

**REGULAR MEETING
NOVEMBER 14, 2005
MINUTES**

The Board of County Commissioners of San Miguel County held a Regular Meeting and a County Finance Meeting on Monday, November 14, 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 87701. 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 David R. Salazar, Commissioner Kenneth C. Medina and Commissioner Susano Ortiz were present.

The record will show a quorum was present.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

County Manager Les Montoya presented the agenda as prepared.

Chairman Garcia requested that Item No. 4 (Rubel Allemand application for summary subdivision) be moved up to Item No. 1.

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

APPROVAL OF MINUTES – Special Meeting of September 27, 2005 and Regular Meeting of October 12, 2005.

County Manager Les Montoya and County Attorney Jesus Lopez had no recommended changes to the minutes of Special Meeting of September 27, 2005 and Regular Meeting of October 12, 2005.

Motion made by Commissioner Susano Ortiz to approve the minutes of Special Meeting of September 27, 2005 and Regular Meeting of October 12, 2005. Second by Commissioner Kenneth C. Medina. Motion carried.

INTRODUCTION OF NEW EMPLOYEES

County Manager Les Montoya introduced the following new employee:

Gary King (Probationary Employee)	Maintenance Technician	Public Works Division
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Johnny Montano (Probationary Employee)	Maintenance Technician	Detention Center
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NEW BUSINESS:

1. RUBEL ALLEMAND APPLICATION FOR SUMMARY SUBDIVISION

Planning and Zoning Supervisor Alex Tafoya reminded the Commission that on October 12, 2005 the public hearing was continued because the State Engineer's Office had not completed the third review and assessment of the application, and voted to continue the public hearing.

Mr. Tafoya stated that he had received a third review from the State Engineer's Office dated October 21, 2005 and went over the letter with the Commission and stated that in conclusion the State Engineer's opinion was that the developer had not proven that water is available for his subdivision, and therefore the negative opinion cannot be changed at this time based on the documentation provided.

Mr. Tafoya recommended that the Commission continue the public hearing, review comments provided by the State Engineer's Office in the letter dated October 21, 2005, approve the summary subdivision under the condition that Mr. Allemand amends the disclosure statement indicating what the State Engineer had concluded and also to include the letter of October 21, 2005 from the State Engineer as an exhibit to the disclosure statement. The disclosure statement is to be recorded in the County Clerk's Office and provided to all prospective purchasers.

Chairman LeRoy H. Garcia asked if any persons in the audience were in favor of the subdivision.

No one came forward.

Chairman LeRoy H. Garcia asked if any persons in the audience were against the subdivision.

The following person came forward who was against the subdivision:

Sharon Greely

County Attorney Jesus Lopez recommended that the subdivision be approved and explained the primary purposes of the Subdivision Act of New Mexico. Discussion ensued.

Commissioner David Salazar expressed his concerns about setting precedence if this subdivision is approved.

Mr. Lopez stated that this subdivision is a type five subdivision which could be approved under the summary subdivision process and is not required to go through any state agency for any opinions or approvals. Discussion ensued.

County Attorney Jesus Lopez recommended the subdivision be approved with the condition that language be included in the disclosure statement, stating that an opinion had been rendered on water availability or lack thereof from the State Engineer's Office and to attach letter from the State Engineer's Office as an exhibit to the disclosure statement.

Vice-Chairman Hugh H. Ley stated that he would approve the subdivision with the condition that each lot be restricted to 0.50 acre feet of water per annum.

Chairman LeRoy H. Garcia asked Mr. Allemand, the developer if he would accept the conditions that were set forth.

Mr. Allemand stated that he had no problem with the conditions and would accept them.

County Attorney Jesus Lopez recommended that the motion read that the subdivision be approved subject to the condition established by Commissioner Ley and those recited on record by County Attorney Jesus Lopez relating to disclosure of water availability and that evidence of satisfactory performance of those conditions be submitted to the Planning and Zoning Director within ten (10) days.

Motion made by Commissioner Kenneth C. Medina to approve the subdivision with the condition established by Commissioner Ley and those recited on record by County Attorney Jesus Lopez relating to disclosure of water availability and that evidence of satisfactory performance of those conditions be submitted to the Planning and Zoning Director within ten (10) days. Second by Commissioner Susano Ortiz. Motion carried.

