

**PUBLIC NOTICE**

**CALL TO ORDER**

The Board of County Commissioners of San Miguel County held a Regular Meeting and a County Board of Finance Meeting on Tuesday, February 10, 2009, at 1:30 p.m. at the Board Room of the Donaldo A. Martinez Administration Building, West Las Vegas Schools, 179 Bridge St., Las Vegas, New Mexico 87701. The agenda for the County Commission meeting was as follows:

**ROLL CALL**

Chairman David R. Salazar, Vice-Chair June J. Garcia, Commissioner Albert Padilla, Commissioner Nicolas T. Leger, and Commissioner Marcellino A. Ortiz were present.

The record will show a quorum was present.

**PLEDGE OF ALLEGIANCE**

**SALUTATION TO THE NEW MEXICO STATE FLAG**

**APPROVAL OF AGENDA**

Motion made by Commissioner Albert Padilla to approve agenda as presented. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**APPROVAL OF MINUTES:** January 13, 2009 \*

Motion made by Commissioner June Garcia to approve minutes for Regular Meeting held on January 13, 2009. Second by Commissioner Albert Padilla. Motion carried.

**INTRODUCTION OF NEW EMPLOYEES:**

Paul Maez (Probationary Employee)	Bureau of Elections Supervisor	Clerks Office
Donald Lyles (Probationary Employee)	Deputy Sheriff	Sheriffs Office
Marvin Salazar (Probationary Employee)	Convenience Center Operator	Public Works

**PRESENTATION ON NEW MEXICO HEALTH SECURITY ACT  
BY MARY FELDBLUM, MPH EDUCATION AND OUTREACH  
COORDINATOR**

Mary Feldblum presented this presentation due to the absence of MPH Education and Outreach Coordinator Dana Schultz Millen.

Ms. Feldblum advised the Commission Health Security Act is the largest coalition in the history of the state. Health Security Act is an affordable plan for New Mexico that could save the County money in the future. Health Security Act will enable New Mexico to set up a Health plan to have the freedom to choose Doctors and Providers. The Commission asked a resolution to be considered to illustrate support for the program and same to be considered after the legislative session.

**NEW BUSINESS:**

**1. COUNTY TREASURER'S MONTHLY REPORT AND PRESENTATION ON STATUS TO NEW MEXICO TAXATION AND REVENUE DEPARTMENT BY SAN MIGUEL COUNTY \***

San Miguel County Treasurer Alfonso Ortiz, Jr. presented the Treasurer's Monthly Report for the month of January 2009.

For information only. No questions or discussion.

**2. MUTUAL AID AGREEMENT BETWEEN NATIONAL PARK SERVICE AND SAN MIGUEL COUNTY SHERIFF DEPARTMENT \***

Sheriff Benjie Vigil advised the Commission this mutual aid agreement is to establish the terms and conditions under which the parties will provide mutual aid in law enforcement responsibilities in various jurisdictions.

Mr. Vigil requested approval of the mutual aid agreement.

Motion made by Commissioner Marcellino A. Ortiz to approve the agreement. Second by Commissioner Albert Padilla. Motion carried.

**3. UNIVERSITY OF NEW MEXICO HEALTH SCIENCE CENTER PROJECT ECHO OUTREACH PROGRAM \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission the University of New Mexico Health Science Center, Project ECHO, is a new and innovative program model in the treatment of complex chronic disease in rural and underserved areas of New Mexico. Through the usage of technology, Project ECHO bridges the gap between urban healthcare specialists and providers in rural settings.

The New Mexico Association of Counties, the San Miguel County Detention Center and Health Care Partners Foundation, Inc., are working collaboratively with the University of New Mexico Health Science Center and its Project ECHO, to develop such outreach programs and systems for treating complex chronic disease within the detention environment along with an educational and training program for County Detention facilities, within New Mexico.

UNM School of Medicine Dr. Sanjeev Aurora advised the Commission the ECHO project is funded by the Federal Government of the United States, The New Mexico Legislature, and recently received a grant. Dr. Aurora presented a brief informational overview of this project, and requested Commission support for the Wardens continued involvement.

Discussion ensued.

