

County Clerk

Melanie Y. Rivera

Paul Maez
BOE Supervisor

Geraldine E. Gutierrez
Chief Deputy

Martha Sena
Deputy Clerk

Michelle Padilla
Deputy Clerk

Javier Lopez
Deputy Clerk

Ebeny Mondragon
Probate Deputy Clerk



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, September 8, 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. The agenda for the County Commission meeting was as follows:

ROLL CALL

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

The record will show a quorum was present.

PLEDGE OF ALLEGIANCE

SALUTATION TO THE NEW MEXICO STATE FLAG

APPROVAL OF AGENDA

Mr. Manuel J. Garcia asked to address County Road C-53B and not having access to his residence.

County Manager Les Montoya advised Mr. Garcia and the Commission that a meeting is scheduled in the field with the parties and a report will be made to the Commission.

Motion to approve agenda as submitted by Commissioner Albert Padilla. Second by commissioner Marcellino A. Ortiz. Motion carried.

APPROVAL OF MINUTES: August 18, 2009

Motion to approve minutes for August 18, 2009 by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

NEW BUSINESS:

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

County Treasurer Alfonso Ortiz Jr. presented and reviewed the County Treasurer's monthly report for the month of August 2009.

No action taken. For information purposes only.

**2. 2009 EDWARD BYRNE MEMORIAL JAG PROGRAM, OF \$11,000.00 FOR
EQUIPMENT FOR THE SHERIFF DEPARTMENT
(Backup)**

County Sheriff Benjie Vigil advised the Commission that the San Miguel County Sheriff's Department has never had department issued long rifles; the deputies only carry their side county issued weapons. These rifles are good for long distance when they are in rural and forest areas. Amount requested is \$11,000.

Sheriff Vigil requested the Commission approve the 2009 Edward Byrne memorial JAG Program jointly with the Las Vegas City Police Department, for purpose noted above.

Motion to approve 2009 Edward Byrne memorial JAG program in the amount of \$11,000 by Commissioner Albert Padilla. Second by Commissioner Marcellino A Ortiz. Motion carried.

**3. STANDARD OPERATING PROCEDURES MANUAL-ADVANCED
TASER GUIDELINES AND PROCEDURES FOR THE SHERIFF'S
DEPARTMENT.**

(Backup)

County Sheriff Benjie Vigil advised the Commission that the San Miguel County Sheriff's Department has never used a taser, and explained that it is an excellent Non-Deadly Force tool that will prevent injury or death to his deputies and to the citizens of San Miguel County.

County Manager Les Montoya answered Commissioner Leger's question that the County Insurance carrier has not responded to the final draft of the taser guidelines.

Chairman David Salazar felt the approval of the taser guidelines was premature since the Commission had not approved the use of taser guns at this point.

Discussion ensued

Motion to table item and return in a Special Meeting to discuss the use of tasers by Commissioner Nicolas T. Leger. Second by Commissioner Marcellino A. Ortiz. Motion carried.

4. APPROVAL OF PROPERTY TAX RATES-2009 YEAR

(Backup)

County Assessor Elaine Estrada presented and reviewed the 2009 Property Tax Rates and requested approval by the Commission.

County Attorney Jesus Lopez advised the Commission of its responsibilities in approving the tax rates.

Discussion ensued

Motion to approve 2009 Property Tax Rates by Commissioner Albert Padilla. Second by Commissioner June Garcia. Motion carried.

5. RESOLUTION ADOPTING PROCUREMENT POLICY AND CODE OF CONDUCT

(Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that the Community Development Block Grant (CDBG) requires that grantees adopt by resolution a procurement policy and a code of conduct for CDBG funded projects.

Mr. Tafoya requested the Commission review Resolution No. 09-08-09-PROCUREMENT and adopt the Resolution.

Motion to adopt Resolution No. 09-08-09-PROCUREMENT as submitted by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

6. GRANT AGREEMENT AND RESOLUTION FOR SPECIAL APPROPRIATIONS PROJECT NO. 09-3565-GF, SOLID WASTE BALER.

(Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County has received Grant Agreement for Project No. 09-3565-GF, the grant agreement provides \$50,000 to plan, design, construct, purchase and install a solid waste baler at the county public works facility. Acceptance of the grant agreement requires adoption of a resolution designating an individual to sign the grant agreement; and individual to serve as grantee representative; and an individual to serve as signatory authority.

