

MINUTES of the REGULAR MEETING
of the BOARD of COUNTY COMMISSIONERS
of SAN MIGUEL COUNTY, NEW MEXICO
HELD TUESDAY, JANUARY 09, 2024 AT 2:00 PM

ZOOM LINK is active. 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. <https://us02web.zoom.us/j/85320525154>

1. CALL TO ORDER

Chairman Harold Garcia called the meeting to order at 2:00 PM at the SMC Commission Chambers at 500 W. National Avenue, Suite 201, Las Vegas, New Mexico 87701.

2. ROLL CALL

Chief Deputy Clerk Jacob Gonzales administered Roll Call: Commissioner Harold Garcia - present; Commissioner Martin Sena - present; Commissioner Janice Varela - present; Commissioner Max Trujillo - present; Commissioner Kenneth Medina - present.

A quorum is present.

3. PLEDGE OF ALLEGIANCE

Mr. Bob Witters led the Chambers in the Pledge, and:

4. 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".

5. ELECTION OF CHAIR

Commissioner Harold Garcia informed the Public that each new calendar year the Commission shall elect a new Chairman and Vice Chairman of the Board of County Commissioners of San Miguel County.

Commissioner Martin Sena nominated Commissioner Harold Garcia to serve as Chairman of the Commission for 2024. No other candidates were nominated to assume Chairmanship. Commissioner Garcia accepted Commissioner Sena's nomination to be Chairman.

Roll Call Vote to name Harold Garcia, Chairman of the Board of County Commissioners 2024:

AYES: H Garcia – abstain, J Varela – aye, M Trujillo – aye, M Sena – aye, K Medina – aye.
Motion carried: Harold Garcia will serve as Board Chairman for Calendar Year 2024.

Chairman Harold Garcia nominated Commissioner Martin Sena to serve as Vice Chairman of the Commission for 2024. No other candidates were nominated to assume Vice Chairmanship. Commissioner Sena accepted Chairman Garcia’s nomination to be Vice Chairman.

Roll Call Vote to name Martin Sena, Vice Chairman of the Board of County Commissioners 2024:

AYES: H Garcia – aye, J Varela – aye, M Trujillo – aye, M Sena – abstain, K Medina – aye.
Motion carried: Martin Sena will serve as Board Vice Chairman for Calendar Year 2024.

6. APPROVAL OF AGENDA

County Manager Joy Ansley asked the Commission to approve the following change to the Agenda: Remove item “k” Network and Internet Policy.

Motion to approve Agenda with indicated change made by Commissioner Kenneth Medina. Second by Commissioner Max Trujillo. Motion carried.

7. APPROVAL OF MINUTES

Minutes for Approval: RM-12-12-2023 and SM-12-18-2023 Assessor’s Annual Report to the County Commission.

Motion to approve minutes - RM-12-12-2023 and SM-12-18-2023 Assessor’s Annual Report - made by Commissioner Max Trujillo. Second by Commissioner Martin Sena. Motion carried.

8. PUBLIC INPUT FORUM

Mrs. Rebecca Romero of El Pueblo, NM, spoke to the Commission about taxes and grazing fees. Mrs. Romero, in 2023, removed grazing from the property due to the drought and expense of hauling water and hay to feed the cattle. Mrs. Romero asked that the public be educated on the consequences of actions – she would have appreciated information about the increase in tax rate from grazing fees to land assessed taxes and their tax bill increased to \$6,500. The Romero’s were told to purchase cattle and pay the tax, and the taxes would decrease to \$500. The Romero’s do not want to purchase more cattle in a drought and would have appreciated being informed of their options.

NEW BUSINESS

9. REGULAR ORDER

a. RECOGNITION OF RETIREMENT FOR LAWRENCE LUCERO*

Human Resource Director Eileen Sedillo introduced and thanked Mr. Lawrence Lucero for his 28 years of service to San Miguel County Public Works Dept. Mr. Lucero started in Sept. 19, 1995 and as an Administrative Assistant in the PWD, he earned his CDL licensure and has been working on big equipment blading and shaping roads in SMC. Mr. Lucero is described as a passionate employee and trustworthy. The Commission wishes Mr. Lucero continued happiness, health and success.