Motion made by Commissioner Nicolas Leger to support the efforts of the Warden, and the program, and implement this approach in San Miguel County. Second by Commissioner June Garcia. Motion carried.

**4. APPOINTMENT OF A MEMBER TO REPRESENT COUNTY COMMISSION DISTRICT 2 ON THE SAN MIGUEL COUNTY PLANNING AND ZONING COMMISSION \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission at the January 13, 2009 Board of County Commission meeting, an appointment of a member to represent County Commission District 2 was not made, therefore a vacancy exists in this position.

Commissioner Marcellino A. Ortiz recommended Ms. Janice Varela be appointed to serve in this capacity.

Motion made by Commissioner Marcellino A. Ortiz to appoint Ms. Janice Varela to represent County Commission District 2. Second by Commissioner Albert Padilla. Motion carried.

**5. AMENDMENT TO 2008 SPECIAL APPROPRIATIONS AGREEMENT \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission San Miguel County has been advised that the 2008 Special Appropriations Agreement for County operational appropriations is required to be amended as per Senate Bill 79 which reduces such appropriations by 7.3%. The County was asked to have the amendment signed and returned no later than February 5, 2009. County staff obtained signature from Commission Chairman David R. Salazar.

Mr. Tafoya submitted to review the 2008 Grant Agreement Amendment and ratify the action taken by County staff in obtaining signature from Commission Chairman David Salazar.

Motion made by Commissioner Albert Padilla to approve the Amendment and ratify action taken. Second by Commissioner Marcellino A. Ortiz. Motion carried.

County Manager Les Montoya stated for the record the reduction in the appropriation will have an impact on the budget amount to be expended for those projects and/or salaries. Finance Supervisor Melinda and County Manager will make necessary adjustments in the current budget to follow the reduction in the appropriate positions, particularly the Bureau of Elections and the Probate Judge Administrative Assistant.

**6. DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) LOCAL DWI GOVERNMENT DIVISION FY 2008-09 DISTRIBUTION/GRANT PROPOSED BUDGET APPLICATION \***

DWI Coordinator, Wendy Armijo advised the Commission New Mexico DWI Programs continue to receive operational funds that stem from liquor excise taxes. Funds are generated through the Department of Finance and Administration/Local Government Division for the purpose of addressing issues pertaining to substance abuse, the prevention of underage drinking and most importantly Drinking and Driving.

San Miguel County DWI Program has continued to receive DWI Program has continued to receive DWI operational funding from the local DWI/Department of Finance and Administration Government. Distribution funds are received quarterly while Grant funds are based program expenditures and received on a cost reimbursement basis.

The FY09-10 Distribution/Grant proposed application is seeking operational funds for the following program components; Prevention, Screening, Compliance Monitor & Tracking, and Coordination Planning and Evaluation.

Ms. Armijo submitted to approve to submit the proposed FY 2009-10 DWI Distribution/Grant Application Budget as stated.

Motion made by Commissioner Albert Padilla to approve to submit the proposed FY 2009-10 DWI Distribution/Grant Application Budget. Second by Commissioner June Garcia. Motion carried.

**7. RESOLUTION NO. 02-10-2009-DWI \***

DWI Coordinator Wendy Armijo advised the Commission 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.

Ms. Armijo submitted to acquire approval of Resolution 02-10-09-DWI.

Motion made by Commissioner Albert Padilla to approve resolution 02-10-09-DWI. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**8. FY 09-10-LOCAL DWI (LDWI) GRANT AND DISTRIBUTION PROGRAM APPLICATION STATEMENT OF ASSURANCES \***

DWI Coordinator Wendy Armijo advised the Commission Assurance and compliance with the statutes, rules and regulations, and guidelines associated with the acceptance and use of funds under the New Mexico Local DWI Grant and Distribution Program.

Ms. Armijo requested approval of the terms stated in LDWI Grant and Distribution Program Application Statement of Assurances.

Motion made by Commissioner Albert Padilla to approve 09-10-LDWI Grant and Distribution Statement of Assurances. Second by Commissioner June Garcia. Motion carried.

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

DWI Coordinator Wendy Armijo advised the Commission the memorandum focuses on client confidentiality and HIPPA Regulations. It allows the local government to access any client data for the purpose of record keeping and statistics.