2. COUNTY TREASURER'S MONTHLY REPORT

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

No action taken for information only.

3. RESOLUTION 11-14-2005-CLERK, VOTING LOCATIONS FOR THE PRIMARY AND GENERAL ELECTION.

County Clerk Paul Maez submitted for approval Resolution 11-14-2005-Clerk, voting locations for the Primary and General Elections.

Motion made by Commissioner Kenneth C. Medina to approve Resolution 11-14-2005-Clerk, voting locations for the Primary and General Elections as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

4. THE COALITION FOR NEW MEXICO WILDERNESS, APPROXIMATELY 400 BUSINESSES FROM ACROSS NEW MEXICO SEEK A RESOLUTION FROM THE SAN MIGUEL COUNTY COMMISSION IN SUPPORT OF THE CREATION OF A WILDERNESS AREA CALLED SABINOSO. THE AREA IS CURRENTLY FEDERAL BUREAU OF LAND MANAGEMENT LAND AND IT'S CLASSIFIED AS A WILDERNESS STUDY AREA. THAT MEANS THERE ARE FEW IF ANY ROADS, THE AREA HAS BEEN DEEMED SUITABLE FOR WILDLIFE AND HIKING, AND IT HAS INTRINSIC VALUE AS OPEN SPACE AND WILDLIFE HABITAT

Arturo Sandoval, Chairman of Statewide Coalition for New Mexico Wilderness gave a presentation seeking approval from the Commission in support of the creation of a wilderness area called Sabinoso. Discussion ensued.

Vice-Chairman Hugh H. Ley expressed his concerns regarding this request. Discussion ensued.

Motion made by Commissioner David Salazar to approve Resolution No. 11-14-05-Sabinoso as requested. Second by Commissioner Susano Ortiz. Motion carried.

Roll call was taken regarding the motion.

Chairman LeRoy H. Garcia	yes
Vice-Chairman Hugh H. Ley	no
Commissioner David Salazar	yes
Commissioner Kenneth C. Medina	yes
Commissioner Susano Ortiz	yes

5. PROPOSED AFFORDABLE HOUSING ORDINANCE NO. SMC-11-14-2005-PZ

Planning & Zoning Supervisor Alex Tafoya informed the Commission that at the meeting of October 12, 2005, the Commission reviewed the proposed Affordable Housing Ordinance and authorized staff to publish a Notice of Hearing and proposed adoption of the ordinance. Mr. Tafoya informed the Commission that the notice had been published.

Mr. Tafoya requested the Commission conduct a public hearing to consider adoption of the Affordable Housing Ordinance No. SMC-11-14-05-PZ; approve and adopt the ordinance.

Vice-Chairman Hugh H. Ley requested public comment for those who were in favor of the ordinance.

No one came forward.

Chairman LeRoy H. Garcia requested public comment for those who were against the ordinance.

No one came forward.

Motion made by Vice-Chairman Hugh H. Ley to approve Affordable Housing Ordinance No. SMC-11-14-05-PZ as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

6. DESIGNATION OF A CERTIFYING ENVIRONMENTAL OFFICIAL FOR THE 2006 TECOLOTE CDBG APPLICATION

Planning & Zoning Supervisor Alex Tafoya informed the Commission that potential grant applicants for projects to be funded by Community Development Block Grant Funds are required to designate a Certifying Environmental Official to be responsible for the environmental review process.

Mr. Tafoya requested approval to designate himself (Alex Tafoya) as the Certifying Environmental Official for the 2006 Tecolote Road Improvement Project.

Motion made by Vice-Chairman Hugh H. Ley to designate Alex Tafoya as the Certifying Environmental Official for the 2006 Tecolote Road Improvement Project as requested. Second by Commissioner David R. Salazar. Motion carried.

7. AMENDED GRANT AGREEMENT-PROJECT NO. 03-930

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the County received an amended Grant Agreement for Project N. 03-930 for the amount of \$15,000.00 to upgrade the archiving system for the County Clerk's Office in San Miguel County.

