

**MINUTES OF THE REGULAR MONTHLY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD TUESDAY, DECEMBER 11, 2012, BEGINNING AT 1:30 P.M.**

CALL TO ORDER AND ROLL CALL

Chairman Nicolas T. Leger called the meeting to order at 1:30 p.m., at the Commission chambers on the 2nd floor of the San Miguel County Courthouse. Upon a call of the roll by the Clerk, all five County Commissioners were present, and a quorum was duly established and noted as follows: Chairman Nicolas T. Leger, Vice Chairman Ron R. Ortega, and Commissioners David R. Salazar, Marcellino A. Ortiz and Arthur J. Padilla.

PLEDGE OF ALLEGIANCE AND SALUTATION OF THE NM FLAG

Joined by staff and all in attendance, the Commissioners pledged allegiance to the U.S. flag and offered their salutation to the NM state flag.

APPROVAL OF MINUTES

Upon a motion by Commissioner Padilla, and a second by Commissioner Salazar, the Commission approved the minutes of its regular monthly meeting held November 13, 2012, in Pecos, New Mexico. ***[Unless otherwise indicated, minutes are approved without change, correction or revision.]***

APPROVAL OF AGENDA

Upon the recommendation of County Manager Les Montoya, Commissioner Padilla moved and Commissioner Salazar seconded, approval of the Agenda as presented, with one change recommended by the Manager, namely, that Item 22 be advanced to become Item 8. ***[Unless otherwise indicated, the meeting agenda is approved without change or deletion.]***

(ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED WITHOUT FURTHER INDICATION OF SAID ACTION; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)

PUBLIC INPUT FORUM

The following persons addressed the Commission during the public input forum, all of whom spoke concerning the County's formulation of an ordinance relating to oil and

gas, some of whom offered written submittals which became part of the record as maintained by the Planning and Zoning office: Julie Olague (submitted letter), Bernard Schaer, Cordia Sammeth (submitted letters of support), Meredith Britt, Karin Foster, Leslie Hammel-Turk, Paula Hern, Brad Turk (submitted list of water contamination), and Cathy Montano. Bob Wessley also spoke, concerning and supporting state funding for regional water plans (Agenda Item 13).

INTRODUCTION OF NEW EMPLOYEE(S)

The County Manager introduced the following newly-hired county employees, all of whom were present and welcomed by the Commission: Bertha Bustamante as chief deputy at the Treasurer's office, Enrico Rubio as equipment operator with the Public Works Department, and Jayme Vigil, Sheriff's deputy.

PRESENTATIONS

The only presentation entertained by the Commission was a tribute to out-going Commissioner David R. Salazar, with Chairman Leger and all Commissioners, joined by the County Manager and other staff, thanking Salazar for his service and acknowledging his leadership. Chairman Leger also presented Salazar with an encased U.S. flag, as a memento for his years of service as a Commissioner. Salazar thanked all in attendance.

AT 2:25 P.M., THE COMMISSION THEN CONVENED AS THE SAN MIGUEL COUNTY BOARD OF FINANCE, AS FOLLOWS:

ITEM 1: COUNTY TREASURER'S MONTHLY REPORT

County Treasurer Alfonso E. Ortiz, Jr., made his monthly presentation to the Commission, reporting generally concerning property tax collections and operations in his office. He also presented Bertha Bustamante, who appeared with him, noting she will succeed him in office, and that she has already been employed as chief deputy. (Ortiz also reflected on his 16 years as County Treasurer, and thanked everyone for their help and support.)

ITEM 2: APPROVAL OF INDIGENT CLAIMS/PAYMENTS (ALTA VISTA HOSP.)

Upon a presentation and recommendation by Finance Supervisor Melinda Gonzales, Commissioner Ortiz moved and Commissioner Padilla seconded, approval of ten indigent fund payments to Alta Vista Regional Hospital in the amount of \$37,911.56; Gonzales certifying that all claims recommended for approval, met eligibility requirements and otherwise qualified for payment under the County's Indigent Fund guidelines.