Ms. Armijo requested approval of Memorandum of Understanding between San Miguel County DWI Program and the New Mexico Department of Finance and Administration/Local Government Division/Driving While Intoxicated Program.

Motion made by Commissioner Marcellino A. Ortiz to approve Memorandum of Understanding. Second by Commissioner Albert Padilla. Motion carried.

**10. DWI PREVENTION AMENDMENT TO CONTRACTUAL SERVICE AGREEMENT FY (08-09) \***

DWI Coordinator Wendy Armijo advised the Commission the San Miguel County DWI Planning Council in its Strategic Planning continues to support the need for preventative educational substance abuse specific to alcohol-related services. DWI Prevention/education is an active process utilized to create healthy conditions, reduce high-risk behaviors and ultimately increase protective factors.

Contractor Jennifer Bellin is currently providing preventative/educational services in the rural area schools within San Miguel County; however costs associated with travel to and from the rural area schools have become cumbersome as it relates to costs. In recognition, the DWI Planning Council is proposing to amend the stated contract by increasing the dollar amount allotted from \$15 an hour to \$16 per hour. The amendment will also provide additional services to the Pecos school district.

Ms. Armijo requested approval for Amendment to DWI Prevention/Educational Contractual Services Agreement.

Motion made by Commissioner Albert Padilla to approve the Amendment to DWI Prevention/Educational Contract Service Agreement. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**11. CONTRACT FOR INMATE CONFINEMENT, TAOS COUNTY, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO (2<sup>ND</sup> EXTENSION)\***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission the extension of the Contract Agreement between San Miguel County and Taos County, New Mexico for the detention of Taos County adult inmates at the San Miguel County Detention Center is presented for Commission review and approval. A ten dollar (\$10.00) booking fee shall be charged for each individual booked into the San Miguel County Detention Center. The extension agreement is for a two year period of time. The cost of detaining an inmate is (\$50.00 a day) and other provisions shall remain pursuant to said contract. The extension agreement has been approved by Taos County, New Mexico.

Mr. Snedeker requested review and approval of the Confinement Agreement as presented.

Mr. Montoya informed the Commission this agreement differs from the previous agreements with Taos County. The difference being this will be a two year agreement. In two years Taos County is anticipating having their jail in operation.

Motion made by Commissioner Albert Padilla to review and approve Confinement Agreement with Taos County. Second by Commissioner June Garcia. Motion carried.

## **12. MONTHLY REPORT IN THE PUBLIC WORKS DIVISION FOR THE MONTH OF JANUARY 2009 \***

Public Works Division Supervisor Harold Garcia advised the Commission on issues dealt with in the Public Works Division for the month of December 2008.

Commissioner Nicolas T. Leger presented a petition signed by County residents requesting the railroad crossing situation be looked into. Mr. Leger requested to bring residents, Burlington Northern Santa Fe Railroad Company, the City of Las Vegas, and the New Mexico Department of Transportation together to address prevention of further accidents.

Mr. Montoya advised the Commission that Jerome Block, New Mexico Public Regulation Commission member, took the lead to identify what can be done to prevent further accidents. Funding is available through the Department of Transportation for a crossing structure according to Paul Gray, District IV Engineer. Mr. Block has scheduled a meeting at the site with many entities later this month.

Mr. Montoya advised the Commission the County has submitted applications for funding, to fund \$600,000.00 for the walk way on Cinder Road, \$280,000.00 for a Railroad Crossing at the Wood Business Park. Mr. Montoya also advised the County has also applied for a \$1,000,000 project on the State Road 65 in Gallegos Road intersection and \$500,000 for the Montezuma Bridge renovation. These applications were submitted to the Northeastern Regional Planning Organization (NERPO) on February 5, 2009.

Mr. Montoya informed the Commission on the remodeling taking place in the courthouse and the issues concerning the customers and County employees. Mr. Montoya is working with Safety

Coordinator and Supervisors to make decisions to let employees go home if construction becomes uncomfortable during County time.

Discussion ensued.

For information only.

