



## 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 May 11, 2021 beginning at 2:00 p.m. The meeting will be streamed from Village of Pecos located at 92 South Main St., Pecos, New Mexico 87552. Due to limited seating capacity, the meeting can be viewed online at [www.co.sanmiguel.nm.us](http://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](mailto: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](http://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**

April 13, 2021RM

**PUBLIC INPUT FORUM**

**NEW BUSINESS**

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

**10 Minute Presentation**

***Presentation: Gallinas River Park Design  
Presenter: Elizabeth Juarros, Program Director***

***Presentation: East Pecos Mutual Domestic Water Consumers Association- American Rescue Plan Act  
Presenter: Ramon Lucero, Rural Community Assistance Corporation***

## REGULAR ORDER

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

**Background Information:** Resolution to be presented to declare May 11, 2021 as Pecos Panthers Day in San Miguel County.

**Action Requested of Commission:** Review Resolution and Approve

**Staff Recommendation:** Approval

**Presenter:** Janice Varela, Commissioner

### 2. GOLF COURSE PRESENTATION

**Background Information:** The New Mexico Highlands University (NMHU) has created a task force from various entities to recognize the impact of the golf course to the community. This group has discussed at length the negative impacts of a permanent closure of the golf course as well as the positive impacts of reopening and creating a long term plan of the course.

The golf course is considered an ancillary facility and therefore has to be able to fund itself through ancillary revenue.

NMHU no longer has the amount of ancillary revenues needed to entirely fund the golf course. In an attempt to keep the golf course operational, NMHU will be seeking funding from San Miguel County and the City of Las Vegas. In addition, NMHU will be working with both school districts in enhancing the fees for the golf programs at each district. NMHU will also commit to utilizing ancillary funds as well.

This is the first phase of the plan. The task force will continue to meet to discuss the second goal of creating a sustainable model of funding and to review past plans to develop the vacant land surrounding the golf course.

**Action Requested of Commission:** Discussion and direction.

**Staff Recommendation:** Staff recognizes this as one of many needs in our community. This particular need has an impact to the quality of life, to tourism and to economic opportunities. Staff recommends the Commission consider funding provided all entities are able to contribute as well.

**Presenter:** Melinda Gonzales

### **3. RESOLUTION 2021-05-11-F2**

**Background Information:**

The County is working with RBC Capital Markets to refinance an existing loan with the New Mexico Finance Authority (NMFA). Seeking authorization and approving submission of a completed application for financial assistance and project approval to the NMFA; declaring the intent to consider for adoption an ordinance authorizing the execution and delivery of a loan agreement with the NMFA; directing the County Clerk to publish notice of intent to consider such ordinance in a newspaper of general circulation within the county.

**Action Requested of Commission:** Review and approve.

**Staff Recommendation:** Review and approve.

**Presenter:** Melinda Gonzales

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

**Background Information:** The County has selected Joy Ansley as its first choice for County Manager. Staff has prepared an employment contract, which defines the duties, rights and remedies of both parties. The term of the contract is for one year.

**Action Requested of Commission:** The action requested of the Commission is to accept the proposed contract between the County and Ms. Ansley.

**Staff Recommendation:** The County Attorney recommends the approval of the employment contract. The Office of the County Attorney recommends this participation.

**Presenter:** Dave Romero, Jr., County Attorney

### **5. PURCHASE OF THE REAL PROPERTY**

**Background Information:** The County currently has a lease with Our Lady of Sorrows Church (Roman Catholic Archdiocese of Santa Fe). The lease is for a parking lot on Valencia Avenue west of New

Mexico Avenue, adjacent to the Religious Education Building. The property houses county vehicles belonging to the neighboring administrative buildings.

The Archdiocese will be selling this 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.

The property will need to be sold shortly after the appraisal is obtained.

**Action Requested of Commission:** Discussion and direction from the Commission to either approve/disapprove.

If the Commission were to be interested in buying the property, staff is seeking authority from the Commission to allow the County Manager to negotiate a purchase agreement with the Church at or below the fair market value. Provided the purchasing agreement is vetted by our County Attorney and provided the County Manager is able to identify funds to purchase the property.

**Staff Recommendation:** Discussion and direction.

**Presenter:** Melinda Gonzales, Interim Manager

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

**Background Information:** The Job Description of Emergency Management Specialist needs to be revised to reflect the additional duties to include Fire Services Administrative Assistant.

**Action Requested of Commission:** Approval of the Revised Job Description of Emergency Management Specialist/ Fire Services Administrative Assistant.

**Staff Recommendation:** Approval of the Revised Job Description of Emergency Management Specialist/ Fire Services Administrative Assistant.

**Presenter:** Eileen Sedillo, Human Resource Director

## **8. FY-22 CYFD/JUVENILE JUSTICE CONTRACT**

**Background Information:** 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. This amendment is being presented to the commission for review and approval.