ITEM 3: APPROVAL OF INDIGENT BURIAL PAYMENTS

Upon a presentation and recommendation by Finance Supervisor Melinda Gonzales, Commissioner Salazar moved and Commissioner Padilla seconded, approval of one indigent burial claim to De Vargas Funeral Home for \$1,200.00, and one to Gonzales Funeral Home for \$600.00; Gonzales certifying that the claims met eligibility requirements and otherwise qualified for payment.

ITEM 4: APPROVAL OF ACCOUNTS PAYABLE/2013-5-1 THROUGH 2013-5-570

Upon a motion by Commissioner Padilla and a second by Commissioner Ortiz, the Commission approved the County's disbursements as recommended by Finance Supervisor Gonzales, inclusive of Items 2013-5-1 through 2013-5-570, who certifies in the corresponding written document that all disbursements are lawful and proper.

ITEM 5: CASH BALANCE REPORT AS OF NOVEMBER 29, 2012

Finance Supervisor Gonzales presented the Commission with the cash balance report as of November 29, 2012. Upon a query from Commissioner Padilla, Gonzales noted that the report is in order, and contained no extraordinary matters of which the Commission should be concerned. The County Manager added that at a later time he will recommend budget increases for three items, namely, construction overrun for the Spec Building at the Wood Business Park, District Court HVAC installation, and payment to Freilich and Popowitz, which appears as Item 8 of the Agenda. (The Item is presented monthly and no formal action is sought from nor required by the Commission.)

ITEM 6: BUDGET ADJUSTMENT RESOLUTION NO. 2012-12-11-F1

Upon a presentation by Finance Supervisor Gonzales, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of the above-titled Resolution allowing budget adjustments as therein specified with particularity, to wit, \$100,000 for the Pecos Fire Department, \$100,000 for the Gallinas Fire Department, and \$50,000 from debt service to CDBG. (Chairman Leger asked Gonzales whether the County's fiscal year audit had been approved, and Gonzales said she had not yet received notification but expected it imminently.)

**HAVING CONCLUDED ITS BUSINESS AS THE
COUNTY BOARD OF FINANCE, AT 2:39 P.M. THE COMMISSION
PROCEEDED TO REGULAR ORDER, AS FOLLOWS:**

ITEM 7: PRESENTATION OF CERTIFICATES OF ELECTION

As required by law, and pursuant to the official canvass of election returns for the General election held November 6, 2012, County Clerk Melanie Y. Rivera presented the following certificates of election: County Clerk, Melanie Y. Rivera; County Treasurer, Bertha Bustamante; County Commissioner, District 2, Marcellino Ortiz; County Commissioner, District 4, Gilbert J. B. Sena; and County Commissioner, District 5, Nicolas T. Leger. Whereupon Commissioner Padilla moved and Commissioner Salazar seconded, approval of the aforesaid Certificates of Election.

(The County Clerk also thanked Commissioner Salazar for his years of service and remarked that she had known him since she was a student when Salazar was principal.)

ITEM 22: APPROVAL OF AGREEMENT WITH FREILICH & POPOWITZ, LLP

[As noted above under Approval of Agenda, this item was advanced for consideration immediately prior to Item 8, and was taken-up by the Commission accordingly, beginning at 2:42 p.m.]

County Manager Montoya informed the Commission that he solicited proposals for professional services to be rendered in connection with the County's formulation of an ordinance relating to oil and gas drilling and exploration; that he received two proposals, and that his recommendation is that the Commission retain the services of Freilich & Popowitz, a California firm, to aid the County in the final stages of its formulation and ultimate adoption of the aforesaid ordinance, and that said firm is highly regarded and has the necessary expertise in land use and planning, and land use and planning law, to provide competent professional services to the County. The County Manager added that the procurement is recommended as a small purchase (less than \$50,000) under the NM Procurement Code.

