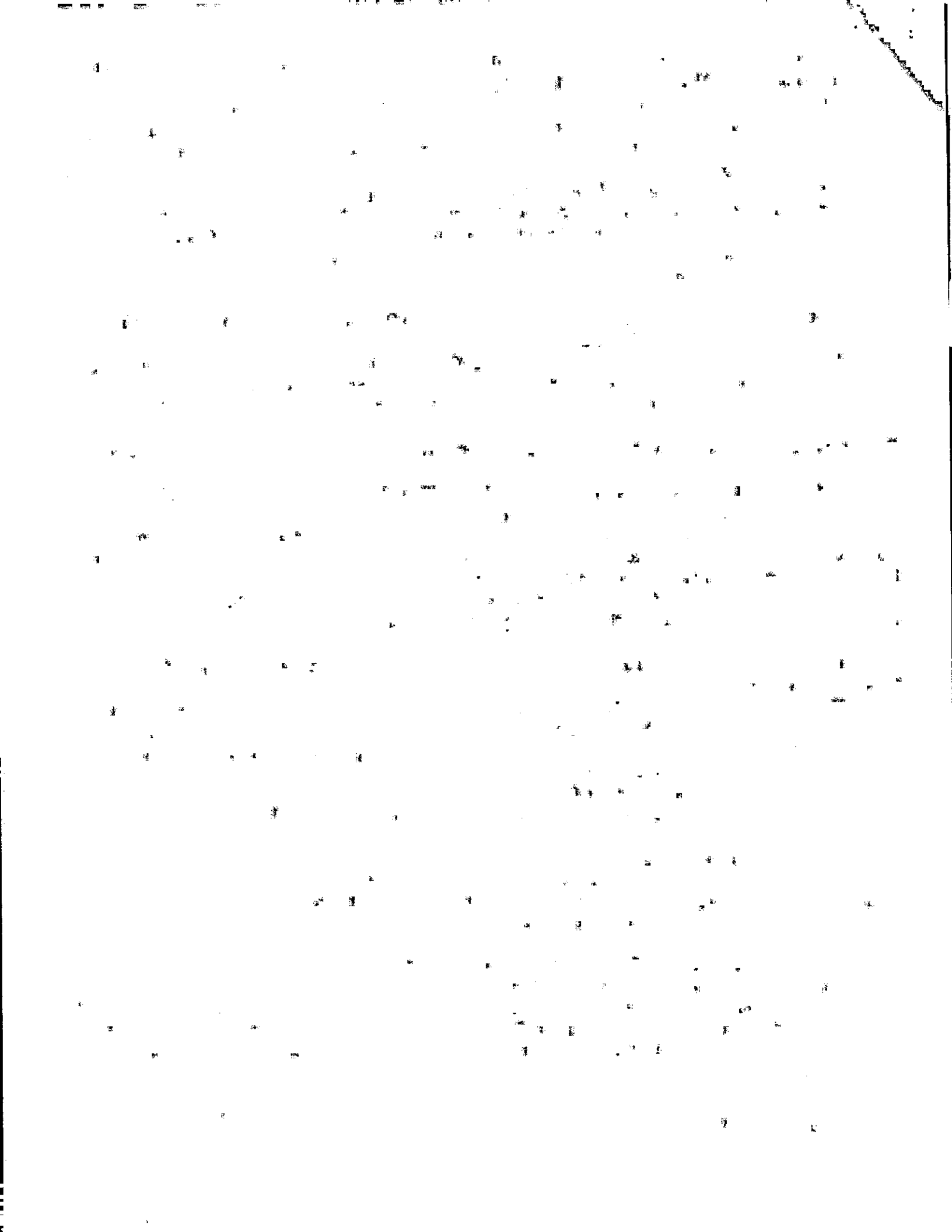
Motion to approve SMC Detention Center Medical and Behavioral Health Services Agreement made by Commissioner Max Trujillo. Second by Commissioner Martin Sena. Motion carried.

p. LEDA Public Hearing

Motion to adjourn Regular Meeting and enter Public Hearing regarding LEDA Ordinance for items 8Q, 8R and 8S made by Commissioner Max Trujillo. Second by Chair Harold Garcia. Motion carried, and Public Hearing for LEDA Ordinances was entered into at 3:41 PM.

q. LEDA ORDINANCE - EL VALLE COMMUNITY CENTER

Chairman Harold Garcia asked County Attorney Dave Romero Jr. to swear in the interested parties who will be speaking to and informing the Commission on LEDA requirements to become Fiscal Agent for El Valle Community Center for the \$30,000 funded in FY22 budget. Two witnesses took the oath, Tim Hagemann of NM Economic Development Department, and Eva Artschwager, Executive Director of the Library and El Valle Community Center.



