

**REGULAR MEETING  
MAY 10, 2005  
MINUTES**

The Board of County Commissioners of San Miguel County held a Regular Meeting on Tuesday, May 10, 2005 at 1:30 p.m. at the Las Vegas City Schools Administration Building, Central Office Board Room, 901 Douglas Ave., Las Vegas, New Mexico. Immediately following the Regular Scheduled Meeting, a County Board of Finance Meeting followed. The minutes for the meeting are as follows:

**CALL TO ORDER**

Chairman LeRoy H. Garcia called the meeting to order at 1:30 p.m.

**ROLL CALL**

Chairman LeRoy H. Garcia, Vice-Chairman Hugh H. Ley, Commissioner Susano Ortiz, Commissioner David R. Salazar and Commissioner Kenneth C. Medina were all present.

The record will show a quorum was present.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

County Manager Les Montoya submitted the agenda as prepared.

Chairman LeRoy H. Garcia requested that Item No. 3 be moved up to Item No. 1.

Motion made by Commissioner Kenneth C. Medina to approve agenda as amended. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**APPROVAL OF MINUTES – Regular Meeting April 12, 2005.**

County Manager Les Montoya informed the Commission that County Attorney Jesus Lopez would not be attending the meeting due to family illness.

County Manager Les Montoya had no recommended changes to the minutes of Regular Meeting of April 12, 2005.

Motion made by Commissioner David Salazar to approve minutes of April 12, 2005 as presented. Second by Commissioner Susano Ortiz. Motion carried.

## **INTRODUCTION OF NEW EMPLOYEES**

County Manager Les Montoya introduced the following new employees:

Margie Saiz                                      Appraiser II                                      County Assessor's Department  
(Probationary Employee)

Mary Duran                                      Administrative Assistant/      Detention Center  
(Probationary Employee)      Secretary

## **RECOGNITION OF LOUIE BACA AS "EMPLOYEE OF THE YEAR" BY THE LAS VEGAS/SAN MIGUEL COUNTY CHAMBER OF COMMERCE APRIL 22, 2005**

Chairman LeRoy H. Garcia introduced Mr. Louie Baca and presented him with a plaque on behalf of the County Commission.

## **PRESENTATION OF AWARDS TO THE 2005 EL VALLE DE SAN MIGUEL FLYING DIAMOND SCHOLARSHIP RECIPIENTS FOR THE 2005 FALL SEMESTER AND THE 2006 SPRING SEMESTER.**

Chairman LeRoy H. Garcia stated that a total of twenty (20) recipients applied for the scholarship and all twenty (20) were awarded the scholarship.

The followings recipients were awarded the 2005 El Valle De San Miguel Flying Diamond Scholarship for the 2005 Fall Semester and the 2006 Spring Semester:

Jolene Vigil	Ray A. Bustamante
Ramon Jesus Zambrano	Anita Villanueva
Amanda M. Gallegos	Monica Valdez
Anita Montano-Lopez	Clarence Bustamante Jr.
Samuel K. Gutierrez	Lee Ann Rivera
Adele Lucero	Esperanza A. Lucero
Fabian Montano	Dominique Montoya
Estrella Lucero	Krystal L. Gutierrez
Andalecio M. Ulibarri	Adrianna Gallegos
Lidia Atencio	Christian Gallegos

## **NEW BUSINESS:**

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

County Treasurer Alfonso Ortiz went over the County Treasurer's Monthly Report for the month of April 2005. Discussion ensued

No action taken for information only.

**2. MORA/SAN MIGUEL GUADALUPE REGIONAL WATER PLAN**

Rosemary Romero and Joanne Hilm gave a presentation regarding the Mora/San Miguel/Guadalupe water plan. Discussion ensued.

**3. PROPOSAL – BID FOR INTEGRATED VOICE COMMUNICATIONS SYSTEMS FOR EMERGENCY RESPONSE.**

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the County had received proposals – bids from three (3) companies for the Integrated Voice Communications System for Emergency Response. Mr. Tafoya stated that interviews were conducted on May 2, 2005 and interviews were conducted by himself, Fire Marshall Dan Wright, City Police Lt. William Cruz.

