

**REGULAR MEETING  
FEBRUARY 8, 2005  
MINUTES**

The Board of County Commissioners of San Miguel County held a Regular Meeting on Tuesday, February 8, 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 agenda for the meeting was as follows:

**CALL TO ORDER**

Chairman LeRoy H. Garcia called the meeting to order at 1:35 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 present.

The record will show a quorum was present.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

County Manager Les Montoya amended agenda to remove **Item 17 Resolution No. 02-08-2005-DWI**.

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

**APPROVAL OF MINUTES – January 11, 2005 \***

County Attorney Jesus Lopez and County Manager Les Montoya had no recommended changes to the minutes of January 11, 2005.

Motion made by Vice-Chairman Hugh H. Ley to approve minutes of January 11, 2005 as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

**NEW BUSINESS:**

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

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

**2. PRESENTATION OF PLAQUE TO MANUEL C. LUCERO IN APPRECIATION FOR HIS YEARS OF SERVICE TO SAN MIGUEL COUNTY AS A MEMBER OF THE SAN MIGUEL COUNTY PLANNING AND ZONING COMMISSION**

The Board of County Commissioners presented a plaque of appreciation to Manuel C. Lucero for his years of service to the San Miguel County Planning and Zoning Commission.

**LAS VEGAS/SAN MIGUEL ECONOMIC DEVELOPMENT COMMITTEE 2004 YEAR END REVIEW DR. LUIS ORTIZ**

Dr. Luis Ortiz gave a year end review regarding the Las Vegas/San Miguel Economic Development achievements for 2004 and future initiatives for 2005. Discussion ensued.

**3. PUBLIC HEARING ON THE QUESTION OF WHETHER THE LOW INCOME PROPERTY TAX REBATE SHOULD BE MADE AVAILABLE IN SAN MIGUEL COUNTY, PURSUANT TO ORDINANCE, AS PERMITTED BY LAW**

County Attorney Jesus Lopez gave background information regarding the question whether the low income property tax rebate should be enacted in San Miguel County, pursuant to Ordinance as permitted by law. Discussion ensued.

Chairman LeRoy H. Garcia asked if anyone in the audience was in favor of the Tax Rebate. No one responded.

Chairman LeRoy H. Garcia asked if anyone in the audience was against the Tax Rebate. Four individuals indicated they were against the property tax rebate.

Vice-Chairman Hugh H. Ley brought up some personal property tax issues to the County Assessor Albert Padilla.

Mr. Padilla explained the different categories of personal property taxes and explained why it was so difficult to collect on some types of personal property taxes.

Commissioner Susano Ortiz asked Mr. Padilla what steps are being done to collect livestock taxes.

Mr. Padilla informed the Commission that the Assessor's Office is working very close with the Livestock Inspectors regarding the livestock taxes.

Motion made by Vice-Chairman Hugh H. Ley to not move to develop ordinance for tax rebate in San Miguel County. Second by Commissioner Susano Ortiz. Motion carried.

**4. RESOLUTION NO. SMC-02-08-05 LOCAL OPTION, CALLING FOR AN ELECTION ON THE QUESTION OF WHETHER BEER AND WINE LICENSES SHALL BE ALLOWED IN SAN MIGUEL COUNTY**

County Manager Les Montoya reminded the Commission that at a prior meeting the Commission had been approached by a few business owners on whether restaurant beer and wine sales should be allowed in the County.

Mr. Montoya submitted the proposed Resolution which would call for an Election that would direct the County Clerk to do all things necessary to hold such an election for review and approval. Discussion ensued.

County Attorney Jesus Lopez explained the statutes, which would allow for a local option election regarding beer and wine sales. Mr. Lopez explained the process to be followed regarding the Sunday Liquor sales. Mr. Lopez advised the Commission a petition would be required to place the Sunday Liquor Sales on the ballot. Discussion ensued.

