



*Paul Maez
BOE Supervisor*

*Geraldine E. Gutierrez
Chief Deputy*

*Martha Sena
Deputy Clerk*

County Clerk

Melanie Y. Rivera



*Michelle Padilla
Deputy Clerk*

*Javier Lopez
Deputy Clerk*

*Ebeny Mondragon
Probate Deputy Clerk*



PUBLIC NOTICE

CALL TO ORDER

The San Miguel County Board of Commissioners held a regular monthly County Commission meeting on December 8, 2009 at 1:30 p.m.; during the meeting a County Board of Finance Meeting was held.

The meeting took place 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

County Manager Les Montoya submitted the agenda as presented but requested to move items 20 thru 23 as first items on the agenda.

Motion to approve agenda as presented and amended, by Commissioner Albert Padilla. Second by Commissioner June Garcia. Motion carried.

APPROVAL OF MINUTES: Special Meeting November 20, 2009 ([Backup](#)) and Regular Meeting November 10, 2009([Backup](#))

Motion to approve minutes for Special Meeting held November 20, 2009 by Commissioner June Garcia. Second by Commissioner Marcellino A. Ortiz. Motion carried.

Motion to approve minutes for Regular Meeting held November 10, 2009 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

INTRODUCTION OF NEW EMPLOYEES:

County Manager Les Montoya introduced the following employees to the County Commission.

Harold Garcia (Probationary Employee)	Public Service Forman	Public Works Division
Loretta Saiz (Probationary Employee)	Administrative Assistant	Public Works Division
Ignacio Rudy Salazar (Probationary Employee)	Equipment Operator II	Public Works Division
Robert Roybal (Probationary Employee)	Equipment Operator II	Public Works Division
Michael Wheeler (Probationary Employee)	Equipment Operator II	Public Works Division
Daniel Martinez (Probationary Employee)	Maintenance Worker II	Public Works Division

***INFORMATIONAL PRESENTATION -RECOGNITION SAN MIGUEL
COUNTY DETENTION CENTER OFFICERS COMPLETING
1ST HEALTH CARE TRAINING
BY MS. RITA TORRES, CEO, HEALTHCARE PARTNERS FOUNDATION,
INC,***

Warden Patrick Snedeker introduced Mark Maestas from Health care Partners Foundation Inc. who presented the following individuals who completed the 1st Health care Training with a certificate of completion.

Adam Cordova, Amanda Garcia, Maricela Garcia, Crystal D. Garcia, Beverly Maestas, Monica Martinez, Angela Martinez and Denise Patron.

***PRESENTATION ON THE BAN OF OIL AND GAS INDUSTRY
IN ANY FORM IN SAN MIGUEL COUNTY AND THE STATE
BY SARAH MOORE AND MIGUEL PACHECO***

Presenters not present

***PRESENTATION ON THE WATER QUALITY
IN OUR REGIONAL AQUIFER
AND PRESENTATION ON OUR CONSTITUTIONS, US AND STATE
BY CATHERINE MONTANO***

Presenters not present

***PRESENTATION OF RETIREMENT PLAQUE TO JOE ROBERT URBAN
UNDER SHERIFF SAN MIGUEL COUNTY SHERIFF'S
DEPARTMENT IN RECOGNITION AND HONOR OF 24 YEARS OF
SERVICE IN LAW ENFORCEMENT AND SERVICE TO THE
RESIDENTS OF SAN MIGUEL COUNTY***

Chairman David Salazar presented Undersheriff Urban on behalf of the Board of County Commissioners a retirement plaque.

Mr. Salazar thanked Mr. Urban for his dedication and hard work as Undersheriff for the County of San Miguel.

NEW BUSINESS:

1. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$45,422.26 AND \$39,898.16

(Backup) (Backup)

Finance 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.

Alta Vista Hospital CEO Richard Grogan explained how the indigent fund works in conjunction with the County and also explained how it affects the Hospital.

Mr. Grogan also explained how certain charges are determined per procedure and answered various questions from the Commission.

Mr. Grogan answered various questions pertaining to the Union within the hospital. In addition, Mr. Grogan explained the status to date and explained the reasons why there is no progress at this point.

Discussion ensued.

Motion to approve indigent claims to Alta Visa Hospital in the amounts of \$45,422.26 and \$39,898.16 by Commissioner Marcellino A. Ortiz. Second by Commissioner Albert Padilla. Motion carried.

2. INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT IN THE AMOUNT OF \$31,519.99

[\(Backup\)](#)

Finance Supervisor Melinda Gonzales advised 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 introduced Christus St. Vincent CEO Alex Valdez who requested approval of indigent claims and in addition answered various questions from the Commission and explained how indigent claims worked in conjunction with San Miguel County.

Discussion ensued

Motion to approve indigent claims to Christus St. Vincent in the amount of \$31,519.99 by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

3. FISCAL YEAR/2011 REQUEST FOR SOLE COMMUNITY HOSPITAL PAYMENT

[\(Backup\)](#)

Finance Supervisor Melinda Gonzales advised and explained that Christus St. Vincent has submitted their FY10/11 Sole Community Request. The amount of the request is \$155,406.16 which is \$1,002.84 less than the amount funded in FY09/10. The County's share of the request is approximately \$46,011.21 and the remaining amount will be matched by federal funds.

Ms. Gonzales advised that Alta Vista Hospital would have the same request at the next regular meeting and Commissioner Leger suggested tabling the item and reviewing both requests from both hospitals.

Motion to table item for the January regular meeting by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

4. BURIAL CLAIM IN THE AMOUNT OF \$441.13

[\(Backup\)](#)

Finance Supervisor Melinda Gonzales advised the commission that the Finance office received an Affidavit for Payment of Indigent Burial. The applicant paid Gonzales Funeral Home \$200 for the burial of his mother leaving a balance due of \$441.13. Per the affidavit, the affiant is stating that at the time of his mother's death she had no property, real or personal and her estate is insufficient to cover the cost of the burial. The affiant further attests that he is unaware of any other individual who has funds to pay for the burial and that he himself is without funds or other assets to pay for the [remaining balance] burial.

Ms. Gonzales requested the commission review the burial claim in the amount of \$441.13 and submitted for approval.

Motion to approve burial claim in the amount of \$441.13 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

5. COUNTY TREASURER'S MONTHLY REPORT

[\(Backup\)](#)

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

No action taken. For information purposes only.

6. NEW MEXICO TRAFFIC PROJECT SELECTIVE TRAFFIC ENFORCEMENT (S.T.E.P.) \$2,746.80, OCTOBER 1, 2009 TO SEPTEMBER 30, 2010

[\(Backup\)](#)

County Manager Les Montoya advised the Commission that the San Miguel County Sheriff Department has received this over-time pay grant for the last eight years to do traffic enforcement.

Mr. Montoya requested the Commission review and submitted for approval.

Motion to approve the New Mexico Traffic Project Fund in the amount of \$2,746.80 by Commissioner Albert Padilla. Second by Commissioner June Garcia. Motion carried.

7. SMC RESOLUTION NO. 12-08-09-WASTEWATER LOAN FUNDS, PROPOSING AN ORDINANCE TO AMEND THE PREVIOUS ORDINANCE (NO. 10-14-09-WASTEWATER LOAN FUNDS) AUTHORIZING THE COUNTY TO ENTER INTO A LOAN AGREEMENT WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT FOR THE PURPOSE OF OBTAINING WASTEWATER CONSTRUCTION LOAN FUNDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$95,000.00

(Backup)

County Manager Les Montoya advised the Commission that at its October meeting, the County Commission enacted Ordinance No. 10-14-09-WASTEWATER LOAN FUNDS, which became effective November 18 2009, which Ordinance authorizes a loan of \$95,000.00 from the NMED for the construction of a wastewater treatment system, but that Ordinance provides that repayment of the loan will be from the “net revenues” of the system. Because the County does not have an existing wastewater treatment system, the NMED has determined a different special funds must be dedicated for repayment of the loan. The County has available for this purpose, its capital outlay and infrastructure gross receipts taxes, and the Resolution proposes that the previous Ordinance be amended, pledging the foregoing gross receipts taxes for repayment of the loan. The Resolution provides that the amendment of the previously adopted ordinance, be adopted by the County Commission at its January 12 2010, meeting, or such other meeting as may be necessary, after notice and hearing as required by law.

Mr. Montoya requested the Commission review resolution and submitted Resolution No. 12-08-09-WASTEWATER LOAN FUNDS.

Motion to approve and adopt Resolution No. 12-08-09-WASTEWATER LOAN FUNDS by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

8. SMC RESOLUTION NO. 12-08-09-NATURAL RESOURCES, PROPOSING AN ORDINANCE IMPOSING A ONE-YEAR MORATORIUM ON THE EXPLORATION AND EXTRACTION OF OIL AND GAS AND GEOTHERMAL ENERGY IN SAN MIGUEL COUNTY.