### **13. REQUEST FOR PROPOSALS FOR PLUMBING/HVAC SERVICES \***

Public Works Division Supervisor Harold Garcia advised the Commission the County Public Works and Detention Center have a need for Emergency Plumbing Services from a New Mexico Licensed Plumber related to building facilities within these two divisions. In an effort to alleviate the burden of hiring of these services on an as-needed basis, staff is recommending authorization by the County Commission to proceed in advertising for a Request for Proposals for Plumbing Services.

Mr. Garcia requested authorization to proceed in advertising a Request for Proposals for Plumbing Services.

Motion made by Commissioner Albert Padilla to authorize staff to proceed in advertising a Request for Proposals for Plumbing Services. Second by Commissioner Marcellino A. Ortiz. Motion carried.

### **14. ANIMAL CONTROL SERVICES AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND SAN MIGUEL COUNTY \***

Public Works Division Supervisor Harold Garcia advised the Commission the City of Las Vegas and San Miguel County have over the years had an Animal Control Services Agreement for the purpose of San Miguel County utilizing the City of Las Vegas animal Control Shelter. The most recent service agreement expired in September 2008. Staff is proposing to enter into an Animal Control Services Agreement between the City of Las Vegas and San Miguel County for the period of September 1, 2008 to June 30, 2009.

Mr. Garcia advised the Commission originally the County was paying \$10,000.00 and the agreement has increased \$2,000.00, which was budgeted at \$12,000.00.

Mr. Garcia requested the Animal Control Services Agreement be approved as submitted.

Motion made by Commissioner Albert Padilla to approve the Animal Control Service Agreement with the City of Las Vegas for the period of September 1, 2008 and June 30, 2009. Second by Commissioner Marcellino A. Ortiz. Motion carried.



**15. RESOLUTION NUMBER RES-02-10-09-PW-EXCESS PROPERTY AUTHORIZING THE BOARD OF COMMISSIONERS TO SAN MIGUEL COUNTY TO DECLARE CERTAIN PROPERTY EXCESS PROPERTY AND AUTHORIZING THE COUNTY MANAGER TO SELL SAID PROPERTY AS PROVIDED IN THE STATE STATUES \***

Public Works Division Supervisor Harold Garcia advised the Commission San Miguel County has miscellaneous excess metal that is in disrepair condition and no longer needed for use by the County. The County is preparing to have this miscellaneous metal declared excess and auctioned off or bid for sale.

Mr. Garcia submitted for adoption of Resolution Number 02-10-09-PW.

Mr. Montoya requested the Resolution be amended to include all scrap metal removed from the remodeling of the courthouse.

Ms. Melinda Gonzales informed the Commission the last excess property declaration, was still waiting for DFA approval which requires a 30 day notice prior to placing the equipment for sale. Once the State has been notified there is a 30 day waiting period.

Motion made by Commissioner Nicolas T. Leger to approve Resolution No. RES-02-10-09-PW-EXCESS PROPERTY. Second by Commissioner Albert Padilla. Motion carried.

**16. LEASE AGREEMENT WITH MR. ELMER AND MRS. ELVIRA PACHECO FOR THE PROPERTY TO LOCATE THE AM ALERT RADIO ANTENNA AT THE PACHECO COMMUNICATION SITE. AGREEMENT IS FOR (10) YEARS AT \$1,800 A YEAR \***

Emergency Manager Dennis English advised the Commission this is the property needed to erect the antenna for the San Miguel County/Las Vegas Office of Emergency Management AM Alert Radio System in order to broadcast emergency messages to the community by AM Radio. This project was funded through a grant award by the Department of Homeland Security/Emergency Management.

Mr. English requested to approve and execution of the agreement.

Motion made by Commissioner Albert Padilla to approve and sign the agreement. Second by Commissioner Marcellino A. Ortiz. Motion carried.



