

**MINUTES OF REGULAR MONTHLY MEETING OF
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
HELD TUESDAY May 11, 2021 BEGINNING AT 2:00 P.M.**

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday, May 11, 2021, beginning at 2:00 p.m. The meeting will be streamed from the Village of Pecos located at 92 S. Main Street, Pecos, NM 87552.

CALL TO ORDER:

ROLL CALL:

Upon a call of the roll, Chair Harold Garcia, present, Vice-Chairman Janice Varela present, Commissioner Max Trujillo present, Commissioner Kenneth Medina present, Commissioner Martin Sena 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

Interim County Manager Melinda Gonzales recommended to the Commission that item #17 be removed from the Agenda.

Motion made by Commissioner Kenneth Medina to approve agenda with changes recommended by Interim County Manager Melinda Gonzales, namely that item #17 be removed. Second by Commissioner Max Trujillo. Motion carried.

APPROVAL OF MINUTES

Motion made by Commissioner Max Trujillo to approve minutes for the April 13, 2021 Regular Commission Meeting. Second by Commissioner Martin Sena. Motion carried.

PUBLIC INPUT FORUM

No public input.

NEW BUSINESS

**Presentation: Recognition to Senator Liz Stefanics, Senator Pete Campos, Representative Ambrose Castellano, Representative Roger Montoya
Presenter: Chairman Harold Garcia**

Chairman Harold Garcia presented to the Commission his gratitude and respect to the State Legislative Representatives of San Miguel County. Vice Chairman Janice Varela presented to Senator Liz Stefanics a commemorative plaque and thanked them for their service. Commissioner Max Trujillo presented to Representative Roger Montoya a commemorative plaque and thanked them for their service. Commissioner

Martin Sena presented to Dr. Frank Sanchez representing Senator Pete Campos a commemorative plaque and thanked them for their service. Commissioner Kenneth Medina presented to Representative Ambrose Castellano a commemorative plaque and thanked them for their service.

**Presentation: Gallinas River Park Design
Presenter: Elizabeth Juarros, Program Director; Stephen Aragon, Las Vegas City Parks
and Recreation Director**

Program Director Dr. Elizabeth Juarros presented to the Commission an overview of the design of the park and a slide-show of the Gallinas River Park showing updates along the river which included an arboretum, viewing and fishing decks, picnic area, amphitheater, art, orchard and outdoor classroom.

**Presentation: East Pecos Mutual Domestic Water Consumers Association – American Rescue Plan Act
Presenter: Ramon Lucero, Rural Community Assistance Corporation. Robert Baca, President East Pecos
Water Association**

Ramon Lucero presented to the Commission the East Pecos Sanitary Sewer collection project. This project is to develop a centralized sewer collection system to get away from septic tanks and cesspools which lead to degradation of the Pecos River and to protect ground water and surface water and to create economic benefits. Ramon Lucero requested the Commission provide funding from the American Rescue Plan Act in the amount of one million dollars. Discussion ensued.

REGULAR ORDER

1. RESOLUTION DECLARING MAY 11, 2021 AS PECOS PANTHERS DAY IN SAN MIGUEL COUNTY

Vice-chairman Janice Varela presented to the Commission Resolution 05-11-21 declaring May 11, 2021 as Pecos Panthers Day in San Miguel County. Representative Roger Montoya presented certificates of recognition to the student athletes.

No motion made.

2. GOLF COURSE PRESENTATION

Regent Dr. Frank Sanchez and Regent Dr. William Garcia informed the Commission that NMHU no longer has the amount of ancillary revenues needed to entirely fund the golf course. In order to keep the golf course operational New Mexico Highlands University is requesting funding of up to seventy thousand dollars for the next two years from the County, and City of Las Vegas: this is the first phase. Once the golf course is opened the next step is to develop the vacant land surrounding the golf course. Discussion ensued. Regents Dr. Frank Sanchez and Dr. William Garcia requested the Commission approve funding for opening the NMHU Golf Course

Motion made by Commissioner Max Trujillo to approve the recommendation made by the county manager to fund NMHU for the golf course in the amount not to exceed seventy thousand dollars with the conditions noted. Second by Commissioner Martin Sena. Motion carried.

