



# COUNTY CLERK

## Melanie D. Rivera

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Marcellino A. Ortiz  
Commissioner - District 2

Albert J. Padilla  
Commissioner - District 3

Nicolas T. Leger  
Commissioner - District 5

Les Montoya  
County Manager

### MINUTES OF REGULAR MONTHLY MEETING OF SAN MIGUEL COUNTY BOARD OF COMMISSIONERS HELD TUESDAY, MARCH 15, 2011, BEGINNING AT 9:00 A.M.

#### CALL TO ORDER

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday, March 15, 2011, beginning at 9:00 a.m. The meeting convened at the County Commission Chambers, San Miguel County Courthouse, 2<sup>nd</sup> floor, 500 West National Ave., Suite 200, Las Vegas, New Mexico 87701.

#### ROLL CALL:

Upon a call of the roll, Chairman David R. Salazar, Vice-Chairman Nicolas T. Leger, and Commissioners Marcellino A. Ortiz, Ron R. Ortega and Arthur J. Padilla were all present and in attendance, and a quorum was duly noted by Chairman Salazar.

#### PLEDGE OF ALLEGIANCE AND SALUTATION TO NM STATE FLAG

Commissioners, staff and citizens in attendance joined in the pledge and salute.

#### CHANGE OF MEETING LOCATION

Chairman Salazar noted that an overflow crowd might be in attendance at today's meeting, and advised the public that the meeting would, therefore, be moved to the Student Union Building on Baca Avenue at New Mexico Highlands University. Upon inquiry from some members in the audience, Chairman Salazar and staff informed all in attendance of the exact location of the Student Union Building.

At 9:05 a.m., a motion was made by Commissioner Padilla to recess the meeting temporarily for the purpose of reconvening the meeting at the Student Union Building on Baca Avenue at New Mexico Highlands University. Upon a second by Commissioner Ortega, the motion carried. **(Unless otherwise indicated, all motions were approved by unanimous voice vote of the Commission).**

At 9:32 a.m. the regular monthly meeting of the San Miguel County Board of Commissioners reconvened at the ballroom of the Student Union Building at New Mexico Highlands University, and the same was called to order by Chairman Salazar.

## **APPROVAL OF AGENDA**

County Manager Les Montoya asked that Item 18 be moved to the beginning of the Agenda, following the hearing on the proposed wind ordinance, and noting the change, Commissioner Padilla moved approval of the Agenda, and upon a second by Commissioner Ortega, the Agenda was approved by the Commission.

## **APPROVAL OF MINUTES**

Motion by Commissioner Ortiz to approve the minutes of the regular monthly meeting held February 8, 2011. Second by Commissioner Ortega. Motion carried.

Motion by Commissioner Padilla to approve the minutes of the special meeting (mid-year budget hearing) held February 22, 2011. Second by Commissioner Ortega. Motion carried.

## **SAN MIGUEL COUNTY COMMISSION REGULAR MEETING**

### **1. FINAL PASSAGE AND ADOPTION OF WIND ENERGY FACILITY ORDINANCE TO BE DESIGNATED AS SAN MIGUEL COUNTY ORDINANCE NO. 03-15-11-WIND, AFTER NOTICE AND HEARING AS REQUIRED BY LAW**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that by Resolution No. 02-08-11, adopted by the County Commission at its regular monthly meeting held February 8, 2011, the Commission proposed the final passage and adoption of a wind energy facility ordinance, attached to said Resolution as Exhibit "A". The title and summary of the general subject matter of the proposed ordinance was published in the Las Vegas Optic on February 23, 2011, at least two weeks before today's public hearing, as required by Section 4-37-7, NMSA 1978.

Mr. Tafoya proceeded to recount the two-year process preceding today's hearing, concerning the formulation of the proposed ordinance, and the several meetings held concerning the same.

