

**SAN MIGUEL COUNTY COMMISSION MINUTES**  
**for April 14, 2009**

**CALL TO ORDER**

The Board of County Commissioners of San Miguel County held a Regular Monthly Meeting and a County Board of Finance Meeting on Tuesday, April 14, 2009, at 1:30 p.m. at the Board Room of the Donaldo A. Martinez Administration Building, West Las Vegas Schools, 179 Bridge Street., Las Vegas, New Mexico 87701 . The agenda for the County Commission meeting was as follows:

**ROLL CALL**

Chairman David R. Salazar, Vice-Chair June J. Garcia, Commissioner Albert Padilla, Commissioner Marcellino A. Ortiz and Commissioner Nicolas T. Leger, were present.

The record will show a quorum was present.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Motion by Commissioner Albert Padilla to approve agenda as prepared. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**APPROVAL OF MINUTES:** March 26, 2009 \*

Motion by Commissioner Albert Padilla to approve minutes for Regular Meeting held on March 26, 2009. Second by Commissioner June Garcia. Motion carried.

**INTRODUCTION OF NEW EMPLOYEES:**

Angelica Arellano (Probationary Employee)	Administrative Assistant	PW Division
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Juan Sanchez (Probationary Employee)	Deputy	Sheriff's Office
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County Manager Les Montoya introduced Ms. Angelica Arellano and Mr. Juan Sanchez to the Board of Commissioners.

**INTRODUCTION OF NEW MEXICO HIGHLANDS UNIVERSITY, FIELD  
EXPERIENCE PROGRAM PARTICIPANTS BY PATRICK W. SNEDEKER,  
WARDEN/FACILITY ADMINISTRATOR**

Warden/Facility Administrator Patrick W. Snedeker advised the Commission, New Mexico Highlands University's Sociology Department are participating in a student field placement and experience program under the supervision of Professor Erika Derkas at the San Miguel County Detention Center.

Students Isaac Valladarez and Sarah Flores were present.

**NEW BUSINESS:**

**1. COUNTY TREASURER'S MONTHLY REPORT AND PRESENTATION ON STATUS TO NEW MEXICO TAXATION AND REVENUE DEPARTMENT BY SAN MIGUEL COUNTY \***

County Treasurer Alfonso Ortiz reviewed and discussed the County Treasurer's monthly report for the month of March 2009. Mr. Ortiz stated the State Tax and Revenue Department was still working in his office. Informational report from State Taxation and Revenue Department was also presented by Mr. Ortiz.

No action taken; for information only.

**2. REQUEST FOR OUT OF STATE TRAVEL TO ST. LOUIS, MISSOURI FOR GILBERT ALMANZA JR., EXECUTIVE DIRECTOR TO ATTEND THE SOUTHWEST NAHRO ANNUAL CONFERENCE\***

County Manager Les Montoya requested approval for Gilbert Almanza, Section 8 Housing Administrator to be authorized out of state travel to attend the Southwest NAHRO Annual Conference. Mr. Montoya advised Gilbert is on various Boards in a different capacity representing the County.

Mr. Montoya submitted for approval of the out of state travel request.

Motion made by Commissioner June Garcia to approve out of state travel for Gilbert Almanza Jr. to attend the Annual NAHRO Conference in St. Louis, Missouri. Second by Commissioner Albert Padilla. Motion carried.

**3. ARCHITECTURAL SERVICES AS-NEEDED: REQUEST TO ENTER INTO CONTRACT NEGOTIATIONS\***

Planning and Zoning Supervisor Alex Tafoya advised the Commission San Miguel County received six (6) proposals in response to the County's RFP for professional architectural services on an as-needed basis. Proposals were evaluated and scored by a review committee working independently of each other and using a set evaluation criteria indicated in the RFP. It could be beneficial for the County to consider entering into contract negotiations with the top three (3) companies which would provide the County with a ready staff of additional resources from which to call upon.

Mr. Tafoya recommended County staff enter into contract negotiations with Vigil & Associates, Soleil West Architects and Gregory T. Hicks & Associates for architectural professional services on an as-needed basis.