**17. GRANT AGREEMENT 2008-SAN MIGUEL COUNTY-SHSGP WITH THE NEW MEXICO DEPARTMENT OF HOMELAND SECURITY/EMERGENCY MANAGEMENT IN THE AMOUNT OF \$154,000 TO COMPLETE THE MICROWAVE OF THE AM ALERT RADIO SYSTEM THROUGH EXISTING REPEATER SITES AND OBTAIN SECURITY FENCING FOR THE TRUJILLO COMMUNICATION SITE AND PURCHASE RADIO ALERT SIGNS FOR THE PUBLIC ROADWAYS WITHIN SAN MIGUEL COUNTY AND THE LAS VEGAS AREA \***

Emergency Manager Dennis English advised the Commission this is the State Homeland Security Grant Program award for 2008 which two projects were submitted for the San Miguel County/Las Vegas Office of Emergency Management, which was awarded one of the two. This grant application is submitted yearly.

Mr. English advised the four projects purchased from the grant is fixed AM Radio Station, a portable AM trailer with two separate AM frequencies, phone lines in chambers and phones, and a backup generator for the building.

Mr. English requested approval to accept the grant and allow for San Miguel Finance to budget in the amount of \$154,000.

Motion made by Commissioner Albert Padilla to approve the grant. Second by Commissioner June Garcia. Motion carried.

**18. NEW MEXICO STATE AGENCY FOR SURPLUS PROPERTY APPLICATION FOR ELIGIBILITY \***

County Manager Les Montoya advised the Commission he is requesting authorization to file application for eligibility to the New Mexico State Agency for surplus property. This will enable designated County Employees to visit the surplus facility, select and purchase items that may benefit San Miguel County.

Mr. Montoya requested review of the application and consider authorizing submitting application and authorizing County Manager to designate County Employees to represent San Miguel County.

Motion made by Commissioner Nicolas T. Leger to approve application authorizing County Manager to submit and execute as authorized official. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**19. LAS VEGAS JUSTICE BOARD/SAN MIGUEL COUNTY REQUEST FOR AUTHORIZATION TO ENTER INTO A SERVICE CONTRACT WITH LAS VEGAS JUVENILE JUSTICE COLLABORATIVE BOARD TO PERFORM PROFESSIONAL SERVICES TO ESTABLISH A CONTINUUM OF COST EFFECTIVE SERVICE, AND TEMPORARY NEW SERVICE. ALTERNATIVES TO DETAIN IN SAN MIGUEL COUNTY FOR YOUTH \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission that an approved agreement in January with State of New Mexico Children Youth and Family for the use of \$90,000 to provide said service. Request for proposals were advertised with opening date set for Friday February 6, 2009.

Chief of Juvenile Probation and Probation Office Theresa Martinez and Interim Coordinator of Las Vegas Juvenile Justice Collaborative Board Dr. Erica Durkus were present to explain the services.

Discussion ensued.

Mr. Snedeker submitted for review and consideration authorizing professional service agreements with Juvenile Justice Collaborative Board.

Motion made by Commissioner Albert Padilla to authorize professional services agreements. Second by Commissioner June Garcia. Motion carried.

**20. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE AND RATIFY THE FOLLOWING INDIVIDUALS TO FILL VACANT POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR \***

**RECOMMENDATION TO HIRE:**

**PROBATIONARY EMPLOYEE**

Jerade Nix	Detention Officer	Salary: \$20,900.00 Annually
Paul Aragon	Detention Officer	Salary: \$20,900.00 Annually
Inez Bolivar	Detention Officer	Salary: \$20,900.00 Annually
Crystal Garduno	Detention Officer	Salary: \$20,900.00 Annually

Mr. Montoya submitted for approval to hire and ratify the hiring of the above Detention Officers, due to vacancies at the Detention Center.

Motion made by Commissioner Marcellino A. Ortiz to hire and ratify the hiring of the above Detention Officers. Second by Commissioner June Garcia. Motion carried.

**21. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF JANUARY 2009 \***

County Manager Les Montoya informed the Commission of personnel actions that have taken place in San Miguel County, and asked for ratification and approval by the San Miguel County Board of Commissioners.

Mr. Montoya submitted to ratify and approve the personnel changes that have taken place during the month of January 2009.

Motion made by Commissioner June Garcia to approve Personnel Actions that have taken place in San Miguel County, as presented by the County Manager. Second by Commissioner Albert Padilla. Motion carried.

**SAN MIGUEL COUNTY BOARD OF FINANCE MEETING**

**22. INDIGENT CLAIMS**

Finance Division Supervisor Melinda Gonzales advised the Commission of indigent claims submitted and reviewed by the Finance Office.