Dr. Sunil Pai from Sanjevani addressed the Commission regarding the Beer and Wine and Sunday Liquor Sales Election and asked what areas of the County would be eligible to sign the petition. Mr. Pai was advised that the voters of San Miguel County would be required to sign.

Chairman LeRoy H. Garcia expressed his gratitude and support to Dr. Pai because they are willing to pay for half of the cost of the election. Discussion ensued.

Dr. Pai stated that they would pay for half of the election providing it was legal.

County Attorney Jesus Lopez stated that it was legal to pay for half of the cost of the election. Discussion ensued.

Mr. Lopez recommended that the Commission hold off on the Beer and Wine Election until the required petitions for Sunday Liquor Sales are submitted to the Commission so only one Election would be held regarding both issues. Discussion ensued.

After much discussion on who would be eligible to sign the petition, County Attorney Jesus Lopez stated he would look into the matter further. Discussion ensued.

Chairman LeRoy H. Garcia made a recommendation to table Resolution No. SMC-02-08-05 Local Option, Calling for an Election on the Question of Whether Beer and Wine Licenses shall be allowed in San Miguel County until the petitions requesting Sunday Liquor Sales are submitted to the Board of County Commissioners.

Motion made by Commissioner Susano Ortiz to table this item as recommended by Chairman LeRoy H. Garcia. Second by Vice-Chairman Hugh H. Ley. Motion carried.

County Manager Les Montoya suggested that Dr. Pai stay in contact with Planning and Zoning Supervisor Alex Tafoya regarding this matter.

**5. RESOLUTION NO. 02-08-05-CM SUPPORTING FEDERAL LEGISLATION THAT WOULD PROVIDE CURRENT LEASEHOLDERS OF U.S. FOREST SERVICES PROPERTY LOCATED IN COWELS, SAN MIGUEL COUNTY, NEW MEXICO, THE OPTION OF PURCHASING THE LEASEHOLDERS LEASE LOT OR CONTINUING THE CURRENT LEASE ON THE SAME TERMS AND CONDITIONS AS SET FORTH IN CURRENT BASE**

Jims Gibbs addressed the Commission on behalf of lease holders in the Cowels area. Mr. Gibbs requested the Commission approve Resolution No. 02-08-05-CM supporting Federal Legislation that would provide current leaseholders of U.S. Forest Services property located in Cowels, San Miguel County, New Mexico, the option of purchasing the lease holders lease lot or continuing the current lease on the same terms and conditions as set forth currently. Discussion ensued.

Vice-Chairman Hugh H. Ley asked if Dr. Luis Ortiz and the Economic Development Committee would submit a letter in support of this matter. Discussion ensued.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution No. 02-08-05-CM supporting Federal Legislation that would provide current leaseholders of U.S. Forest Services property located in Cowels, San Miguel County, New Mexico, the option of purchasing the lease holders lease lot or continuing the current lease on the same terms and conditions as set forth currently. Second by Commissioner Kenneth C. Medina. Motion carried.

**6. APPOINTMENTS TO PLANNING AND ZONING COMMISSION**

Planning and Zoning Supervisor Alex Tafoya informed the Commission that the terms of the Planning and Zoning Commission members representing County Commission Districts # 2 and # 5 expired on December 31, 2004 and have not yet been filled. Discussion ensued.

Vice-Chairman Hugh H. Ley made a recommendation to appoint Antonio Ortega for District No. 2 and Commissioner Kenneth C. Medina made a recommendation to appoint Phil Wolff for District No. 5.

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

**7. COMMUNICATIONS PROPOSAL SUBMITTED BY ADVANCED COMMUNICATIONS**

Planning and Zoning Supervisor Alex Tafoya informed the Commission that the County requested a RFP for the County's Emergency Communication System and received a proposal in the amount of \$1,374,832.28 from Advanced Communication. Discussion ensued.

Mr. Tafoya informed the Commission that he had been negotiating with Advanced Communications and negotiations had not gone well; therefore, he requested that the proposal be rejected and requested authorization to re-advertise the RFP.