*For Informational Purposes Only

b. COUNTY & DEPUTY MANAGER'S REPORT

Manager Joy Ansley informed the Commission on the following:

Economic Development Funding Applications have progressed onto the next stage. Funding requests would benefit Old Wood project, and the Rural Healthcare Grant benefits the drug addiction treatment center in the amount of \$800K dispersed over three years. * RFP will be issued for Architectural Services as the current architect wants to retire. He will continue on current projects and available to consult. * The City of Las Vegas and SMC will brainstorm and develop economic development plans. * SMC Construction Projects: Voting Machine Center is near 90% complete. Sheriff's office target move-in date is end of month. Drug Treatment Center is near 80% complete and target date of March. The Shooting Range structures are being built off-site. PWD is assisting in dirt removal and cleaning. * Anti-donation clause for the county being Fiscal Agent for any number of non-profits is a difficult choice for every county as the repairs to buildings, etc., cannot be done unless SMC is the deeded owner of the property. Counselor Chico Gallegos is reviewing a proposal for fiscal agent being used by Bernalillo County to see if it can apply to SMCs needs. * Commissioner Varela asked for further review of the trash littering Pecos Canyon National Park, the forest lands, and the general area of the Pecos area being littered by either wind from the Convenience Centers and camper's trash.

Deputy Manager Jesus Romero informed the Commission on the following:

Leadership New Mexico will be working with the County to host leadership classes in February in Las Vegas, NM. There will be three SMC supervisors attending the Leadership Classes. * The NMC Summer Conference continues its planning stages. There are rooms secured at La Castaneda and Plaza Hotel and NMHU agreements for rooms and classrooms are in conversations. * Property lines and deed questions by taxpayers continue to be addressed to the Manager's office and then assistance is offered to the Assessor's office by Manager's office. * Legislative Priorities is complete. * Radio show on KNMX continues. * Audit and finance

issues continue to be addressed. * Commissioner Trujillo asked for devising realistic expectations for the Economic Development MOU with the City of Las Vegas. Manager Ansley interjected that expectations might be to initiate a Board of Economic Development to provide guidance to NMEED and the grant/policy administrator in devising an actionable plan. * Commissioner Sena asked for clarification on the Blue Ridge Subdivision re: easements and property lines, etc. Some of these discussion points need to be addressed in Executive Session. Chairman Garcia asked for Economic Development to be at the forefront of the manager's focus. Employment numbers and incomes need to rise in SMC.

c. DEPARTMENT HEAD UPDATES

Road Foreman Martin Aguilar presented the Commission that PWD has been busy with snow removal and blading and shaping county roads. The City closed their dump for a week and the county picked up the collection deficit. Employee retention is difficult as the State and other entities are offering upwards of \$20/hour.

Public Works Director Benito Romero presented the Commission with the following information: In process of purchasing a new blade 140n and returning another old blade. The County will have two new blades in February. One will be 4WD. * Chairman Garcia asked about LGRF projects -- project in San Jose, \$1M project in San Juan (special call for funds), a project in Chapelle, Tecolote, Myers Road, and special call for projects in Sheridan; and, La Lliendre: what is the status? On December 4, 2023, a meeting was held with Finance, Manager's and PWD to determine where the money is - as it is not on the proper line items - to request POs. Finance has not properly attributed the funds to the proper account(s). Finance answered, "as soon as possible." Commissioner Varela asked about status of B65A, and the money line item quandary refers to this project as well.