Mr. Tafoya stated that the companies that responded were as follows:

- **A-1 Communications Supply Company                      Cost: \$700,00.00**  
**442 Galisteo Street**  
**Santa Fe, New Mexico 87501**
  
- **Key Communications dba Southwestern Wireless Cost: \$562,440.00**  
**1206 E. College Blvd.**  
**Roswell, New Mexico 88202**
  
- **Advanced Communications & Electronics    Cost: \$674,899.40**  
**2417 Baylor SE**  
**Albuquerque, New Mexico 87106**

Mr. Tafoya informed the Commission that Advanced Communications would best meet the needs of San Miguel County.

Mr. Tafoya requested that the Commission hear a brief presentation by Advanced Communication and authorize staff to enter into contract negotiations with Advanced Communication for Integrated Voice Communications System for Emergency Response.

Lori Moore gave a brief presentation regarding the Integrated Voice Communications System for Emergency Response and explained how the system would work. Discussion ensued.

Vice-Chairman Hugh H. Ley made a motion to enter into contract negotiations with Advanced Communication for Integrated Voice Communications System for Emergency Response. Second by Commissioner Kenneth C. Medina. Motion carried.

**4. COUNTY VALUATION REPORT AND WATER REPORT**

County Assessor Albert Padilla went over the annual valuation report for 2005 and updated the Commission regarding water rights assessment in San Miguel County. Discussion ensued.

No action taken for information only.

**5. EL CERRITO ROAD B-28 MAINTENANCE REQUEST AND LOS CHUPADEROS ROAD B-27-A REPAIR AND MAINTENANCE REQUEST**

Andres Aragon addressed the Commission regarding the maintenance of Road B-27-A, El Cerrito Road County Road B-28.

Mr. Aragon requested that the County maintain Road B-27-A. Mr. Aragon stated that during the year 2004 the public works maintains County Road B-27 from Bernal to US 84 (Santa Rosa Road) County Road B-27-A has been by passed every time.

Mr. Aragon also requested that Tres Hermanos arroyo be widened and repaired; that flood damage has eroded part of the crossing.

Chairman LeRoy H. Garcia stated that one of the issues the County faces is that the County does not have right of ways to widen roads.

Mr. Aragon also requested the El Cerrito Road be maintained by the County. Discussion ensued.

No action taken.

**6. PROJECT AGREEMENT 05-OP-CT-087/PROJECT TITLE: “CLICK IT OR TICKET”**

Under Sheriff Benjie Vigil submitted Project Agreement 05-OP-CT-087/Project Title: “Click it or Ticket” for approval.

Motion made by Commissioner Kenneth C. Medina to approve Project Agreement 05-OP-CT-087/Project Title: “Click it or Ticket” as requested. Second by Commissioner David Salazar. Motion carried.

**7. MONTHLY REPORT FOR THE PUBLIC WORKS DIVISION FOR THE MONTH OF APRIL 2005**

Public Works Division Supervisor Harold Garcia went over the monthly report for the month of April 2005 and answered questions from the Commission. Discussion ensued.

No action taken for information only.

**8. RESOLUTION NUMBER 05-10-05-PW AUTHORIZING THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY TO SUBMIT THE 2005 ADOPTED COUNTY ROAD LOG TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION**

Public Works Division Supervisor Harold Garcia submitted Resolution No. 05-10-05-PW Authorizing the Board of Commissioners of San Miguel County to submit the 2005 adopted County Road Log to the New Mexico Department of Transportation for approval.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution No. 05-10-05-PW Authorizing the Board of Commissioners of San Miguel County to submit the 2005 adopted County Road Log to the New Mexico Department of Transportation as presented. Second by Commissioner David Salazar. Motion carried.

**9. REQUEST FOR PROPOSALS FOR HEAVY EQUIPMENT AND LIGHT-DUTY DIESEL POWERED MECHANIC SERVICES**

Public Works Division Supervisor Harold Garcia informed the Commission that the County Public Works Division has had a heavy equipment diesel mechanic services for the past four years with a local mechanic and the agreement for these services will expire on June 30, 2005.

