



Board of County Commissioners

Maria L. Martinez
Chair-District 4

Harold M. Garcia
Vice-Chair-District 1

Janice C. Varela
Commissioner-District 2

Max O. Trujillo
Commissioner-District 3

Chris A. Najjar
Commissioner-District 5

Vidal Martinez, Ed.D.
County Manager

PUBLIC NOTICE DISSEMINATED FOR TODAY'S MEETING

The San Miguel County Board of Commissioners will hold a regular monthly meeting on Tuesday, September 10, 2019 beginning at 2:00 p.m., at the Administration Complex located at 500 West National Avenue, Suite 200, Las Vegas, New Mexico 87701. 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 Commission Administrator at the above number if a summary or other type of accessible format is needed.

Notice Published Las Vegas Optic: August 23, 2019

Notice Posted on the SMC Website at www.co.sanmiguel.nm.us: August 20, 2019

At least 72 hours in advance of the 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 also 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

Administration Complex
500 West National Avenue, Suite 201 Las Vegas, New Mexico 87701 (505) 425-9333 phone (505) 425-7019 fax

APPROVAL OF MINUTES

July 29, 2019 Special meeting
August 13, 2019 Regular meeting

PUBLIC INPUT FORUM

NEW BUSINESS

Presentations (5 minute time limit)

Presentation: Retirement Plaque for Lieutenant Leroy Garcia
Presenters: Matt Elwell, SMCDC Warden

Presentation: 2020 Census
Presenter: Diego Trujillo

Presentation: Animal Welfare Coalition
Presenters: Martina Holguin, AWC Shelter director and Marshall Poole, AWC Board president

Presentation: Chamber of Commerce Update
Presenter: Phillip Martinez, LVSMCC

Recognition: Mr. Walter Adams, NM Department of Transportation Commission Chair and Mr. James Gallegos, NMDOT District Engineer
Presenter: Harold Garcia, Commission Vice-Chair

Recognition: Mr. Donny Bustos and Ms. Brianna Montano-Baca
Small Business Development Center
Presenter: Harold Garcia, Commission Vice-Chair

REGULAR ORDER

1. RESOLUTION-09-10-2019-FULGENZI

Background Information: A resolution in recognition of the Fulgenzi family for their dedication to our community.

Action Requested of Commission: Review and approval

Staff Recommendation: Approval

Presenter: Chris Najar, Commissioner

2. RESOLUTION NO.09-10-19-NMBHI

Background Information: A resolution supporting the New Mexico Behavioral Health Institute.

Action Requested of Commission: Review and approval

Staff Recommendation: Approval

Presenter: Maria Martinez, Commission Chair

3. RESOLUTION NO. 09-10-2019 CANCER AWARENESS

Background Information: A resolution declaring September 2019 as Childhood Cancer Awareness Month in San Miguel County, New Mexico.

Action Requested of Commission: Review and approval

Staff Recommendation: Approval

Presenter: Harold Garcia, Commission Vice-Chair

4. HARD ROCK MINING PROPOSED MORATORIUM RESOLUTION 9-10-2019

Background Information: To approve proposed Mining Moratorium Resolution

Action Requested of Commission: Review and approval

Staff Recommendation: Approval

Presenter: Janice Varela, Commissioner and Dave Romero, SMC Attorney

5. HARD ROCK MINING PROPOSED MORATORIUM ORDINANCE 9-10-2019

Background Information: To approve proposed Mining Moratorium Ordinance

Action Requested of Commission: Review and approval

Staff Recommendation: Approval

Presenter: Janice Varela, Commissioner and Dave Romero, SMC Attorney

6. SAN MIGUEL COUNTY DETENTION CENTER MEDICATED ASSISTED TREATMENT (MAT) PROGRAM

Background Information: The MAT program officially began on June 23, 2018 with a grant to address the growing opioid epidemic facing our county, state and country. A MAT program can only be successful with the dedication of staff and community involvement; the detention center would like to recognize these staff members and community partners who continue to provide the support for our program.