Fire Chief Andrew Duran informed the Commission on the following: ISO report for Rowe VFD is expected to drop to a level 5 or 6 from an ISO-9 rating, currently. El Pueblo, Sheridan and Conchas VFD are scheduled for a rating check this year. Pre-ISO evaluation of El Pueblo VFD is expected to drop to an ISO-7 rating. The Sheridan ISO check will not be delayed per SMCs request for delay to install water tank. * The Gallinas brush truck is expected to be delivered on or after January 21, 2024. * The Rowe tender may be ready for delivery by end of January 2024. * Rowe VFD Chief was able to find a used fire engine with minimal miles on the engine to be donated by Aztec FD. Rowe VFD has another engine that was donated by SFFD (on its last legs) and considering donating to Ohkay Owingeh. The engine will be listed as lost property for donation dispersal.

Warden Antonio Padilla presented the monthly report at the detention center:

There were 127 bookings in December with an average population of 66. * There were 26 reports total, ten were for suicide watch (not un-common for holidays). * 130 body scans were completed with zero infractions. *Ten grievances were received for tissue paper – courtesy tissue is passed out on Wednesday’s and inmates can request additional tissue at any time. The other was in regard to heat and cold - a new temperature was placed in the facility with a lock-box. * One employee resigned, and another quit showing up to work. * Seven vacancies at SMCDC. * The parking lot is complete. * Windows are being installed in the manager’s office and the kitchen. * Video intercom is being installed in the sally-port entrance thereby showing who is requesting entry to the facility adding another layer of security. * The facility hosted a Christmas party for the inmates and family.

P&Z Director Amanda Salas informed the Commission on the following:

Increase in building permits are continuing to be received (one of which was FEMA funded). * Business license season – please update. * AirBnB enforcement continues – we have 24 on file. * Lodger’s Tax income is above \$60K. * Land Use Compliance Specialist is vacant. * Cell-tower ordinance is being revamped and so is the Code Enforcement Resolution. * Lodger’s Tax funding applications are being accepted until the end of January.

d. AWARD BID FOR BARELA TIMBER CDBG PROJECT NO. 21-C-NR-I-04-G-91

Development Consultant Alex Tafoya presented the Commission with the bids received for the RFP for CDBG project Barela Timber Project: one Skid Steer Loader; and one Sawmill. Skid Steer Loader bid by 4Rivers Equipment \$131,497.27: HP Industrial Sawmill bid by Wood Mizer LLC \$275,715.21.

Motion to approve bids received by 4Rivers Equipment and Wood Mizer LLC for CDBG project no. 21-C-NR-I-04-G-91 made by Commissioner Janice Varela. Second by Commissioner Kenneth Medina. Motion carried.

e. DISCUSSION OF ROADS FOR FY2024-25 LGRF

PWD Director Benito Romero asked for recommendations for the 2024-25 LGRF funding application process. Chairman Garcia asked for Vista de Vegas (Camp Luna) to be included in the application. Commissioner Sena asked for B41E preferential application and secondary B40B. Commissioner Varela asked to include B51A East Pecos. Chairman Garcia asked to include the La Sacatosa road as material has already been applied and needs to be completed. B51A needs will not be met with the funding allocation for the scope of work required.

Motion to add: Vista de Vegas (Camp Luna) Road, B41E and the La Sacatosa road to the FY2024-25 LGRF application made by Vice Chairman Martin Sena. Second by Commissioner Kenneth Medina. Motion carried.

ROLL CALL:

AYEs: H Garcia M Sena J Varela M Trujillo K Medina **Unanimous**

f. REVISED JOB DESCRIPTION – LAND USE COMPLIANCE SPECIALIST

Human Resources Director Eileen Sedillo asked for approval of the additions to the Land Use Compliance Specialist to include additional training and administrative assistance in determining use and developing compliance standards for the county. Commissioner Sena indicated the percentages in the working conditions equals more than 100% to which HR Director Sedillo stated would be corrected.