Whereupon, at 10:05 a.m., Chairman Salazar announced that the Commission would proceed to conduct a public hearing on the proposed wind energy facility ordinance, and announced also that anyone desiring to address the Commission concerning the proposed ordinance, was now invited to do so. The Chairman also noted that he would limit each presentation to two minutes..

Eric Meyerhofer then appeared before the Commission and requested more time than the 2 minute limit, noting that he was the designated spokesperson for several interested persons. Whereupon the Chairman granted Mr. Meyerhofer 20 minutes to make his presentation, and Meyerhofer proceeded to address the County Commission.

Following Mr. Meyerhofer's presentation, the following persons also addressed the Commission, each expressing their opinions and concerns about the proposed wind energy facility ordinance:

Pat Leahan, Art Baca, Larry Hill, Timothy Casey, Diana Culver, Gloria Gonzales, Rock Ulibarri, James Trigg, Louisa Quintana, Lisa Gamble, Bud Bradford, Gilbert Ortiz, Bill Madison, Benny Flores, Edward Rodriguez, Gloria Gonzales (second appearance), Catherine Montano, Keely Megan, and Lucia Quintana.

Whereupon, at 11:49 a.m., Chairman Salazar asked if anyone else would like to address the Commission, and noting that no one came forward, the Chairman announced that the public comment portion of the hearing/meeting had ended, thanking everyone for their presentations. The Chairman also noted that any submissions tendered by any person who spoke would be made part of the record maintained by the Planning & Zoning office in this matter.

Upon suggestion by Commissioner Leger that the Commission should recess for lunch, Commissioner Ortiz moved, and Commissioner Padilla seconded, that the Commission stand in recess until 1:30 p.m., and the motion carried.

At 1:30 p.m., Chairman Salazar reconvened the regular monthly meeting of the Board of County Commissioners and the meeting continued at the ballroom of the Student Union Building on the campus of New Mexico Highlands University on Baca Avenue.

Upon the invitation of Chairman Salazar, each Commissioner, including the Chairman, expressed his views and concerns generally about the proposed wind energy facility ordinance; whereupon the Commission proceeded to formally make changes to the proposed ordinance, as follows:

Motion by Commissioner Leger: At Definitions Section, under Subsection JJ, strike and delete the words **L 90 will be used to determine the existing (ambient) background sound level.** Upon a second by Commissioner Ortega, the motion carried upon a roll call vote, with all Commissioners voting in the affirmative.

Motion by Commissioner Leger: Add a new definition to Section 4, Definitions, as follows: **LEQ(H) is the hourly equivalent noise level, the measure of sound that accounts for the moment-to-moment fluctuations in A-weighted sound levels due to all sound sources during that hour, combined.** Upon a second by Commissioner Ortega, the motion carried upon a roll call vote, with all Commissioners voting in the affirmative.

Motion by Commissioner Leger: At Section 6.2(E)(i), strike and delete the existing language and insert in lieu thereof the following language: **An analysis of any noise levels within one (1) mile of the proposed facility using a generally accepted wide-area 24 hour unattended noise measurement methodology.** Upon a second by Commissioner Padilla, the motion carried upon a roll call vote, with all Commissioners voting in the affirmative.

Motion by Commissioner Leger: At Section 6.2(E)(iii), strike the words **based upon reasonably public available meteorological data** AND **a qualified acoustics engineer,** and in lieu and stead of the latter, add **an individual qualified in noise management and approved by the County** AND change **one-half (1/2)** mile to **one (1)** mile; AND at Section 6.2(E)(iv), change **one-half (1/2)** to **one (1)** Upon a second by Commissioner Ortega, the motion carried upon a roll call vote, with all Commissioners voting in the affirmative.

Motion by Commissioner Leger: At Section 8.7, strike and delete the words **independent consultant** and insert in lieu thereof **an individual qualified in noise management and approved by the county.** Upon a second by Chairman Salazar, the motion carried upon a roll call vote, with all Commissioners voting in the affirmative.