Mr. Tafoya requested approval from the Commission to amend the grant agreement.

Motion made by Commissioner Susano Ortiz to approve to amend the grant agreement as requested. Second by Commissioner David Salazar. Motion carried.

8. APPLICATION FOR FEDERAL-PECOS AMBULANCE BUILDING IN PECOS

Planning & Zoning Supervisor Alex Tafoya informed the Commission that the Pecos Valley Medical Center submitted an application to the United States Department of Agriculture (USDA) for funding assistance to construct an ambulance building in the Pecos area.

Mr. Tafoya stated that the Pecos Valley Medical Center received a letter from USDA advising them that the grant had been given conditional approval subject to the initial requirements that must be met before the grant application is given further consideration.

Mr. Tafoya went over the USDA conditions that must be met.

Mr. Tafoya requested authorization for San Miguel County to serve as the fiscal authority and lead entity and staff to begin and proceed with following through and completing the conditions as outlined in the USDA letter of conditions and bring such conditions before the Commission for ratification as needed.

County Manager Les Montoya went over the financial breakdown for the building and went over alternate methods of payment for the building. Discussion ensued.

Motion made by Vice-Chairman Hugh H. Ley to authorize San Miguel County to serve as the fiscal authority and lead entity and staff to begin and proceed with following through and completing the conditions as outlined in the USDA letter of conditions and bring such conditions before the Commission for ratification as needed with the condition that the monies are available to fund this project. Second by Commissioner Kenneth C. Medina. Motion carried.

9. PROJECT AGREEMENT (06-EE-05-087), EDUCATION & ENFORCEMENT \$3,805.00.

Under Sheriff Benjie Vigil requested approval for Project Agreement (06-EE-5-087) Education & Enforcement, \$3,805.00.

Mr. Vigil informed the Commission that the monies given to the department are to purchase equipment and to pay for training which comes from the New Mexico Department of Transportation. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to approve Project Agreement (06-EE-5-087) Education & Enforcement, \$3,805.00 as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

10. PROJECT AGREEMENT (06-RF-01-087), OPERATION BUCKLE DOWN \$5,396.00

Under Sheriff Benjie Vigil requested approval for Project Agreement (06-RF-01-087), Operation Buckle Down, \$5,396.00.

Mr. Vigil informed the Commission that the monies would be used for overtime which comes from the New Mexico Department of Transportation.

Motion made by Commissioner Kenneth C. Medina to approve Project Agreement (06-RF-01-087), Operation Buckle Down, \$5,396.00 as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

11. PROJECT AGREEMENT (06-AL-64-087), OPERATION DWI AMOUNT \$7,854.00

Under Sheriff Benjie Vigil requested approval for Project Agreement (06-AL-64-087), Operation DWI, \$7,854.00.

Mr. Vigil informed the Commission that the monies would be used for overtime which comes from the New Mexico Department of Transportation.

Motion made by Commissioner Kenneth C. Medina to approve Project Agreement (06-AL-64-087), Operation DWI, \$7,854.00 as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

12. JOB DESCRIPTION FOR HOUSING SPECIALIST

County Manager Les Montoya informed the Commission that due to the increase in the amount of vouchers a new position is required.

Mr. Montoya submitted for review and approval the job description for Housing Specialist.

Motion made by Vice-Chairman Hugh H. Ley to approve description for Housing Specialist as requested. Second by Commissioner Kenneth C. Medina. Motion carried.

13. MONTHLY REPORT FOR THE PUBLIC WORKS DIVISION FOR THE MONTH OF OCTOBER 2005

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

No action taken; for information only.

14. AWARD FOR BIDS FOR THE FOLLOWING ROAD PROJECTS:

- **EL ANCON (COUNTY ROAD B-41-F)**
- **LEYBA(GONZALES RANCH AREA)COUNTY ROAD B-36**
- **SENA (COUNTY ROAD B-58)**
- **PECOS AREA AT LA JOYA DEL PADRE ROAD**
- **LA SACATOSA (GONZALES RANCH AREA)**
- **COUNTY ROAD B-25-B**
- **GONZALES RANCH ROAD (COUNTY ROAD B-31-A)**
- **VILLAGE OF ROWE IS AT TYSON ROAD**
- **VILLAGE OF VILLANUEVA (COUNTY ROAD B-29)**

Public Works Division Supervisor Harold Garcia informed the Commission that the County advertised for the purchase, delivery and placement of base course on the above mentioned roads and bids were opened on Wednesday, October 26, 2005 with two bids submitted. The two (2) bids submitted were from Rocky Road Gravel Products and Duran's Sand & Gravel.