Motion made by Commissioner Marcellino A. Ortiz to authorize County staff to enter into contract negotiations with Vigil & Associates, Soleil West Architects and Gregory T. Hicks & Associates for architectural services on an as-needed basis. Second by Commissioner Albert Padilla. Motion carried.

#### **4. ENGINEERING SERVICES AS-NEEDED: REQUEST TO ENTER INTO CONTRACT NEGOTIATIONS \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission San Miguel County received six (6) proposals in response to the County's RFP for professional engineering services on as-needed basis. Proposals were evaluated and scored by a review committee working independently of each other and using a set evaluation criteria indicated in the RFP. The review committee has determined that they provide the County with a ready staff of additional resources from which to call upon.

Discussion ensued.

Mr. Tafoya recommended County staff enter into contract negotiations with Miller Engineering Consultants, Engineers Inc. and Smith Engineering for professional engineering services on an as-needed basis.

Motion made by Commissioner June Garcia to authorize County staff to enter into contract negotiations with Miller Engineering Consultants, Engineers Inc., and Smith Engineering for professional engineering services on an as-needed basis. Second by Commissioner Marcellino A. Ortiz. Motion carried.

#### **5. FILE NO. CR-2008-003; PETITION TO ESTABLISH PUBLIC ROAD SUBMITTED BY U.S. FOREST SERVICE \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission that on November 11, 2008, the Board of County Commissioners heard Petition File No. CR-2008-003 submitted by U.S. Forest Service to establish Forest Road 223 as a public (County) road. Action was taken to table the item. The U.S. Forest Service has since requested that San Miguel County accept Forest Service formal request to withdraw its petition.

Mr. Tafoya submitted as follows: (1) to bring Petition File No. CR-2008-003 back to the table; and (2) accept the request by U.S. Forest Service to withdraw its petition.

Chairman David Salazar took action to bring the matter from table status back for consideration for action.

Motion made by Commissioner June Garcia to bring the petition back to the table and accept the Forest Services' request to withdraw the petition. Second by Commissioner Nicolas T. Leger. Motion carried.

#### **6. AMENDMENT NO. 4 TO 2004 SPECIAL APPROPRIATIONS AGREEMENT \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County has been advised that the 2004 Special Appropriations Agreement for construction projects is required to be amended as per action taken by the 2009 State Legislature. County staff obtained signature from Commission Chairman David R. Salazar. The Amendment removes Grant No. 04-L-G-1683, El Pueblo Fire Department in San Jose.

Mr. Tafoya submitted for review of the 2004 Grant Agreement Amendment No. 4 and to ratify the action taken by County Staff in obtaining signature from Commission Chairman Salazar.

Motion made by Commissioner Albert Padilla to review the Amendment and ratify the action taken. Second by Commissioner Marcellino A.Ortiz. Motion carried.

#### **7. RESOLUTION EXTENDING FRANCHISE ORDINANCE BETWEEN FARMERS' ELECTRIC COOPERATIVE AND SAN MIGUEL COUNTY \***

Planning and Zoning Supervisor Alex Tafoya advised the Commission that San Miguel County Ordinance No. SMC-12-14-04-FRANCHISE grants to Farmers' Electric Cooperative a franchise to operate within San Miguel County. The Ordinance has a term of one (1) year and is renewed on a yearly basis. Farmers' Electric Cooperative has advised that it wished to renew the Franchise Ordinance for another year.

Mr. Tafoya submitted to adopt Resolution No. 04-14-09-FARMERS' extending the Franchise Ordinance for another year from January 15, 2009 to January 15, 2010.

Motion made by Commissioner Albert Padilla to adopt Resolution No. 01-14-09-FARMERS'. Second by Commissioner June Garcia. Motion carried.

**8. ALCOHOL LITERACY CHALLENGE (ALC) PROJECT AGREEMENT 09-PE-02-087(THROUGH JUNE 30, 2009), PROJECT AGREEMENT 10-PE-02-087 (THROUGH JUNE 30, 2010) \***

DWI Prevention Specialist Lenore Encinias advised the Commission the San Miguel County DWI Program applied for and received a grant to implement the Alcohol Literacy Challenge curriculum.

The Project Agreement will be funded through state funding as described in NMSA Section 66-5-35-B for the purpose of DWI Prevention and education programs for elementary and secondary school students. The enclosed agreement includes funding for two years of service and will be utilized as follows: Students participant incentives and ALC required trainings.