Motion by Commissioner Leger: At Section 4, Definitions, at definition BB, add the following language after the existing language: **, and other procedures and methods that are applicable to meet the requirements of the Ordinance.** Upon a second by Commissioner Ortiz, the motion carried upon a roll call vote, with all Commissioners voting in the affirmative.

Motion by Commissioner Leger: At Section 6.2C(x), after **community** add **, residence** and strike **one-half (1/2)** and insert in lieu thereof **one (1).** Upon a second by Commissioner Ortega, the motion carried upon a roll call vote, with all Commissioners voting in the affirmative.

Motion by Commissioner Ortega: At Section 8.5, change **one-half (1/2) mile distant** to **one (1) mile distant.** Upon a second by Commissioner Padilla, the motion failed upon a roll call vote, with Commissioners Ortega and Padilla voting in the affirmative, and Commissioners Salazar, Leger and Ortiz voting in the negative.

Motion by Commissioner Ortiz: That an additional and final subsection be added to Section 6.2, to provide as follows: **That upon completion of the project, applicant shall prepare and submit to the County a geo-hydrological report for the project site, containing the information required under Section 6.2(L).** Upon a second by Commissioner Leger, the motion carried upon a roll call vote, with all Commissioners voting in the affirmative.

Having made inquiry and noting that no Commissioner had any further amendments or revisions, Chairman Salazar entertained a motion for final passage and adoption of proposed Ordinance No. SMC-03-08-11-WIND, as amended by the formal action of the Commission noted above; whereupon Commissioner Ortega moved final passage and adoption of the aforesaid Ordinance, as amended, and upon a second by Commissioner Leger, and upon a call of the roll, Ordinance No. SMC-03-08-11-WIND was adopted, approved, passed and ordained, with all five Commissioners voting in the affirmative, as follows:

Chairman Salazar: YEA  
Vice Chairman Leger: YEA  
Commissioner Ortiz: YEA  
Commissioner Ortega: YEA  
Commissioner Padilla: YEA

## **2. CONTINUATION OF PUBLIC HEARING ON APPLICATION FOR CONDITIONAL USE APPROVAL TO CONSTRUCT AND MAINTAIN A 195' SELF-SUPPORT TOWER**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that Cellco Partnership, d/b/a Verizon Wireless, submitted an application for conditional use permit to construct and maintain a 195' self-support tower in the area of White Lakes in San Miguel County. The Commission previously continued the hearings in this matter, at the request and with the consent of the interested parties. The matter comes on for final public hearing today, after notice to all interested parties.

Whereupon Chairman Salazar open the hearing for public comment and invited all interested persons to address the County Commission. The following persons appeared before the Commission and commented on the pending application for conditional use permit:

Randy Pridgeon, representing the applicant.  
Mike Pena  
Mary Pena  
Diana Armijo  
Joe Chavez

After inviting further comment, Chairman Salazar noted that no other person came forward to address the Commission; whereupon Commissioner Ortiz moved approval of the application for conditional use permit, and upon a second by Commissioner Ortega, a call of the roll was taken and all Commissioners voted in the affirmative, and the conditional use permit was approved and granted.

**3. SUBMITTAL OF 2011-2012 LOCAL GOVERNMENT ROAD FUND PROJECT REQUESTS FOR SAN MIGUEL COUNTY TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION**

Road Foreman Daniel Encinias advised the Commission that it must submit to the NM Department of Transportation, three road projects for fiscal year 2011-2012, for local government road funds. Mr. Encinias noted that staff identified the following road projects for consideration by the Commission, but noted that only three could be submitted:

County Road	Funding Request
• Colonias Road (CR B-44-A)	\$73,855.26
• Corruco Road (B-41-F)	\$97,186.50
• Magnolia Road (CR C-60)	\$111,782.56
• 8 <sup>th</sup> Street Extension	\$42,071.84
• La Tewa (CR A-1)	\$64,058.29
• San Isidro (CR B-43)	\$84,251.70
• Harris Road	\$81,146.27
• Gallinas Canyon (CR A-27)	\$88,506.63
• Myers/Chappelle (CR B-27)	\$89,492.59
• Storrie Project (CR C-23)	\$98,947.31