Mr. Garcia requested authorization to award the bid to Duran's Sand & Gravel the lowest bidder for these road projects.

Motion made by Vice-Chairman Hugh H. Ley to authorize staff to enter into procurement with Duran's Sand & Gravel as the successful bidder for the purchase, delivery and placement of base course on the County Roads mentioned. Second by Commissioner David Salazar. Motion carried.

15. AWARD OF BIDS FOR THE FOLLOWING PROJECTS:

- **BIG MESA SUBDIVISION ONE-TIME ROADWAY GRADING & QUARTERLY ROADWAY MAINTENANCE**

Public Works Division Supervisor Harold Garcia informed the Commission that the County advertised for the purchase, delivery and placement of base course on the above mentioned roads and bids were opened on Wednesday, October 26, 2005 with four (4) bids submitted. The four (4) bids submitted were from Rocky Road Gravel Products, Duran's Sand & Gravel, Steve Chacon and EP Construction. Discussion ensued.

Mr. Garcia requested authorization to award the bid to Rocky Road Gravel Products the lowest bidder for these road projects.

Vice-Chairman Hugh H. Ley expressed his concerns regarding how cost effective it is to contract out these road projects verses the County doing these projects. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to authorize staff to enter into procurement with Rocky Road Gravel Products as the successful bidder for the purchase, delivery and placement of base course on the County Roads mentioned. Second by Commissioner David Salazar. Motion carried.

16. LEASE AGREEMENT WITH WAGNER EQUIPMENT COMPANY FOR 5-YEAR LEASE FOR A 140 H MOTOR GRADER

Public Works Division Supervisor Harold Garcia reminded the Commission that at last month's Commission meeting the staff was authorized to enter into a five (5) year Lease Agreement with Wagner Equipment Company for a 140 H Motor Grader. This was based on a "piggy-back" with the County of Colfax on a recent award to Wagner Equipment Company and has submitted a governmental lease purchase agreement for execution of this agreement.

Mr. Garcia requested authorization to approve the execution of the Government Lease Purchase Agreement with Wagner Equipment.

Motion made by Commissioner David Salazar to approve the execution of the Government Lease Purchase Agreement with Wagner Equipment for the five(5) year lease/purchase for the 140 Motor Grader as requested. Second by Commissioner Kenneth C. Medina. Motion carried.

Chairman LeRoy Garcia asked Mr. Garcia if he had looked into leasing mowers for the summer months as requested in a previous meeting.

Mr. Garcia informed the Commission that he had checked with different companies and mowers need to be purchased and are not leased. Discussion ensued.

17. LEASE AGREEMENT WITH WAGNER EQUIPMENT COMPANY FOR 5-YEAR LEASE FOR A 938G CATERPILLAR WHEEL LOADER

Public Works Division Supervisor Harold Garcia reminded the Commission that at last month's Commission meeting the staff was authorized to enter into a five (5) year Lease Agreement with Wagner Equipment Company for a 938G Caterpillar Wheel Loader . This was based on a "piggy-back" with the County of Colfax on a recent award to Wagner Equipment Company and has submitted a governmental lease purchase agreement for execution of this agreement.

Mr. Garcia requested authorization to approve the execution of the Government Lease Purchase Agreement with Wagner Equipment.

Motion made by Commissioner David Salazar to approve the execution of the Government Lease Purchase Agreement with Wagner Equipment for the five(5) year lease/purchase for a 938G Caterpillar Wheel Loader as requested. Second by Commissioner Susano Ortiz. Motion carried.

18. REVISED JOB DESCRIPTION/SAN MIGUEL COUNTY DETENTION CENTER/DETENTION LIEUTENANT

Warden/Facility Administrator Patrick Snedeker submitted for review and approval a revised job description/San Miguel County Detention Center/Detention Lieutenant.