Motion made by Commissioner Kenneth C. Medina to reject proposal and issue request for new proposals as recommended. Second by Commissioner David Salazar and Commissioner Susano Ortiz. Motion carried

**8. CORRECTION MEDICAL OFFICER JOB DESCRIPTION**

Warden/Facility Administrator Patrick W. Snedeker submitted a revised job description for Correctional Medical Officer and the duties described for review and approval. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to approve revised job description for Correctional Medical Officer as presented. Second by Commissioner David Salazar. Motion carried.

Chairman LeRoy H. Garcia recommended taking a five minute break.

Chairman LeRoy H. Garcia called meeting back to order at 2:35 p.m.

**9. BY-LAWS FOR THE LA PLACITA FIRE DEPARTMENT**

Fire Marshal Dan Wright submitted Resolution SMC No. 02-08-2005-FM-2 for review and approval.

Mr. Wright informed the Commission that La Placita Fire Department was approved by the State Fire Marshal's Office and part of the process to create a fire department includes the fire department having current by-laws. Discussion ensued.

Vice-Chairman Hugh Ley asked if the by-laws were uniform with other departments.

Mr. Wright informed the Commission that these matters were being addressed by policy and procedures with the Chief's Association. The County Commission would ultimately approve.

Motion made by Vice-Chairman Hugh H. Ley to approve Resolution SMC No. 02-08-2005-FM-2 By-Laws for the La Placita Fire Department as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

**10. AMENDMENTS TO BY-LAWS FOR CONCHAS DAM FIRE AND RESCUE DISTRICT**

Fire Marshal Dan Wright submitted amendments to By-Laws for Conchas Dam Fire and Rescue District for review and approval.

Mr. Wright went over the amendments that were made to the by-laws. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to approve amendments to the by-laws for Conchas Dam Fire and Rescue District as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**11. MONTHLY REPORT FOR THE PUBLIC WORKS DIVISION FOR THE MONTH OF JANUARY 2005**

County Manager Les Montoya informed the Commission that Public Works Division Supervisor Harold Garcia was in Santa Fe; therefore, if the Commission had any questions he would answer any questions. No questions were asked.

**12. NEW MEXICO DEPARTMENT OF TRANSPORTATION HARDSHIP PROGRAM RESOLUTION NO. 02-08-05-PW**

County Manager Les Montoya explained to the Commission regarding the New Mexico Department of Transportation Hardship Program. Discussion ensued.

Mr. Montoya requested approval for Resolution No. 02-08-05-PW authorizing the County Manager and/or Public Works Division Supervisor to apply for Hardship assistance through the New Mexico Department of Transportation surplus equipment program. Discussion ensued.

Motion made by Commissioner Susano Ortiz to approve New Mexico Department of Transportation Hardship Program Resolution No. 02-08-05-PW as presented. Second by Vice-Chairman Hugh H. Ley. Motion carried.

Vice-Chairman Hugh H. Ley recommended that in the future before a loan is in motion that the County makes an agreement between New Mexico Finance Authority and County Manager Les Montoya or Finance Director Melinda Gonzales having authority to sign off for verification of income. Discussion ensued.

**13. SAN MIGUEL COUNTY ROAD LOG**

County Manager Les Montoya the 2005 San Miguel County Road Log for adoption as prepared by the Public Works Department.

Motion made by Vice-Chairman Hugh H. Ley to approve 2005 San Miguel County Road Log as presented. Second by Commissioner Kenneth C. Medina. Motion carried.

**14. 2005-2006 LOCAL GOVERNMENT, COUNTY ARTERIAL ROAD FUND PROJECT**

County Manager Les Montoya informed the Commission that the County had been notified by the New Mexico Department of Transportation of the upcoming Road Funds through the Local Government Road Fund Program (County Arterial).