3. RESOLUTION 2021-05-11-F2

San Miguel County Manager Melinda Gonzales informed the Commission that the county is working with RBC Capital Markets to refinance an existing loan held by the NMFA. County manager Melinda Gonzales requested the commission approve to submit an application and approval of the resolution 2021-05-11-F2.

Motion made by Vice Chairman Janice Varela to approve resolution 2021-05-11-F2. Second by Commissioner Max Trujillo. Motion carried.

4. PROPOSED EMPLOYMENT CONTRACT WITH JOY ANSLEY FOR THE POSITION OF COUNTY MANAGER

San Miguel County attorney Dave Romero, Jr, presented to the Commission a proposed contract between the County of San Miguel and Joy Ansley which defines the duties, rights and remedies of both parties. The term of the contract is for one year effective May 17, 2021. County Attorney Dave Romero, Jr., requested the commission approve the contract between San Miguel county and Joy Ansley.

Motion made by Commissioner Max Trujillo to approve the proposed contract. Second by Chairman Harold Garcia. Motion carried.

5. PURCHASE OF THE REAL PROPERTY

San Miguel County Manager Melinda Gonzales informed the Commission that the county currently leases from Our Lady of Sorrows Church a parking lot on Valencia Street west of New Mexico Avenue. The Archdiocese will be selling the property and is offering it to the County at fair market price. The Church is still trying to obtain an appraisal and the Church and the County would have to agree upon a purchasing agreement. County manager Melinda Gonzales requested the Commission approve/disapprove the purchase of real property.

Motion made by Commissioner Max Trujillo to approve the County Manager's request. Second by Commissioner Kenneth Medina. Motion carried.

6. COVID-19 UP-DATE

San Miguel County Emergency Manager Leo Maestas informed the Commission on the monthly county Covid-19 update. 24,100 residents of San Miguel county have been vaccinated.

For informational purposes only.

7. RECOMMENDATION TO APPROVE THE REVISED JOB DESCRIPTION OF EMERGENCY MANAGEMENT SPECIALIST/FIRE SERVICES ADMINISTRATIVE ASSISTANT

San Miguel County Human Resources Director Eileen Sedillo informed the Commission of a revised job description for Emergency Management Specialist/Fire Services Administrative Assistant. The revised job description adds duties of the Fire Services Administrative Assistant to the existing position of Emergency Management Specialist. Human Resources Director Eileen Sedillo requested approval for the revised job description.

Motion made by Commissioner Martin Sena to approve the revised job description. Vice Chairman Janice Varela second. Motion carried.

8. FY-22 CYFD/JUVENILE JUSTICE CONTRACT

San Miguel County DWI Coordinator Jesus M. Romero presented to the Commission an amendment to Resolution FY-22 CYFD/Juvenile Justice Contract. The San Miguel County Juvenile Justice Program is continuing its effort to supports and aid at-risk youth, ages 11-17 in Restorative Justice, Violence and Substance Abuse, and Boys Council/Girls Circle, by providing assessment and referral for services. DWI Coordinator Jesus M. Romero requested the Commission approve FY-22 CYFD/Juvenile Justice Contract.

Motion made by Commissioner Kenneth Medina to approve FY-22 CYFD/Juvenile Justice Contract. Commission Martin Sena second. Motion carried.

9. UPDATE ON SAN MIGUEL COUNTY SOLID WASTE BILLING SYSTEM

San Miguel County Public Works Director Gerald Garcia, Solid Waste Billing Clerk Karla Maestas and solid waste consultant Joe Lewandowski informed the Commission that the San Miguel County Solid Waste Billing Department has implemented a new solid waste billing system. San Miguel County Residents have been issued billing letters, payment reminder notices and some will receive solid waste Delinquent notices; financial progress update and projected revenue. Discussion ensued.

For informational purposes only.