Mr. Tafoya requested the Commission adopt Resolution No. 09-08-2009-SWBALER and allow Chairman David Salazar to sign grant agreement. Allow County Manager Les Montoya to serve as grantee representative. And Authorize Finance Supervisor Melinda Gonzales to sign reimbursement requests and any additional documents required.

Motion to adopt Resolution No. 09-08-2009-SWBALER by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

Chairman David Salazar called for a 10 Minute break then called meeting back into session.

7. LAWS OF 2007 GRANT AGREEMENT AMENDMENT NO. 3

(Backup)

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County received from DFA-Local Government Division, a Grant Agreement Amendment No. 3 for 2007 General Fund appropriations. Local Government Division requested that the amendment be signed and returned as quickly as possible. County staff obtained signature from Commission Chairman David R. Salazar and returned the amendment to Local Government Division.

Mr. Tafoya requested the Commission approve and ratify the signature of Commission Chairman Salazar on said Grant Agreement Amendment No. 3.

Motion to ratify the signature of Commission Chairman Salazar on said Grant Agreement Amendment No. 3 by Commissioner June Garcia. Second by Commissioner Marcellino A. Ortiz. Motion carried.

8. MEMORANDUM OF UNDERSTANDING WITH CITY OF LAS VEGAS SCHOOL DISTRICT TO UTILIZE THE SCHOOL FACILITIES IN THE TIME OF DISASTERS.

(Backup)

Emergency Manager Dennis English advised the Commission the Memorandum of Understanding is to provide proper coordination and expeditious delivery of support and assistance to the citizens of the City of Las Vegas and San Miguel County, New Mexico during an emergency disaster response.

Mr. English requested approval and signature of the MOU

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

9. NORTHEAST NEW MEXICO REGIONAL MUTUAL AID AGREEMENT AUTHORIZING RESOLUTION BETWEEN COLFAX COUNTY, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO

(Backup)

Emergency Manager Dennis English advised the Commission of the Mutual Aid Agreement between Colfax County, New Mexico and San Miguel County, New Mexico for emergency services in the time of a disaster. []

Mr. English requested approval and Signature of the Mutual Aid Agreement

Motion to approve the Mutual Aid Agreement between Colfax and San Miguel Counties by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

10. DETENTION CENTER HEALTH CARE TRAINING PROGRAM.

(Backup)

Warden/Facility Administrator Patrick Snedeker advised the Commission that a Detention Center Health Care Training Program is presented for San Miguel County Commission review and approval. The program is a collaborative partnership between Luna Community College and Health Care Partners Foundation; Inc. and the San Miguel County Detention Center. The program is a two (2) week orientation course designed to provide necessary skills and pre-service/practical application experience and training in healthcare practices specific to detention centers in New Mexico; based upon best practices and National Standards.

Chief Executive Officer Rita Torres spoke briefly about the Health Care Training Program.

Discussion ensued

Warden Snedeker requested the Commission review and approve of the program initiative, as presented.

Motion to approve Health Care Program Training Program by Commissioner Marcellino A. Ortiz. Second by Commissioner June Garcia. Motion carried.

11. SAN MIGUEL COUNTY DETENTION CENTER - LUNA COMMUNITY COLLEGE - ABE/GED/WORK READINESS PROGRAM - STATISTICAL AND INFORMATIONAL PRESENTATION.

(Backup)

Warden/Facility Administrator Patrick Snedeker presented statistical and general information to the San Miguel County Commission, specific to the San Miguel County Detention Center - Luna Community College, ABE/GED/Work Readiness Program.

No action taken: Informational Presentation only

12. MEMORANDUM OF UNDERSTANDING - NEW MEXICO HIGHLANDS UNIVERSITY AND THE SAN MIGUEL COUNTY DETENTION CENTER - GED TESTING FOR DETAINEES.

(Backup)

Warden/Facility Administrator Patrick Snedeker presented the Memorandum of Understanding, by and between New Mexico Highlands University and the San Miguel County Detention Center; providing for GED testing for detainees; presented for commission review and approval. The cost for each eligible detainee is \$55.00; and is provided for within the approved detention center FY 2010 budget.

Warden Snedeker requested the Commission review and approve the Memorandum of Understanding as presented.

Motion to approve Memorandum of Understanding by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carries.

13. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF AUGUST 2009

(Backup)

Interim Public Works Division Supervisor Daniel Encinias reviewed with Commission the San Miguel County Public Works monthly report for the month of August.

