

## **PUBLIC NOTICE**

### **CALL TO ORDER**

The San Miguel County Board of Commissioners will hold a regular scheduled County Commission meeting on February 9, 2010 at 1:30 p.m., during the meeting a County Board of Finance Meeting will take place.

The meeting will take place at the San Miguel County Commission Chambers, County Courthouse 2<sup>nd</sup> Floor, 500 West National Ave., Suite 200, Las Vegas, New Mexico 87701.

The agenda for the County Commission meeting is as follows:

### **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 the United Cultures.”***

### **APPROVAL OF AGENDA**

**APPROVAL OF MINUTES:** Regular Meeting January 12, 2010 (**Backup**)

### **INTRODUCTION OF NEW EMPLOYEES:**

David T. Bibb III  
(Probationary Employee)

Deputy

San Miguel County Sheriff's Dept.

***SAN MIGUEL COUNTY 4-H AND AGRICULTURE UPDATE  
BY SAMANTHA ORTIZ,  
SAN MIGUEL COUNTY 4-H/AG EXTENSION AGENT***

***PRESENTATION OF  
NMAC RISK ASSESSMENT PROGRAM YEAR 2 PLAQUE  
BY AMBER TRUJILLO, SAFETY COORDINATOR***

**(Backup)**

***DWI PROGRAM COMPLIANCE  
MONITOR & TRACKING COMPONENT PRESENTATION  
BY DARLENE, BACA DWI COMPLIANCE MONITOR & TRACKER***

**NEW BUSINESS:**

**SAN MIGUEL COUNTY BOARD OF FINANCE MEETING**

**1. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$41,906.94 AND IN THE AMOUNT OF \$38,882.38**

**(Backup) (Backup) (Backup) (Backup)**

Background Information: The finance office has received, reviewed and processed the indigent claims submitted. All claims that meet the guidelines are listed on the Approved Indigent Claims Listing approval sheet and all claims that do not meet the guidelines are listed on the Denied Indigent Claims Listing.

Action Requested of Commission: Review and approval.

Staff Recommendation: Review and approval.

Presenter: Melinda Gonzales, Finance Division Supervisor

**2. INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT IN THE AMOUNT OF \$10,000.00**

**(Backup) (Backup)(Backup) (Backup) (Backup)**

Background Information: The finance office has received, reviewed and processed the indigent claims submitted. All claims that meet the guidelines are listed on the Approved Indigent Claims Listing approval sheet and all claims that do not meet the guidelines are listed on the Denied Indigent Claims Listing.

Action Requested of Commission: Review and approval.

Staff Recommendation: Review and approval.  
Presenter: Melinda Gonzales, Finance Division Supervisor

**3. COUNTY TREASURER'S MONTHLY REPORT  
(Backup)**

Background Information: County Treasurer's monthly report for the month of January 2010.

Action Requested of Commission: None, information only.

Staff Recommendation: None.

Presenter: Alfonso Ortiz, County Treasurer

**4. JANUARY 29, 2010 CASH BALANCE REPORT  
(Backup)**

Background Information: To inform the Commission of the December 30, 2009 cash balances.

Action Requested of Commission: Information purposes only.

Staff Recommendation: Information purposes only.

Presenter: Melinda Gonzales, Finance Division Supervisor

**5. ACCOUNTS PAYABLE LISTING  
(Backup)**

Background Information: To report all payments made since the last regular meeting.

Action Requested of Commission: Review and approval.

Staff Recommendation: Review and approval.

Presenter: Melinda Gonzales, Finance Division Supervisor

## SAN MIGUEL COUNTY REGULAR MEETING

### **6. DECISION AND ORDER CONCERNING COUNTY ROAD B-41-E**

#### **(Backup)**

Background Information: The proposed Decision and Order memorializes the decision made and announced by the County Commission at the conclusion of the public hearing on February 01, 2010, and will be filed in the County Clerk's office as the official decision of the County Commission in this matter, and mailed to the parties and their attorneys.