The Commissioners then proceeded to deliberate upon the several projects identified above, each stating his reasons for favoring one or another road project. Whereupon, Commissioner Ortega moved that the following three road project be submitted for funding for the 2011-2012 fiscal year, namely, Colonias road (B-44-A)/county arterial program, Corruco road (B-41-F)/road program route, and Harris road/co-op funding request. Upon a second by Commissioner Padilla, Ortega's motion carried.

**4. SAN MIGUEL COUNTY, NEW MEXICO-SUMMIT FOOD SERVICE MANAGEMENT AGREEMENT**

Warden Patrick W. Snedeker advised the Commission concerning the 3<sup>rd</sup> extension of the food service management agreement, by and between San Miguel County, New Mexico and Summit Food Service Management, for the operation and management of food services at the San Miguel County Detention Center, and requested approval of same. Whereupon, Commissioner Padilla moved approval, and upon a second by Commissioner Leger, the motion carried.

**5. CONTRACT FOR INMATE CONFINEMENT-SAN MIGUEL COUNTY, NEW MEXICO AND CITY OF ESPANOLA, NEW MEXICO**

Warden Snedeker advised the Commission concerning the contract for inmate confinement, by and between San Miguel County, New Mexico, and the City of Espanola, New Mexico, for the housing and care of City of Espanola inmates, at the San Miguel County Detention Center, at \$65.00 per day, plus a \$20.00 booking fee.

Espanola City Manager James V. Lujan and Espanola Chief of Police Leo R. Montoya appeared before the Commission and urged approval, and said they looked forward to a good working relationship.

Whereupon Commissioner Padilla moved, and Commissioner Ortiz seconded, approval of the contract, and the motion carried.

**6. RESOLUTION NO. 03-15-11-NATURAL RESOURCES**

Mr. Tafoya submitted for adoption of Resolution No. 03-15-11-NATURAL RESOURCES, proposing, by ordinance, the extension of the moratorium for oil, gas or geothermal exploration, extraction and drilling in San Miguel County. Tafoya noted that if the Resolution is approved, the proposed extension will be by ordinance to be approved by the Commission after notice and hearing as required by law.

Whereupon Commissioner Padilla moved, and Commissioner Ortiz seconded, adoption of the Resolution, and the motion carried.

**7. TERRELL TUCKER SUMMARY REVIEW SUBDIVISION-SC 0082**

Planning and Zoning Supervisor Alex Tafoya advised the Commission concerning the application from Terrell Tucker for a Type V Summary Subdivision consisting of five (5) parcels. The proposed subdivision is located within Section 28, Township 13 North, Range 12 East, in the area of Rowe Mesa.

In the temporary absence of Chairman Salazar, Vice Chairman Leger opened the meeting for a public hearing at 4:08 p.m., and invited public comment.

Timothy Oden, President of the Oden & Associates, made a brief presentation in support of the application and answered questions propounded by Commissioners. County attorney Lopez answered several questions propounded by Commissioner Ortega, and discussion ensued.

Vice Chairman Leger invited further public comment, but no one asked for recognition. Whereupon Leger invited action by the Commission, and Commissioner Padilla moved approval of the subdivision application. Upon a second by Commissioner Salazar, who had returned to the room, the Commission adopted the motion and the subdivision application was approved.

**8. NEW ADMINISTRATIVE PLAN FOR THE SAN MIGUEL COUNTY HOUSING AUTHORITY**

Section 8 Housing Administrator Christina Barajas advised the Commission that the San Miguel County Housing Authority drafted a new Administrative Plan as required by HUD. Ms. Barajas requested approval of the Plan, and answered questions propounded by Commissioners. Commissioner Ortega made inquiry of the Manager and Attorney as to whether they had reviewed the Plan, and whether it was satisfactory to them. Both answered in the affirmative.