10. RECOMMENDATION OF AWARD-2021 SAN MIGUEL COUNTY ROAD IMPROVEMENTS- SAN ISIDRO AND CHAPPELLE ROADWAY IMPROVEMENT PROJECT

San Miguel County Public Works Director Gerald Garcia informed the Commission that San Miguel County, NM solicited competitive sealed bid(s) from a qualified vendor(s), for the road improvement Project San Isidro and Chappelle-County Road, Repair. The two received bid(s) were evaluated. GM Emulsion LLC was the lowest and most qualified bidder. A request is made to the San Miguel County Commission for approval to enter into a contractual agreement with GM Emulsion LLC for the LGRF Road Improvement. Public Works Director Gerald Garcia requested the Commission review and approve the contractual agreement with GM Emulsion LLC for the LGRF Road Improvement.

Motion made by Commissioner Kenneth Medina to approve the contractual agreement with GM Emulsion LLC for the LGRF Road Improvement. Second by Vice Chairman Janice Varela. Motion carried.

11. SAN MIGUEL COUNTY PUBLIC WORKS DEPARTMENT- RESOLUTIONS 1,2,3,4 SMC- 5- 11-2021 FOR TRANSPORTATION PROJECT FUND APPLICATION AND MATCH WAIVER REQUEST

San Miguel County Public Works Director Gerald Garcia San Miguel County is submitting Application and Match Waiver request for the Transportation Project Fund. Resolutions for the following TPF projects are as follows:

- Resolution No. 1 SMC-05-11-2021
- Resolution No.2 SMC-05-11-2021
- Resolution No. 3 SMC-05-11-2021
- Resolution No.4 SMC-05-11-2021
- Resolution No.5 SMC-05-11-2021
- Resolution No.6 SMC-05-11-2021.

Public Works Director Gerald Garcia requested the Commission review and approve the resolutions.

Motion made by Commissioner Max Trujillo to approve resolutions. Second by Commissioner Kenneth Medina. Motion carried.

12. PUBLIC WORKS DIVISION REPORT FOR THE MONTH OF APRIL 2021

San Miguel County Public Works Division Road Foreman Arnold Lopez informed the Commission of all Maintenance and Blading of County roads that took place in the month of April 2021.

For informational purposes only.

13. PRESENTATION OF ORDINANCE NO. 05-11-21 LEDA AND AMENDING AND REPLACING LEDA ORDINANCE NO. 07-09-13-LEDA AND ADOPTING A NEW AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT; ESTABLISHING APPLICATION REQUIREMENTS; AUTHORIZING SAN MIGUEL COUNTY TO ENTER INTO JOINT POWERS AGREEMENTS WITH LOCAL GOVERNMENTAL ENTITIES AND DEVELOPMENT AGREEMENTS WITH NON-PROFITS ENTITIES; AND CREATING A NEW ORDINANCE REPEALING LEDA ORDINANCE NO. 07-09-13-LEDA

San Miguel County Planning and Zoning Supervisor Robert Archuleta informed the Commission for amending the current ordinance No. 07-09-13-LEDA and replacing with new ordinance No. 05-11-21-LEDA and allow the county to add the language of "Cultural Facilities" to the existing LEDA ordinance. Planning and Zoning Supervisor Robert Archuleta requested the commission Approve/Disapprove amending the LEDA Ordinance and adopting a new LEDA Ordinance 05-11-21-LEDA.

Motion made by Vice Chairman Janice Varela to approve amended LEDA ordinance. Second by Commissioner Max Trujillo. Motion carried.

14. ESTABLISHMENT OF CAMINO DE LEON AS A COUNTY ROAD TO BE ADOPTED BY THE COUNTY AND ADDED TO THE COUNTY ROAD LOG

San Miguel County Planning and Zoning Supervisor Robert Archuleta informed the Commission that the County received an application/petition through Planning and Zoning for the adoption of Camino de Leon as per Article 5, Vacation, Alteration and Establishment of County Roads and Bridges from Samantha Sandoval

and signed by sixteen (16) petitioners. The Board of County Commissioners issued the authorization to conduct a Road Viewing on February 9, 2021 and the Road Viewing was conducted on March 30, 2021. The road viewing conducted demonstrated an overwhelming support for the adoption of the road from residents, staff, and road viewers. In addition, the Land Grant representatives were in support of the adoption. The road is also a school bus route and serves many students and is about .3/mile long. Planning and Zoning Supervisor Robert Archuleta requested the Commission adopt Camino de Leon as a county road.

