

**MINUTES OF THE EMERGENCY MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, NEW MEXICO,
HELD SUNDAY, MARCH 15, 2015, BEGINNING AT 11:00 A.M.**

CALL TO ORDER AND ROLL CALL

Vice Chairman Gilbert J. B. Sena called the emergency meeting to order at 11:32 a.m., at the Commission chambers on the 2nd floor of the San Miguel County Administration Building. 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 Arthur J. Padilla, who attended by telephone, Vice Chairman Gilbert J. B. Sena, and Commissioners Nicolas T. Leger, Marcellino A. Ortiz and Rock G. Ulibarri.

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.

DISCUSSION AND RECOMMENDATION OF A PERSON TO GOVERNOR SUSANA MARTINEZ FOR APPOINTMENT TO STATE SENATE POSITION, DISTRICT 39

Vice Chairman Sena recognized County Manager Les Montoya, who informed the Commission that he scheduled today's emergency meeting at the request of the Governor's office, having received a telephone call the previous day from the Governor's general counsel, asking that no later than 2:00 p.m. today, the County Commission recommend to the Governor, the name of a person to fill the State Senate District 39 vacancy created by the resignation of Phil Griego.

Whereupon, Commissioner Leger sought recognition, and expressed his concerns that today's meeting may be in violation of the Open Meetings Act, for the reason that no emergency exists which would justify an emergency meeting. Leger, an attorney, reviewed the Open Meetings Act, and expressed his opinion that the Commission should not proceed further, notwithstanding the urging of the Governor to the contrary. (Leger asked County attorney Jesus L. Lopez for his opinion, and Lopez, who appeared by telephone, concurred with Commissioner Leger's position and concerns.)

Commissioner Leger also expressed his desire that the Commission take no action today, that a special meeting be lawfully convened as soon as legally permissible for the purpose of making a recommendation to the Governor, and that before such special meeting, the Commission publicly invite applications from any person interested in seeking appointment to the State Senate vacancy.

A brief public discussion ensued between Commissioners, who expressed their concurrence with the concerns and recommendations expressed by Commissioner Leger.

Whereupon Commissioner Ulibarri moved, and Commissioner Leger seconded, that (1) the County Commission take no action at today's meeting, (2) that a special meeting be called and convened on Friday, March 20, 2015, at 10:30 a.m. for the purpose of making a recommendation to the Governor for the District 39 State Senate vacancy, and (3) that in advance of the special meeting, a public announcement be disseminated seeking applications from all interested persons.

Upon a call of the question by Vice Chairman Sena, the foregoing Motion carried by unanimous voice vote of all five Commissioners. (Commissioner Leger advised the County Manager that the Governor's office be informed of the Commission's action.)

ADJOURNMENT

There being no other business to come before the Commission, at 12:03 p.m. Commissioner Ortiz moved and Commissioner Ulibarri seconded, that the emergency meeting be adjourned, and the motion carried by unanimous voice vote of all Commissioners.

(Immediately following adjournment, citizens Cristino Griego and Georgina Ortega sought recognition, and addressed the Commission, and each expressed their belief that the matter before the Commission was of utmost importance, and that the law and the New Mexico Constitution should be followed; and Griego also expressed his opinion that Vice Chairman Sena should be recommended for the vacant State Senate position.)

MOVED, SECONDED AND ADOPTED this 14th day of April, 2015, by the Board of County Commissioners of San Miguel County, New Mexico, as the official minutes of its emergency meeting held March 15, 2015.

Arthur J. Padilla, Chairman

Gilbert J. B. Sena, Vice Chairman

Nicolas T. Leger, Commissioner

Marcellino A. Ortiz, Commissioner

Rock G. Ulibarrí, Commissioner

ATTEST:

Geraldine E. Gutierrez
San Miguel County Clerk

(S E A L)