Mr. Hagemann informed the Commission to fund El Valle Community Center through a LEDA ordinance by considering a first rating of a LEDA ordinance; a draft of a Participation Agreement as well as an inter-governmental agreement. Included in the agreement is a Security Instrument to ensure the funds are used as intended and as protection of the County's investment as the Fiscal Agent for the El Valle Community Center. Fiscal Agent fees range from 3-5%. These funds will be used to repair roof and other drastic structural improvements of existing facilities. Further architectural studies are needed and funding will be sought.

Eva Artschwager informed the Commission that El Valle Community Center in Villanueva serves about 1,500 citizens in El Valle area with direct services in online and real-time education opportunities with 60 programs in education and over 360 students attended these workshops. 15 people were employed part-time by the Centers. Community Farmers Market and other cultural activities enhance the culture of El Valle. Food drives, school supply drives and Christmas Gift drives are other programs that assist needy citizens in El Valle area.

Attorney Dave Romero Jr. asked for additional input from the public on this Ordinance; no one came forward; and asked for adjournment of the Public Hearing on LEDA Ordinance El Valle Community Center. Motion to adjourn Public Hearing and re-adjourn Regular Meeting made by Commissioner Kenneth Medina. Second by Commissioner Martin Sena. Motion carried. Regular meeting entered into at 3:58 PM.

Motion to approve LEDA Ordinance – El Valle Community Center made by Commissioner Martin Sena. Second by Vice-Chair Janice Varela. Roll call vote: all commissioners voted in the affirmative. Motion carried.

r. INTERGOVERNMENTAL AGREEMENT WITH EDD FOR EL VALLE COMMUNITY CENTER

Motion to approve Intergovernmental Agreement with EDD for El Valle Community Center made by Commissioner Max Trujillo. Second by Commissioner Janice Varela. Motion carried

s. ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT FOR EL VALLE COMMUNITY CENTER

Motion to approve Economic Development Project Participaton Agreement for El Valle Community Center made by Vice-Chair Janice Varela. Second my Commissioner Martin Sena. Motion carried.

9. BOARD OF FINANCE MEETING

a. INDIGENT CLAIMS*

Finance Director Melinda Gonzales provided the Commission a list of Indigent Claims paid out of Indigent Fund for June. For Informational Purposes*

