

MINUTES of the REGULAR MEETING
of the BOARD of COUNTY COMMISSIONERS
of SAN MIGUEL COUNTY, NEW MEXICO
HELD TUESDAY, OCTOBER 11, 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 2:02 PM at the SMC Commission Chambers at 500 W. National Avenue, Suite 201, Las Vegas, New Mexico 87701.

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. Manuel Garcia 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

County Manager Joy Ansley asked that item "C" San Miguel County Sheriff's Office Recognition be presented as Item "A".

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

6. APPROVAL OF MINUTES

Motion to approve minutes of RM-09-13-2022 made by Commissioner Max Trujillo. Second by Vice Chairman Janice Varela. Motion carried.

7. PUBLIC INPUT FORUM

Bill Madison expressed concern about the growing influence of wind farms and asked the Commission to ensure that the County limits its liability due to clean-up of wind farms. Requests also that wind farms not be placed within 5 miles from towns/villages. The infrastructure requires lots of build-out creating concerns for roads and the depth of digging the support beams for the turbine.

Manuel Garcia spoke on his volunteer role with the NM Supreme Court's Commission on Equity and Justice which speaks on training newly elected/appointed District Judges. He expressed concern on the Forest Service's decision to start a controlled burn during the windiest times in our region. Sheriff's office training is in question because they failed to enforce a judgement and instead tried to mediate the judgement.

Jose Gonzales of the San Miguel del Bado Land Grant informed the Commission that recent subdivisions being approved by the Planning and Zoning Commission have not included the Land Grant Board to approve such subdivisions and lot splits. The Board must provide input on these subdivisions.

Gloria Gonzales protested against the Wind Farms as the energy created is sent to states other than New Mexico for a minor investment of \$1.5M for the county per year. She shares concern on the size of the turbines and what happens to the hardware when decommissioned? The jobs created are miniscule for the County.

NEW BUSINESS

8. REGULAR ORDER

a. SAN MIGUEL COUNTY SHERIFF'S OFFICE RECOGNITION

Sheriff Chris Lopez introduced his staff, and presented placards extolling the dedication and professionalism this past year: Under Sheriff Michael Padilla, Sgt. Darin Romero, Deputy Xavier Smith, Deputy Kenneth Maestas, Deputy Robert Rivera, Deputy Brianna Roybal (newly appointed), Deputy Victor Munoz, Deputy Jamie Vigil, and Animal Control Officer Xavier Herrera, Office Manager Mari Valdez and former Sheriff Admin Asst, Megan Stroud. Sheriff Lopez also mentioned Pastor Paul Hesch for his contributions to law enforcement and emergency responders by hosting an annual steak meal for officers and first responders. Deputy Xavier Smith was named Deputy of the Year for his role in training and recruitment.

The Commission expressed gratitude to and appreciation for the work of the Sheriff's Office.

b. COUNTY ATTORNEY’S CANDIDATES

Chairman Harold Garcia informed that interviews for RFP Contract for County Attorney Services will be discussed in Executive Session specifically to award contract for County Attorney Services. This Executive Session will be used to interview the 5 candidates who are as follows:

- Scott Aaron, Aaron Law
- Jared Najjar & Stephen Ross, Virtue & Najjarr LF
- Herman Chico Gallegos, Gallegos LF
- Charles Rennick, NM Local Gov’t Law
- Ambrosio Castellano & Julio Garcia, Advise A Modern LF

Motion to recess Regular Session and enter Executive Session made by Commissioner Max Trujillo. Second by Commissioner Kenneth Medina. Motion carried. Executive Session entered into at 2:40 PM. Commission excused themselves to the Finance Dep’t Board-room.

Motion to recess Executive Session – where no action was taken – and reconvene Regular Session made by Commissioner Kenneth Medina. Second by Commissioner Martin Sena. Motion carried. Reconvened at 6:04 PM.

c. COUNTY ATTORNEY CONTRACT AWARD

Chairman Harold Garcia asked for motion to table decision to award County Attorney Contract by scheduling a Special Meeting within a week or two.