Action Requested of Commission: Presentation and Community Recognition

Staff Recommendation: Presentation and Community Recognition

Presenter: Sarah Parson, Classification/Program Specialist; Krystal C de Baca, Case Manager

7. RESOLUTION-09-10-19-SEPTEMBER PREPAREDNESS MONTH

Background Information: Department of Homeland Security/Emergency Management, San Miguel County/City of Las Vegas Office of Emergency Management proclaimed September Preparedness Month in San Miguel County in promoting awareness for preparatory steps to protect lives and property.

Action Requested of Commission: Request for approval

Staff Recommendation: Request for approval

Presenter: Andrew Duran, SMC Fire Chief

8. MILL TAX LEVY

Background Information: San Miguel County's budget is dependent on these tax rates. Department of Finance and Administration is requesting an extension of September 13, 2019; therefore a special meeting is being requested to approve the tax rates.

Action Requested of Commission: Request for special meeting

Staff Recommendation: Request for special meeting

Presenter: Connie M. Gallegos, County Assessor

9. APPOINTMENT TO LODGERS' TAX ADVISORY BOARD

Background Information: A vacancy representing the lodging industry exists on the San Miguel County Lodgers' Tax Advisory Board. San Miguel County Lodgers' Tax Ordinance provides for the chairperson of the County Commission to appoint members to serve on the Lodgers' Tax Advisory Board subject to approval by the Board of County Commission. Mr. Paul Aragon, General Manager of the Pendaries Village Community Association, which includes a golf resort, a restaurant and lodging facilities, has expressed interest in serving on the Lodgers' Tax Advisory Board.

Action Requested of Commission: Appoint Paul Aragon to serve on the Lodgers' Tax Advisory Board.

Staff Recommendation: As requested of the Commission.

Presenter: Alex Tafoya, Planning and Zoning Supervisor

10. TEMPORARY USE AGREEMENT BETWEEN COUNTY AND DEPARTMENT OF GAME AND FISH

Background Information: The agreement with the New Mexico Department of Game and Fish, which provides for the use of Game and Fish property for a refuse transfer station in the vicinity of Pecos has expired. San Miguel County has requested that Game and Fish either enter into a new agreement with San Miguel County or sell or donate the subject property to the County. Game and Fish is considering the County's request and in the interim, has suggested that a temporary use agreement be developed.

Action Requested of Commission: Approve the temporary use agreement between the County and the New Mexico Game and Fish Department; authorize Commission Chair Marie Martinez to sign the agreement; and direct County staff to forward the agreement to Game and Fish for review and approval.

Staff Recommendation: As requested of the County Commission.

Presenter: Alex Tafoya, Planning and Zoning Supervisor

11. RESOLUTION NO. 09-10-19-RA02; ADDITION OF *WINSOR CREEK DR.*, A NEWLY NAMED PRIVATE ROAD NAME THAT WILL ADDED TO THE OFFICIAL E9-1-1 ROAD LIST OF SAN MIGUEL COUNTY, NEW MEXICO

Background Information: A resident of a private access road off Winsor Road in the Winsor Creek Summer Home NM area petitioned the county to name the driveway leading to their residence. Per San Miguel County Ordinance No.SMC-07-13-99-ORD-2, Section 4.1-C; proposed to San Miguel Board of County Commissioners please review and take appropriate action on road naming.

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.

Action Requested of Commission: Review and approve

Staff Recommendation: Approval of Resolution

Presenter: Diego Trujillo, Information Technology Supervisor

12. RESOLUTION NO. 09-10-19-RA01; ADDITION OF *CABALLO LANE*, A NEWLY NAMED PRIVATE ROAD NAME THAT WILL ADDED TO THE OFFICIAL E9-1-1 ROAD LIST OF SAN MIGUEL COUNTY, NEW MEXICO

Background Information: A resident of a private access road off NM Highway 63 in the Rowe NM area petitioned the county to name the driveway leading to their residence. Per San Miguel County Ordinance No.SMC-07-13-99-ORD-2, Section 4.1-C; proposed to San Miguel Board of County Commissioners please review and take appropriate action on road naming.

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.