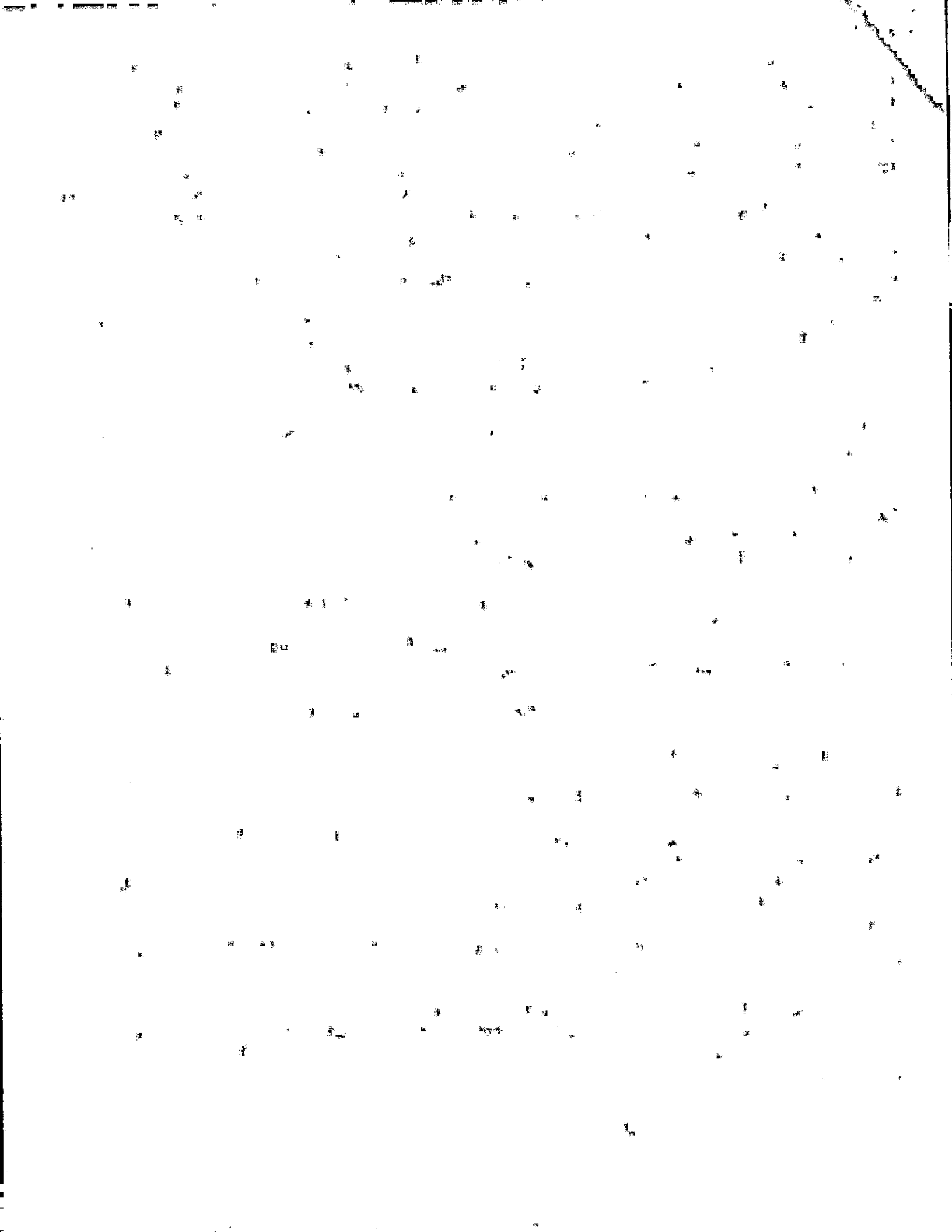
b. RESOLUTION 2021-08-10-F1 (FUNDS TO BE RECEIVED FROM THE EMS BUREAU OF THE DEPARTMENT OF HEALTH)

Finance Director Melinda Gonzales informed the Commission that the County received \$3,000 from NM Department of Health EMS Bureau for the Cabo Lucero EMS, and asked for permission to adjust the budget increase by \$3,000.

Motion to approve Resolution 2021-08-10-F1 made by Commissioner Max Trujillo. Second by Commissioner Martin Sena. Motion carried.

c. ADDENDUM TO CONTRACT WITH EGB ELECTRIC

Finance Director Melinda Gonzales asked for approval to renew the EGB Electric contract from January 9, 2021 to January 8, 2022. This contract renewal is back-dated due to clerical issues with the maintenance department.



Motion to approve Addendum to Contract with EGB Electric made by Commissioner Martin Sena. Second by Commissioner Kenneth Medina. Motion carried.

d. ACCOUNTS PAYABLE FOR THE MONTH OF JUNE 2021

Finance Director Melinda Gonzales presented the Commission a listing of payments processed by the finance office and Bernalillo County on behalf of San Miguel. Finance Director Gonzales requested the Commission review and approve the accounts payable report for the month of June 2021.

Motion to approve Accounts Payable for the month of June 2021 by Commissioner Max Trujillo. Second by Commissioner Kenneth Medina. Motion carried.

e. RECEIPT REPORT FOR THE MONTHS OF JUNE 2021*

Finance Director Melinda Gonzales presented the Commission with a Receipt Detail Report processed by the Treasurer's office for the month of June 2021.

*This item is for informational purposes only.

f. JOURNAL ENTRY REPORT FOR THE MONTHS OF JUNE 2021*

Finance Director Melinda Gonzales presented the Commission the Journal Entry Report of receipts physically entered in the system for the month of June 2021 regardless of when they posted in the system.

