



Board of County Commissioners

*Harold M Garcia
Chair-District 1*

*Janice C. Varela
Vice-Chair-District 2*

*Max O Trujillo
Commissioner-District 3*

*Martin Sena
Commissioner- District 4*

*Kenneth C. Medina
Commissioner-District 5*

*Melinda Gonzales
Interim County Manager*

PUBLIC NOTICE DISSEMINATED FOR TODAY'S MEETING

The San Miguel County Board of Commissioners will hold a regular monthly meeting on Tuesday April 13, 2021 beginning at 2:00 p.m. The meeting will be streamed from 500 West National Ave, Las Vegas, New Mexico 87701 in the Commission Chambers. Due to limited seating capacity, the meeting can be viewed online at www.co.sanmiguel.nm.us. Should anyone wish to present for Public Input you will need to submit your name, address, phone number and topic to smcpi@co.sanmiguel.nm.us no later than 1:15 the day of the meeting. During the meeting, a County Board of Finance meeting will take place.

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.

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.

AGENDA

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

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."

APPROVAL OF AGENDA

APPROVAL OF MINUTES

3-9-21RM

3-30-21SM

PUBLIC INPUT FORUM

NEW BUSINESS

Presentation: *Retirement of Matthew Elwell*

Presenter: *Eileen Sedillo Human Resource Supervisor and Antonio Padilla, Warden*

REGULAR ORDER

1. NATIONAL VICTIMS' RIGHTS WEEK PROCLAMATION

Background Information: A proclamation declaring April 18-24, 2021 National Crime Victims' Rights Week in San Miguel County.

Action Requested of Commission: Approval

Staff Recommendation: Approval

Presenter: Harold Garcia, Commission Chair

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

Background Information: San Miguel County Commissioner Janice Varela is requesting that the May 2021 Board of County Commissioners Meeting be moved to Pecos. Date to be determined once San Miguel County staff finalizes the date with the Village of Pecos for the use of their facility.

Action Requested of Commission: Approval

Staff Recommendation: Approval

Presenter: Commission Vice-chair Janice Varela

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

Background Information: The Plans are a comprehensive guide for SMCHA policies and programs, operations and strategies for meeting local housing needs and goals. There are two parts to the Plans, the Annual and the Five Year Plan.

The SMCHA Annual Plan and five Year Plan has been updated to include to include HUD – Foster Youth to Independence (FYI) vouchers. These FYI vouchers assist young adults that are aging out of the foster care system and are at risk of becoming homeless. The Annual Plan continues to focus on homelessness and the de-concentration of occupancy. The Five Year Plan outlines the mission for serving the needs of the low, very low and extremely low families in San Miguel County.

Action Requested of Commission: Approval of Annual Plan 2021 and Five Year Plan

Staff Recommendation: Approval of Annual Plan 2021 and Five Year Plan

Presenter: Betty Valdez – Acting Director San Miguel County Housing Authority

4. PRESENTATION OF THE FY19/20 AUDITED FINANCIAL STATEMENTS

Background Information:

The County received a release letter from the State Auditor’s Office. Per Section 2.2.2.10.M(4) New Mexico Administrative Code of the Audit Rule, the audit report shall be presented by the Independent

Public Accountant (IPA) to a quorum of the governing authority of the agency at a meeting held in accordance with the Open Meetings Act.

Action Requested of Commission: Allow the IPA to present the audited financial statements as well as the findings.

Staff Recommendation: Allow the IPA to present the audited financial statements as well as the findings.

Presenter: Benjamin Martinez, CPA, Carr, Riggs & Ingram, LLC

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

Background Information:

The Finance Office would like to renew the contract with Carr, Riggs and Ingram, LLC, to perform the FY20/21 audit. The County sought Requests for Proposals last fiscal year and this contract would be the second of a three year response.

Action Requested of Commission: Review and approval.

Staff Recommendation: Same as above.

Presenter: Melinda Gonzales

6. COVID-19 UP-DATE

Background Information: San Miguel County Office of Emergency Management monthly COVID-19 update.

Requested of Commission: Information only

Staff Recommendation: Information Only

Presenter: Leo Maestas Emergency Manager

7. RESOLUTION 04-13-2021-FIRE RESTRICTIONS

Background Information: 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.

Action Requested of Commission: Adopt Resolution 04-13-2021-Fire Restrictions

Staff Recommendation: Adopt Resolution 04-13-2021-Fire Restrictions

Presenter: Andrew J. Duran, Fire Chief

8. PROCLAMATION – MOTORCYCLE AWARENESS MONTH

Background Information: Proclamation declaring May as Motorcycle Awareness Month.