Action Requested of Commission: Review and approve

Staff Recommendation: Approval of Resolution

Presenter: Diego Trujillo, Information Technology Supervisor

13. RESOLUTION NO. 09-10-19-RA02; RENAMING GLADSTONE DRIVE TO *MILESTONE DRIVE*, A RENAMED PRIVATE ROAD NAME THAT WILL ADDED TO THE OFFICIAL E9-1-1 ROAD LIST OF SAN MIGUEL COUNTY, NEW MEXICO

Background Information: A resident of a private access road off County Road B59 in the Lovato NM area petitioned the county to name the driveway leading to their residence. Per San Miguel County Ordinance No.SMC-07-13-99-ORD-2, Section 4.1-C; proposed to San Miguel Board of County Commissioners please review and take appropriate action on road naming.

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.

Action Requested of Commission: Review and approve

Staff Recommendation: Approval of Resolution

Presenter: Diego Trujillo, Information Technology Supervisor

14. ROAD VIEWING FOR POTENTIAL ABANDONMENT

Background Information: Pursuant of Article 5, Vacation, Alteration and Establishment of County Roads and Bridges – Section 67-5-4, the County Manager is requesting Road Viewing of the following county roads for potential abandonment: C-48-A, C-49-A, C-53-D, C-57-C, C-57-D, C-59, C-50-D, B-10, B-37-A, and B-48.

Action Requested of Commission: Approval

Staff Recommendation: Approval

Presenter: Vidal Martinez, County Manager

15. NEW MEXICO SUBDIVISION ACT

Background Information: The New Mexico Subdivision Act provides for the regulation of subdivisions within county boundaries and also provides for boards of county commissions to adopt regulations setting forth the county's requirements for subdivisions.

Action Requested of Commission: No action requested. This is for information only.

Staff Recommendation: For information only.

Presenter: Alex Tafoya, Planning and Zoning Supervisor

16. NEW MEXICO FINANCE AUTHORITY LOCAL GOVERNMENT PLANNING FUND

Background Information: The New Mexico Finance Authority Local Government Planning Fund provides capital necessary for proper planning of vital projects including economic development plans and economic development feasibility studies. Applications for such plans and studies are limited to \$50,000. The application process begins with the submittal of an Enrollment Form which identifies the primary contact person for the application. A proposed racino is a possible economic development project which would require a plan or economic feasibility study to determine the benefits, challenges and economic impact to San Miguel County.

Action Requested of Commission: (1) Authorize County staff to submit an Enrollment Form to the New Mexico Finance Authority; and (2) designate a Primary Contact person to submit an application for an economic development feasibility study for a racino project.

Staff Recommendation: As requested of the County Commission.

Presenter: Alex Tafoya, Planning and Zoning Supervisor

17. ROAD PETITION NO. CR-19-001

Background Information: San Miguel County road viewers held and conducted a public road viewing of Harlan Drive within the Glenwood Estates Subdivision in regard to Road Petition No. CR-19-001. The recommendations of the road viewers are being presented for consideration by the Board of County Commissioners.

Action Requested of Commission: (1) hear the recommendations and comments submitted by the road viewers; (2) hold a public hearing on Road Petition No. CR-19-001; and (3) take action to adopt, table, or not to adopt Harlan Drive as a County road.

Staff Recommendation: As requested of the County Commission.

Presenter: Alex Tafoya, Planning and Zoning Supervisor

18. APPROVAL OF INTER- GOVERNMENTAL SERVICE AGREEMENT WITH DEPARTMENT OF PUBLIC SAFETY FOR EMERGENCY DISPATCH SERVICES

Background Information: DPS and the County of San Miguel have entered into a service agreement for Emergency Dispatch Services and would like to continue obtaining those services under this agreement.

Action Requested of Commission: Approval of Inter-Governmental service agreement between New Mexico Department of Public Safety and San Miguel County for Emergency Dispatch Services.

Staff Recommendation: Review and Approve.

Presenter: Christopher Lopez, San Miguel County Sheriff

19. OUT OF STATE TRAVEL – LWSO LATINX SOCIAL WORK CONFERENCE

Background Information: Requesting approval for out of state travel, for Krystal C de Baca and Sarah Parson, to attend the LWSO Latinx Social Work Conference in Chicago, IL September 25, 2019 through September 27, 2019, on the campus of the University of Illinois-Chicago. San Miguel County has been invited to speak at the conference on Medication Assisted Treatment (MAT) programs in Rural Detention Centers.