Motion to table decision Awarding County Attorney Contract and to convene a Special Meeting made by Commissioner Max Trujillo. Second by Commissioner Kenneth Medina. Motion carried.

d. COUNTY MANAGER / DEPUTY MANAGER REPORT*

County Manager Joy Ansley informed the Commission the re-issued RFP for Clerk’s Voting Storage building, and the Sheriff’s Building with all bids coming in over \$100K over budget. * HRSA grant for \$1.5M for Residential Treatment Center. * IRPA funds will be forthcoming and the Commission will need action as to distribution. * Rancher from Rociada who is in process of re-building his barn(s) inquired about the County waiving permit fees for fire losses.

Deputy Manager Jesus Romero informed that he had attended a broadband meeting hosted by NM Association of Counties. * Response letter was sent to Conchas Dam MDWCA to Dan Romero regarding their concerns and will be reflected in their utility bill. * Safety Director Richard Rivera is updating safety and fleet maintenance standards that have been lacking due to position not being staffed. * Bob Lewandowski will begin consulting on the Conchas Dam concerns as well as on other county solid waste concerns. * KFUN is signed up to conduct

interviews and informational programming on what is happening in the County. Deputy Manager Romero will be updating the Commission on these programming interviews. * The Commission wants to remind the citizens affected by fire and floods to register their claims with FEMA to receive funding.

*For Informational Purposes Only

e. COVID-19 UPDATE

Emergency Manager Dennis Esquibel was not available. Chairman Garcia asked for a motion to table.

Motion to table covid-19 update made by Commissioner Martin Sena. Second by Commissioner Kenneth Medina. Motion carried.

f. DEPARTMENT HEAD UPDATES*

Road Foreman Johnny Trujillo indicated blading and shaping has been done in numerous areas of the county including Conchas area and replacing culverts, and assisting in low water crossing. One of the graders was out of commission for a while as a part was en-route from Caterpillar in Texas. The crusher is waiting for a radiator part to be installed, and when completed crushing will resume.

*For Informational Purposes

g. STAFF INCREASES

County Human Resource Director Eileen Sedillo presented the Commission with a spread-sheet of all positions in the County and their market pricing conducted by S Resources, Vince Yurmil, in the Classification and Compensation Study. The positions were listed as Minimum – Midpoint – High Point. Percentage of raise was set at 12.5% which accommodated the Commissions budget of \$500K for raises. Many of the Commissioners expressed concern about initiating a merit and performance rating for raises to maintain staff members or at least a scale to measure and reward performance. Take home vehicles should be accounted for in compensation; other counties tax their employee's on take-home vehicles at \$3.00/day.

Motion to table decision on Staff Increases to the next special meeting made by Commissioner Kenneth Medina. Second by Chairman Harold Garcia. Motion carried.

ROLL CALL VOTE:

YAY: Chairman Harold Garcia, Commissioner Max Trujillo, Commissioner Martin Sena, Commissioner Kenneth Medina.

NAY: Vice Chairman Janice Varela.

h. RESOLUTION: TIME EXTENSIONS FOR EL LLANO, PENDARIES AND SAN YSIDRO

Public Works Director Benito Romero asked for approval for time extensions for Resolutions: SMC-10-11-2022-PW-L400531, SMC-10-11-2022-PW-L400538 and SMC-10-11-2022-PW-L400545. NM DFA approved the funding extension on their end.

Motion to approve Resolutions: Time Extensions for El Llano, Pendaries and San Ysidro made by Commissioner Max Trujillo. Second by Commissioner Martin Sena. Motion carried.