Whereupon Chairman Leger noted that the Commission and staff have been engaged for sometime in the formulation of a comprehensive ordinance relating to oil and gas; that after several public hearings on the matter, and continued deliberation by the Commission and staff, the County Manager solicited proposals for professional services in connection with the development of the aforesaid ordinance, and that the firm recommended by the Manager possessed the required expertise and experience, and was a disinterested third-party, which could aid the Commission and staff in the expeditious and proper development of a comprehensive ordinance relating to oil and gas drilling and exploration in SMC; and Chairman Leger concluded by expressing his support for retaining the services of Freilich & Popowitz, LLP, as recommended by the County Manager.

Vice Chairman Ortega then propounded questions to both the County Manager and County Attorney, concerning the proposed contract for professional services, asking in particular about timelines and benchmarks, and whether the contract should state those with particularity, and concerning communication and interaction with the consultant.

The Manager noted that the consultant (Freilich & Popowitz) will communicate and work with County staff, but ultimately take direction from the Commission, as the Commission determines; and the Manager otherwise deferred to the County Attorney.

Whereupon, the County Attorney advised the Vice Chairman, and the Commission, that Freilich & Popowitz is an internationally acclaimed firm in the area of land use and land use planning, that he (county attorney) is confident the firm will work as expeditiously as directed by the Commission, that Professor Freilich will be in attendance at the public hearing scheduled for January 10, 2013, that Freilich will undertake his tasks as directed, and under the timelines established by, the Commission; and the County Attorney also explained to the Commission the general process and procedure which the County will undertake for the final adoption of an ordinance relating to oil and gas, and explained also that the "draft" ordinance which the Commission and public has been working with and opining upon is nothing more than a working model by which the adoption process was triggered for public comment and input, and that the final ordinance developed by the Commission could be entirely different, as the Commission alone determines, after public input and deliberation. (Vice Chairman Ortega noted that he was satisfied with the explanations and rationale offered by both the County Manager and attorney, and that his questions and concerns were satisfactorily answered.)

Commissioner Padilla expressed his concern that perhaps the Commission should defer action on the matter until newly-elected Commissioner Sena takes office, allowing him an opportunity to weigh-in on the matter. Chairman Leger expressed his concern that time is of the essence and that the matter should be taken up today.

Whereupon, Vice Chairman Ortega moved and Commissioner Ortiz seconded, approval of the professional services agreement with Freilich & Popowitz, LLP, as recommended by the County Manager, and the motion carried unanimously.

ITEM 8: ACCEPTANCE OF FUNDS FROM NMDOT FOR DWI ENFORCEMENT

Upon a presentation and recommendation by Sheriff Benjie Vigil, Commissioner Padilla moved and Vice Chairman Ortega seconded, acceptance of grant to Sheriff's office from the NMDOT for DWI enforcement, as noted with particularity in the grant award, totaling \$6,560.00.

ITEM 09: CLOSE-OUT PUBLIC HEARING FOR GONZALES RANCH CDBG PROJ.

Planning & Zoning Supervisor Alex Tafoya addressed the Commission on this matter, and recommended to Chairman Leger that he convene a public hearing to solicit and consider public comment on the close-out for the Gonzales Ranch CDBG project, No. 11-C-NR-I-01-G-28, as required by CDBG rules and regulations. Tafoya informed the Commission that public notice of the hearing was published and otherwise disseminated as required by CDBG rules and regulations, and then proceeded to inform the

Commission generally concerning the subject Gonzales Ranch project, and noted it was satisfactorily completed and ready for close-out.

Whereupon, at 3:14 p.m., Chairman Leger convened the public hearing as aforesaid and thrice solicited public comment from any interested persons. Leger noted for the record that no person sought recognition, thanked Tafoya and concluded the public hearing, Tafoya having noted that no formal action was required by the Commission.

ITEM 10: DESIGNATION OF CDBG CERTIFYING ENVIRONMENTAL OFFICIAL

Upon the recommendation of Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Salazar seconded, that Chairman Leger be designated as the County's certifying environmental official for the Sabinoso County Road C-55-A CDBG project.