(Backup)

County Manager Les Montoya and County Attorney Jesus Lopez advised the Commission that at its October meeting, the County Commission directed staff to begin work on a moratorium relating to oil and gas exploration in the county. The Commission expressed concern that the County regulations in this area were very out-dated and needed to be revised and up-dated, and that during the revision and amendment process, a moratorium should be imposed. Following that direction, county staff proposes a Resolution allowing the Commission to consider at its January 2010 meeting, a moratorium ordinance.

Mr. Lopez advised the Commission of the proper legal direction the Commission must to take on this issue.

Discussion ensued.

Mr. Montoya and Mr. Lopez submitted SMC RESOLUTION NO. 12-08-09-NATURAL RESOURCES, proposing the adoption of a moratorium ordinance for oil and gas and geothermal exploration for Commission approval.

Motion to approve and adopt SMC RESOLUTION NO. 12-08-09-NATURAL RESOURCES by Commissioner Albert Padilla. Second by Commissioner June Garcia. Motion carried.

9. REQUEST TO APPROVE HOT WORKS POLICY ADMINISTRATIVE REGULATION ADM-R-12-08-09-HW

(Backup)

SMC Safety Coordinator Amber M. Trujillo advised the Commission that the New Mexico Association of Counties is requiring all Counties to adopt a Hot Works Policy to assist in the Safety of all employees engaging in work that may ignite a fire.

Mrs. Trujillo requested the Commission approve Administration Regulation ADM-R-12-08-09-HW setting Hot Works Policy in San Miguel County.

Motion to approve Administration Regulation ADM-R-12-08-09-HW by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

10. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF NOVEMBER 2009

[\(Backup\)](#)

County Manager Les Montoya discussed and reviewed the San Miguel County Public Works Division monthly report. The report includes any maintenance including blading of county roads and/or special projects with county roads that are addressed.

No action taken, for information purposes only.

11. EXTENSION AGREEMENT FOR THE CONFINEMENT OF PRISONERS - TOWN OF TAOS, NM AND SAN MIGUEL COUNTY, NM

[\(Backup\)](#)

Warden Patrick W. Snedeker advised the Commission that the extension (Second Extension), by and between San Miguel County, NM and Town of Taos, NM; for the confinement and care of Taos detainees, at the San Miguel County Detention Center; and presented to the San Miguel County Commission for approval. The cost per day per detainee is \$65.00, with a \$20.00 booking fee. The Extension Agreement has been approved by the Town of Taos Town Council.

Motion to approve Extension Agreement by and between San Miguel County and the Town of Taos by Commissioner June Garcia. Second by Commissioner Marcellino A. Ortiz. Motion carried.

12. EXTENSION AGREEMENT FOR THE CONFINEMENT OF PRISONERS - MORA COUNTY, NM AND SAN MIGUEL COUNTY, NM

[\(Backup\)](#)

Warden Patrick W. Snedeker advised the Commission that the extension (Fourth Extension), by and between San Miguel County, NM and Mora County, NM; for the confinement and care of Mora County detainees, at the San Miguel County Detention Center; and presented to the San Miguel County Commission for approval. The cost per day per detainee is \$65.00, with a \$20.00 booking fee. The Extension Agreement has been approved by the Mora County Board of County Commissioners.

Motion to approve Extension Agreement by and between San Miguel County and Mora County by Commissioner Marcellino A. Ortiz. Second by Commissioner June Garcia. Motion carried.

13. REQUESTING AUTHORIZATION TO SOLICIT BIDS FOR THE PURCHASE OF A MOBILE CASCADE TRAILER

(Backup)

Emergency Manager Dennis English advised the Commission that San Miguel County/ Las Vegas Office of Emergency Management received a grant in the amount of \$115,000.00 for three projects through New Mexico Department of Homeland Security under the State Homeland Security Grant Program for the year 2009. One of the specified projects was the purchase of a mobile cascade trailer for firefighting assistance.

Mr. English requested authorization to solicit bids for the purchase of a mobile cascade trailer.

Motion to authorize solicitation of bids for the purchase of a mobile cascade trailer by Commissioner Albert Padilla. Second by Commissioner June Garcia. Motion carried.