Discussion ensued.

Ms. Encinias requested Ratification of the Alcohol Literacy Challenge (ALC) Application (FY 08-09).

Motion made by Commissioner Albert Padilla to approve Project Agreement 09-PE-02-087 (through June 30, 2009) and Project Agreement 10-PE-02-087 (through June 30, 2010). Second by Commissioner June Garcia. Motion carried.

Commissioner Nicolas T. Leger acknowledged manager Mr. Rob Larranaga of the Las Vegas National Wildlife Refuge who was present in the audience.

**9. JOB DESCRIPTION MODIFICATION FOR THE SAFETY COORDINATOR \***

Emergency Manager Dennis English advised the Commission he is requesting to change the immediate supervisor of the Safety Coordinator from the Emergency manager over to the County Manager. This is mainly due to the majority of the direct assignments coming from the County Manager's Office and if any safety issues or follow-up investigations arise within the County they must also be reported directly to the County Manager.

Mr. English submitted for approval of the modified job description.

Motion made by Commissioner June Garcia to approve the job description as modified. Second by Commissioner Albert Padilla. Motion carried.

**10. MEMORANDUM OF UNDERSTANDING WITH NEW MEXICO HIGHLANDS UNIVERSITY EDUCATION OUTREACH PROGRAM FOR THE USE OF THEIR INTERACTIVE TELEVISION SYSTEM TOWARD HOMELAND SECURITY EVALUATION EXERCISE PROGRAM \***

Emergency Manager Dennis English advised the Commission that the MOU allows the Area 2 Counties (San Miguel, Mora, Union, Harding and Colfax) to utilize NMHU Interactive Television sites in each County for the purpose of their 3-year Exercise Program. The MOU will charge the San Miguel County/Las Vegas Office of Emergency Management a flat rate of \$100 per hour, and not charge anything for the amount of sites that will be opened.

Mr. English submitted for approval of the MOU.

Motion made by Commissioner Marcellino A. Ortiz to approve the MOU. Second by Commissioner Albert Padilla. Motion carried.

**11. MEMORANDUM OF UNDERSTANDING WITH WEST LAS VEGAS SCHOOL DISTRICT TO UTILIZE THE SCHOOL FACILITIES IN THE TIME OF DISASTERS \***

Emergency Manager Dennis English advised the Commission this Memorandum of Understanding is to provide proper coordination and expeditious delivery of support and assistance to the citizens of the City of Las Vegas and San Miguel County, New Mexico during an emergency disaster response.

Discussion ensued.

Mr. English submitted for approval of the MOU.

Motion made by Commissioner June Garcia to approve the MOU. Second by Commissioner Albert Padilla. Motion carried.

**12. MEMORANDUM OF UNDERSTANDING FOR COMMUNICATIONS WITH THE WEST LAS VEGAS SCHOOL DISTRICT TO USE THE SANMIGUEL**

**COUNTY DETENTION FREQUENCY UNTIL COMMUNICATION ABILITIES CAN BE OBTAINED BY WEST LAS VEGAS SCHOOL DISTRICT \***

Emergency Manager Dennis English advised the Commission recently West Las Vegas Schools lost their communication abilities with their school buses. The school agrees by Memorandum of Understanding to pay San Miguel County \$5 a month for the usage of San Miguel County's Detention frequency until the school is able to obtain communication equipment (repeater). They will also be responsible for the programming and de-programming of their radios.

Mr. English submitted for approval of the Memorandum of Understanding.

Motion made by Commissioner Albert Padilla to approve the MOU. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**13. THE SAN MIGUEL COUNTY/LAS VEGAS EMERGENCY OPERATION BASIC PLAN WHICH IS THE LEGAL AUTHORITY AND GUIDELINES FOR THE COUNTY AND CITY IN THE EVENT OF MAN-MADE OR NATURAL DISASTER \***

Emergency Manager Dennis English advised the Commission this official document was contracted to PM Tech. Inc. The document has been reviewed by the Department of Homeland Security/Emergency Management, County Attorney Mr. Jesus Lopez and the Local Emergency Planning Committee (LEPC) and it has been approved by those entities.