ITEM 11: APPROVAL OF ROAD NAMES FOR OXIDO SUBDIVISION

Computer Information Specialist Mario H. Vasquez informed the Commission of recommended road names for roads within the Oxido Subdivision, as per the written declaration before the Commission, and asked approval of same. Vasquez and the County Manager having responded to questions from Vice Chairman Ortega and Commissioner Padilla concerning the effect and liability of name designation, (and noting that designations were primarily for emergency response purposes), Commissioner Padilla moved and Commissioner Ortiz seconded, approval of road designations as recommended by Vasquez, as per the written declaration re same.

ITEM 12: RESOLUTION FOR US FOREST SERVICE PARTNERSHIP & FUNDING

The County Manager introduced this item, noting that he and Vice Chairman Ortega collaborated in the draft of the Resolution requesting and encouraging cooperation between public officials and agencies regarding management of the Gallinas Watershed.

The Manager was followed by Vice Chairman Ortega, who noted the paramount importance of the Gallinas watershed and the concerted cooperation of all officials and agencies. The Vice Chairman also stressed that the Resolution was the result of deliberation by all concerned and that a "great deal of thought" went into the Resolution; and the Vice Chairman also noted that among those participating and offering their recommendations were Ken Garcia of the City of Las Vegas, Steve Romero of the U.S. Forest Service, Emergency Manager Dennis English, and County Fire Chief Russell Pacheco.

Whereupon, Vice Chairman Ortega moved and Commissioner Padilla seconded, approval of the aforesaid Resolution relating to the Gallinas watershed, as recommended by the County Manager, and the motion carried unanimously.

ITEM 13: RESOLUTION FOR LEGIS. FUNDING/INTERSTATE STREAM COMM.

Upon the recommendation of the County Manager, Commissioner Salazar moved and Vice Chairman Ortega seconded, approval of Resolution urging the NM Legislature to appropriate funds to the NM Interstate Stream Commission, for updating regional water plans in New Mexico.

ITEM 14: RESOLUTION RE LOCAL GOV'T CO-OP ROAD FUND PROGRAM

Upon a presentation by Public Works Foreman Harold Garcia, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of Resolution No. 12-11-2012-SP-4-13-(955), authorizing participation by the County in the Local Government Road Fund (Co-op Program) for improvement of county roads, and accepting \$67,753 for same.

ITEM 15: RESOLUTION RE LOCAL GOV'T ARTERIAL ROAD FUND PROGRAM

Upon a presentation by Public Works Foreman Harold Garcia, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of Resolution No. 12-11-2012-CAP-4-13-(452)-PW, authorizing participation by the County in the Local Government Road Fund (Arterial Program/CAP) for improvement of county roads, and accepting \$131,283.00 for same.

ITEM 16: ACTION RE BIDS FOR DISTRICT COURT HVAC SYSTEM

The County Manager informed the Commission that two bids were received by the County for installation of the HVAC system at the Judicial Complex, but that both bids were over budget. He recommended, therefore, that award of the project be tabled until the County is ready to proceed with sufficient funding. Whereupon, Commissioner Ortiz moved and Vice Chairman Ortega seconded, that this Item, and the subject matter thereof, be tabled until further recommendation from the County Manager.

(AS NOTED AT THE INCEPTION OF THE MINUTES, UNDER APPROVAL OF AGENDA, ALL MOTIONS MADE AND SECONDED ARE DULY APPROVED AND ADOPTED, WITHOUT FURTHER INDICATION OF SAID ACTION; AND ALL FORMAL ACTION IS BY UNANIMOUS VOICE VOTE, UNLESS OTHERWISE INDICATED.)

[At 3:50 p.m. Chairman Leger declared the meeting in recess, for fifteen minutes, to allow all in attendance to stretch their legs, and otherwise take care of any personal business.]

[At 4:09 p.m. Chairman Leger reconvened the meeting, and gaveled the Commission to order, and regular order continued as follows:]

ITEM 17: BID AWARD FOR PURCHASE OF TIRES

Upon the recommendation of Public Works Foreman Garcia, and the concurrence of Finance Supervisor Gonzales (who noted the bid award will allow a multiple-award to sundry vendors for the lowest prices for any particular tires), Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of bid award for on-going purchase of vehicle tires, to the sundry vendors listed in the written award provided to the Commission, per the lowest prices noted for each, for any particular tires.