Mr. Montoya stated that the following roads were recommended for County Arterial Program for Fiscal Year 2005-2006:

- Los Alamos Phase II (Pecos Area) (CAP)
- County Road A-1 (La Tegwa) (CAP)
- Blanchard Phase I (Bernal Area) (CAP)

Motion made by Commissioner Kenneth C. Medina to submit Los Alamos Phase II (Pecos Area) (CAP) to the New Mexico Department of Transportation through the County Arterial Program. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**15. 2005-2006 LOCAL GOVERNMENT, COOPERATIVE AGREEMENT PROGRAM ROAD FUND PROJECT**

County Manager Les Montoya informed the Commission that the County had been notified by the New Mexico Department of Transportation of the upcoming Road Funds through the Local Government Road Fund Program (COOP).

Mr. Montoya stated that the following roads were recommended for COOP Fiscal Year 2005-2006:

Curruco Bridge Replacement (COOP)  
Las Dispensas Phase II (COOP)  
Sabinoso Phase II (COOP)

Motion made by Commissioner Susano Ortiz to submit Las Dispensas Phase II (COOP) to the New Mexico Department of Transportation through the COOP Program. Second by Commissioner David Salazar. Motion carried.

**16. 2005-2006 LOCAL GOVERNMENT, SCHOOL BUS ROUTE ROAD FUND PROJECT**

County Manager Les Montoya informed the Commission that the County had been notified by the New Mexico Department of Transportation of the upcoming Road Funds through the Local Government Road Fund Program (School Bus Route Road Fund).

Mr. Montoya stated that the following roads were recommended for School Bus Route Road Fund for Fiscal Year 2005-2006:

Vista de Vegas/Camp Luna (Abeyta Road) (School Bus)  
Storrie Project Phase III (Las Vegas Area) (School Bus)  
County Road A-11-B (Dr. Lopez Road) (School Bus)

Motion made by Vice-Chairman Hugh H. Ley to submit Storrie Project Phase III to the New Mexico Department of Transportation through School Bus Route Program. Second by Commissioner Kenneth C. Medina. Motion carried.

Chairman LeRoy H. Garcia stated that Vice-Chairman Hugh H. Ley was confused on some items, therefore, requested to go back to Items 14, 15, and 16. Discussion ensued.

After much discussion because of the confusion it was decided to amend motion on **Item 16. (2005-2006 Local Government, School Bus Route Road Fund Project.**



Commissioner Kenneth C. Medina stated that he was willing to give up Storrie Lake Phase III (Las Vegas Area) (School Bus) only if the Commission were willing to submit the project next year. Discussion ensued.

Motion made by Commissioner Kenneth Medina to amend motion made earlier on **Item No. 16 (2005-2006 Local Government, School Bus Route Road Fund Project)** to approve Vista de Vegas/Camp Luna as No. 1 priority and Storrie Project Phase III as No. 2 priority be submitted to the NM Department of Transportation for funding from the School Bus Route Program. Second by Chairman LeRoy H. Garcia. Motion carried.

**17. DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) LOCAL GOVERNMENT FY 2005-06 DISTRIBUTION/GRANT APPLICATION**

DWI Coordinator Wendy Armijo requested approval from the Commission to submit application of DFA-Local Government, FY 2005-06 Distribution Grant Funding.

Ms. Armijo informed the Commission that the San Miguel DWI Planning Council receives the majority of operational funding from the DFA-Local Government and distribution and grant funds are generated from county liquor excise tax. Discussion ensued.

Motion made by Commissioner Susano Ortiz to approve request to submit the application of DFA-Local Government, FY 2005-06 Distribution/Grant funding as requested. Second by Commissioner Kenneth C. Medina. Motion carried.

**18. NEW HIRE, RADIO DISPATCHER/SHERIFF'S OFFICE**

County Sheriff Chris Najjar requested approval to hire Anna Ortega as a Radio Dispatcher at the Sheriff's Office. Mr. Najjar stated that she is certified, therefore, would be a saving to the County and also requested she be hired at \$8.25 per hour.