Mr. Snedeker informed the Commission that there are two (2) authorized/budgeted Detention Lieutenant positions at the Detention Center. One position has been assigned to the custody, security, operational area of the facility.

Motion made by Vice-Chairman Hugh H. Ley to approve revised job description/San Miguel County Detention Center/Detention Lieutenant. as requested. Second by Commissioner Susano Ortiz. Motion carried.

19. CONTRACT FOR INMATE CONFINEMENT BY AND BETWEEN TAOS COUNTY, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO

Warden/Facility Administrator Patrick Snedeker submitted for review and approval a revised contract for Inmate Confinement between Taos County and San Miguel County Detention Center.

Mr. Snedeker informed the Commission that the contract for Inmate Confinement between Taos County and San Miguel County Detention Center include the following changes: a sixty day termination clause, discussion among County Administrator(s) specific to problematic inmates(s) and removal if necessary, confinement rate of \$65.00 per day/per inmate, and all transportation shall be completed by Taos County.

Motion made by Commissioner David Salazar to approve the revised contract for Inmate Confinement between Taos County and San Miguel County Detention Center as requested. Second by Commissioner Kenneth C. Medina. Motion carried.

20. PARTNERSHIP AGREEMENT BETWEEN THE NM ADMINISTRATIVE OFFICE OF THE COURTS AND SAN MIGUEL COUNTY, NEW MEXICO TO PROVIDE FOR AND FACILITATE VIDEO ARRAIGNMENT PROCESSES BETWEEN THE DETENTION CENTER AND THE MAGISTRATE COURT IN LAS VEGAS, NEW MEXICO

Warden/Facility Administrator Patrick Snedeker submitted for review and approval to continue the Partnership agreement between the NM Administrative Office of the Courts and San Miguel County.

Mr. Snedeker informed the Commission that there is a partnership agreement between the NM Administrative Office of the Courts and San Miguel County to provide for and facilitate video arraignment process between the Detention Center and the Magistrate Court in Las Vegas, New Mexico.

Motion made by Commissioner David Salazar to approve the partnership agreement between the NM Administrative Office of the Courts and San Miguel County as requested. Second by Vice-Chairman Hugh H. Ley. Motion carried.

21. RECOMMENDATION TO AUTHORIZE COUNTY TO CONTRACT WITH G. L. ENVIRONMENTAL INC. TO PERFORM PROFESSIONAL SERVICES TO COMPLETE A TECOLOTE LANDFILL CLOSURE AND POST CLOSURE PLAN

County Manager Les Montoya informed the Commission that the County was advised by the New Mexico Environment Department Solid Waste Bureau that the landfill closure plans were required for the Tecolote Landfill site and RFP were solicited and two proposals were received.

Mr. Montoya requested authorization to negotiate with the firm of G.L. Environmental Inc. and Miller Engineering as the firm scored the highest in the evaluation.

Motion made by Commissioner David Salazar to approve staff to negotiate with the firm of G.L. Environmental Inc. and Miller Engineering for an acceptable service agreement to perform the work required. Second by Commissioner Kenneth C. Medina. Motion carried.

22. MEMORANDUM OF UNDERSTANDING (MOU) WITH LAS VEGAS/SAN MIGUEL ECONOMIC DEVELOPMENT COOPERATION AND SAN MIGUEL COUNTY

County Manager Les Montoya requested the Commission review and consider a Memorandum of Understanding committing EDC and San Miguel County to work together in planning, designing, developing and constructing an industrial park at the old Medite property.

Motion made by Commissioner Susano Ortiz to approve Memorandum of Understanding committing EDC and San Miguel County to work together in planning, designing, developing and constructing an industrial park at the old Medite property as requested. Second by Commissioner David Salazar. Motion carried.