Mr. Garcia requested approval from the Commission to proceed in advertising for request for proposals for heavy equipment and light-duty diesel powered mechanic services.

Motion made by Vice-Chairman Hugh H. Ley to authorize staff to advertise the request for proposals (RFP) for heavy equipment and light-duty diesel powered mechanic services as requested. Second by Commissioner Kenneth C. Medina. Motion carried.

**10. ECONOMIC DEVELOPMENT ORDINANCE**

Planning & Zoning Supervisor Alex Tafoya informed the Commission that on October 12, 2004 at the County Commissioners Meeting, staff was directed to proceed with the development of an economic ordinance and plan. Mr. Tafoya stated that the ordinance was ready for review by the Commission.

Mr. Tafoya requested the Commission review the proposed ordinance and approve Resolution NO. 5-10-05-PZ.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution No. 5-10-05-PZ as requested. Second by Commissioners David Salazar and Kenneth C. Medina. Motion carried.

**11. BID AWARD FOR TECOLOTE COMMUNITY CENTER**

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the County issued an invitation for bids for improvements to the Tecolote Community Center.

Mr. Tafoya stated that bids were submitted by the followings four (4) companies:

- Vigil Contracting, Albuquerque, NM: Total amount of bid including alternates \$13,800.00.
- Lumar Inc., Mora, NM: Total amount of bid including alternates \$91,325.00
- New Image, Ribera, NM: Total amount of bid including alternates \$120,000.00
- Franken Construction, Las Vegas, NM: Total amount of bid including alternates \$104,100.00

Mr. Tafoya requested the Commission review the bids received and award bid to the lowest bidder which is Lumar Construction in the amount of \$91,189.00.

Motion made by Commissioner David Salazar to award bid to Lumar Construction in the amount of \$91,189.00, the lowest bidder. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**12. PETITION TO ADOPT LA JOYA DEL PADRE ROAD**

Planning & Zoning Supervisor Alex Tafoya reminded the Commission that in August 2004, a road viewing was held on La Joya Del Padre Road concerning adopting the road as a County road. In September 2004, the Commission heard a petition and accepted public comment in regard to adopting La Joya Del Padre Road as a County road.

Road viewers recommended that the road be brought up to County road standards by the residents/petitioners of the area before the road could be adopted as a County road. The item was tabled until such time as the County Engineer could prepare a cost estimate of work required to bring the road in compliance with County road specifications.

Chairman LeRoy H. Garcia noted for the record that the County was not accepting any new County roads and the only reason the County was accepting this road was because Representative Nick Salazar helped the residents with legislative funding for road improvements. Discussion ensued.

Motion made by Vice-Chairman Hugh H. Ley to approve adoption of La Joy Del Padre Road as a County road. Second by Commissioner Kenneth C. Medina. Motion carried.

The record will show that Commissioner Susano Ortiz voted against the motion.

**13. PUBLIC HEARING FOR POSSIBLE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the Planning & Zoning Office is beginning the process of receiving public comment in regard to projects that may be eligible and considered for 2006 Community Block Grant application.

Mr. Tafoya also stated that two (2) public meetings would be held regarding CDBG Project, one in Las Vegas, New Mexico and one in Pecos, New Mexico.

Mr. Tafoya explained the application rating criteria and requirements for eligibility for a CDBG application. Discussion ensued.

Mr. Tafoya requested that the Commission ratify the public meeting dates; conduct a public hearing and accept public comment regarding possible projects.

Chairman LeRoy H. Garcia requested public comment regarding possible projects for Community Development Block Grant applications.

County Manager Les Montoya requested consideration for the purchase of solid waste equipment for the transport and disposal of solid waste and facilities for San Miguel County.

Chairman LeRoy H. Garcia requested consideration for a vehicle for road repair.

Commissioner David Salazar requested consideration for walkways along the river for the Valley area.

County Manager Les Montoya requested consideration for Phase II for the Tecolote area.

County Manager Les Montoya requested consideration for renovation for the County Courthouse Phase III.

County Manager Les Montoya requested consideration for drainage and paving at Country Acres Subdivision.

Commissioner Kenneth C. Medina recommended taking a five (5) minute break.