Motion made by Vice-Chairman Hugh H. Ley to approve the hiring of Anna Ortega as Radio Dispatcher at the Sheriff's Office at \$8.25 per hour as recommended by County Sheriff Chris Najjar. Second by Commissioner Kenneth C. Medina. Motion carried.

Vice-Chairman Hugh H. Ley asked Mr. Najjar about the status regarding the Deputy Sheriff in Pecos, New Mexico. Discussion ensued.

**19. APPROVAL OF QUIT CLAIM DEED SUBMITTED BY THE BOARD OF TRUSTEES OF SAN MIGUEL DEL BADO LAND GRANT. THE QUIT CLAIM DEED WOULD CLEAR THE PROPERTY FROM THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY TO LAND GRANT FOR THE OLD RIBERA SCHOOL PROPERTY.**

Commissioner David Ortiz informed the Commission that as per his knowledge that property did not belong to the West Las Vegas Schools or to the County. Discussion ensued.

County Manager Les Montoya informed the Commission that Frank Madrid, President of the San Miguel Del Bado Grant Board had requested West Las Vegas Schools and the County to sign Quit Claim Deeds so they might have a clear title, to develop the property as they wish.

Frank Madrid, San Miguel Del Bado President addressed the Commission and informed them that a portion of the Ribera School sits on BLM property but the remainder sits on San Miguel Del Bado Land Grant property, therefore requested the Commission review and sign the Quit Claim Deed.

Motion made by Commissioner David Salazar to approve and sign Quit Claim Deed to the San Miguel Del Bado Land Grant. Second by Commissioner Susano Ortiz. Motion carried.

**20. REJECTION OF BIDS TO CONSTRUCT NEW DISTRICT COURT ANNEX**

County Manager Les Montoya informed the Commission that three (3) bids were opened on January 14, 2005 and the lowest bid was submitted by Jim Sena Construction Company and was in excess of the County construction budget.

The bids received were as follows:

Jim Sena Construction Company	\$2,828,000.00
Franken Construction Company	\$2,880,742.00
Samcon Inc. Construction Company	\$3,197,912.00

Mr. Montoya recommended to reject all bids that were submitted and to authorize staff to re-advertise the project should additional funds be obtained.

Motion made by Vice-Chairman Hugh H. Ley to approve recommendation to reject all bids. Second by Commissioner Kenneth C. Medina. Motion carried.

**21. 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**

Judy Herzog	Correctional Medical Officer	Salary: \$18,720.00 Annually
Sara Ortiz	Detention Officer	Salary: \$17,843.28 Annually

Motion made by Commissioner Kenneth C. Medina to approve recommendations and ratifications as requested by the County Manager. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**22. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE AND RATIFY THE FOLLOWING INDIVIDUAL AS THE NEW CHIEF DEPUTY AS PER THE RECOMMENDATION OF ALFONSO ORTIZ, COUNTY TREASURER.**

County Manager Les Montoya submitted the following recommendations for hire as per recommendation of the County Treasurer Alfonso Ortiz:

**Exempt Employee**

Tamera Allen	\$28,500.00
Date of Hire:	January 31, 2005

Motion made by Commissioner David Salazar to approve County Manager's recommendations as per County Treasurer Alfonso Ortiz recommendations. Second by Commissioner Susano Ortiz. Motion carried.

**23. COUNTY MANAGER'S PERSONNEL RECOMMENDATIONS TO HIRE AND RATIFY THE FOLLOWING INDIVIDUAL TO FILL THE CASUAL POSITION OF CLERK II AT THE SAN MIGUEL COUNTY ASSESSOR'S DEPARTMENT.**

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

**Casual Employee**

Sonia Diaz de Leon	\$9.00
Clerk II	

Date of Hire January 24, 2005

Vice-Chairman Hugh H. Ley informed the Commission that they needed to offer some help to work on the state engineers listing for water rights owners in the Gallinas River.