Action Requested of Commission: Review and approval

Staff Recommendation: Review and approval

Presenter: Melinda Gonzales

9. NM EMERGENCY RENTAL ASSISTANCE PROGRAM

Background Information: 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.RentHelpNM.org.

Eligibility requirements:

- One or more individuals within the household has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardships due, directly or indirectly, to the COVID-19 outbreak;
- One or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability; and
- The household has a household income at or below 80% of area median income and as defined by Housing and Urban Development (HUD).
- Priority will be given to households with income less than 50% of area median income to households with one or more members that have been unemployed for at least 90 days.

Action Requested of Commission: Informational Purposes

Staff Recommendation: Allow the background information to be read for those watching and/or listening to the meeting.

Presenter: Melinda Gonzales

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

Background Information: One of Northern New Mexico rich traditions has included rodeos. Rodeos are still popular and well attended. The County would like to seek a planning grant for a Rodeo Complex. Planning grants are available through the New Mexico Finance Authority. Staff would work on getting an application complete. Upon completion, a resolution will be presented to the Commission for approval prior to submitting the application to NMFA.

Action Requested of Commission: Approval to apply for a planning grant.

Staff Recommendation: Approval to apply for a planning grant.

Presenter: Melinda Gonzales

11. FAIR HOUSING PROCLAMATION

Background Information: Each year the month of April is the month that Fair Housing is acknowledged.

San Miguel County recognizes that fair housing is a right guaranteed to all Americans. In addition, entities receiving Community Development Block Grant funds are required to further fair housing within their communities by publicizing their commitment to fair housing. One such method of publicizing fair housing is by proclaiming a Fair Housing Day during the month of April.

Action Requested of Commission: Proclaim April 13, 2021 as Fair Housing Day.

Staff Recommendation: Adopt proclamation that proclaims April 13, 2021 as Fair Housing Day.

Presenter: Melinda Gonzales, Interim County Manager

12. EXHIBIT 1-Z CITIZEN PARTICIPATION PLAN

Background Information: 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.

Action Requested of Commission: Adopt Exhibit 1-Z Citizen Participation Plan.

Staff Recommendation: Adopt Exhibit 1-Z Citizen Participation Plan

Presenter: Melinda Gonzales, Interim County Manager

13. RESOLUTION NO. 4-13-2021-CDBG

Background Information: Recipients (grantees) of Community Development Block Grant funds must adopt certain required federal regulations. 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. Adoption must be by Resolution.

Action Requested of Commission: Ensure compliance by adopting Resolution No. 4-13-2021-CDBG and authorize Commission Chairman Harold M. Garcia to sign the Resolution.

Staff Recommendation: As requested of the Commission.

Presenter: Melinda Gonzales, Interim County Manager

14. ADDENDUM TO CONTRACT WITH ELITE PEST CONTROL

Background Information: Elite Pest Control was awarded based off of 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.

Action Requested of Commission: Review and approval.

Staff Recommendation: Review and approval.

Presenter: Melinda Gonzales

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

Background Information: The San Miguel County Public Works Division submits a report to County Commission on a monthly basis on any maintenance including blading of county roads and/or special projects with County Roads that are addressed.

Action Requested of Commission: For Information Purposes Only

Staff Recommendation: For Informational Purposes Only

Presenter: Arnold Lopez, SMC Public Works Road Foreman

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

Background Information: 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. In order to address the issue of anti-donation since the County does not own the facility, the funds were provided to EDD and a recommendation was provided to change the existing ordinance to allow “cultural facilities” to the language to assist in administering the funds.

Action Requested of Commission: Approve/Disapprove developing an amendment to the LEDA Ordinance

Staff Recommendation: Approve the change to the LEDA language.

Presenter: Robert Archuleta, Planning and Zoning Supervisor

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

Background Information Section 7.3, Vacation of Plats in the SMC Ordinances states that the owners of the land proposed to be vacated sign a statement declaring the portion to be vacated to be approved by the County Commission. Under Section 7.3.2, the statement was sent to the County Clerks and Planning and Zoning and a copy of a preliminary plat to be vacated.

Siebert and Associates Inc., on behalf of William and Linda Herrmann is requesting to consolidate four (4) lots owned by William and Linda Herrmann in a dead end cul-de-sac on the south side of Rim Road in the Pecos River Retreats Subdivision. The lots that are owned by the Herrmann's include lots 23, 24, 25, and 26. The four lots owned by the Herrmann's will be consolidated into one lot. In addition, the Herrmann's are requesting vacation of the roadway at the intersection of Rim Road (aka Wampum Rd) and Squaw Trail. (These are not County Roads).