ITEM 18: BID AWARD FOR PICK-UP TRUCK/USDA GRANT

Upon a presentation and recommendation by Planning & Zoning Supervisor Alex Tafoya, Commissioner Padilla moved and Commissioner Salazar seconded, bid award to Rich Ford Sales – the lowest responsible bid in the amount of \$34,346.00 – for purchase of a pick-up truck for use by Martinez & Sons Meat Processing, per USDA grant made for said purchase, all pursuant to LEDA project award and approval previously made by the Commission and the NM Economic Development Department.

ITEM 19: BID AWARD FOR DUMP TRAILER/USDA GRANT

Upon a presentation and recommendation by Planning & Zoning Supervisor Tafoya, Commissioner Padilla moved and Commissioner Salazar seconded, bid award to Rich Ford Sales – the lowest responsible bid in the amount of \$7,911.00 – for purchase of a dump trailer for use by Martinez & Sons Meat Processing, per USDA grant made for said purchase, all pursuant to LEDA project award and approval previously made by the Commission and the NM Economic Development Department. (In response to questions by Vice Chairman Ortega and Commissioner Ortiz, the county attorney explained that the County will not suffer liability or financial loss if the LEDA project is not successful or for liability regarding the vehicles, and the County Manager added that Martinez & Sons is required to maintain insurance coverage, naming the County as an additional insured.)

ITEM 20: INVITATION FOR BIDS FOR PURCHASE OF CATTLE GUARDS

Upon a presentation by Public Works Foreman Garcia, Vice Chairman Ortega moved and Commissioner Ortiz seconded, that staff be authorized to issue an invitation for bids for fabrication and purchase of cattle guards, to be 14-feet, pre-cast steel, and to include end posts and warning devices. (Commission action was preceded by a lengthy discussion concerning the on-going need for cattle guards, liability regarding same, and whether a state-wide contract existed for their purchase and, as to the latter, staff informed the Commission that prices were very high, and it is expected it will be more advantageous for the County to invite bids.)

ITEM 21: RESCISSION OF CONTRACT AWARD FOR PEST CONTROL SERVICES, CANCELLATION OF PRIOR RFP, AND AUTHORIZATION FOR SECOND RFP

Public Works Foreman Garcia and the county attorney informed the Commission that two proposals were previously awarded for pest control and vector services, but that after award it was determined that one offeror was not qualified and that the price quoted by the other was higher than amount budgeted for this procurement; that based on the foregoing, it was prudent and necessary that the previous contract award to Diamond Pest Control and Roadrunner Pest Control be rescinded, that the prior RFP be cancelled, and that staff be authorized to issue a second RFP for this procurement.

Whereupon, Commissioner Ortiz moved and Commissioner Salazar seconded, that previous contract award to Diamond Pest Control and Roadrunner Pest Control be rescinded, that the prior RFP be cancelled, and that staff be authorized to issue a second RFP for the subject procurement.

ITEM 22: APPROVAL OF AGREEMENT WITH FREILICH & POPOWITZ, LLP

[This Item was taken-up by the Commission immediately after Item 7, above]

ITEM 23: APPROVAL OF CONTRACT WITH EGB ELECTRIC

Upon the recommendation of Public Works Foreman Garcia, Vice Chairman Ortega moved and Commissioner Padilla seconded, approval of 12-month agreement with EGB Electric for as-needed electrical services, in accordance with the procurement process heretofore undertaken for these services.

ITEM 24: APPROVAL OF CONTRACT WITH VALDEZ ELECTRIC

Upon the recommendation of Public Works Foreman Garcia, Commissioner Padilla moved and Commissioner Salazar seconded, approval of 12-month agreement with Valdez Electric for as-needed electrical services, in accordance with the procurement process heretofore undertaken for these services.