Mr. English submitted for County Commission approval the revised/updated San Miguel County/Las Vegas Emergency Operations Plan.

Motion made by Commissioner Albert Padilla to approve the Basic Plan for response to disasters. Second by Commissioner June Garcia. Motion carried.

**14. EXTENSION AGREEMENT/CONTRACT FOR INMATE CONFINEMENT, HARDING COUNTY, NEW MEXICO AND SAN MIGUEL COUNTY, NEW MEXICO \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission concerning the extension of the Contract/Agreement by and between Harding County, New Mexico and San Miguel County, New Mexico for the housing and care of Harding County inmates, at the San Miguel County Detention Center. The cost per inmate/day is \$45 and there is a \$20 booking fee for each Harding County detainee booked into the San Miguel County Detention Center.

Mr. Snedeker submitted for approval of the Contract/Agreement as presented.

Motion made by Commissioner Marcellino A. Ortiz to approve Contract. Second by Commissioner Albert Padilla. Motion carried.

**15. EXECUTION OF JOINT POWERS AGREEMENT SAN MIGUEL COUNTY, NEW MEXICO AND QUAY COUNTY, NEW MEXICO \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission of the Extension of the Joint Powers Agreement by and between San Miguel County, New Mexico and Quay County, New Mexico for the housing and care of both Juvenile and Adult San Miguel County detainees at the Quay County Detention Center. All provisions shall remain pursuant to existing Joint Powers Agreement. The cost per day/Juvenile detainee housed is \$125.

Mr. Jesus Lopez stated for the record the Agreement with Quay County is not a Joint Powers Agreement. It is a confirmed Agreement and should be changed.

Sheriff Benjie Vigil advised the Commission to approve a similar Agreement with Tucumcari, based on Proximity to San Miguel and due to the closeness for housing inmates.

Mr. Snedeker submitted for approval of the Extension Agreement.

Motion made by Commissioner June Garcia to approve the Confinement Agreement. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**16. THE AGREEMENT/CONTRACT FOR INMATE CONFINEMENT, BY AND BETWEEN THE COUNTY OF SAN MIGUEL AND THE CITY OF LAS VEGAS, NEW MEXICO TO HOUSE AND CARE FOR CITY OF LAS VEGAS PRISONERS AT THE SAN MIGUEL COUNTY DETENTION CENTER HAS AN EXPIRATION DATE OF APRIL 12, 2009. MR. GARY GOLD, CHIEF OF THE LAS VEGAS CITY POLICE DEPARTMENT HAS REQUESTED AN EXTENSION OF THE EXISTING AGREEMENT/CONTRACT, FOR AN ADDITIONAL 90 DAYS, SO THAT THE CITY OF LAS VEGAS SHALL HAVE AN OPPORTUNITY TO NEGOTIATE THE AGREEMENT/CONTRACT WITH SAN MIGUEL COUNTY \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission that Mr. Gary Gold, Chief of the Las Vegas City Police Department has requested an extension of the existing agreement/contract, for an additional 90 days.

Mr. Snedeker submitted for extension of the existing confinement Agreement/Contract for an additional 90 days.

Motion made by Commissioner Marcellino A. Ortiz to extend the existing Agreement/Contract for an additional 90 days. Second by Commissioner Albert Padilla. Motion carried.

**17. EXTENSION AGREEMENT FOOD SERVICE MANAGEMENT CONTRACT SAN MIGUEL COUNTY, NEW MEXICO AND SUMMIT FOOD SERVICE MANAGEMENT, LLC. \***

Warden/Facility Administrator Patrick W. Snedeker advised the Commission concerning the Extension Food Service Management Agreement by and between San Miguel County, New Mexico and Summit Food Service Management, LLC for the operation and management of food service processes at the San Miguel County Detention Center. All provisions of said existing agreement remain the same. The extension agreement reflects a Consumer Price Index cost increase based upon meals served and reflects an amortization period for replacement of needed food service equipment (steam kettle), pursuant to existing Agreement provision.

District Manager of Summit Food Service George Esquibel was present to answer any questions.

Discussion ensued.

Mr. Snedeker submitted for approval Food Services Agreement with Summit Food Service Management, LLC.