23. COUNTY MANAGER'S PERSONNEL RECOMMENDATION TO HIRE A HEALTH SERVICE ADMINISTRATOR POSITION AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION FO PATRICK SNEDEKER, WARDEN

County Manager Les Montoya submitted the following recommendations for hire as per the recommendation of Patrick Snedeker, Warden:

Probationary Employee:

Norma Martinez Health Service Administrator Salary: \$52,000.00 Annually
Date of Hire: January 9, 2006

Motion made by Commissioner Kenneth C. Medina to approve to hire Norma Martinez as per the recommendation of Patrick Snedeker, Warden. Second by Vice-Chairman Hugh H. Ley. Motion carried.

24. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE AND TO RATIFY THE FOLLOWING INDIVIDUAL TO FILL THE POSITION OF CASUAL EMPLOYEE AT THE SAN MIGUEL COUNTY TREASURER'S DEPARTMENT.

County Manager Les Montoya submitted the following recommendations for hire to fill the position of Casual Employee at the San Miguel County Treasurer's Department:

Casual Employee

Pamela Sena Office Clerk Salary: \$9.00 Hourly

Motion made by Commissioner Kenneth C. Medina to approve recommendations to fill the position of Casual Employee at the San Miguel County Treasurer's Department as requested. Second by Commissioner David Salazar. Motion carried.

25. COUNTY MANAGER’S PERSONNEL RECOMMENDATIONS TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE POSITION OF APPRAISER II WITH THE SAN MIGUEL COUNTY ASSESSOR’S DEPARTMENT AS PER THE RECOMMENDATION OF ALBERT PADILLA, COUNTY ASSESSOR.

County Manager Les Montoya submitted the following recommendations for hire as per the recommendation of Albert Padilla, County Assessor:

Probationary Employees:

William Sedillo Appraiser II Salary: \$18,720.00 Annually

Motion made by Commissioner Kenneth C. Medina to approve to hire William Sedillo as per the recommendation of Albert Padilla, Assessor. Second by Vice-Chairman Hugh H. Ley. Motion carried.

26. PERSONNEL ACTIONS

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

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

27. 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.

28. FINANCIAL RESOLUTION 11-14-2005-F1

Finance Division Supervisor Melinda Gonzales submitted for approval Resolution No. 11-14-2005-F1.

Ms. Gonzales went over the budget adjustments.

Motion made by Commissioner David Salazar to approve Resolution No. 11-12-2005-F1 as requested. Second by Commissioner Susano Ortiz. Motion carried.

Chairman LeRoy H. Garcia gave a brief update on his trip to Washington. Discussion ensued.

29. RESOLUTION 11-14-2005-F2 ESTABLISHING A NEW FUND ENTITLED THE DETENTION CENTER CAPITAL OUTLAY FUND

Finance Division Supervisor Melinda Gonzales submitted for approval Resolution No. 11-14-2005-F2 establishing a new fund entitled the Detention Center Capital Outlay Fund.

Motion made by Commissioner David Salazar to approve Resolution No. 11-12-2005-F2 as requested. Second by Commissioner Susano Ortiz. Motion carried.

30. FINANCIAL RESOLUTION 11-14-2005-F3 REQUESTING PERMISSION AND APPROVAL TO REMOVE SOLID WASTE ACCOUNTS FROM THE SYSTEM

Finance Division Supervisor Melinda Gonzales submitted for approval Resolution No. 11-14-2005-F3 requesting permission and approval to remove solid waste accounts from the system.

Motion made by Commissioner David Salazar to table Resolution No. 11-12-2005-F1. Second by Commissioner Susano Ortiz. Motion carried.

31. INDIGENT CLAIMS

Finance Division Supervisor Melinda Gonzales submitted for approval Indigent Claims.

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

32. CASH BALANCE REPORT

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

No action taken; for information only.

33. 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 Commissioner Susano Ortiz. 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) and of the New Mexico Open Meetings Act, NMSA 1978.**

County Manager Les Montoya 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 and 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.

Commissioner David Salazar recommended that the County Manager’s Office draft a letter congratulating the Robertson High School Football Team for wining district.

Motion made by Commissioner Kenneth C. Medina to retire into Executive Session at 4:32 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 Commissioner David R. Salazar. 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.

ADJOURNMENT

Motion made by Commissioner Kenneth C. Medina to adjourn. Second by Commissioner David Salazar. Motion carried.

The record will show the time is 5:22 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