Mr. Encinias advised the Commission of the on going road repairs that are taking place.

Discussion ensued

No action taken. For information purposes only

14. AUTHORIZATION FOR STAFF TO ENTER INTO NEGOTIATIONS AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR COMMERCIAL WELDING SERVICES FOR SAN MIGUEL COUNTY

(Backup)

Interim Public Works Division Supervisor Daniel Encinias advised the Commission that San Miguel County recently solicited Proposals for Commercial Welding Services for county buildings and solid waste equipment. A total of two (2) proposals were submitted from interested welding contractors: Roybal's Construction and Welding and D.A.G. Enterprises. A committee of County Personnel reviewed the proposals and Roybal's Construction and Welding was ranked the highest.

Mr. Encinias requested authorization to enter into negotiations and execute a Professional Services Agreement with Roybal's Construction and Welding for Welding Services for San Miguel County.

Motion to allow staff to enter negotiations with Roybal's Construction and welding by Commissioner Nicolas T. Leger. Second by Commissioner Albert Padilla. Motion carried.

15. COMPETITIVE BIDS FOR THE PURCHASE OF ONE OR MORE USED 2003 YEAR MODEL OR NEWER BELLY DUMP TRAILER (Backup)

Interim Public Works Division Supervisor Daniel Encinias Advised the Commission that San Miguel County has a Legislative Appropriation in the amount of \$30,000.00 for the purpose of purchasing Equipment for the Public Works Division. There has also been a set aside created by the County Commission, Manager, and Finance Division Supervisor for purchase of equipment for the Gravel Crusher Operation. The current need for equipment consists of semi trucks and trailers that will be utilized to haul material from the Gravel Crusher to County Roads. A Request for Bids was being submitted for the purpose of purchasing one (1) or more used 1999 Year Model or New Belly Dump Trailers.

Mr. Encinias requested the Commission authorize Staff to proceed with the Request for Bids as submitted.

Motion to authorize and proceed with the Request for Bids for the purchase of one or more used 1999 Year Model or Newer Belly Dump Trailers by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

16. COMPETITIVE BIDS FOR THE PURCHASE OF ONE OR MORE USED 2003 OR NEWER YEAR MODEL SEMI TRACTOR TRUCK/CHASSIS (Backup)

Interim Public Works Division Supervisor Daniel Encinias advised the Commission that San Miguel County has a Legislative Appropriation in the amount of \$30,000.00 for the purpose of purchasing Equipment for the Public Works Division. There has also been a set aside created by the County Commission, Manager, and Finance Division Supervisor for purchase of equipment for the Gravel Crusher Operation. The current need for equipment consists of semi trucks and trailers that will be utilized to haul material from the Gravel Crusher to County Roads. A Request for Bids is being submitted for the purpose of purchasing one (1) or more used 1999 Year Model or New Semi Tractor-Truck/Chassis.

Mr. Encinias requested the Commission authorize Staff to proceed with the Request for Bids as submitted.

Motion to authorize and proceed with the Request for Bids for the purchase of one or more used 1999 Year Model or Newer Semi Tractor-Truck/Chassis by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

17. REQUESTING THE CANCELLATION OF REQUEST FOR PROPOSAL FOR ELECTRICAL SERVICES RECEIVED ON AUGUST 12, 2009 AND AUTHORIZING STAFF TO RE-ADVERTISE FOR A NEW REQUEST FOR PROPOSAL

(Backup)

Interim Public Works Division Supervisor Daniel Encinias advised the Commission that The County Public Works and Detention Center Divisions have a need for Emergency Electrical Services from a New Mexico Licensed Electrician related to Building facilities within these two divisions. The Extension of Contract with De Sena Electric for Electrical Services was not approved at the July 14, 2009 County Commission Meeting and it was recommended to advertise Proposals for Electrical Services. Proposals were opened on August 12, 2009. Proposals were received by only two (2) Electrical Contractors.

Mr. Encinias requested that in order to get a better pool of Electrical Contractors, staff is requesting for the County Commission to cancel the Request for Proposals and reject the proposals received on August 12, 2009 and authorize staff to re-advertise a Request for Proposals for Electrical Services.