*This item is for informational purposes only.

g. CASH BALANCE REPORT FOR THE MONTH OF JUNE 2021

Finance Director Melinda Gonzales provided the Commission with a listing of all funds cash balances. These numbers have been reconciled and may differ from FY21 4th Quarter Report and FY22 beginning cash balances as temporary transfer from the General Fund to funds that may have a negative cash balance. NMDFA does not allow funds to carry negative balances. In total these numbers tie to the County cash balance.

*This item is for informational purposes only.

Chairman Harold Garcia asked for a motion to adjourn Regular Meeting and enter Executive Closed Session. Motion to adjourn Regular Meeting and Enter Executive Session made by Commissioner Kenneth Medina. Second by Commissioner Max Trujillo. Motion carried. Regular meeting adjourned, and Executive Session entered into at 4:07 PM.

EXECUTIVE / CLOSED SESSION

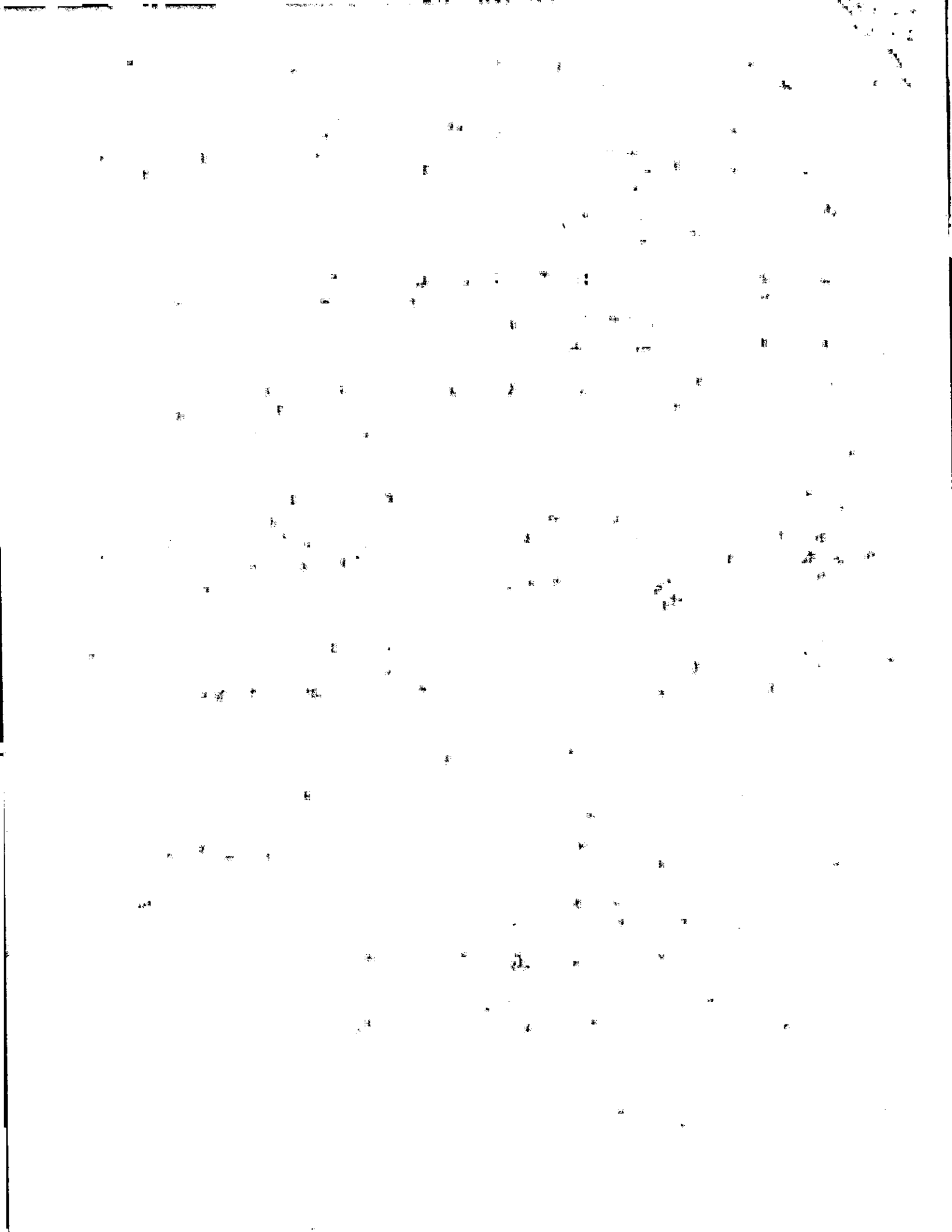
Limited Personnel Matters, as permitted by NMSA 1978, Section 10-15-1(H) (2) (as amended) of the Open Meetings Act, more specifically personnel matters regarding specific county Departments.