Motion made by Commissioner Martin Sena to adopt Camino de Leon. Second by Commissioner Max Trujillo. Motion carried.

15. ADOPTION OF VISTA DE VEGAS, KEMM DRIVE, RODGER'S ROAD AND RONNIE'S ROAD AS COUNTY ROADS AND ADD THEM TO THE SAN MIGUEL COUNTY ROAD LOG

San Miguel County Planning and Zoning Supervisor Robert Archuleta informed the Commission these road petitions were tabled on May 15, 2019, and requested the Commission adopt Kemm Drive, Vista de Vegas Drive, and Rodger's and Ronnie's Road and add to San Miguel County road log.

Motion made by Commissioner Kenneth Medina to remove from the table. Second by Commissioner Martin Sena. Motion carried.

Discussion ensued.

Motion made by Commissioner Kenneth Medina to adopt Kemm Drive, Vista de Vegas Drive, and Rodger's and Ronnie's Road and add to San Miguel County road log with condition set by County Manager Melinda Gonzales. Second by Commissioner Max Trujillo. Motion carried.

16. VACATION OF PLAT, SIEBERT AND ASSOCIATES ON BEHALF OF WILLIAM AND LINDA HERRMANN

San Miguel County Planning and Zoning Supervisor Robert Archuleta informed the Commission that 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 a vacation of a small portion of the roadway at the intersection of Rim Road (aka Wampum Rd) and Squaw Trail as part of the Vacation of Plat. (These are not County Roads). Planning and Zoning Supervisor Robert Archuleta requested the Commission approve the vacation of plat.

County Attorney Dave Romero, Jr., swore in the following individuals to speak on item number 16 at 5:30PM.

Jim Siebert, consultant, presented to the Commission the plat of Pecos River Retreats Block 1 Unit 2 showing which lots would be consolidated and is in favor of vacation of plat.

William Herrmann, land owner, and is in favor of vacation of plat.

Motion made by Commissioner Martin Sena to adjourn regular meeting and go into public hearing at 5:31PM. Second by Commissioner Janice Varela. Motion carried.

County Attorney Dave Romero, Jr. swore in Planning and Zoning Supervisor Robert Archuleta at 5:33PM.

Motion made by Commissioner Max Trujillo to close public hearing at 5:50PM. Second by Commissioner Martin Sena. Motion carried.

Motion made by Commissioner Max Trujillo to approve vacation of plat. Second by Vice Chairman Janice Varela. Motion carried.

17. THE BOARD OF COUNTY COMMISSIONERS WILL HOLD AND CONDUCT A PUBLIC HEARING AND ACCEPT PUBLIC COMMENT ON APPLICATION SC-0092 TYPE IV SUBDIVISION SUBMITTED BY THE COW CREEK RANCH, LLC WHO PROPOSE TO ADD 19 RESIDENTIAL LOTS TO THE COW CREEK RANCH SUBDIVISION AS A PHASED DEVELOPMENT

Item was removed from the Agenda.

BOARD OF FINANCE MEETING

18 RESOLUTION 2021-05-11-F1 ACCEPTANCE AND APPROVAL OF THE FY20 AUDIT

Interim County Manager Melinda Gonzales presented to the Commission RESOLUTION 2021-05-11-F1 ACCEPTANCE AND APPROVAL OF THE FY20 AUDIT. Interim County Manager Melinda Gonzales requested the Commission approve the resolution.

Motion made by Vice Chairman Janice Varela to approve the resolution. Second by Commissioner Kenneth Medina. Motion carried.

19 INDIGENT CLAIMS

Interim County Manager Melinda Gonzales informed the Commission that the Finance Office has received, reviewed and processed two indigent burial claims for the month of March. Ms. Gonzales is seeking Ratification of the indigent burial payments.