Motion to cancel the Request for Proposal and proposals received on August 12, 2009 and authorize staff to re-advertise for Proposals for Electrical Services by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

18. REQUESTING THE REJECTION OF PROPOSALS FOR PLUMBING, HEATING, VENTILATION, AND AIR-CONDITIONING (HVAC) SERVICES RECEIVED ON MARCH 18, 2009 AND AUTHORIZING STAFF TO RE-ADVERTISE FOR A NEW REQUEST FOR PROPOSAL

(Backup)

Interim Public Works Division Supervisor Daniel Encinias advised the Commission that The County Public Works and Detention Center Divisions 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 for these services on an as-needed basis, staff received authorization by the County Commission to advertise a Request for Proposals for Plumbing, Heating, Ventilation, and Air-Conditioning Services back in February 2009. Proposals were opened on March 18, 2009. Proposals were received by four (4) Plumbing Contractors. A committee of County Personnel reviewed the proposals and determined that none of the contractors met the criteria requested in the specifications of the proposal.

Mr. Encinias requested the Commission reject the Proposals received on March 18, 2009 and authorize staff to re-advertise for a Request Proposals for Plumbing, Heating, Ventilation, and Air-Conditioning (HVAC) Services

County Manager Les Montoya also requested that separate RFP's be proposed for Plumbing services and Heating/Cooling (HVAC) services.

Motion to reject the Proposals received on March 18, 2009 and authorize staff to re-advertise for separate Proposals for Plumbing, Heating, Ventilation, and Air-Conditioning (HVAC) Services by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

19. TRAILER RENTAL SPACE AGREEMENT WITH PECOS INDEPENDENT SCHOOL DISTRICT FOR FISCAL YEAR 2009-2010

(Backup)

County Manager Les Montoya advised the Commission that the County has a trailer home located on Pecos School property. The School District required by Agreement, lease of the land at a cost of \$1,800 per year. The trailer is provided as housing for the Sheriff Deputy assigned to the Pecos area.

Mr. Montoya requested the Commission review agreement and consider approval.

Motion to approve trailer rental space agreement by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

20. RESOLUTION 2009-9-1-09-CM-CA REQUESTING A MATCH WAIVER AND APPROVING THE 2009-10 COUNTY ARTERIAL COOPERATIVE FUNDING AGREEMENT

(Backup)

County Manager Les Montoya advised the Commission that the Department of Transportation (DOT) provided notice through funding agreements that the County will be funded \$91,578.00 from 2009-10 County Arterial Cooperative Funding for a road improvement project in San Miguel County. DOT offers a project match waiver program and requires a resolution to apply for said waiver .

Mr. Montoya requested the Commission review funding agreement and consider approving the resolution requesting a match waiver for San Miguel County for the County Arterial Cooperative funding agreement match. Match requirement is \$30,526.00.

Discussion ensued.

Motion to approve the 2009-10 Funding agreement and approve the resolution authorizing the request of a waiver of a project match requirement by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

21. RESOLUTION 2009-9-8-09 CM-BUS ROUTE REQUESTING A MATCH WAIVER AND APPROVING THE 2009-10 COUNTY SCHOOL BUS ROUTE FUNDING AGREEMENT

(Backup)

County Manager Les Montoya advised the Commission that the Department of Transportation (DOT) provided notice through funding agreement that the County will be funded \$64,596.14 from the 2009-10 School Bus Route funding for road improvement projects in San Miguel County. DOT offers a project match waiver program and requires a resolution to apply for said waiver.

Mr. Montoya requested the Commission review the funding agreement and consider approving the resolution requesting a match waiver for San Miguel County for the School Bus Route funding agreement match. Match requirement is \$21,532.05

Motion to approve the 2009 -10 funding agreement and approve the resolution authorizing the request of a project match requirement by Commissioner Marcellino A. Ortiz. Second by Commissioner June Garcia. Motion carried.

22. RESOLUTION 2009-9-8-09-CM REQUESTING A MATCH WAIVER. AND APPROVING THE 2009-10 COUNTY COOPERATIVE FUNDING AGREEMENT

(Backup)

County Manager Les Montoya advised the Commission that the Department of Transportation (DOT) had provided notice through funding agreements that the County will be funded \$50,810.50 from 2009-10 COOPERATIVE funding for road improvement projects. DOT offers a project match waiver program and requires a resolution to apply for said waiver.

Mr. Montoya requested the Commission review the Funding Agreement and consider approving the resolution requesting a match waiver for San Miguel County for the County Cooperative Funding Agreement Match. Match requirement is \$16,936.85.

