

MINUTES of the REGULAR MEETING
of the BOARD of COUNTY COMMISSIONERS
of SAN MIGUEL COUNTY, NEW MEXICO
HELD TUESDAY, SEPTEMBER 13, 2022

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.

1. CALL TO ORDER

Chairman Harold Garcia called the meeting to order at 1:04 PM at the Pecos Municipal Building at 92 S. Main Street, Pecos, NM 87552.

2. ROLL CALL

Sr. Deputy Clerk Jacob Gonzales administered Roll-Call: Chairman Harold Garcia present, Vice-Chairman Janice Varela present, Commissioner Max Trujillo present, Commissioner Martin Sena present, and Commissioner Kenneth Medina present.

A quorum is present.

3. PLEDGE OF ALLEGIANCE

Mr. Kenneth Abeyta led the Chambers in the Pledge to the United States, 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. APPROVAL OF AGENDA

Chairman Harold Garcia asked that item "K" Presentation of Friends of the Museum Rodeo Results be removed from the Agenda. County Manager Joy Ansley informed that Items 7 and 8 appear to be listed in Executive Session but are actually action/discussion items to be heard in the Regular Session.

Motion made by Commissioner Martin Sena to approve the agenda with changes indicated. Second by Vice-Chairman Janice Varela. Motion carried.

6. 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:

Real Property and Water Rights:

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:

- a. **Purchase of Real Property 10-15-1(H)(8)**
- b. **Personnel Matters 10-15-1(H)(2)**
- c. **Discussion of County Attorney Contract 10-15-1(H)(6)**
- d. **Potential Litigation 10-15-1(H)(7)**

Motion to adjourn Regular Session and enter Executive Session made by Commissioner Max Trujillo. Second by Commissioner Kenneth Medina Executive Session entered into at 1:09 PM.

Motion to adjourn Executive Session and reconvene Regular Session made by Vice-Chairman Janice Varela. Second by Commissioner Max Trujillo. Regular Session reconvened at 2:01 PM.

7. APPROVAL OF MINUTES

Motion to approve minutes of RM-08-09-2022 and SM-09-06-2022 made by Commissioner Kenneth Medina. Second by Commissioner Martin Sena. Motion carried.

8. PUBLIC INPUT FORUM

NM State Senator Elizabeth Stefanics addressed the Commission and thanked the County for all the services and emergency management provided during the fires and flooding.

NEW BUSINESS

9. PUBLIC HEARING REGARDING PROPOSED INDUSTRIAL REVENUE BONDS BY EL CORAZON WIND LLC

County Attorney Dave Romero Jr., opened the Public Hearing at 2:02 PM, and swore in those wishing to speak on the matter regarding El Corazon WIND LLC IRB.

Luis Carrasco, attorney with Rodey Law Firm representing El Corazon Wind LLC, stated the IRB Act dates back to the 1960s that allows for bond issuance outside of municipalities but within county boundaries to foster economic development. In lieu of taxes, the company being issued the bonds pay the county lease fees. The project is on State of New Mexico Trust Lands and it is

a wind farm, the county will see a payment of \$2,800 per mega-watt and after five years payments increase 2.5% every five years thereon.

Daniel Alsup, attorney with Modrall-Sperling Law representing San Miguel County as bond counsel, reiterated what Mr. Carrasco said.

Eric Harrigan investment analyst with RBC Capital Markets

Ramona Villanueva

Lana Gallegos

Patricia Smith

Tiffany Encinias

The following answers the concerns and questions raised by the individuals who spoke and Commissioners: The boundaries of the project are specifically listed on the agreements and if these boundaries are to be altered they will need to be approved by Ordinance or Resolution. Decommissioning turbines is included in the parameters of the contract and is the responsibility of Pattern Energy. Cattle grazing rights are not in danger of being revoked or modified except during construction. There are no plans for expansion outside of the designated legal address of this project. Oil and Gas energy production has been polluting the earth for nearly a century and clean-energy production must be considered. The turbines raise concerns about noise pollution and wildlife destruction (i.e. birds) – the technology has improved in mitigating these concerns. The support stands drill between 6 and 30 feet deep and there is concern about effects to aquifer. If any easements are required Pattern Energy/El Corazon Wind will seek these out; as this project is entirely on state trust land, the state of NM has granted access to this land to build the transmission lines. Jobs created will mainly be for construction with a limited number of full-time jobs after construction. There will be between 25-35 turbines built and will use the SunZia transmission line. The federal government is pushing clean energy creation to be created at local levels.