Motion made by Vice Chairman Janice Varela to approve the indigent claims. Second by Commissioner Max Trujillo. Motion carried.

20. BUDGET REPORT FOR THE PERIOD OF JULY 1, 2020 THROUGH MARCH, 2021

Interim County Manager Melinda Gonzales presented to the Commission the budget report for the period of July 1, 2020 through March, 2021.

For Informational purposes only.

21. JOURNAL ENTRY REPORT FOR THE MONTHS OF MARCH 2021

Interim County Manager Supervisor Melinda Gonzales provided the Commissioners with the journal entry report for the month of March 2021.

For informational purposes only.

22. RECEIPT REPORT FOR THE MONTH MARCH 2021

Interim County Manager Melinda Gonzales presented to the Commission a receipt detail report for the month of March 2021.

For informational purposes only.

23. ACCOUNTS PAYABLE REPORT FOR THE MONTH OF MARCH 2021

Interim County Manager Supervisor Melinda Gonzales informed the Commission of the accounts payable report for the period of March 2021. Ms. Gonzales requested the Commission review and approve the accounts payable report for the period of March 2021.

No motion made.

24. CASH BALANCE REPORT FOR THE MONTH OF MARCH 2021

Interim County Manager Supervisor Melinda Gonzales informed the Commission of the cash balance report for the month of March 2021.

For informational purposes only.

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:

- Discussion about legal relationship with County Manager and discussion about negotiation of contract, if necessary
- Status of vacancies in I. T.
- Retirement of Planning & Zoning Supervisor
- Status of Interim Manager 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 contract negotiation; 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;

Motion made by Commissioner Martin Sena to retire into Executive Session at 6:00PM. Second by Commissioner Max Trujillo.

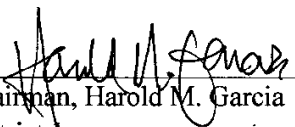
Motion made by Commissioner Kenneth Medina to adjourn executive session at 6:38 PM with no action taken. Second by Commissioner Max Trujillo. Motion carried.

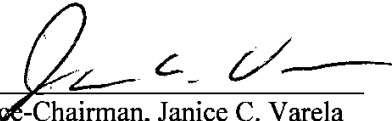
Attorney Dave Romero, Jr, certified that only items provided in executive session primarily prescriptive easement rights were discussed.

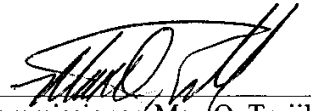
ADJOURNMENT

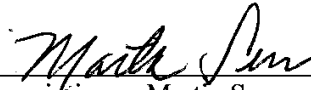
Motion made by Commissioner Martin Sena to adjourn the meeting at 6:39PM. Second by Commissioner Max Trujillo. Motion carried.

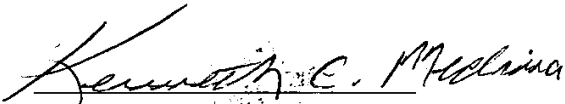
Approved this 8th day of June, 2021 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held March 11, 2021.


Chairman, Harold M. Garcia
District 1

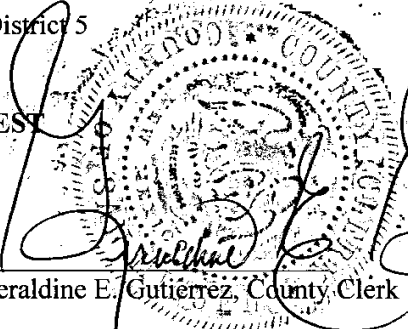

Vice-Chairman, Janice C. Varela
District 2


Commissioner, Max O. Trujillo
District 3

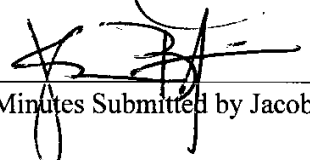

Commissioner, Martin Sena
District 4


Commissioner, Kenneth C. Medina
District 5

ATTEST



Geraldine E. Gutierrez, County Clerk


Minutes Submitted by Jacob P. Gonzales