Motion made by Commissioner Albert Padilla to extend the Agreement for Food Service Management. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**18. MONTHLY REPORT IN THE PUBLIC WORKS DIVISION FOR THE MONTHS OF FEBRUARY 2009 AND MARCH 2009 \***

Public Works Division Supervisor Harold Garcia advised the Commission the San Miguel County Public Works Division submits a report to the County Commission on a monthly basis on any maintenance including blading of county roads that are addressed. Mr. Garcia briefed the Commission on the status of the crushers operations and on the bicycle and pedestrian path project.

No action taken; for information only.

**19. APPROVAL OF SUBMITTAL OF SOLID WASTE FACILITY GRANT FUND APPLICATION FOR PERMITTING COSTS FOR THE SOLID WASTE TRANSFER STATION AND BALING FACILITY \***

Public Works Division Supervisor Harold Garcia advised the Commission the New Mexico Solid Waste Environment Department recently sent out notifications for information on a Solid Waste Facility Grant Fund Program wherein local Governments can apply for up to \$50,000.00 through this program. Staff is recommending applying for \$50,000.00 for a grant that will be utilized for the permitting costs for the Solid Waste Transfer Station and Baling Facility. If granted, these funds will be used to leverage approximately \$90,000.00 for this service. The additional estimated \$40,000.00 will come from a 2008 Severance Tax appropriation in the amount of \$400,000.00 San Miguel County has for this facility

Mr. Garcia submitted for approval the Grant Application in the amount of \$50,000.00 and to requested authorization for staff to submit to the NM Environment Department.

Motion made by Commissioner Albert Padilla to approve the Grant Application. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**20. REQUEST FOR AUTHORIZATION TO “PIGGY-BACK” ON A 60-MONTH LEASE FOR BID FOR A NEW, CURRENT YEAR, STANDARD PRODUCTION MOTOR GRADER, WITH THE UNION COUNTY BID AWARDED ON TUESDAY, JANUARY 13, 2009 TO WAGNER EQUIPMENT COMPANY \***

Public Works Division Supervisor Harold Garcia advised the Commission San Miguel County currently has a 140H Motor Grader on a 60-month Lease to Purchase Option with Wagner Equipment Company. This lease on this motor grader is scheduled to expire on May, 2009. We will need to replace this motor grader with another grader in order to keep with the Maintenance of the county roads. Union County advertised for the 60-month Lease to Purchase Option of one or more new, current year, standard production motor graders on December, 2008 and awarded a bid to Wagner Equipment Company for a 140M Motor Grader. The Specifications on this Motor Grader comply with the needs of San Miguel County.

Mr. Garcia submitted to “Piggy-Back” on the award made by Union County dated January 15, 2009 with Wagner Equipment Company on a 60-month Lease

Motion made by Commissioner Marcellino A. Ortiz to authorize “Piggy-Backing” on Union County 60-month Lease with Option to Purchase a current year, new standard production Motor Grader with Wagner Equipment Company. Second by Commissioner Albert Padilla. Motion Carried.

**21. RESOLUTION NO. CM-4-12-2009-1 ESTABLISHING ANNUAL DUES TO BE PAID TO THE NEW MEXICO ASSOCIATION OF COUNTIES COMMISSIONERS AFFILIATE \***

County Manager Les Montoya advised the Commission that the Commissioner Affiliate is proposing to obtain \$100 membership dues from counties for the purpose of offsetting expenses and compensate professionals to speak and provide classes to County Commissioners statewide at NMAC sponsored events.

Mr. Montoya submitted for review of prepared resolution and consider approving, thereby establishing annual dues of \$100 by the County.

Motion made by Commissioner Albert Padilla to support and approve the Resolution. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**22. REJECTION OF BIDS, COUNTY PUBLIC WORKS FACILITY AND REQUEST AUTHORIZATION TO RE-ADVERTISE THE PROJECT \***

County Manager Les Montoya advised the Commission that bids for said project were opened on March 17, 2009. Six (6) companies submitted bids; South West CM, LLC, was the apparent low bidder. On March 17, 2009, Franken Construction Co. filed a protest to the low bid. On March 29, 2009 County Project Architect issued a memo recommending rejection of all bids and that the project be re-bid. On March 31, 2009 a protest determination was issued to Franken Construction Company.