Whereupon, Commissioner Padilla moved, and Commissioner Ortiz seconded, approval of the Plan as presented, and the motion carried.

**9. MEMORANDUM OF AGREEMENT BETWEEN SAN MIGUEL COUNTY AND THE TUCUMCARI/QUAY REGIONAL EMERGENCY COMMUNICATIONS CENTER**

Fire Chief Russell Pacheco advised the Commission concerning the MOA between San Miguel County and the Tucumcari/Quay Regional Emergency Communication Center, the purpose of which is to allow the County to use the services of the City of Tucumcari for emergency fire and medical dispatch for areas around the Conchas Volunteer Fire Department District.

Commissioner Padilla moved approval of the MOA, and upon a second by Commissioner Ortiz, the motion carried.



**10. DWI TRACKER/SCREENER/PREVENTION SPECIALIST JOB DESCRIPTION**

DWI Coordinator Wendy Armijo presented the new and revised job description to the Commission.

Motion made by Commissioner Padilla to approve the DWI Tracker/Screeener/Prevention Specialist job description. Second by Commissioner Ortiz. Motion carried.

**11. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF FEBRUARY 2011**

Road Foreman Daniel Encinias presented his monthly report for the information of the Commission, and stood for questions. Discussion ensued and several questions were propounded to Encinias by Commissioners. (This item is presented only for information, and no formal action was required by the Commission).

**12. RESOLUTION NUMBER 03-15-11-PW AUTHORIZING THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY TO SUBMIT THE 2011 ADOPTED COUNTY ROAD LOG TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION**

Road Foreman Daniel Encinias informed the Commission that each year the County is required to submit a county road log to the NM Department of Transportation, and the same is utilized for several purposes, including funding for road maintenance and projects. Encinias then recommended adoption of the Road Log as per Resolution 03-15-11-PW; whereupon Commissioner Padilla moved, and Commissioner Ortiz seconded, approval and the motion carried.

**13. REJECTION OF BIDS FOR THE SAN MIGUEL COUNTY EMERGENCY ROAD RESTORATION PROJECT**

Road Foreman Daniel Encinias recommended that all bids received for the emergency road restoration project be rejected, upon a determination that rejection is in the best interests of the County; and that the County issue a second invitation for bids for this project. Whereupon Commissioner Ortiz made a motion as recommended by Encinias, and upon a second by Commissioner Leger, the motion carried.

**14. AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS FOR SOLID WASTE CONVENIENCE CENTER SERVICES FOR SAN MIGUEL COUNTY AT THE GALLINAS CANYON SOLID WASTE CONVENIENCE CENTER**

Public Service Foreman Harold Garcia asked that he be authorized to issue a request for proposals for an independent contractor who will provide services for the solid waste convenience center in Gallinas. Whereupon Commissioner Ortiz moved that staff be authorized to issue the RFP as requested by Garcia. Upon a second by Commissioner Ortega, the motion carried.

**15. RESOLUTION NO. SMC-RES-03-15-11-PW/AC-EXCESS PROPERTY DECLARING CERTAIN PERSONAL PROPERTY OF THE COUNTY OF SAN MIGUEL, NEW MEXICO, TO BE OBSOLETE, WORN-OUT OR UNUSABLE TANGIBLE PERSONAL PROPERTY AND DIRECTING AND AUTHORIZING THE COUNTY MANAGER TO EXCHANGE SAID PROPERTY WITH ANOTHER GOVERNMENTAL ENTITY**

Harold Garcia submitted for adoption of Resolution 03-15-11-PW/AR, allowing the County to exchange with Santa Fe County (Animal Shelter), a 2006 pick-up bed, for an animal control box, and Garcia advised that said exchange was reasonable and in the best interests of San Miguel County. Whereupon Commissioner Ortega moved approval of Resolution 03-15-11-PW/AR, and upon a second by Commissioner Padilla, the motion carried.