14. REQUESTING AUTHORIZATION TO SOLICIT PROPOSALS FOR PROFESSIONAL SERVICES FOR COMPLETING A CONTINUITY OF OPERATIONS PLAN FOR THE SAN MIGUEL COUNTY AND LAS VEGAS AREA

(Backup)

Emergency Manager Dennis English advised the Commission that San Miguel County/ Las Vegas Office of Emergency Management received a grant in the amount of \$115,000.00 for three projects through New Mexico department of Homeland Security under the State Homeland Security Grant Program for the year 2009. One of the specified projects was a contract to complete a Continuity of Operations Plan for the San Miguel County and Las Vegas area.

Mr. English requested authorization to request proposals for professional services to complete a Continuity of Operations Plan for the San Miguel County and Las Vegas area.

Motion to authorize request proposals for professional services to complete Continuity of Operations Plan for San Miguel County and Las Vegas area by Commissioner June Garcia. Second by Commissioner Albert Padilla. Motion carried.

15. MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND SAN MIGUEL COUNTY ESTABLISHING A DISCOUNT PROGRAM FOR STAFF OF SAN MIGUEL COUNTY FOR USE OF THE CITY OF LAS VEGAS ABE MONTOYA RECREATION CENTER

[\(Backup\)](#)

County Manager Les Montoya advised the Commission that County staff is interested in utilizing the City's Recreation Center. The City is willing to offer discount membership fees to County Employees. The MOU presents the terms and dues for utilization of the Recreation Center by County Employees.

Mr. Montoya requested the Commission review the MOU and consider approving, authorizing the County role and responsibilities and acknowledging the discount rates to be paid by employees.

Discussion ensued.

Motion to approve Memorandum of Understanding between the City of Las Vegas and San Miguel County for use of Recreation Center by Commissioner Nicolas T. Leger. Second by Commissioner Marcellino A. Ortiz. Motion carried.

16. PROFESSIONAL SERVICES AGREEMENT FOR LEGAL SERVICES TO SAN MIGUEL COUNTY

[\(Backup\)](#)

County Manager Les Montoya advised the Commission that the County advertised to solicit Proposals for Legal Services for San Miguel County and received 3 Proposals. The recommendation was made to extend Legal Services through a Professional Services Agreement with Mr. Jesus L. Lopez.

Mr. Montoya requested approval of Professional Service Agreement for Legal Service with Mr. Jesus L. Lopez as per recommendation of Chairman David R. Salazar and Commissioner Nicolas T. Leger.

Motion to approve Professional Services Agreement for Legal Services and execute same with Mr. Jesus L. Lopez for four years at an annual compensation of \$67,500 plus Gross Receipts Tax by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

On behalf of the Board of County Commissioners, Chairman David R. Salazar thanked Mr. Lopez for all the years of service.

Mr. Lopez thanked the County Commission for all the years of service and expressed his passion for the service he provides.

**17. 2008-09 COOPERATIVE AGREEMENT AMENDMENTS TO THE COUNTY
ARTERIAL PROJECT CAP-4-09(404) CONTRACT NO. D1250311**

[\(Backup\)](#)

County Manager Les Montoya requested the Commission ratify the First Amendment to 2008-09 Cooperative Agreement, to extend project completion to December 31, 2009 from December 31, 2010 and County Arterial Project and complete road work on Harris Road.

Mr. Montoya requested the Commission review the agreement and ratify the amendments executed by the County Manager.

Motion to ratify Agreement Amendments and authorize County Manager to execute Agreement by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**18. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO APPROVE
THE GOVERNING HOLIDAYS FOR THE CALENDAR YEAR 2010**

[\(Backup\)](#)

County Manager Les Montoya advised the Commission of Resolution number SMC-RES-12-08-2009-HR Governing Holidays for 2010 and presented to the Board of San Miguel County Commissioners for approval.

Motion to approve Resolution SMC-RES-12-08-2009-HR Governing Holidays for calendar year 2010 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**19. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO APPROVE
THE INDEPENDENT CONTRACTOR AGREEMENT WITH THE
SAFETY INSTITUTE FOR 2010**

[\(Backup\)](#)

County Manager Les Montoya advised the Commission that the Independent Contractor Agreement with the Safety Institute is being submitted for renewal. The Safety Institute has been providing the Third Party Administration of the San Miguel County Drug & Alcohol Policy and the Mobil on site Random Drug and Random Breath Alcohol Testing also all of San Miguel County Pre-Employment Drug Testing.

Mr. Montoya requested the Commission approve and renew the Independent Contractor Agreement with the Safety Institute for 2010.