Action Requested of Commission: Adopt Decision and Order.

Staff Recommendations: Same as Action Requested, above.

Presenter: County Manager Les Montoya and County Attorney Jesus Lopez.

### **7. REQUEST TO REJECT THE BIDS FOR THE MOBILE CASCADE TRAILER AND RE-ADVERTISE**

#### **(Backup)**

Background Information: Recommending rejection of all Bids received and requesting authorization to Re-Bid for purchase of the equipment.

Action Requested of Commission: Reject all Bids submitted and authorized to re-advertise for purchase of equipment.

Staff Recommendation: Approve to re-advertise the proposal.

Presenter: Dennis English, Emergency Manager

### **8. JOB DESCRIPTION CHANGE FOR ADMINISTRATIVE ASSISTANT TO THE OFFICE OF EMERGENCY MANAGEMENT AND THE SAN MIGUEL COUNTY FIRE CHIEF.**

#### **(Backup)**

Background Information: The San Miguel County/ Las Vegas Office of Emergency Management and San Miguel County Fire Chief Administrative Assistant will be assigned additional duties as the Public Information Officer in the times of Emergency Events and requests of the County Manager including promoting the offices through the media and public.

Action Requested of Commission: Request approval of the job description additions

Staff Recommendation: Approve the job description changes

Presenter: Dennis English, Emergency Manager

**9. APPROVAL TO ENTER INTO NEGOTIATIONS WITH BOLD PLANNING SOLUTIONS FOR A CONTINUITY OF OPERATIONS PLAN ON A WEB BASED SYSTEM FOR SAN MIGUEL COUNTY AND LAS VEGAS NEW MEXICO**

**(Backup)**

Background Information: The San Miguel County/ Las Vegas Office of Emergency Management received 5 proposals to complete a Continuity of Operations Plan for San Miguel County and Las Vegas New Mexico. Proposals received were from Terra Genesis Inc., PM tec, Inc., B-Sting Ventures LLC, O'Brien Response Management, and Bold Planning Solutions.

Action Requested of Commission: Authorization to proceed with negotiations with Bold Planning Solutions.

Staff Recommendation: Authorization to proceed with negotiations.

Presenter: Dennis English, Emergency Manager

**10. OUT OF STATE TRAVEL REQUEST - NATIONAL COMMISSION ON CORRECTIONAL HEALTHCARE, UPDATES IN CORRECTIONAL HEALTHCARE, NATIONAL CONFERENCE**

**(Backup)**

Background Information: Ms. Rita Torres, CEO of Health Care Partners Foundation, Inc; Mr. Les Montoya, San Miguel County Manager; and Mr. Patrick W. Snedeker, Warden of the San Miguel County Detention Center; have been selected as seminar presenters for the National Commission on Correctional Healthcare, Updates in Correctional Health Care, National Conference, April 24 - 27, 2010, in Nashville, Tennessee. The Seminar presentation(s) are entitled, "Legislative Solutions for Making Correctional Healthcare Affordable" and "Public - Private Partnerships for Community Based Chronic Care and Specialty Services." The seminar(s) shall focus upon utilization of the legislative process as an effective means to contain and maintain detention/correctional inmate healthcare costs; and to provide long-term solutions for stabilizing medical expenses within detention/correctional facilities; along with community collaboration and the development of public - private partnerships, specific to chronic care and specialty services; to enhance those medical service delivery system(s) within a detention/correctional setting.

Action Requested of Commission: Review and consider approving Out of State Travel for Mr. Snedeker and Mr. Montoya to attend and present. .

Staff Recommendation: Approval.

Presenter: Patrick W. Snedeker, Warden/Facility Administrator; and Rita Torres, CEO, Health Care Partners Foundation, Inc.