16. **SAN MIGUEL COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUAL TO FILL THE VACANT PART TIME POSITION OF DWI ADMINISTRATIVE ASSISTANT/SCREENER WITH THE SAN MIGUEL COUNTY DWI DIVISION AS PER THE RECOMMENDATION OF WENDY ARMIJO, DWI COORDINATOR**

**PROBATIONARY/PART TIME EMPLOYEE**

**ALLISON AUDRA ESTRADA-DWI ADMINISTRATIVE ASSISTANT/SCREENER-DATE OF HIRE: MARCH 7, 2011-PROBATIONARY SALARY: \$15,808.00/HOURLY \$9.50**

Upon the recommendation of the County Manager, Commissioner Padilla moved, and Commissioner Ortiz seconded, the ratification and approval of the employment of the above individual for the position and at the salary indicated. The motion carried.

17. **COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS TO FILL THE VACANT POSITIONS OF TRANSIT OPERATOR FOR THE SAFE RIDE HOME PROGRAM WITH SAN MIGUEL COUNTY DWI DIVISION AS PER THE RECOMMENDATION OF WENDY ARMIJO, DWI COORDINATOR**

**PART TIME/PROBATIONARY EMPLOYEES:**

**MAX VALDEZ-TRANSIT OPERATOR SAFE RIDE HOME PROGRAM-DATE OF HIRE: MARCH 9, 2011-HOURLY SALARY: \$10.00**

**ANTONIO COCA-TRANSIT OPERATOR SAFE RIDE HOME PROGRAM-DATE OF HIRE: MARCH 9, 2011-HOURLY SALARY: \$10.00**

Upon the recommendation of the County Manager, Commissioner Padilla moved, and Commissioner Ortega seconded, the ratification and approval of employment of the above individuals for the positions and at the salaries indicated. The motion carried.

18. **SAN MIGUEL COUNTY MANAGERS' RECOMMENDATION TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION OF DWI PREVENTION SPECIALIST WITH THE SAN MIGUEL COUNTY DWI DIVISION AS PER THE RECOMMENDATION OF WENDY ARMIJO, DWI COORDINATOR**

**PROBATIONARY EMPLOYEE**

**FERNANDO ROYBAL-DWI PREVENTION SPECIALIST-DATE OF HIRE: MARCH 21, 2011-PROBATIONARY SALARY: \$23,712.00**

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, the ratification and approval of employment of the above individual for the position and at the salary indicated. The motion carried.

19. **PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF FEBRUARY 2011**

County Manager Les Montoya advised the Commission of personnel changes which have taken place in San Miguel County during the month of February 2011, and asked ratification of same; whereupon



Commissioner Padilla moved approval of the personnel changes, and upon a second by Commissioner Ortega, the motion carried.

## **SAN MIGUEL COUNTY BOARD OF FINANCE MEETING**

### **20. COUNTY TREASURER'S MONTHLY REPORT**

The County Treasurer was not in attendance.

### **21. INDIGENT CLAIMS FOR CHRISTUS ST. VINCENT'S HOSPITAL IN THE AMOUNT OF \$8,077.58**

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.

Motion made by Commissioner Padilla to approve indigent claims for Christus St. Vincent's hospital. Second by Commissioner Ortega. Motion carried.

### **22. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$104,097.14**

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 asked approval of indigent claims for Alta Vista hospital in the amount of \$104,097.14.

Commissioner Leger moved to table this item, pending an appearance before the Commission of representatives from Alta Vista Hospital to answer questions. Upon a second by Chairman Salazar, a roll call vote was taken and all Commissioners voted in the affirmative.

### **23. INDIGENT BURIAL CLAIMS**

Finance Division Supervisor Melinda Gonzales advised the Commission that the finance office has received an Affidavit for payment of an indigent burial, together with an accompanying invoice from Gonzales Funeral Home. Based on the information submitted, the finance office is recommending that the burial request be paid through the indigent fund.