Chairman LeRoy H. Garcia called meeting back to order at 3:50 p.m.

**14. INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) 2006-2010**

Planning & Zoning Supervisor Alex Tafoya reminded the Commission that it is time to prepare the County Infrastructure Capital Improvements Plan for 2006-2010.

Mr. Tafoya stated that the Planning & Zoning Office is currently accepting comment from County Staff, elected officials and interested parties in regard to the projects that should be included in the ICIP and that his office has sent out twenty-seven (27) letters requesting comment.

Mr. Tafoya requested the Commission review and comment on the draft ICIP and conduct a public hearing and accept public comment from anyone who wishes to submit a project to be included in the ICIP.

Chairman LeRoy H. Garcia requested public comment regarding possible projects for the draft ICIP.

Andres Aragon requested consideration for a lower crossing bridge for the Chupaderos road.

No others persons had public comment.

**15. RESOLUTION SMC-05-10-2005 DISSOLVING THE TECOLOTITO FIRE DISTRICT AND TRANSFERRING ANY UNUSED FUNDS TO THE FIRE DEPARTMENT EMERGENCY FUND**

Fire Marshal Dan Wright submitted Resolution SMC-05-10-2005 dissolving the Tecolotito Fire District and transferring any unused funds to the Fire Department Emergency Fund for approval.

Mr. Wright informed the Commission the Tecolotito Fire District has been non - functioning for over a year and never was able to qualify for funding from the



State and it would be more feasible to establish a substation to the Sheridan Fire District to service the area.

Motion made by Commissioner David Salazar to approve Resolution SMC-05-10-2005 dissolving the Tecolotito Fire District and transferring any unused funds to the Fire Department Emergency Fund as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**16. HARDING COUNTY CONFINEMENT FOR INMATES CONTRACT**

Warden/Facility Administrator Patrick W. Snedeker submitted contract for Inmate Confinement between Harding County and San Miguel County for review and approval.

Motion made by Commissioner Kenneth C. Medina to approve contract for Inmate Confinement between Harding County and San Miguel County as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**17. RESOLUTION NO. 2005-01 FROM THE NEW MEXICO ASSOCIATION OF COUNTIES OPPOSING “STRENGTHEN AMERICAS COMMUNITIES INITIATIVE WHICH WOULD ELIMINATE THE COMMUNITY DEVELOPMENT BLOCK GRANT” (CDBG)**

County Manager Les Montoya submitted Resolution No. 2005-01 from the New Mexico Association of Counties opposing “Strengthen Americas Communities Initiative which would eliminate the Community Development Block Grant” (CDBG) for approval.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution No. 2005-01 from the New Mexico Association of Counties opposing “Strengthen Americas Communities Initiative which would eliminate the Community Development Block Grant” (CDBG) as requested. Second by Commissioner David Salazar. Motion carried.

**18. NEW MEXICO ASSOCIATION OF COUNTIES RESOLUTION NO. 2005-02 IN SUPPORT OF THE FEDERAL PROGRAM- PAYMENT IN LIEU OF TAXES (PILT)**

Chairman LeRoy H. Garcia informed the Commission that he had gone to Washington to testify before Congress on behalf of the New Mexico Association of Counties and explained how the County of San Miguel and the State of New Mexico would be impacted if the Federal Program-Payment in Lieu of Taxes (PILT) would be cut.

The NM Association Board of Directors is recommending all Counties through their Commission consider approving the mentioned resolution.

Chairman LeRoy H. Garcia requested that Resolution No. 2005-02 in support of the Federal Program-Payment in Lieu of Taxes (PILT) be approved.

Motion made by Vice-Chairman Hugh H. Ley to approve that Resolution No. 2005-02 in support of the Federal Program-Payment in Lieu of Taxes (PILT) as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

**19. EMPLOYEE ASSISTANCE PROGRAM, EMPLOYEE MEDICAL BENEFIT PROGRAM**

County Manager Les Montoya explained to the Commission that the State of New Mexico employees and their household family members have a benefit called the Employee Assistance Program which is administered by CIGNA Behavioral Health. The EAP is a confidential resource that helps the employee and their family members find answers to various kinds of personal concerns or problems.