Motion to approve and renew the Independent Contractor Agreement with the Safety Institute for 2010 by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

20. SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE NEW POSITION OF WILDLAND FIRE COORDINATOR WITH THE SAN MIGUEL COUNTY FIRE DIVISION AS PER THE RECOMMENDATION OF RUSSELL PACHECO, SAN MIGUEL COUNTY FIRE CHIEF

RECOMMENDATION TO HIRE:

EXEMPT EMPLOYEE:

KENNETH C. MEDINA JR. - WILDLAND FIRE COORDINATOR - EFFECTIVE DATE OF HIRE: DECEMBER 14, 2009 - ANNUAL SALARY: \$25,000.00

(Backup)

County Manager Les Montoya advised the Commission that a new position was created through the San Miguel County Fire Division due to a grant that was received from Energy Minerals and Natural Resources Department to pay for the newly created position. The Wildland Fire Coordinator will be responsible for implementation of the San Miguel County Community Wildland fire management activities. This is an exempt position and this individual will be responsible to the San Miguel County Fire Chief.

Mr. Montoya requested approval to hire Mr. Kenneth Medina Jr. to fill the newly created position of Wildland Fire Coordinator with the San Miguel County Fire Division as per the recommendation of San Miguel County Fire Chief Russell Pacheco.

Motion to hire and ratify Mr. Kenneth Medina Jr. to fill the newly created position of Wildland Fire Coordinator with the San Miguel County Fire Division by Commissioner Albert Padilla. Second by Commissioner Marcellino A. Ortiz. Motion carried.

County Fire Chief Russell Pacheco advised the Commission the reasoning for implementing the position as well as the hiring process that was taken for the applicants.

21. COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF MAINTENANCE WORKER I WITH THE SAN MIGUEL COUNTY PUBLIC WORKS DIVISION AS PER THE RECOMMENDATION OF DANIEL ENCINIAS, INTERIM PUBLIC WORKS SUPERVISOR

RECOMMENDATION TO RATIFY AND HIRE:

PROBATIONARY EMPLOYEE:

DANIEL MARTINEZ - MAINTENANCE WORKER I - DATE OF HIRE: NOVEMBER 23, 2009 - PROBATIONARY SALARY: \$16,150.00

[\(Backup\)](#)

County Manager Les Montoya advised the Commission that the Maintenance Worker I position was vacant due to the promotion of David Lucero to Crusher Plant Equipment Operator II and also due to the reorganization of the Public Works Division

Mr. Montoya requested the Commission approve and ratify the hiring of Mr. Daniel Martinez as the new Maintenance Worker I.

Motion to approve and ratify the hiring of Mr. Daniel Martinez as the new Maintenance Worker I by Commissioner June Garcia. Second by Commissioner Marcellino A. Ortiz. Motion carried.

22. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF NOVEMBER 2009

[\(Backup\)](#)

County Manager Les Montoya advised the Commission of the personnel changes which have taken place in San Miguel County for the month of November 2009 and submitted for ratification and approval by the San Miguel County Board of Commissioners.

Motion to ratify and approve the personnel changes that have taken place during the month of November 2009 by Commissioner June Garcia. Second by Commissioner Nicolas T. Leger. Motion carried.

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

23. BUDGET RESOLUTION 2009-12-08-F1

(Backup)

Finance Supervisor Melinda Gonzales reviewed and discussed the Budget adjustment for the American Recovery and Reinvestment Act - Waste Water Project. The grant is in the amount of \$405,000 and the loan is in the amount of \$95,000. Budget adjustment for the Courthouse Remodel in the amount of \$25,000.

Ms. Gonzales requested review and approval of Budget Resolution 2009-12-08-F1. Motion to approve by Commissioner Nicolas T. Leger. Second by Commissioner Marcellino A. Ortiz. Motion carried.

24. NOVEMBER 25, 2009 CASH BALANCE REPORT

(Backup)

Finance Division Supervisor Melinda Gonzales reviewed and informed the County Commissioners of the November 25, 2009 cash balances.

No action taken. Information only.

25. ACCOUNTS PAYABLE LISTING

(Backup)

Finance Division Supervisor Melinda Gonzales advised and submitted to the County Commission payments since the last regular meeting.

Ms. Gonzales requested the approval of accounts payable by the County Commission.

Motion to approve accounts payable by Commissioner Albert Padilla. Second by Commissioner June Garcia. 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 4:10 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 Albert Padilla made a motion to return to regular session at 4:45 P.M. Second by Commissioner Marcellino A. Ortiz. 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 June Garcia made motion to adjourn. Second by Commissioner Albert Padilla. Motion carried. The meeting ended at 5:30 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 December 8, 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