**11. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF JANUARY 2010**

**(Backup)**

Background Information: The San Miguel County Public Works Division submits report to the 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: Daniel Encinias, Interim Public Works Division Supervisor

**12. BUILDING LEASE BETWEEN SAN MIGUEL COUNTY AND TRI-COUNTY FAMILY JUSTICE CENTER**

**(Backup)**

Background Information: San Miguel County purchased a 5,700 square foot building with the intent of using the building to house the Tri-County Family Justice Center as per grant agreement between the County and DFA-Local Government Division, which grant agreement provided Legislative funding for this purpose. A building lease agreement is needed to address requirements of NM Constitution "anti-donation" clause.

Action Requested of Commission: Review and approve the building lease agreement between San Miguel County and the Tri-County Family Justice Center.

Staff Recommendation: Review and approve the building lease agreement.

Presenter: Alex Tafoya, Planning and Zoning

**13. DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) LOCAL DWI GOVERNMENT DIVISION FY 2010-11 DISTRIBUTION/GRANT PROPOSED BUDGET APPLICATION**

**(Backup)**

Background Information: New Mexico Statewide DWI Programs receive annual operational funds stemming from local liquor excise taxes. Funds are generated through the Taxation and Revenue Department and distributed through the Department of Finance and Administration/Local Government Division. Distribution Grant Funds are a result of local liquor excises taxes collected within each county and are appropriated accordingly. However Grant funds are competitive and are appropriated according rating. The primary purpose of such funds are to be utilized to address thus reduce the many issues pertaining to substance abuse, the prevention of underage drinking and most importantly Drinking and Driving.

The County of San Miguel DWI Program in recognition of the above stated issues, will utilize Distribution/Grant funds for the operation of the following program components:

Prevention, Screening, Compliance Monitor & Tracking, and Coordination Planning and Evaluation.

The Distribution fund is budgeted at \$190,734. The program will apply for \$50,183 in competitive Grant funds.

Action Requested of Commission: Approval of FY 2010-11 DWI Distribution/Grant Proposed Budget Application.

Staff Recommendation: Approval to submit the proposed FY 10-11 DWI Distribution/Grant Application Budget as stated.

Presenter: Wendy Armijo DWI Coordinator

**14. RESOLUTION NO 02-09-2010-DWI  
(Backup)**

Background Information: Resolution authorizing the County to submit an application to the Department of Finance and Administration, Local Government Division to participate in the Local DWI FY 09-10 Grant and Distribution Program.

See Resolution 02-09-10-DWI.

Action Requested of Commission: Approval of Resolution 02-09-10-DWI.

Staff Recommendation: The San Miguel DWI Program is requesting County Commission approval of Resolution 02-09-10-DWI.

Presenter: Wendy Armijo DWI Coordinator

**15. FY 10-11 LOCAL DWI (LDWI) GRANT AND DISTRIBUTION  
PROGRAM APPLICATION STATEMENT OF ASSURANCES  
(Backup)**

Background Information: Assurance and compliance with the statues, rules and regulations, and guidelines associated with the acceptance and use of funds under the New Mexico Local DWI Grant and Distribution Program.

See LDWI Grant/Distribution Program Statement of Assurances.

Action Requested of Commission: Approval of terms as stated in LDWI Grant and Distribution Program Application Statement of Assurances.

Staff Recommendation: The San Miguel DWI Program is requesting County Commission approval of LDWI Grant and Distribution Statement of Assurances.

Presenter: Wendy Armijo DWI Coordinator

**16. MEMORANDUM OF UNDERSTANDING BETWEEN THE SMC DWI PROGRAM AND THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION/DRIVING WHILE INTOXICATED PROGRAM**

**(Backup)**

Background Information: The DFA/LGD/DWI Program assures:

1. That DFA/LGD/DWI Program in full compliance with the provisions concerning research activities in Section 2.52 of the Federal Confidentiality of Alcohol & Drug Abuse Patient Records regulations, 42 CFR Part 2, including Section 2.16:
2. That client identifying information will not be re-disclosed except back to the Program from which the information was obtained, or according to the terms of this MOU.
3. That in receiving, storing, processing, or otherwise dealing with any information from the Program about the clients in the Program, the DFA/LGD acknowledges it is bound by the provisions of the Federal Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2: and
4. That DFA/LGD/DWI Program shall undertake to resist any effort to obtain access to information pertaining to patients otherwise than as expressly provided for in the Federal Confidentiality of Alcohol & Drug Abuse Patient Records regulations, 42 CFR Part 2.
5. That DFA/LGD/DWI Program is not a “covered entity” as defined by the Department of Health and Human Services Regulations entitled “Standards for Privacy of Individually Identifiable Health Information”, 45 CFR Parts 160 and 164, implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA); (the HIPAA Regulations).
6. That DFA/LGD/DWI Program shall never possess treatment or maintain any “individually identifiable health information” or transmit “protected health information” as defined by the HIPAA Regulations.

The Program agrees to:

1. Upon request, provide the DFA/LGD/DWI Program or other parties authorized with client records for those clients provided services through the Local Government Division DWI Grant Program, for the purpose of conducting outcome monitoring research activities, and evaluation of LDWI Program interventions.
2. If applicable, comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Department of Health and Human Services Regulation entitled “Standards for Privacy of Individually Identifiable Health

Information”, 45 CFR Parts 160 and 164, applicable to entities covered by HIPAA; (the HIPAA Regulations).

3. Report or transmit data to DFA/LGD/DWI Program that deletes and contains no “individually identifiable health information” or “protected health information” as defined by the HIPAA Regulations.

Action Requested of Commission: Acquire approval of Memorandum of Understanding between the San Miguel County DWI Program and the New Mexico Department of Finance and Administration/Local Government Division/Driving While Intoxicated Program.

Staff Recommendation: On behalf of the San Miguel DWI Program, we are requesting approval from the San Miguel County Commission for the terms enclosed in the Memorandum of Agreement.

Presenter: Wendy Armijo DWI Coordinator

**17. NEW MEXICO DEPARTMENT OF HEALTH ASSURANCES AND COOPERATIVE AGREEMENT (Backup)**

Background Information: The San Miguel County DWI Program referred to as the “Program” and the New Mexico Department of Health (DOH), Epidemiology and Response Division hereby receives the following assurances and enters into the following cooperative agreement, to carry out the requirements of NMSA 1978, sections 43-3-10 to 43-3-15:

The DOH:

1. Acknowledges that it is in full compliance with the provisions concerning research activities in Section 2.52 of Federal confidentiality regulations, 42 CFR Part 2, including:

a. That a research protocol is maintained in accordance with the security requirements of § 2.16 of 42 CFR Part 2; and

b. That client identifying information will not be re-disclosed except back to the Program from which the information was obtained; and no individual client will be identified in any report resulting from any epidemiologic research; and

c. That the Epidemiology and Response Division has provided a satisfactory written statement that a group of three or more individuals who are independent of the research project has reviewed the protocol and determined that:

(i) The rights and welfare of clients will be adequately protected; and

(ii) The risks in disclosing client identifying information are outweighed by the potential benefits of the research.

2. Acknowledges that in receiving, storing, processing, or otherwise dealing with any information from the Program about the clients in the Program, the Epidemiology and Response Division is fully bound by the provisions of the Federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2: and

3. Undertakes to resist in judicial proceedings any effort to obtain access to information pertaining to patients otherwise than as expressly provided for in the Federal confidentiality regulations, 42 CFR Part 2.

The Program:

1. Agrees to allow the Epidemiology and Response Division access to client records from the web based client screening and tracking system for those clients provided services through the Local Government Division DWI Grant Program, for the purpose of conducting outcome monitoring research activities.

Action Requested of Commission: Approval of (FY10-11) DOH Assurances and Cooperative Agreement.

Staff Recommendation: The San Miguel DWI Program is requesting County Commission approval of (FY 10-11) DOH Assurances and Cooperative Agreement.