ITEM 25: APPROVAL OF CONTRACT WITH MORA CO./INMATE CONFINEMENT

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of second renewal of contract with Mora County for confinement of prisoners at the SMC Detention Center, at \$80.00 per day per prisoner, and a booking fee of \$20.00

ITEM 26: APPROVAL OF MISC. CONTRACTS RE JUVENILE JUSTICE

Upon the recommendation of Warden Patrick W. Snedeker, joined by Yolanda Cruz (Director of the Juvenile Justice Continuum Board), Commissioner Padilla moved and Commissioner Ortiz seconded, approval of fourth amendment to the agreement (No. 11-690-12415) with the Las Vegas Juvenile Justice Continuum Board and all sub-contracts relating thereto and emanating therefrom. (Commission action was preceded with questions by Commissioners and answers by the Warden and Ms. Cruz, concerning the irregularity of fiscal year funding, due to delays in the issuance by the state of NM of an RFP for state-wide services.)

ITEM 27: APPROVAL OF CONTRACT WITH TAOS CO./JUVENILE DETENTION

Upon the recommendation of Warden Patrick W. Snedeker, Commissioner Ortiz moved and Vice Chairman Ortega seconded, approval of first renewal of agreement with Taos County for confinement of San Miguel County juvenile offenders at the Taos County Juvenile Detention Center, at \$120.00 per juvenile per day, and a \$10.00 booking fee.

In answer to an inquiry by Chairman Leger, Warden Snedeker noted there was no increase in cost from the previous year's charges to SMC.

Vice Chairman Ortega recommended that the Commission and Manager tour the Taos County Juvenile Detention Center, to ensure that it is adequate for SMC juvenile confinement; Chairman Leger indicated Ortega's recommendation was good; and the County Manager said he would arrange such a tour.

ITEM 28: APPROVAL OF TOWN OF TAOS CONTRACT/INMATE CONFINEMENT

Upon the recommendation of Warden Snedeker, Commissioner Padilla moved and Commissioner Salazar seconded, approval of first renewal of agreement with the Town of Taos, for confinement of Taos prisoners at the SMC Detention Center, at \$65.00 per day per inmate, and a booking fee of \$20.00. (Upon inquiry from Chairman Leger, the Warden indicated there was no change in the previous year's agreement.)

ITEM 29: REPORT RE SECTION 8 HOUSING ELIGIBILITY INCOME LIMITS

Section 8 Housing Administrator Matthew Griego made a presentation to the Commission, concerning income limit eligibility requirements for Section 8 housing, as required by HUD. (Griego also answered questions propounded by Vice Chairman Ortega, and Ortega said his concerns were satisfactorily clarified by Griego.)

ITEM 30: PUBLIC WORKS DIVISION MONTHLY REPORT/NOVEMBER, 2012

Road Foreman Daniel Encinias and Public Works Foreman Harold Garcia appeared before the Commission to answer any questions or concerns in their respective departments. Whereupon, the following matters were noted by Commissioners:

Chairman Leger: Commended Encinias for taking care of road maintenance in the Sabinoso area for a recent funeral.

Vice Chairman Ortega: (1) Asked about progress with the guard rail behind the United World College, to which Garcia responded that progress is being made for ultimate installation, but he is awaiting archaeological review and approval by the appropriate state agency; (2) Asked whether staff would be scheduling a meeting with residents at Country Acres, to bring them up-to-date on any forthcoming resolution of the litigation and its impact on any improvements, to the extent same can be disclosed, to which the County Manager responded that he will soon set-up such a meeting; and (3) whether Road Department is prepared for inclement weather, to which Garcia responded in the affirmative.

Commissioner Salazar: Inquired about the Corruco road project, to which Garcia responded that the same was underway and on schedule.

Commissioner Ortiz: Inquired about clean-up of Colonias Road, to which Encinias responded that he had not heard anything from the affected parties since the last meeting, but would follow-up and report to the Commission.

ITEM 31: APPROVAL OF PERSONNEL ACTION/CHANGES FOR NOVEMBER, 2012

Upon a presentation by Human Resources Supervisor Kiki Arellano, Commissioner Salazar moved and Commissioner Padilla seconded, approval and ratification of personnel actions and changes made by the County Manager for the month of November, 2012.