Motion to approve the 2009 Funding Agreement and approve the Resolution authorizing the request of a project match requirement by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

23. SAN MIGUEL COUNTY MANAGER'S REQUEST TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF CONVENIENCE CENTER OPERATOR AT THE CAMP LUNA CONVENIENCE CENTER AS PER THE RECOMMENDATION OF DANIEL ENCINIAS, INTERIM PUBLIC WORKS SUPERVISOR.

RECOMMENDATION TO RATIFY AND HIRE PROBATIONARY EMPLOYEE:

BLAS DURAN - CONVENIENCE CENTER OPERATOR - DATE OF HIRE: SEPTEMBER 5, 2009 - PROBATIONARY SALARY: \$16,150.00

(Backup) [\(Backup\)](#)

County Manager Les Montoya asked approval to ratify the hiring of Mr. Blas Duran as a Convenience Center Operator to be placed at the Camp Luna Convenience Center.

Motion to ratify the hiring of Mr. Blas Duran as a Convenience Center Operator to be placed at the Camp Luna Convenience Center by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

24. 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 *

(Backup)

RECOMMENDATION TO HIRE PROBATIONARY EMPLOYEES:

Marisela Garcia	Detention Officer	Salary: \$20,900.00 Annually
Ismael Rivera	Detention Officer	Salary: \$20,900.00 Annually

County Manager Les Montoya advised the Commission that Detention Officer Positions are vacant due to vacancies within the Detention Center.

Mr. Montoya requested the Commission ratify the hiring of the above individuals as Detention Officers for the San Miguel County Detention Center.

Motion to ratify the hiring of the above individuals as Detention Officers for the San Miguel County Detention Center by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

25. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF AUGUST 2009 *

(Backup)

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

Mr. Montoya requested the Commission ratify and approve the personnel changes that have taken place during the month of August 2009.

Motion to ratify and approve the personnel changes that have taken place during the month of August 2009 by Commissioner Albert Padilla. Second by Commissioner June Garcia. Motion carried.

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

26. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$23,443.86 AND INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT IN THE AMOUNT OF \$1,964.98

(Backup)

Finance Division Supervisor Melinda Gonzales advised the Commission that 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.

Ms. Gonzales requested that the Commission review and approve indigent claims listed above.

Motion to approve indigent claims for Alta Vista Hospital in the amount of \$24,433.86 and for Christus St. Vincent in the amount of 1,964.98 by Commissioner Albert Padilla. Second by Commissioner June Garcia. Motion carried.

27. APPEAL OF DENIED INDIGENT CLAIM #1027

(Backup)

Finance Division Supervisor Melinda Gonzales advised the Commission that on July 14, 2009, indigent claim #1027 was presented to the commission with the recommendation to deny based on the claim exceeding the 90 day limit. The claim is in the amount of \$1,556.03 to Christus St. Vincent Hospital.

Ms. Gonzales requested the Commission approve indigent claim # 1027 based on the delay being of the Hospital.

Motion to approve indigent claim # 1027 in the amount of \$1,556.03 to Christus St. Vincent Hospital by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

28. BUDGET RESOLUTION 2009-09-08-F1

(Backup)

Finance Division Supervisor Melinda Gonzales advised the Commission of the budget adjustments related to the state allotment carryover approval from the State Fire Marshall. Budget adjustment to account for increased costs of Animal Services and Solid Waste Tipping Fees. Budget adjustment to account for an Energy and Mineral Natural Resource Grant.

Ms. Gonzales reviewed and discussed with the Commission the adjustments requested.

Ms. Gonzales requested the Commission approve Budget Resolution 2009-09-F1.

Motion to approve Budget Resolution 2009-09-F1 by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

29. CASH BALANCE REPORT *

(Backup)

Finance Division Supervisor Melinda Gonzales informed the County Commissioners of the August 27, 2009 cash balances.

For information only: No action taken

30. ACCOUNTS PAYABLE LISTING *

(Backup)

Finance Division Supervisor Melinda Gonzales advised the Commission of the report of payments since the last regular meeting, and submitted for approval of all accounts payable.

Motion to approve accounts payable by Commissioner June Garcia. 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 June Garcia to retire into Executive/Closed Session at 3:30 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Albert Padilla. 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 June Garcia made a motion to return to regular session at 4:00 P.M. Second by Commissioner Marcellino A. Ortiz. Motion carried.

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

ADJOURNMENT

Commissioner June Garcia made motion to adjourn. Second by Commissioner Albert Padilla. Motion carried. The meeting ended at 4:02 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 September 08, 2009.

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: Javier L. Lopez