Motion to close public hearing made by Commissioner Max Trujillo. Second by Vice Chairman Janice Varela. Motion carried. Public Hearing was adjourned at 2:57 PM.

10. REGULAR ORDER

a. CONSIDERATION OF PROPOSED BOND DOCUMENTS – TAXABLE INDUSTRIAL REVENUE BONDS FOR EL CORAZON WIND LLC PROJECT

- **BOND ORDINANCE**
- **BOND PURCHASE**
- **INDENTURE**

- **LEASE AGREEMENT**
- **SUBLEASE AGREEMENT**

Motion to approve the Ordinance allowing Taxable Industrial Revenue Bonds/El Corazon Wind LLC made by Commissioner Max Trujillo. Second by Vice Chairman Janice Varela. Motion carried.

Roll Call –

Affirmative: Chairman Harold Garcia, Vice Chairman Janice Varela, Commissioner Max Trujillo, Commissioner Kenneth Medina.

Negative: Commissioner Martin Sena.

b. PROCLAMATION DECLARING SEPTEMBER 13, 2022 AS PECOS PANTHER DAY IN SAN MIGUEL COUNTY

Vice Chairman Janice Varela introduced Coach Ortiz and members of the Pecos High School Panther’s Cross Country State Champions of 2021-22. Vice Chairman Varela read the Proclamation declaring September 13th as Pecos Panther Day in San Miguel County.

Motion to approve the proclamation declaring Pecos Panther Day on September 13, 2022 made by Vice Chairman Janice Varela. Second by Commissioner Kenneth Medina. Motion carried.

c. PROCLAMATION DECLARING SEPTEMBER AS NATIONAL RECOVERY MONTH IN SAN MIGUEL COUNTY

Ms. Patricia Gallegos with Rio Grande Recovery Group and Mora-San Miguel-Guadalupe Local Collaboration stated September is National Recovery Month, and reminds that there is a new hotline #988 that will assist in mental health and recovery issues by having trained counselors answer calls or texts for those facing anxiety and mental health issues. Ms. Gallegos read the proclamation.

Motion to approve the Proclamation declaring September as National Recovery Month made by Commissioner Martin Sena. Second by Vice Chairman Janice Varela. Motion carried.

d. SAN MIGUEL COUNTY FAMILY AND COMMUNITY HEALTH COUNCIL ORGANIZATION AND OBLIGATIONS

Ms. Patricia Gallegos of Rio Grande Recovery and Elaine Luna community activist/philanthropist asked the Commission to enter into an MOU as fiscal agent for San Miguel County Health Council. NMDOH will fund SMC Health Council \$12,952 for FY-2022-23.

Motion to approve MOU with SMC Health Council as Fiscal Agent made by Vice Chairman Janice Varela. Second by Commissioner Max Trujillo. Motion carried.

e. UPPER PECOS RIVER ISSUES AND REPORT*

Lela McFerrin Vice President of Upper Pecos Watershed Association informed the Commission their purpose is to maintain and increase the health of the watershed which encompasses 464 square miles. The NM Water Quality Control Commission designated Upper Pecos as Outstanding National Resource Waters.

*For Informational Purposes

f. GREEN WASTE AND/OR SOLID WASTE ISSUES*

Consultant Joe Lewandowski spoke on options to remove forest burn waste issues. Two major components are the collection and processing of materials. Collection is hand-delivered by landowners, grapping trucks and refuse bins. Processing includes chipping, facility grinding/incineration and landfill disposal. The NM Solid Waste Bureau and Air Quality Bureau (for incineration) are the regulating state divisions. This project goal is to lessen the damage of future forest fires by clearing brush, forest rot and trees scarred by the recent burn. Some counties rent these machines other purchase. Mr. Lewandowski indicated he is researching grant funding avenues.