**Action Requested of Commission:** Review and approve (signatures)

**Staff Recommendation:** Review and approve

**Presenter:** Jesus M Romero, DWI Coordinator

## **9. UPDATE ON SAN MIGUEL COUNTY SOLID WASTE BILLING SYSTEM**

**Background Information:** 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.

**Action Requested of Commission:** For Informational Purposes Only

**Staff Recommendation:** For Informational Purposes Only

**Presenter:** Gerald Garcia, SMC Public Works Director, Joe Lewandowski, SW Consultant, Karla Maestas, SW Billing Clerk

**Submitted By:** Gerald Garcia, SMC Public Works Director

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

**Background Information:** 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.

**Action Requested of Commission:** Review and Approval

**Staff Recommendation:** Approval

**Presenter:** Gerald Garcia, SMC Public Works Supervisor

#### **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**

**Background Information:** 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

**Action Requested of Commission:** Review and Approval of Resolutions

**Staff Recommendation:** Approval

**Presenter:** Gerald Garcia, Public Works Supervisor

#### **12. PUBLIC WORKS DIVISION REPORT FOR THE MONTH OF APRIL 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 Information Purposes Only

**Presenter:** Arnold Lopez, SMC Public Works Road Foreman

**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**

**Background Information:** A capital outlay reauthorization was provided to the New Mexico Economic Development Department, State of New Mexico (EDD) for \$30,000 for emergency repairs to the “El Valle Community Center”. The San Miguel County Commission voted on April 13, 2021 to allow the language of “cultural facilities” to the existing LEDA Ordinance to allow the support of assisting in administering funds between the Economic Development Department, San Miguel County, and El Valle Community Center.

**Action Requested of Commission:** Approve/Disapprove amending the LEDA Ordinance and adopting a new LEDA Ordinance 05-11-21-LEDA.

**Staff Recommendation:** Approve the Resolution

**Presenter:** Robert Archuleta, Planning and Zoning Supervisor

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

**Background Information:** 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.



**Action Requested of Commission:** Approve/Disapprove adoption of Camino de Leon as a County Road and place it on the County Road Log.

**Staff Recommendation:** The road is in very good shape and requires minimal maintenance as opposed to other roads within the County. The road is a school bus route and serves many families.

**Presenter:** Robert Archuleta, Planning and Zoning Supervisor

#### **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.**

**Background Information:** The County Commission tabled Road Petition CR-002 for Kemm Drive, Road Petition CR-16-005 for Vista de Vegas Drive, and CR-004 for Rodger's and Ronnie's Road on May 15, 2009. The review of the road petition was initiated by County Staff as part of an update and revision to the County Road Log and was related to maintenance of the roads.

**Action Requested of Commission:** Approve/Disapprove adoption of Kemm Drive, Vista de Vegas Drive, Rodger's Road, Ronnie's Road and place on the San Miguel County Road Log.

**Staff Recommendation:** Recommendations are based on the Road Viewings, which are positive toward adoption.

**Presenter:** Robert Archuleta/Arnold Lopez/Gerald Garcia

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

**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 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).

**Action Requested of Commission:** Conduct a public hearing and accept public comment on Application SV-0036 submitted by William and Linda Hermann who propose to vacate Lots 23, 24, 25, and 26 in Block 1, Unit 2 of the Pecos River Retreats Subdivision into one lot, vacate from the Subdivision, and vacate a small portion of Wampum Road aka Rim Road and Approve/Disapprove Vacation of Plat.

**Staff Recommendation:** Approve of the Vacation, it does not fiscally impact the County. The lots are already owned by the Herrmann's who will be leaving the subdivision.

**Presenter:** Robert Archuleta, Planning and Zoning Supervisor

**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**

**Background Information:** The Cow Creek Ranch, LLC submitted an application for a phased development of the Cow Creek Ranch LLC for a Type IV Subdivision who proposes to add 19 residential lots to the Cow Creek Ranch as part of a future Master Development Plan.

**Action Requested of Commission:** Conduct a public hearing and accept public comment on Application SC-0092 and Approve/Disapprove the additional 19 residential lots.

**Staff Recommendation:** Approve phased the phased development, it does not fiscally impact the County.

**Presenter:** Robert Archuleta, Planning and Zoning Supervisor

**BOARD OF FINANCE MEETING**

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

**Background Information:** During the April 13, 2021 Commission Meeting, the FY20 Audit was presented by Benjamin Martinez, CPA from Carr, Riggs & Ingram, LLC. The agenda listed the action of the Commission to "Allow the IPA to present the audited financial statements as well as the findings". The action requested should have also been to Accept and Approve the FY20 audit.

**Action Requested of Commission:** Approve resolution which acknowledges and accepts the Fiscal Year 2020 audit, findings and management's responses to the audit for correcting the findings.

**Staff Recommendation:** Approve resolution which acknowledges and accepts the Fiscal Year 2020 audit, findings and management's responses to the audit for correcting the findings.

**Presenter:** Melinda Gonzales

## **19. INDIGENT CLAIMS**

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

**Action Requested of Commission:** Ratification of the indigent claims.

**Staff Recommendation:** Ratification of the indigent claims.

**Presenter:** Melinda Gonzales

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

## **21. JOURNAL ENTRY REPORT FOR THE MONTHS OF MARCH 2021**

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

**Action Requested of Commission:** Informational purposes

**Staff Recommendation:** Informational purposes.

**Presenter:** Melinda Gonzales

## **22. RECEIPT REPORT FOR THE MONTH MARCH 2021**

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

**Action Requested of Commission:** Informational purposes

**Staff Recommendation:** Informational purposes.

**Presenter:** Melinda Gonzales

### **23. ACCOUNTS PAYABLE REPORT FOR THE MONTH OF MARCH 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

### **24. CASH BALANCE REPORT FOR THE MONTH OF MARCH 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

### **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 8<sup>th</sup>. Street extension.
- San Miguel County vs. Country Acres, Dave Jones and Frank Gallegos etc.
- County Prescriptive Easement litigation status;

### **Adjournment**