The lots on the north side of the road 27, 28, and 29 are already consolidated and belong to the Herrmann's. All the lots to be consolidated will be combined into one larger property.

Action Requested of Commission: Review Application SV-0036, hold and conduct a public hearing, accept public comment and approve application.

Staff Recommendation: Approve the vacation of Plat.

Presenter: Robert Archuleta, Planning and Zoning Supervisor

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

Background Information: San Miguel County received an application from Bonnie J. McGowan, Hawk's Landing for a Type 3 Summary Subdivision consisting of the addition of four (4) 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.

Action Requested of Commission: 1) Review the Application; 2) Conduct a Public Hearing; 3) Approve/Disapprove the Application.

Staff Recommendation: Approve the application, this is an existing subdivision and the additional 4 lots will have no impact fiscally to the County. The subdivision infrastructure is already existing.

Presenter: Robert Archuleta, Planning and Zoning Supervisor

19. SAN MIGUEL COUNTY MANAGER SELECTION

Background Information: During the March 30, 2021 special meeting. The agenda item for the San Miguel County Manager Interview was partially tabled. The agenda had four components. The first two action items took place, but the third and fourth items were tabled. As a result the Commission will need to:

- 1.) Reconvene into executive session, for the purpose of continued discussion regarding the interviews held on March 30, 2021; and,
- 2.) Reopen the meeting with certification that only those matters described in the first item were discussed in closed session; and,
- 3.) Take final action concerning the selection of a County Manager; and,
- 4.) Authorize county staff to proceed with negotiations as they pertain to the employment contract for the San Miguel County Manager.

Action Requested of Commission: Same as items 1 through 4

Staff Recommendation: Same as items 1 through 4

Presenter: Melinda Gonzales, Interim County Manager

BOARD OF FINANCE MEETING

20. BANK TRANSFERS FOR THE MONTH OF MARCH 2021

Background Information: Regulation No. ADM-R-08-09-2016-CM Governing Wire Transfer

Action Requested of Commission: Informational purposes only

Staff Recommendation: Informational purposes only

Presenter: Jennifer LaFebre, County Treasure

21. RESOLUTION 2021-04-13-F2

Background Information: The Sapello VFD was awarded funds from the Energy, Minerals and Natural Resources.

Action Requested of Commission: Review and approval.

Staff Recommendation: Review and approval.

Presenter: Melinda Gonzales, Interim County Manager

22. INDIGENT CLAIMS

Background Information: To provide the Commission with information regarding the indigent claims for the month of February 2021.

Action Requested of Commission: Ratification of the indigent claims.

Staff Recommendation: Ratification of the indigent claims.

Presenter: Melinda Gonzales, Interim County Manager

23. ACCOUNTS PAYABLE REPORT FOR THE MONTH OF FEBRUARY 2021

Background Information: Present payments processed through the finance office and Bernalillo County on behalf of San Miguel County.

Action Requested of Commission: Review and approve.

Staff Recommendation: Review and approve.

Presenter: Melinda Gonzales, Interim County Manager

24. JOURNAL ENTRY REPORT FOR THE MONTHS OF FEBRUARY 2021

Background Information: To provide the Commissioners with the Journal Entry Reports for the February 2021.

Action Requested of Commission: Informational purposes

Staff Recommendation: Informational purposes.

Presenter: Melinda Gonzales, Interim County Manager

25. RECEIPT REPORT FOR THE MONTH FEBRUARY 2021

Background Information: To provide the Commissioners with a Receipt Detail Report for the month of February 2021

Action Requested of Commission: Informational purposes

Staff Recommendation: Informational purposes.

Presenter: Melinda Gonzales, Interim County Manager

26. CASH BALANCE REPORT FOR THE MONTH OF FEBRUARY 2021

Background Information: To provide the cash balances to the Commission.

Action Requested of Commission: Informational Purposes Only

Staff Recommendation: Informational Purposes Only

Presenter: Melinda Gonzales, Interim County Manager

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

Background Information: To provide the Commissioners with a FY20/21 Year to Date Budget Report.

Action Requested of Commission: Informational purposes only.

Staff Recommendation: Informational purposes only.

Presenter: Melinda Gonzales, Interim County Manager

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:

- 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. San Miguel County Assessor;
- Declaratory Judgment proposal with City of Las Vegas and resulting responsibility of work to be accomplished on 8th street extension.
- San Miguel County vs. Country Acres, Dave Jones and Frank Gallegos etc.
- County Prescriptive Easement litigation status;

Adjournment