Mr. Montoya requested the Commission review the benefit proposed and determine whether or not to provide the benefit and determine the percentage of contribution desired.

Chairman LeRoy H. Garcia asked how many employees had benefited from this program in the past two (2) years. Mr. Montoya responded that in the past year approximately three (3) employees had benefited from the program.

Mr. Montoya recommended that the Employee Assistance Program, Employees Medical Benefit Program be approved at 70/30 employer and employee breakdown.

Motion made by Vice-Chairman Hugh H. Ley to approve Employee Assistance Program, Employees Medical Benefit Program at 70/30 employer and employee breakdown as recommended. Second by Commissioner Kenneth C. Medina. Motion carried.

**20. RATIFICATION OF THE 2005 EL VALLE DE SAN MIGUEL FLYING DIAMOND SCHOLARSHIP RECIPIENTS**

County Manager Les Montoya informed the Commission that El Valle de San Miguel Flying Diamond Scholarship was announced with a deadline of April 22, 2005 and twenty (20) applications were received.

Mr. Montoya requested ratification for the 2005 El Valle De San Miguel Flying Diamond Scholarship recipients.

Motion made by Commissioner David Salazar to approve ratification for the 2005 El Valle De San Miguel Flying Diamond Scholarship recipients. Second by Commissioner Susano Ortiz. Motion carried.

**21. RESOLUTION NUMBER RES-05-10-05-PW-EXCESS PROPERTY AUTHORIZING THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY TO DECLARE CERTAIN PROPERTY EXCESS PROPERTY AND AUTHORIZING THE COUNTY MANAGER TO SELL SAID PROPERTY AS PROVIDED TN THE STATE STATUTES**

County Manager Les Montoya submitted Resolution No.-05-10-05-PW-EXCESS property authorizing the Board of Commissioners of San Miguel County to declare certain property excess property and authorizing the County Manager to sell said property as provided in the State Statutes for approval.

Mr. Montoya informed the Commission that the County has excess vehicles and equipment that are in disrepair condition and no longer needed for use by the County and the County is preparing to have these vehicles and equipment declared excess and auctioned off or bid for sale.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution No.-05-10-05-PW-EXCESS property authorizing the Board of Commissioners of San Miguel County to declare certain property excess property and authorizing the County Manager to sell said property as provided in the State Statutes as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

County Manager Les Montoya also requested authorization to facilitate and move this process along to put all these items out for bid.

Motion made by Commissioner David Salazar to authorize County Manager Les Montoya request to put all items out for bid as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**22. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE AND TO RATIFY THE FOLLOWING EMPLOYEES TO FILL THE POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER**

County Manager Les Montoya submitted the following recommendations for hire and ratifications to fill the positions at the San Miguel County Detention Center:

Probationary Employees

Mary Duran	Administrative Assistant/ Secretary	Salary: \$23,000.00 Annually
Jacquelyn Romero	Correction Medical Officer	Salary: \$18,720.00 Annually
Rachel Lucero	Detention Officer	Salary: \$17,843.28 Annually
Valerie Valencia	Detention Officer	Salary: \$17,843.28 Annually
Antonio Maes	Detention Officer	Salary: \$17,843.28 Annually
Geraldine Garza	Food Service Worker	Salary: \$14,588.00 Annually

Motion made by Commissioner David Salazar to approve recommendations and ratifications as requested by the County Manager. Second by Commissioner Susano Ortiz. Motion carried.

**23. PERSONNEL ACTIONS**

County Manager Les Montoya submitted Personnel Actions that have taken place in San Miguel County for ratification and approval.

Motion made by Vice-Chairman Hugh H. Ley to approve Personnel Actions as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

**24. SAN MIGUEL COUNTY BOARD OF FINANCE MEETING**

Chairman LeRoy H. Garcia announced that the Board of County Commissioners would meet as the Board of Finance for San Miguel County.

**25. PRESENT RESOLUTION NO. 4-12-2005-F1 AS APPROVED AND MODIFIED BY DFA TO ACCOUNT FOR A DONATION TO THE PECOS CANYON VOLUNTEER FIRE DEPARTMENT**

Finance Division Melinda Gonzales submitted Resolution No. 4-12-2005-F1 as approved and modified by DFA to account for a donation to the Pecos Canyon Volunteer Fire Department for approval.