Motion made by Commissioner Padilla to make payment as noted above by Ms. Gonzales. Upon a second by Commissioner Ortiz, the motion carried.

### **24. BUDGET ADJUSTMENT 2011-03-15 REQUESTING APPROVAL TO INCREASE FUND 201 (PUBLIC WORKS) IN THE AMOUNT OF \$4,557.85**

Finance Division Supervisor Melinda Gonzales explained the above budget adjustment request as follows: the Public Works Division was burglarized this past fall. There was \$7,057.85 in stolen property which was reported to and claimed against our property insurance. After the deductible, the County received \$4,557.85 from the Insurance Authority, and the Resolution places that amount in the Public Works budget..

Motion made by Commissioner Padilla to approve the foregoing budget adjustment, and upon a second by Commissioner Ortega, the motion carried.

**25. FISCAL YEAR 2009/2010 FISCAL YEAR AUDIT REPORT**

Finance Division Supervisor Melinda Gonzales advised the Commission that on March 4, 2011, the County received notification from the office of the State Auditor stating that the County's audit report had been received and completed. The Commission is required by law to formally accept the audit report, and Ms. Gonzales requested such action by the Commissioner. Whereupon Commissioner Ortiz moved acceptance of the Audit Report, and upon a second by Commissioner Padilla, the motion carried.

**26. CASH BALANCE REPORT AS OF FEBRUARY 28, 2011**

Finance Division Supervisor Melinda Gonzales advised the Commission of all payments made since the last regular meeting, and requested approval and ratification of same; whereupon Commissioner Padilla moved approval, and upon a second by Commissioner Ortega, the motion carried.

**27. ACCOUNTS PAYABLE LISTING ITEMS 2011-8-2 THROUGH 2011-8-583**

Finance Division Supervisor Melinda Gonzales advised the Commission of all payments made upon the County treasury during the month of February, 2011.

Motion made by Commissioner Padilla to approve accounts payable as submitted by Ms. Gonzales. Second by Commissioner Ortiz. Motion carried.

**28. LAW ENFORCEMENT PROTECTION FUND OF \$24,800.00**

Undersheriff Roy Pacheco advised the Commission of the above funds, and requested formal action accepting the funds, which are used exclusively to purchase law enforcement equipment. Whereupon Commissioner Padilla moved and Commissioner Ortiz seconded, acceptance of the Law Enforcement Protection Funds in the amount of \$24,800.00. The 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 or disposal of real property, as permitted by Section 10-15-1-(H)(8) of the Open Meetings Act, NMSA 1978, and matters pertaining to collective bargaining strategy preliminary to collective bargaining negotiations, as permitted by Section 10-15-1(H)(5) of the Open Meetings Act, NMSA 1978, as amended.

Motion made by Commissioner Padilla to retire into Executive/Closed Session at 5:26 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Ortiz.

Roll call was taken before County Commission retired into Executive Session, with all Commissioners voting in the affirmative to retire into executive/closed session pursuant to the above motion and second, as follows:

Chairman Salazar	Yes
Vice-Chair Leger	Yes
Commissioner Padilla	Yes
Commissioner Ortega	Yes
Commissioner Ortiz	Yes

Unanimous vote to retire into executive session.

Commissioner Padilla made a motion to return to regular session at 6:05 p.m. Second by Commissioner 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 Padilla made a motion to adjourn. Second by Commissioner Ortiz. Motion carried.  
The meeting ended at 6:26 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held March 15, 2011.

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David R. Salazar, Chairman

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Nicholas T. Leger, Vice-Chair

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Arthur J. Padilla, Commissioner

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Marcellino A. Ortiz, Commissioner

\_\_\_\_\_  
Ron R. Ortega, Commissioner

**ATTEST**

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

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Minutes Submitted by Michelle J. Padilla