ITEM 32: APPROVAL OF CONTRACT FOR DRUG TESTING/WHITE SANDS DRUG

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of the agreement with White Sands Drug & Compliance (formerly the Safety Institute), for drug testing for SMC employees.

ITEM 33: APPROVAL OF HOLIDAY CALENDAR FOR 2013

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Salazar seconded, approval of County Holidays for the 2013 calendar year, as per the written schedule presented to the Commission.

ITEM 34: APPROVAL OF WORKPLACE VIOLENCE POLICY/ADMIN. REGULATION

Upon the recommendation of the County Manager, Commissioner Ortiz moved and Commissioner Salazar seconded, approval of Administrative Regulation No. 12-11-12-Workplace Violence, providing a County policy ensuring a safe work environment. (Commission action was preceded by discussion concerning the policy, how it originated, and that the same promotes employee safety.)

ITEM 35: APPROVAL OF POLICY RE TIME WORKED BEYOND NORMAL HOURS

Upon the recommendation of the County Manager, Commissioner Padilla moved and Vice Chairman Ortega seconded, approval of Administrative Regulation No. 12-11-2012-Authorized Fractions of Time Worked Beyond Normal Work Hours, providing for ease in calculating time worked beyond normal hours.

ITEM 36: APPROVAL OF ADMIN. REGULATION RE CELL PHONE USE

Upon the recommendation of the County Manager, Commissioner Padilla moved and Commissioner Ortiz seconded, approval of Administrative Regulation No. 12-11-12-Cell Phone Policy, prohibiting County employee use of cell phones while driving. (Commission action was preceded by discussion concerning the propriety of the policy, and the consensus was that the policy would encourage safe driving.)

ITEM 37: APPROVAL OF EMPLOYMENT/SMC FIRE DIVISION

Upon the recommendation of the County Manager and Fire Chief Russell Pacheco, Commissioner Salazar moved and Commissioner Padilla seconded, approval of employment of Anthony I. Leyba as Wildland Fire Technician, effective December 04, 2012, as a probationary employee at a beginning hourly salary of \$16.00 per hour, contingent on the availability of state funding for this position.

HAVING CONCLUDED THE FOREGOING REGULAR ORDER, THE COUNTY MANAGER RECOMMENDED THAT THE COMMISSION RETIRE INTO EXECUTIVE/CLOSED SESSION TO CONSIDER THE FOLLOWING MATTERS:

Personnel matters, matters subject to the attorney client privilege pertaining to threatened or pending litigation in which SMC is or may become a participant, matters pertaining to the discussion of the acquisition or disposal of real property, and matters pertaining to the discussion of bargaining strategy preliminary to collective bargaining negotiations, all as permitted by Section 10-15-1(H)(2), (5), (7) and (8) of the Open Meetings Act, NMSA 1978, as amended.

Whereupon, at **5:35 p.m.**, Commissioner Padilla moved and Commissioner Salazar seconded, that the Commission retire into executive/closed session to consider the matters noted and recommended by the County Manager, as particularized above.

Upon a call of the roll by the Clerk, all five Commissioners answered in the affirmative on the motion to retire into executive/closed session, and the Commission proceeded to close the meeting as permitted by law.

At **5:52 p.m.**, Commissioner Ortiz moved and Vice Chairman Ortega seconded, that the Commission reconvene in public session, and the motion carried. Whereupon Chairman Leger noted for the record that the Commission considered and discussed in executive/closed session only those matters and subjects for which the motion for closure was made.

There being no further business to come before the Commission, and no person seeking recognition by the Commission, at **5:53 p.m.** Commissioner Salazar moved and Commissioner Padilla seconded, the adjournment of the meeting, the motion carried and the meeting was duly adjourned.

MOVED, SECONDED AND ADOPTED this 08th day of January, 2013, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its regular monthly meeting held December 11, 2012.

Nicolas T. Leger, Chairman

Ron R. Ortega, Vice Chairman

Marcellino A. Ortiz, Member

Arthur J. Padilla, Member

Gilbert J. B. Sena, Member

ATTEST:

Melanie Y. Rivera
San Miguel County Clerk

(S E A L)