PW Director Romero informed the CDBG for Country Acres extension is still awaiting manhole covers which are being constructed. The contractor needs to be pushed to cover their responsibility.

i. DESIGN STATUS OF RESIDENTIAL TREATMENT CENTER

Chairman Howard Garcia presented the Chambers with a project review board showing the proposed design for the Residential Treatment Center. Total funding for this projects numbers at \$4.875M covered by NM General Services, Capital outlay, General Fund, Federal direct spending. Project will begin when contractor meets with General Services Dep't.

Motion to approve Design Status of Residential Treatment Center and to begin project when General Services Dep't provides their approval made by Commissioner Kenneth Medina. Second by Vice Chairman Janice Varela. Motion carried.

j. WIND ENERGY DEVELOPMENT IN SMC+

Ms. Matilda Gallegos stated the dis-concern of Pattern Energy and it's surveying company in not asking for an easement for her property and their commute to her neighbouring properties to conduct a survey. This company broke into her land to conduct their survey, and continued with their survey even after the property owner told them she did not want them on her property. These surveys are for future wind leases. The state Land Office has not given taxpayer's a public hearing on these leases which have already been granted. Environmental and medical health is a deep concern. Water table may also be impacted by the fact that support stands for each turbine is dug between 6-30 feet (concrete filled). Job creation is a myth.

Tiffany Encinias asked the Commission to encourage the State Land Office in as strong a manner as possible to solicit taxpayer's input on all present and future wind farms. It is integral that this region keep its legacy in respecting the land and culture, and to find innovative ways in which to encourage our people to stay in this community to create new economic development.

The Commission will review the current Wind Energy Ordinance to modernize concerns.

+Citizen Informational Discussion

k. EMERGENCY DECLARATION FOR SAN MIGUEL COUNTY DETENTION CENTER

Warden Richard Padilla summarized the Emergency Declaration is needed as the Detention Center is facing a 40% staff vacancy and is still overpopulated. The Center can detain 90 males and 30 females. This staff vacancy and overpopulation does have a cost to the County's taxpayers as last month SMC was invoiced \$85K for housing detainees in other counties.

Deputy Warden Steven Garcia read the Proclamation. Recruitment and staff retention must be reviewed and new programs instituted to increase staff and proficiency.

Sheriff Chris Lopez shared that detention centers throughout the state are facing similar challenges. An important factor in overpopulation is the delay from the Justice system in processing no-hold bonds for non-violent crimes as well as the delay in adjudicating judgement for major crimes, ie, murder, rapes, violent drug dealers. De-escalation is a great step in minimizing arrests and finding substance use and mental health assistance for those who need/want it.

4th Judicial District Attorney Thomas Clayton indicated this Emergency Declaration will lend greater weight in finding solutions with the Judicial Court System; pre-trial detention services is one major way to mitigate holding non-violent offenders.

Motion to approve the Emergency Declaration for SMC County Detention Center made by Commissioner Kenneth Medina. Second by Commissioner Max Trujillo. Motion carried.

l. LETTER OF INTEREST FROM SAN MIGUEL COUNTY TO WELCOME THE STATE-FUNDED INITIATIVE TO PERMANENTLY HOUSE A NM STATE FILM MUSEUM IN SMC

County Planning & Zoning Supervisor Amanda Salas along with Mr. David Romero, Ward 4 Las Vegas City Councilman, and Angelica Lyster, City of LV/SMC Film Commission, presented the Commission with a letter advocating support for a State Film Museum to be located in SMC, city of Las Vegas due to the history of producing films in this area dating back to 1913.

Motion to approve and submit Letter of Interest to house a state-funded NM State Film Museum in SMC made by Commissioner Kenneth Medina. Second by Commissioner Max Trujillo. Motion carried.

m. CDBG Presentation – Old Wood Products

Mr. David Old spoke on Old Wood Products and its role in Las Vegas employment, and how Old Wood products works to reduce recidivism by actively hiring former inmates and encouraging them to be contributing members of society. Mr. Old would like for some improvements to their building at Public Works including a built-in restroom and break-room. Storage area is necessary to keep wood dry with shed-type roofs.