Action Requested of Commission: Approval

Staff Recommendation: Approval

Presenter: Matthew A. Elwell, Warden

20. OUT OF STATE TRAVEL – CELL BLOCK SURVIVAL TRAINING

Background Information: Requesting approval for out of state travel, for Joey Romero, to attend Cell Block Survival Training, in Aurora CO October 22, 2019 through October 24, 2019. This course will add another technique to our officer training giving our officers another tool to utilize. Having trained instructors reduces the cost of training and allows us to train more officers in our onsite training room.

Action Requested of Commission: Approval

Staff Recommendation: Approval

Presenter: Matthew A. Elwell, Warden

21. RESOLUTION NO. 09-10-2019-SMDCD STEPPING UP INITIATIVE

Background Information: Stepping up is a national initiative to reduce the number of people with mental illness in jails. Stepping Up, the National Association of Counties, The Council of State Governments Justice Center, and the American Psychiatric Association Foundation are encouraging public, private, and nonprofit partners to reduce the number of people with mental illnesses in jails. Approximately 2 million times each year, people who have serious mental illnesses are admitted to jails across the nation. Almost three-quarters of these adults also have drug and alcohol use problems. Once incarcerated, individuals with mental illnesses tend to stay longer in jail and upon release are at a higher risk of returning to incarceration than those without these illnesses.

Action Requested of Commission: Approval

Staff Recommendation: Approval

Presenter: Matthew A. Elwell, Warden

22. RESOLUTION NO. SMC-09-10-2019-GR-MWP AUTHORIZING SAN MIGUEL COUNTY TO PARTICIPATE IN THE LOCAL GOVERNMENT ROAD FUND MATCH WAIVER PROGRAM

Background Information: The San Miguel County Public Service Division appealed to the New Mexico Department of Transportation for funding assistance through the 2019-2020 Cooperative Funding Assistance Program to improve the conditions of its public right-of-way. The New Mexico Department of Transportation authorized the County \$565,625.09 (95%) as an appropriation from the State with the understanding the county is to match \$29,769.74 (5%) for this project. The County of San Miguel requests a Match Waiver in the amount of \$29,769.74, for LGRF Project for FY-2019/2020, for design and construction

Action Requested of Commission: Approve Resolution SMC-09-10-2019-GR-MWP

Staff Recommendation: Approve Resolution SMC-09-10-2019-GR-MWP.

Presenter: Arnold Lopez, Interim Director

23. APPROVAL OF A 12 MONTH EXTENSION SPECIFIC TO THE 2018 CAP PROJECT, (CAP-4-19(404)) PROJECT BETWEEN SAN MIGUEL COUNTY AND NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE 8TH STREET EXTENSION PROJECT.

Background Information: The San Miguel County Public Works Department and the New Mexico Department of Transportation entered into a CAP Agreement. The extension of time requested is 12

months. The request for extension is supported by the request to complete the LGRF project specific to 8th street extension.

Action Requested of Commission: Approval of Extension for LGRF Agreements.

Staff Recommendation: Approval

Presenter: Arnold Lopez, Interim Public Works Director

24. APPROVAL OF A 12 MONTH EXTENSION SPECIFIC TO THE 2018 CO-OP PROJECT, (SP-4-19(954)) PROJECT BETWEEN SAN MIGUEL COUNTY AND NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE 8TH STREET EXTENSION PROJECT.

Background Information: The San Miguel County Public Works Department and the New Mexico Department of Transportation entered into a Co-Op (SP) Agreement. The extension of time requested is 12 months. The request for extension is supported by the request to complete the LGRF project specific to 8th street extension.

Action Requested of Commission: Approval of Extension for LGRF Agreements.

Staff Recommendation: Approval

Presenter: Arnold Lopez, Interim Public Works Director

25. APPROVAL OF A 12 MONTH EXTENSION SPECIFIC TO THE 2018 SCHOOL BUS ROUTE PROJECT, (SB-7747(962)19) PROJECT BETWEEN SAN MIGUEL COUNTY AND NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE 8TH STREET EXTENSION PROJECT.