Cheryl Kolls, State Parks Regional Manager, asked for cooperation in determining trash removal in the Pecos area state parks, and the forest service. Ms. Kolls indicated park service personnel remove an average of 10 large bags of trash daily. Ms. Kolls would like a conference to ascertain if a transfer station at the park is an option. Toby Velasquez also of State Park Division reiterated Ms. Kolls presentation.

*For Informational Purposes

g. RESOLUTION SEPTEMBER PREPAREDNESS MONTH

County Manager Joy Ansley asked for approval of the Counties September Preparedness Month which provides a public service for citizens and employees of SMC in preparing for Emergency situations at home, work and while travelling.

Commissioner Max Trujillo made a motion to Approve Resolution September Preparedness Month. Second by Commissioner Kenneth Medina. Motion carried.

h. PROPOSED CONTRACT RENEWAL FOR LEGAL SERVICES

County Manager Joy Ansley stated the Contract for Legal Services is due for renewal. Chairman Harold Garcia asked Mr. Dave Romero, Jr., current County Attorney, if he had anything to add; and he asked for a meeting to discuss specifics in renewing the contract. Manager Ansley indicated the contract end-date is September 14th; and Chairman Garcia nixed the meeting due to time constraints. In Executive Session the consensus was to not renew Mr. Romero's contract.

Motion to not renew the Contract for Legal Services for Dave Romero, Jr., was made by Chairman Harold Garcia. Second by Commissioner Max Trujillo. Motion carried.

Roll Call Vote –

Affirmative: Chairman Harold Garcia, Vice Chairman Janice Varela, Commissioner Max Trujillo, Commissioner Kenneth Medina.

Negative: Commissioner Martin Sena.

i. UPDATE FROM COUNTY ASSESSOR'S OFFICE ON BURNED PROPERTY ASSESSMENTS*

County Assessor Connie Gallegos stated the Assessor's office has been appraising and responding to protest requests. The data-sheets are being worked on to determine which accounts will need burn assessments. Assessors Notice of Values was mailed May 1, 2022.

Chief Appraiser Raymond Montano is working on these protests as well, and streamlining Assessor's spreadsheet to reflect the spreadsheet created by IT department and Planning and Zoning. Assessor Gallegos and Appraiser Montoya said staffing issues have hindered quicker response to reassessments and protest. IT Director Kenneth Abeyta said the County has a drone that will require FAA licensure: when licensure and parts are received the drone can assist in assessing burned properties by being flown over the affected properties.

*For Informational Purposes

j. PRESENTATION OF COUNTY FAIR RESULTS

Ms. Patricia Smith, Fair Board President, informed the County Fair was held August 10-14, 2022. 25 adult exhibits with 111 entries; Youth Open Exhibit had 15 exhibits with 42 entries; FFA 10 exhibits with 14 entries; 4H had 6 exhibits with 10 entries. Sale: 50 animals sold bringing in total of \$211K. Youth Ranch Rodeo had three teams. Ms. Smith thanked the Public Works Department for their effort in getting the Fair Grounds ready.

*For Informational Purposes Only

~~k. PRESENTATION OF FRIENDS OF THE MUSEUM RODEO RESULTS*~~

l. NMDFA APPROVAL OF FY-2023 OPERATING BUDGET^*

Finance Supervisor Karen LaCorte informed the Commission NM Department of Finance and Administration has reviewed and approved FY-22-23 Final Budget. Special Meeting may be scheduled in future for budget adjustments and/or fund transfers.

^entered in official minutes per state mandate. *For Informational Purposes

m. DEPARTMENT HEAD UPDATES*

Mr. Johnny Trujillo, Road Supervisor, presented Public Works monthly report for July and August. Clean-up and maintenance of county roads is ongoing especially in burn flood zones. One grader was down for 2.5 weeks and receiving the parts was delayed.

Public Works Supervisor Benito Romero answered questions posed by the Commission about the delay on Country Acres CDBG contract. The project has been delayed by about nine+ weeks, and there is concern that funds will be pulled as the timeline mandate may not be kept. The contractor, Rocky Road Gravel, indicates they will complete the project by December. The refuse bin for Rociada will be set up for citizens' use for three days at a time.

Deputy County Manager Jesus Romero introduced Richard Rivera as the new Safety Manager.