Motion to direct Manager’s office to review Old Wood concerns and research into putting the building concerns on the CDBG list made by Vice Chairman Janice Varela. Second by Commissioner Max Trujillo. Motion carried.

9. BOARD OF FINANCE MEETING

a. TRANSFERS FOR THE MONTH OF JULY, AUGUST & SEPTEMBER 2022*

County Treasurer Jennifer LaFebre informed the Commission the dollar amount for 11 transfers was \$1,803,595.60 for the 3 month period.

*For Information Only

b. BUDGET INCREASE RESOLUTION

County Manager Joy Ansley informed Commission that NMDFA required a resolution. This resolution shows figures that were under-projected revenues, these funds are being moved from the Fund Balance to the General Fund to each respective fund accounts.

Motion to approve Budget Increase Resolution by Vice Chairman Janice Varela. Second by Commissioner Max Trujillo. Motion carried.

c. ACCOUNTS PAYABLE REPORT FOR AUGUST – SEPTEMBER 2022

Finance Supervisor Karen LaCorte submitted Accounts Payable Report for August/September 2022.

Motion to approve Accounts Payable August/September 2022 made by Commissioner Kenneth Medina. Second by Commissioner Martin Sena. Motion carried.

d. JOURNAL ENTRY REPORT FOR SEPTEMBER 2022*

Finance Supervisor Karen LaCorte submitted Journal Entry Report: September 2022.

*For Informational Purposes

e. BUDGET REPORT: SEPTEMBER 2022*

Finance Supervisor Karen LaCorte submitted Budget Report: September 2022.

*For Informational Purposes

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) of the Open Meeting Act, and Section 13-1-116 of the Procurement Code:

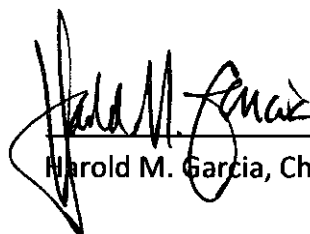
Attorney-Client Privilege Pertaining to Threatened or Pending Litigation, as permitted by NMSA 1978, Section 10-15-1(H)(7)(as amended) of the Open Meetings Act. More specifically:

Chairman Harold Garcia declared there was no need to enter Executive Session.

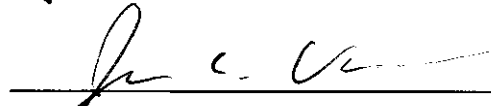
10. ADJOURNMENT

Commissioner Kenneth Medina made a motion to adjourn. Second by Commissioner Martin Sena. Motion carried. Meeting adjourned at 8:11 PM.

Approved this 8th day of Nov, 2022 as the Official Minutes of the Board of County Commissioners of San Miguel County New Mexico, of its Regular Meeting held October 11, 2022.



Harold M. Garcia, Chairman District 1

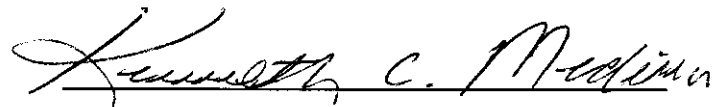


Janice C. Varela, Vice-Chairman District 2



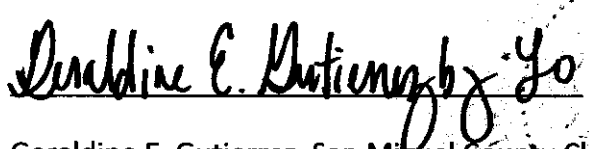
Max O. Trujillo, Commissioner District 3

Telephonically Approved
Martin Sena, Commissioner District 4

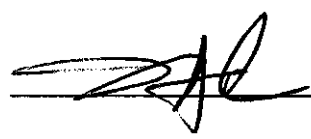


Kenneth C. Medina, Commissioner District 5

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