Background Information: The San Miguel County Public Works Department and the New Mexico Department of Transportation entered into a School Bus Route (SB) Agreement. The extension of time requested is 12 months. The request for extension is supported by the request to complete the LGRF project specific to 8th street extension.

Action Requested of Commission: Approval of Extension for LGRF Agreements.

Staff Recommendation: Approval

Presenter: Arnold Lopez, Interim Public Works Director

26. PUBLIC WORKS DIVISION REPORT FOR THE MONTH OF AUGUST 2019

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, Interim Public Works Director

BOARD OF FINANCE MEETING

27. BANK TRANSFERS FOR THE MONTH OF AUGUST

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

Action Requested of Commission: Information only

Staff Recommendation: None

Presenter: Bertha Bustamante, County Treasurer

28. FY19/20 BUDGET APPROVAL

Background Information: The Department of Finance and Administration – Local Government Division has provided budget approval for the FY1920 budget. Budget approvals by the Local Government are required to be made a part of the minutes of the governing body. Due to estimated expenditures and transfers exceeding estimated revenue, and the general cash balance being depleted, the approval letter highlights the importance of careful control of expenditures and attention to revenue collection efforts to avoid depletion of reserves.

Action Requested of Commission: Informational purposes and to be made part of the minutes.

Staff Recommendation: Informational purposes only.

Presenter: Melinda Gonzales

29. ACCOUNTS PAYABLE REPORT FOR THE PERIOD OF JULY 2019

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, Finance Supervisor

30. RESOLUTION 2019-09-10-F1

Background Information: Budget adjustment requests for the following Vehicle Capital Outlay Fund, the Cabo Lucero EMS Fund and the Detention Center Fund (Grants).

Action Requested of Commission: Review and approval

Staff Recommendation: Review and approval

Presenter: Melinda Gonzales, Finance Supervisor

31. BUDGET REPORT FOR THE PERIOD OF JULY 1, 2019 THROUGH JULY 31, 2019

Background Information: To provide the Commissioners with a FY19/20 Year to Date Budget Report.

Action Requested of Commission: Informational purposes only

Staff Recommendation: Informational purposes only

Presenter: Melinda Gonzales, Finance Supervisor

32. CASH BALANCE REPORT FOR THE MONTHS OF JULY 2019

Background Information: To report the July 2019 cash balances

Action Requested of Commission: Informational purposes only

Staff Recommendation: Informational purposes only

Presenter: Melinda Gonzales, Finance Supervisor

33. JOURNAL ENTRY REPORT FOR THE MONTH OF JULY 2019

Background Information: To provide the Commissioners with a Journal Entry Reports for the month of July 2019

Action Requested of Commission: Informational purposes

Staff Recommendation: Informational purposes

Presenter: Melinda Gonzales, Finance Supervisor

34. RECEIPT REPORT FOR THE MONTH OF JULY 2019

Background Information: To provide the Commissioners with a Receipt Detail Report for the month of July 2019.

Action Requested of Commission: Informational purposes

Staff Recommendation: Informational purposes

Presenter: Melinda Gonzales, Finance Supervisor

35. UPDATE ON PENDING LITIGATION

Background Information: To provide the Commission with an update regarding pending litigation: Blame Her Ranch (Lodger's Tax suit); San Miguel County vs. Pharma et. al. (Opioid suit); Forced opening of county road 55 up to National Forest against Hosea property owners and possibly Dead Horse Ranch; and DOT visit with District Engineer re State Road 104 Conchas spraying of Pesticides.

Action Requested of Commission: May convene into executive session

Staff Recommendation: Informational purposes

Presenter: Dave Romero, Jr., SMC Attorney

EXECUTIVE/ CLOSED SESSION

- A. Subject to 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, more specifically, San Miguel County vs. the Blame Her Ranch (Lodger's Tax suit); San Miguel County vs. Pharma et. al. (Opioid suit); Forced opening of county road 55 up to National Forest against Hosea property owners and possibly Dead Horse Ranch; and DOT visit with District Engineer re State Road 104 Conchas spraying of Pesticides.

ADJOURNMENT