Motion to approve revised job description – Land Use Compliance Specialist – made by Commissioner Kenneth Medina. Second by Vice Chairman Martin Sena. Motion carried.

g. OPEN MEETINGS ACT RESOLUTION

Manager Ansley informed the Commission the Open Meetings Resolution must be ratified every calendar year. The changes to this year's ratification is to add Planning and Zoning board(s) meetings to the resolution so that publication will be foregone as the notice on SMC website, etc., meets the publication standard. The other change will be to change the Commission Meetings held on the second Tuesday of each month be changed to occur at 1:00 PM. Special and Emergency meetings will be given notice and agenda published with 72-hour notice.

Motion to approve changes to resolution of the Open Meetings Act 2024 to change the meeting time of the Commission Board Meeting from 2:00 PM to 1:00 PM to be held on the second Tuesday of each month and to include Planning and Zoning board(s) meeting(s) to the resolution made by Commissioner Max Trujillo. Second by Commissioner Kenneth Medina. Motion carried.

h. REQUEST FOR AUTHORIZATION THAT NORTHERN NM ECON DEVELOPMENT DISTRICT ACT AS FISCAL AGENT FOR SAN MIGUEL COUNTY

Chairman Harold Garcia raised concerns about the completion of the audit, most specifically the 2023 audit as deadlines have been consistently missed. Application for funding for Capital Outlay is January 11. Chairman Garcia requests the NMEDD Council of Governments act as Fiscal Agent for SMC to avoid losing Capital Outlay. Deputy Manager Romero indicated the

NMDFA and Legislative Finance Committee recommend the County not utilize an outside source as Fiscal Agent for the County. Commissioners raised concerns about handing over the budget and monies of SMC to an outside source, regardless of their professionalism, and would be cumbersome to all departments in procurement and funding application. Manager Ansley recommends we wait for another month to pursue this Fiscal Agent agreement as violation for audit applies to being two or more years delinquent – we are only two and the audit “should” be complete by end of January 2024.

Motion to hold off on agreement for Fiscal Agent with NMEDDCOG until determined that FY2023 audit will be complete January 2024 made by Commissioner Max Trujillo. Second by Commissioner Kenneth Medina. Motion carried.

ROLL CALL:

AYEs: M Sena J Varela M Trujillo K Medina **Motion Carried**

NAY: H Garcia Chairman Garcia expressed concern with the audit completion and fear that Capital Outlay may be hindered because deadlines are not being met.

i. RESOLUTION ADDRESSING QUORUM DURING LEGISLATIVE SESSION

Manager Ansley asked for approval of the resolution stating there may be a quorum of Members of the San Miguel County Commissioners at any given moment during the Legislative Conference and the Winter Session of the NM Legislature 2024 – the quorum will be in attendance only, no discussions on policy will be had nor will decisions or actions be taken from January 16, 2024 through February 17, 2024 between hours of 8AM-8PM (unless in Commission meeting).

Motion to approve resolution stating there may be a quorum with no action/discussion had between Members of the San Miguel County Board of Commissioners during the Legislative Session 2024 made by Commissioner Max Trujillo. Second by Commissioner Kenneth Medina. Motion carried.

j. MEMORANDUM OF AGREEMENT FOR FISCAL AGENT SERVICES WITH 100% SAN MIGUEL

Manager Ansley asked for approval for the Fiscal Agent agreement to manage \$22K to hire grant writer, travel for trainings, and salary for coordinator. The money has been received by SMC.

Motion to approve Fiscal Agent agreement with 100% San Miguel made by Commissioner Janice Varela. Second by Commissioner Max Trujillo. Motion carried.

~~k. NETWORK AND INTERNET POLICY~~

I. PROPOSED AGREEMENT WITH SAN MIGUEL COUNTY AND LAS VEGAS/SAN MIGUEL CHAMBER OF COMMERCE

President of SM/LV Chamber of Commerce Phillip Martinez accompanied by VP David Luna, Manager Angie Lyster and associate Elias Trujillo spoke on the teamwork between the Chamber and SMC to increase tourism and economic development in SMC and the City of LV. SMC allocated \$43K to the Chamber last year and \$10,5K is still due the Chamber. The Chamber requests \$58,440 this year. Chairman Garcia recommended the Chamber submit application for the Lodger's Tax

Motion to award the Commerce \$45K and submit an application to receive funds from the Lodger's Tax fund made by Vice Chairman Martin Sena. Second by Commissioner Janice Varela. Motion carried.