Presenter: Wendy Armijo DWI Coordinator

**18. RESOLUTION SUPPORTING ENFORCEMENT OF OFF HIGHWAY RULES AND REGULATIONS FOR VEHICLES THAT TRAVEL OFF WAY IN VARIOUS AREAS IN NEW MEXICO (Backup)**

Background Information: Arturo Sandoval, Director of NM Public Lands Action Network, would like to inform Commission of effects being made state wide to deal with these issues, discuss impacts in New Mexico regarding this issue and other related matters.

Action Requested of Commission: review resolution and consider adopting resolution in support of these efforts.

Staff Recommendation: Approve resolution and submit to the New Mexico Public Lands Action Network and State Land Commission Patrick Lyons.

Presenter: Les Montoya, County Manager

**19. NMDOT SAFETY IMPROVEMENT PROGRAM APPLICATION FOR COUNTY SAFETY PROJECTS**

**(Backup)**

Background Information: County submitted funding applications for County Safety Projects to include County Road 48 La Liendre, \$436,991, Guard Rails, Old National Road, \$27,361, Guard Rail, County Road A-11-A Montezuma, \$118,999.

Action Requested of Commission: Review the information and for informational purposes.

Staff Recommendation: None, other than information.

Presenter: Les Montoya, County Manager

**20. SAN MIGUEL COUNTY MANAGER'S REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS TO FILL THE VACANT POSITIONS OF DETENTION OFFICERS AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN**

**PROBATIONARY EMPLOYEES:**

**JOHN R. GONZALES - DETENTION OFFICER - DATE OF HIRE: DECEMBER 14, 2009 - PROBATIONARY SALARY: \$20,900.00**

**ANTHONY M. SOARES - DETENTION OFFICER - DATE OF HIRE: FEBRUARY 1, 2010 - PROBATIONARY SALARY: \$20,900.00**

**(Backup)**

Background Information: Detention Officer Positions are vacant due to a Detention Officer that got promoted and another Detention Officer that resigned.

Action Requested of Commission: Approval to hire and ratify the hiring of Detention Officers to fill the vacant positions.

Staff Recommendation: Approval to hire and ratify the hiring of Detention Officers to fill the vacant positions.

Presenter: Les Montoya, County Manager

**21. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE PROMOTION OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF CRUSHER PLANT FORMAN**

**REQUEST TO PROMOTE:**

**FULL TIME CLASSIFIED EMPLOYEE:**

**TOBIAS MEDINA JR. - CRUSHER PLANT FORMAN - DATE OF PROMOTION: FEBRUARY 6, 2010 - SALARY: \$33,000.00**

**(Backup)**

Background Information: San Miguel County Crusher Plant Forman is vacant due to the loss of Joseph Roybal. The position was advertised in house three employees from the Public Works Division sent in letters of interest attached with resumes. Tobias Medina Jr. was the best qualified for the vacant position.

Action Requested of Commission: Approval to ratify the promotion of Tobias Medina Jr. to fill the vacant position of Crusher Plant Forman with the Public Works Division.

Staff Recommendation: Approval to ratify the promotion of Tobias Medina Jr. to fill the vacant position of Crusher Plant Forman with the Public Works Division.

Presenter: Les Montoya, County Manager

**22. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF JANUARY 2010**

**(Backup)**

Background Information: Personnel changes which have taken place in San Miguel County for the month of January 2010 are submitted for ratification and approval by the San Miguel County Board of Commissioners.

Action Requested of Commission: To ratify and approve the personnel changes that have taken place during the month of January 2010.

Staff Recommendation: To ratify and approve the personnel changes that have taken place during the month of January 2010.

Presenter: Les Montoya, County Manager

**Executive/Closed Session**

- A. Personnel Matters, as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**
- B. Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, as permitted by Section 10-15-1(H)(7) of the New Mexico Open Meetings Act, NMSA 1978.**
- C. Matters pertaining to the discussion of the acquisition of real property, as permitted by Section 10-15-1(H)(8) of the Open Meetings Act, NMSA 1978.**

**ADJOURNMENT**

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