Fire Chief Andrew Duran informed site visits for the proposed Tecolotito Fire Station at three locations. 12 volunteers are needed to commission a volunteer station. In 2021 there were five calls in the Tecolotito/Anton Chico area. The Blanchard station responds to calls in the area. Yearly cost for this station is estimated at \$18,000.

*For Informational Purposes Only

n. AMENDED RESOLUTION DESIGNATING LOCATION OF POLLING PLACES

Sr. Deputy Clerk Jacob Gonzales presented on behalf of County Clerk Geraldine E. Gutierrez a Resolution designating all precincts as VCCs (Voting Convenience Centers) excepting Rural Precinct #32 Tecolote Community Center. San Miguel County Voters may now vote in any Voting Center within the County excepting Tecolote Pct. 32. This resolution also names the five members to the Board of Registration.

Motion to approve Amended Resolution 2022-09-13 made by Commissioner Kenneth Medina. Second by Commissioner Martin Sena. Motion carried.

o. JOB DESCRIPTION COUNTY TREASURER PART-TIME POSITION OF TAX RESEARCH TECHNICIAN

Deputy County Manager Jesus Romero presenting on behalf of Human Resource Director Eileen Sedillo for this newly created position.

Commissioner Max Trujillo made a motion to approve Job Description: County Treasurer P/T Position of Tax Research Technician. Second by Commissioner Kenneth Medina. Motion carried.

p. JOB DESCRIPTION MAINTENANCE WORKER II (Revised)

Deputy County Manager Jesus Romero presenting on behalf of Human Resource Director Eileen Sedillo for this revised job description for Maintenance Worker II.

Motion to approve Job Description – Maintenance Worker II (Revised) made by Commissioner Martin Sena. Second by Commissioner Max Trujillo. Motion carried.

q. APPROVAL OF FY-2023 TPF AGREEMENT

Public Works Director Benito Romero asked for approval for FY-2023 TPF Agreement for a total project cost of \$950K with the County's share being \$47,500.

Motion to approve FY-2023 TPF Agreement by Vice Chairman Janice Varela. Second by Commissioner Martin Sena. Motion carried.

r. RESOLUTION REQUESTING MATCH WAIVER OF FY-2023 TPF

Public Works Director Benito Romero asked for approval for FY-2023 TPF Agreement for a total project cost of \$950K with the County's share being \$47,500. Funds must be spent by June 30, 2025.

Motion to approve FY-2023 TPF Agreement by Vice Chairman Janice Varela. Second by Commissioner Martin Sena. Motion carried.

s. COUNTY MANAGER AND DEPUTY MANAGERS REPORT

County Manager Joy Ansley informed that NM Counties is in process of planning the 2024 Conference and SMC has the right of first refusal for this Conference. *NMDFA Property Tax Act requires the state to finalize tax rates by September 1st with the county approving those rates within 5 days. *HRSA funding in the amount of \$1.5M for the Residential Treatment Center has been approved. *Bids received for the Clerk's Voting Storage Center came in over-budget. RFP has been issued twice and now by state procurement code direct negotiations with contractors

is allowed, with a new bid agreement to come in forthwith. "The bids on refurbishing Sheriff's Office is facing similar issues. "The Finance Department has begun compiling audit data. The audit will likely be submitted to NMDFA late and SMC will be given an "audit finding". "SMC Detention Center is over-populated with 32 inmates being housed at other facilities. Colfax county issued a large invoice for housing SMC inmates. Declaring an Emergency Status at the Detention Center may be required through a Special Meeting in the future. "NMDOT is hiring a contractor to assist in the clean-up of debris and fire/flood damage. Manager Ansley believes this contractor is helping both SMC and Mora County. "On Thursday, 09-16-2022 an Emergency Recovery Coordinated Response Meeting will be held from 5-7:00 PM at the Recreation Center.

Deputy County Manager Jesus Romero held a meeting at the Detention Center to discuss water use to accommodate Las Vegas City Water Restrictions. "Conchas Dam's Big Mesa MDWCA meeting was held in Conchas; manager's will submit findings and recommendations on how the County can assist taxpayers concerns in re: to refuse, roads and zoning concerns raised at the meeting. "Senator Ben Ray Lujans staff has been in contact with the Manager's office to assist in Fire/Flood recovery efforts; also, contact has been maintained with Representative Theresa Leger-Fernandez. "Deputy Romero conducted an interview for DWI Driver, hired Safety Manager Richard Rivera, and hired Administrative Assistant Megan Stroud. "Administrative Complex weed clean-up.

t. COVID-19 UPDATE

OEM Manager Dennis Esquibel was unable to attend due to his presence required at another meeting. County Clerk requested a motion for tabling.