ROLL CALL:

AYEs: H Garcia M Sena J Varela M Trujillo K Medina **Unanimous**

m. AWARD FOR DISASTER RECOVERY SERVICES

Procurement Officer Jennifer Muniz requested the Commission approve to award the Disaster Recovery Services to – Mariah Consulting LLC, and The Salzer Group – Procurement Officer Muniz recommends to award Salzer Group for the RFP for the Disaster Recovery Services. The Salzer Group specializes in disaster recovery with special emphasis on construction mgmt., finance and includes CDBG and FEMA/PA.

Motion to approve granting the RFP award to the Sulzer Group made by Commissioner Max Trujillo. Second by Commissioner Harold Garcia. Motion carried.

n. REPORT TO COUNTY COMMISSION FROM COUNTY ASSESSOR AS REQUIRED BY LAW NMSA 7-36-16.E AND RELATED NM TAX & REVENUE MATTERS

County Assessor Connie Gallegos continues Assessor's Report to the Commission from the SM-12-18-2023 in answering the queries in the Evaluation Report compiled by the NM Taxation and Revenue Department – Property Tax Division & Assessments Bureau. NMTRPTD has not been answered in five years, nor has a Production and Action plan to these audited points been addressed by SMC Assessor. Assessor Gallegos indicated the Assessor's office has been affected by the hacking, covid, fires, and personnel issues. Chairman Garcia asked if any of the findings submitted to the Assessor's Office by NM Department of Taxation and Revenue had been answered. Assessor Gallegos said no. The findings were submitted in July 2023. The plan of

action, according to Assessor Gallegos, needs to be corrected by the next evaluation. Commissioner Trujillo asked if a Response has been sent to the NM Taxation and Revenue for their evaluations of 2019-20-21-22? Assessor Gallegos did not fully specify which years had been given a response. One consistent finding by Taxation and Revenue is that the Assessor's staff is not IAAO certified/licensed. The Commission asked Assessor Gallegos why it has not received a budget increase request to hire additional and maintain current staff. The certification demerit for the Assessor's Office has not been addressed. Assessor Gallegos stated only one person in the office passed the IAAO online certification. Chairman Garcia asked about the countywide Appraisal Plan? The Commission has purchased Sanborn digital imagery to assist in appraising property correctly and in setting operational standards to better serve our public. Chairman Garcia asked why property values in the burn scar still held value – Assessor Gallegos stated the property tax rates were set on previous tax years rates and going forward will be considered resting land. New buildings and permitting for new construction also helped increase tax valuations. Commissioner Trujillo also raised concerns that the 530 structures destroyed will at some point bring a detrimental tax valuation – what anticipated year for tax valuation will this affect? Another audit finding concerns the budget – the one percent valuation fund is to be used for Property Evaluation & Assessment Programs & Procedures. Chairman Garcia countered the Commission is unaware of having cut the budget that would allow for the Assessor to use the one percent valuation fund for operations and staffing. This budget concern cited by NM Taxation and Revenue reflect operational standards are lacking in the Assessor's office and taxpayer's services are lacking. Assessor Gallegos states she needs budget increase to hire additional staff and provide raises to data techs and appraisers. The Commission is concerned that some of the Responses sent to NM Taxation and Revenue do not reflect what the Commissioners are reading on the Report by NMTRPTD and what has been presented to the Commission by the Assessor. The Commission expressed concern that many assessments are incorrect and presenting hardships for many property owners who have owned their property for decades. Owner transfers are not reflected in tax account numbers, and property owners have been voicing dismay that tax bills, etc., are being sent to the incorrect owners. This concluded the answer and question session of the Assessor's Report to the Board of County Commissioners.