Ms. Gonzales informed the Commission that this item was presented to the Commission during the last meeting and the DFA asked for modifications on few amounts.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution No. 4-12-2005-F1 as approved and modified by DFA to account for a donation to the Pecos Canyon Volunteer Fire Department as presented. Second by Commissioner Susano Ortiz. Motion carried.

**26. RESOLUTION NO. 5-10-2005-F1 AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY**

Finance Division Melinda Gonzales submitted Resolution No. 5-10-2005-F1 Authorizing and approving submission of a completed application for Financial Assistance and project approval to the New Mexico Finance Authority for approval.

Finance Division Melinda Gonzales informed the Commission that the money requested in the amount of \$1,587,500.00 for various capital outlay items needed at the Detention Facility. The County would pledge the new 1/8<sup>th</sup> correctional

gross receipts tax and the 1/8<sup>th</sup> gross receipts tax is expected to generate \$360,000.00.

Motion made by Commissioner Kenneth C. Medina to approve Resolution No. 5-10-2005-F1 Authorizing and approving submission of a completed application for Financial Assistance and project approval to the New Mexico Finance Authority as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**27. RESOLUTION 5-10-2005-F2 BUDGET ADJUSTMENTS**

Finance Division Supervisor Melinda Gonzales submitted Resolution No-5 10-2005-F2 Budget Adjustments for review and approval and went over the budget adjustments. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to approve Resolution 5-10-2005-F2 Budget Adjustments as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**28. INDIGENT CLAIMS**

Finance Division Supervisor Melinda Gonzales submitted the Indigent Claims for review and approval. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to approve Indigent Claims as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**29. CASH BALANCE REPORT**

Finance Division Supervisor Melinda Gonzales went over the Cash Balance Report. Discussion ensued.

No action taken; for information only.

**30. ACCOUNTS PAYABLE LISTING**

Finance Division Supervisor Melinda Gonzales submitted Accounts Payable Listing for approval and certified each expenditure as a true and legitimate expense.

Motion made by Commissioner Kenneth C. Medina to approve Accounts Payable Listing as presented. Second by Vice-Chairman Hugh H. Ley. 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)(8) 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 Meeting Act, NMSA 1978.**

Les Montoya, County Manager recommended to retire into Executive 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 Kenneth C. Medina to retire into Executive Session at 4:40 p.m. 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. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Roll call was taken before County Commission retired into Executive Session.

Chairman LeRoy H. Garcia	yes
Vice-Chairman Hugh H. Ley	yes
Commissioner Kenneth C. Medina	yes
Commissioner Susano Ortiz	yes
Commissioner David Salazar	yes

Unanimous vote to retire into executive session.

Chairman LeRoy H. Garcia called the meeting back into public session at 5:20 p.m.

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

Motion made by Commissioner Kenneth C. Medina to approve Resolution No. SMC-5-10-05-CM, Resolution requesting Federal Emergency Assistance and Immediate Forest Service Management Oversight to act on Design and Construction to prepare the section of Forest Service Road No. FR-555 leading to Jacks Creek, Pecos Canyon, Pecos, New Mexico. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**ADJOURNMENT**

Motion made by Commissioner Kenneth Medina to adjourn. Second by Vice-Chairman Hugh H. Ley. Motion carried.

The record will show the time is 5:30 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005 as the Official Minutes of the Board of County Commissioners of San Miguel County, New Mexico.

\_\_\_\_\_  
LeRoy H. Garcia, Chairman

\_\_\_\_\_  
Hugh H. Ley, Vice-Chairman

\_\_\_\_\_  
David R. Salazar Commissioner

\_\_\_\_\_  
Kenneth C. Medina, Commissioner

\_\_\_\_\_  
Susano Ortiz, Commissioner

**ATTEST**

\_\_\_\_\_  
Paul Maez, County Clerk

\_\_\_\_\_  
Minutes Submitted by: Geraldine E. Gutierrez