Motion to table Covid-19 Update made by Commissioner Max Trujillo. Second by Commissioner Kenneth Medina. Motion carried.

u. DISCUSSION OF SMC vs. STRICKLING RANCH HISTORIC AGREEMENT REGARDING WATER SHARING

County Attorney Dave Romero Jr., informed the Commission about the lawsuit by various acequia associations against Strickling Ranch for their transfer of water rights. The acequias and Strickling Ranch agreed to usage restrictions so that all citizens using this water table can benefit during drought and when there is heavier rainfall.

v. SAN MIGUEL CDBG RESOLUTION

Chris Madrid Community Development Director with NM Association of Counties indicated this grant encourages further growth for Barela Timber Industry Project. This project is expected to create 15 jobs.

Motion to approve San Miguel CDBG Resolution made by Vice Chairman Janice Varela. Second by Commissioner Kenneth Medina. Motion carried.

11. BOARD OF FINANCE MEETING

a. INDIGENT CLAIMS

Finance Supervisor Karen LaCorte submitted Indigent Claims for approval.

Motion to approve Indigent Claims July/August 2022 made by Commissioner Kenneth Medina. Second by Commissioner Max Trujillo. Motion carried.

b. ACCOUNTS PAYABLE

Finance Supervisor Karen LaCorte submitted Accounts Payable for approval.

Motion to approve Accounts Payable July/August 2022 made by Commissioner Kenneth Medina. Second by Commissioner Max Trujillo. Motion carried.

c. BUDGET REPORT: JULY 1, 2022—AUGUST 30, 2022*

Finance Supervisor Karen LaCorte submitted Budget Report: July 1-August 30, 2022.

*For Informational Purposes

d. CASH BALANCE REPORT: JULY 1, 2022—AUGUST 30, 2022*

Finance Supervisor Karen LaCorte submitted Cash Balance Report: July 1-August 30, 2022.

*For Informational Purposes

e. RECEIPT REPORT: JULY 1, 2022—AUGUST 30, 2022*

Finance Supervisor Karen LaCorte submitted Receipt Report: July 1-August 30, 2022.

*For Informational Purposes

f. JOURNAL ENTRY REPORT: JULY 1, 2022—AUGUST 30, 2022*

Finance Supervisor Karen LaCorte submitted Journal Entry Report: July 1-August 30, 2022.

*For Informational Purposes

12. ADJOURNMENT

Commissioner Max Trujillo made a motion to adjourn. Second by Commissioner Kenneth Medina. Motion carried. Meeting adjourned at 5:44 PM.

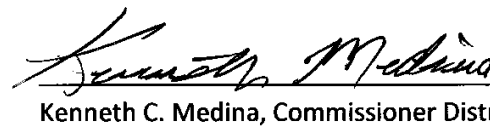
Approved this 11th day of OCTOBER, 2022 as the Official Minutes of the Board of County Commissioners of San Miguel County New Mexico, of its Regular Meeting held September 13, 2022.


Harold M. Gardia, Chairman District 1

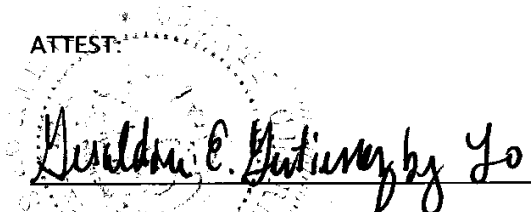

Janice C. Varela, Vice-Chairman District 2

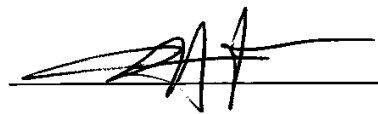

Max O. Trujillo, Commissioner District 3


Martin Sena, Commissioner District 4


Kenneth C. Medina, Commissioner District 5

ATTEST:


Geraldine E. Gutierrez, 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