The County Manager informed the Commission that Ms. Diaz De Leon is working on the water rights listing.

Motion made by Vice-Chairman Hugh H. Ley to approve County Manager's recommendations as per County Assessor Albert Padilla recommendations. Second by Commissioner David Salazar. Motion carried.

**24. 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 Action as presented. Second by Commissioner David Salazar. Motion carried.

Chairman LeRoy H. Garcia informed the Commission that some of the Legislative Bills would be coming up soon and requested that the Commission be there in support of the Legislative Bills for the County roads in their districts.

Commissioner Garcia stated they would be notified a day in advance when the bills would be heard, and requested the Commissioners let him know if they could not attend and he would attend in their place. Discussion ensued.

**25. 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.

**26. RESOLUTION 2-08-2005-F1 APPROVING SOLE-COMMUNITY PROVIDER FUNDING**

Finance Division Supervisor Melinda Gonzales submitted Resolution No. 2-08-2005-F1 Approving Sole-Community Provider Funding for review and approval. Discussion ensued.

Ms. Gonzales informed the Commission that back in January the County received Sole Community Provider funding request from Alta Vista Regional Hospital for the amount of \$822,207.00 and the County's share would be \$227,612.00.

Vice-Chairman Hugh H. Ley informed the Commission that he has been negotiating with Alta Vista Regional Hospital regarding this matter. Discussion ensued.

Chairman LeRoy H. Garcia made a recommendation to table this Item and have an Emergency Meeting on Tuesday, February 15, 2005.

Chairman LeRoy H. Garcia requested Finance Director Melinda Gonzales and County Manager Les Montoya to schedule to meet with Alta Vista Regional Hospital regarding this matter before the meeting on Tuesday, February 15, 2005. Discussion ensued.

Motion made by Vice-Chairman Hugh H. Ley to approve recommendation to table this item. Second by Commissioner Kenneth C. Medina. Motion carried.

**27. ADJUSTMENTS TO RESOLUTION 1-11-2005-F1 PER DFA**

Finance Division Supervisor Melinda Gonzales submitted Adjustments Resolution No. 1-11-2005-F1 per DFA for approval. Discussion ensued.

Ms. Gonzales informed the Commission that DFA-LGD had approved the budget with a couple of changes that need to be appeased. Discussion ensued.

Ms. Gonzales went over the adjustments made by DFA-LGD with the Commissioners and answered any questions they had. Discussion ensued.

Motion made by Commissioner Kenneth C. Medina to approve adjustments to Resolution 1-11-2005-F1 as per DFA-LGD. Second by Vice-Chairman Hugh H. Ley. Motion carried.

**28. CASH BALANCE REPORT**

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

No action taken; for information only.

**29. 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 Vice-Chairman Hugh H. Ley to approve Accounts Payable Listing as presented. Second by Commissioner David Salazar. Motion carried.

County Manager Les Montoya informed the Commissioner that Finance Director Melinda Gonzales would print revised budgets and submit to each supervisor.

Vice-Chairman Hugh H. Ley asked County Attorney Jesus Lopez if Nicolas Leger, attorney for Mora-San Miguel Electric Coop responded to the County's request for the data base that was agreed upon by the County and Coop. Discussion ensued.

Chairman LeRoy H. Garcia requested that County Manager Les Montoya follow up with a letter to Mr. Leger requesting they provide the data base information from Mora-San Miguel Electric Coop. Discussion ensued.

Commissioner Susano Ortiz stated that maybe they should contact Mr. Lucero from Mora-San Miguel Electric Coop. Discussion ensued.

#### **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 Meeting Act, NMSA 1978.

Motion made by Vice-Chairman Hugh H. Ley to retire into Executive Session at 3:50 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 Meeting Act, NMSA 1978. Second by Commissioner David 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.

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

The record will show the time is 5:15 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