Ms. Gonzales advised the Commission of indigent claims submitted for Alta Vista Hospital in the amount of \$44,188.49.

Ms. Gonzales submitted for approval of claims.

Motion made by Commissioner Albert Padilla to approve indigent claims. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**23. ALTA VISTA 2009/2010 SOLE COMMUNITY PROVIDER FUNDING REQUEST \***

Finance Division Supervisor Melinda Gonzales informed the Commission that each year hospitals participating in the Sole Community provider funds submit requests for Sole Community Provider Funding. The funding is partially paid through the County indigent fund with the other portion paid through a federal match which is administered by the State of New Mexico. The hospital is requesting \$2,670,164 with an estimated cost to the County of \$801,049.

Ms. Gonzales requested the Commission amend the amount awarded during the January Commissioner meeting. During the last Commission meeting the Finance Office recommended and award of \$2,046,630 costing the County \$613,989. The Finance Office is now requesting the amount to be approved to be reduced to \$921,563 costing the County approximately \$276,469.

Motion made by Commissioner Albert Padilla to review and approve the recommended amount set forth above. Second by Commissioner June Garcia. Motion carried.

#### **24. MID-YEAR BUDGET ADJUSTMENT 2008-02-09-F1 \***

Finance Division Supervisor Melinda Gonzales advised the Commission that the County Manager and the Finance Supervisor met with all County Departments to go through the mid-year budget process. The mid-year budget adjustments reflect adjustments needed in order to complete the fiscal year.

Ms. Gonzales informed the Commission of the revisions to the County 2008-09 operating budget.

Discussion ensued.

Ms. Gonzales requested for review and approval of mid-year budget adjustments as submitted and explained.

Motion made by Commissioner Albert Padilla to review and approve the adjustments. Second by Marcellino A. Ortiz. Motion carried.

#### **25. CASH BALANCE REPORT \***

Finance Division Supervisor Melinda Gonzales informed the Commission of the January 31, 2009 cash balances.

For information only. No questions or discussion.

#### **26. ACCOUNTS PAYABLE LISTING \***

Finance Division Supervisor Melinda Gonzales informed the Commission of the report of payments since the last regular meeting.

Ms. Gonzales submitted for approval all accounts payable.

Motion made by Commissioner Nicolas T. Leger to approve Accounts Payable. Second by Commissioner Albert Padilla. Motion carried.

#### **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.**

County Manager Les Montoya recommended to retire into Executive/ Closed Session to discuss Personnel Matters, as permitted by Section 10-15-1(H) (2) of the New Mexico Open Meetings Act, NMSA 1978, 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 and 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.

Motion made by Commissioner Nicolas T. Leger to retire into Executive/Closed Session at 4:30 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner June Garcia. Motion carried.

Roll call was taken before County Commission retired into Executive Session

Chairman David Salazar	Yes
Vice-Chair June Garcia	Yes
Commissioner Albert Padilla	Yes
Commissioner Nicolas T. Leger	Yes
Commissioner Marcellino A. Ortiz	Yes

Unanimous vote to retire into executive session.

Commissioner Marcellino A. Ortiz made a motion to return to regular session at 4:46 P.M. Second by Commissioner Nicolas T. Leger. Motion carried.

The record will show that no action was taken in the Executive Session, and matters discussed in the closed meeting were limited to those specified in the motion for closure.

### **ADJOURNMENT**

Commissioner Albert Padilla made motion to adjourn. Second by Commissioner June Garcia. Motion carried. The meeting ended at 4:47 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009 as the official minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its regular meeting held January 13, 2008.

\_\_\_\_\_  
David R. Salazar, Chairman

\_\_\_\_\_  
June J. Garcia, Vice-Chair

\_\_\_\_\_  
Nicolas T. Leger, Commissioner

\_\_\_\_\_  
Marcellino A. Ortiz, Commissioner

\_\_\_\_\_  
Albert J. Padilla, Commissioner

**ATTEST**

\_\_\_\_\_  
Melanie Y. Rivera, County Clerk

\_\_\_\_\_  
Minutes Submitted by: Michelle J. Padilla