Real Property and Water Rights as permitted by NMSA 1978, Section 10-15-1(H) (8) water rights by the public body discussion of the purchase, acquisition or disposal of real property.

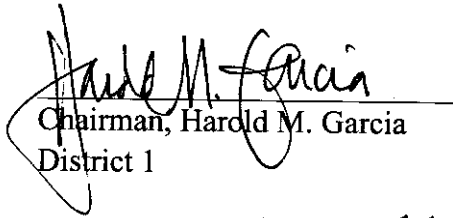
Attorney-Client Privilege Pertaining to Threatened or Pending Litigation, as permitted by Page 5 NMSA 1978, Section 10-15-1(H)(7) (as amended) of the Open Meetings Act. -San Miguel County vs Margarito Garcia

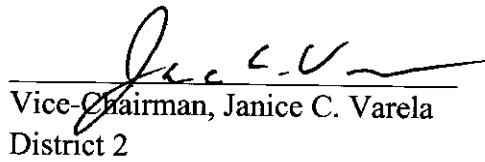
RESUME REGULAR COMMISSION MEETING

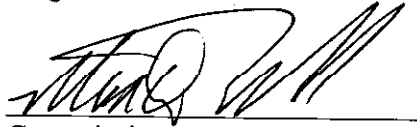
Motion to Adjourn Executive and Regular Session made by Commissioner Max Trujillo. Second by Commissioner Kenneth Medina. Motion carried. Adjournment at 4:57 PM.




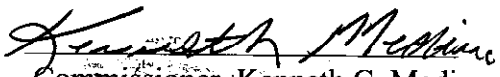
Approved this 14th day of Sept., 2021 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held August 10, 2021.


Chairman, Harold M. Garcia
District 1

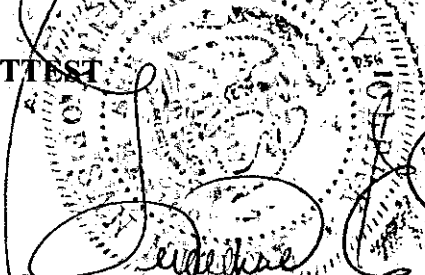
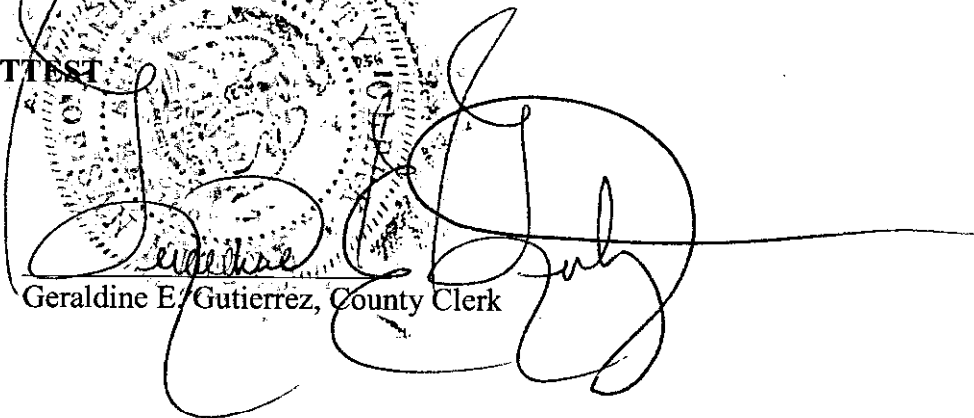

Vice-Chairman, Janice C. Varela
District 2

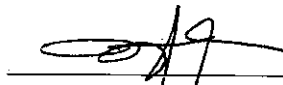

Commissioner, Max O. Trujillo
District 3


Commissioner, Martin Sena
District 4


Commissioner, Kenneth C. Medina
District 5

ATTEST



Geraldine E. Gutierrez, County Clerk


Minutes Submitted by Jacob P. Gonzales

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Handwritten scribbles and marks, possibly including the number '100'.