This item was a Discussion Item as Informational Report to the Public and Commission

10. BOARD OF FINANCE MEETING

a. ACCOUNTS PAYABLE – DECEMBER 2023

SMC Finance Director Katherine Sanchez presented the Commission with the Accounts Payable Report for December 2023 and asked for approval.

Motion to approve Accounts Payable December 2023 Report made by Commissioner Max Trujillo. Second by Commissioner Harold Garcia. Motion carried.

b. DECEMBER 2023 CASH POOL*

Finance Director Sanchez presented the Commission with the December 2023 Cash Pool Report.

*For Informational Purposes Only

c. UPDATE ON AUDITS (FY-2022)*

Finance Director Sanchez informed the Commission the FY-2022 audit should be complete by end of January 2024; and FY-2023 audit "should be" complete by March. FY-2022 had 25 findings cited: 17 have been corrected/adjusted with eight requiring corrections/adjustments.

*For Informational Purposes Only

Motion to adjourn Regular Meeting and enter Executive Session made by Commissioner Kenneth Medina. Second by Vice Chairman Martin Sena. Motion carried at 5:25 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:

Certain Purchases, as permitted by NMSA 1978, Section 10-15-1(H)(6) (as amended) or the Open Meetings Act, and Section 13-1-116 of the Procurement Code.

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.

Motion to exit Executive Session and re-adjourn regular session made by Commissioner Max Trujillo. Second by Commissioner Janice Varela. Motion carried at 6:02 PM.

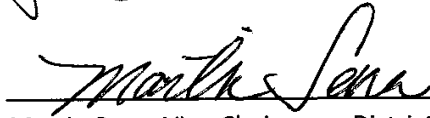
11. ADJOURNMENT

Motion to adjourn the Regular Session of RM-01-09-2024 made by Commissioner Kenneth Medina. Second by Commissioner Janice Varela. Motion carried. Adjournment at 6:02 PM.

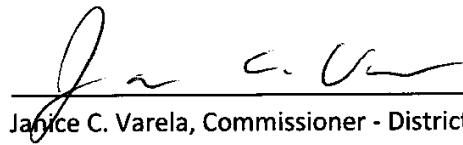
Approved the 13th of February 2024 as the Official Minutes of the Board of County Commissioners of San Miguel County - New Mexico of its Regular Meeting held the 9th of January 2024 at 2:00 PM.



Harold M. Garcia, Chairman - District 1



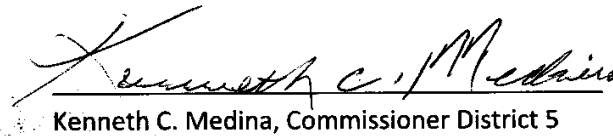
Martin Sena, Vice-Chairman - District 4



Janice C. Varela, Commissioner - District 2

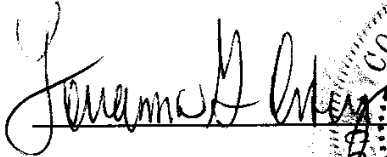


Max Trujillo, Commissioner - District 3

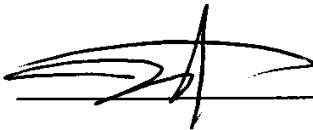
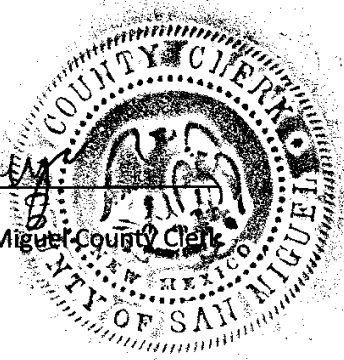


Kenneth C. Medina, Commissioner District 5

ATTEST:



Louanna G. Ortega, San Miguel County Clerk



Minutes submitted by Jacob P. Gonzales

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