Mr. Lopez explained to the Commission it is in the best interest of the County to reject all bids and start anew.

Discussion ensued.

Mr. Montoya submitted to review document, pursuant to this bid and consider the recommendation to reject all bids submitted for the public works department project and to ratify the protest determination made by him.

Motion made by Commissioner June Garcia to reject all bids and authorize staff to re-advertise project and to ratify the County Manager's protest determination. Second by Commissioner Marcellino A. Ortiz. Motion carried.

**23. BID AWARD DISTRICT COURT SECURITY STATION TO LUMAR CONSTRUCTION \***

County Manager Les Montoya advised the Commission bids were opened on April 3, 2009. Lumar Construction was low bidder of the three (3) contractors submitting bids. The work involves enlarging the security station in the Courthouse and security wiring.

Mr. Montoya submitted for consideration of awarding Contract to the low bidder, Lumar Construction, in the amount of \$74,000.00.

Motion made by Commissioner June Garcia to award bid to Lumar Construction contingent upon entering an MOU with District Court office to provide funds for said project. Second by Commissioner Albert Padilla. Motion carried.

**24. COUNTY MANAGER’S PERSONNEL RECOMMENDATION TO HIRE AND RATIFY THE FOLLOWING INDIVIDUALS TO FILL VACANT POSITIONS AT THE SAN MIGUEL COUNTY DETENTION CENTER AS PER THE RECOMMENDATION OF PATRICK SNEDEKER, WARDEN/FACILITY ADMINISTRATOR \***

**RECOMMENDATION TO HIRE:**

**PROBATIONARY EMPLOYEES**

Serjio Cano	Detention Officer	Salary: \$20,900.00 Annually.
Lawrence Aragon	Detention Officer	Salary: \$20,900.00 Annually
Christopher Riding	Detention Officer	Salary: \$20,900.00 Annually
Billy Dimas	Detention Officer	Salary: \$20,900.00 Annually
Gavriella Martinez	Detention Officer	Salary: \$20,900.00 Annually

County Manager Les Montoya advised the Commission the Detention Officer Positions are vacant due to vacancies within the Detention Center.

Motion made by Commissioner Marcellino A. Ortiz to employ above individuals. Second by Commissioner Albert Padilla. Motion carried.

**25. PERSONNEL ACTIONS OR CHANGES FOR THE MONTHS OF FEBRUARY 2009 AND MARCH 2009 \***

County Manager Les Montoya advised the Commission of the Personnel actions that have taken place in San Miguel County and submitted for ratification and approval by the San Miguel County Board of Commissioners.

Motion made by Commissioner Albert Padilla to approve personnel actions that have taken place in San Miguel County as presented by the County Manager. Second by Commissioner Marcellino A. Ortiz. Motion carried.

## SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

### **26. INDIGENT CLAIMS \***

Finance Division Supervisor Melinda Gonzales advised the Commission of indigent claims submitted and reviewed by the Finance Office.

Ms. Gonzales requested the Commission review and approve the indigent claims in the amount of \$111,206.83 for Alta Vista, \$10,000.00 for St. Vincents, and \$600.00 for Nelson Funeral Home.

Commissioner June Garcia abstained from voting due to a conflict of interest.

Motion made by Commissioner Albert Padilla to approve indigent claims. Second by Commissioner Marcellino A.Ortiz. Motion carried.

### **27. PARTICIPATING ENTITY COOPERATING PURCHASING AGREEMENT BETWEEN COOPERATIVE EDUCATIONAL SERVICES (CES) AND SAN MIGUEL COUNTY \***

Finance Division Supervisor Melinda Gonzales advised the Commission that in order to aid in the procurement process, there are times that we utilize existing contracts of another qualifying entity. In this particular instance, in order to be able to utilize contracts established through CES, the County must enter into an agreement. At this point in time, the County Clerk is interested in purchasing a copier through this agreement.

Ms. Gonzales submitted for approval to enter into Agreement with Cooperative Educational Services.

Motion made by Commissioner June Garcia to enter into Agreement with Cooperative Educational Services. Second by Commissioner Albert Padilla. Motion carried.

### **28. BUDGET ADJUSTMENT 2009-04-F1 \***

Finance Division Supervisor Melinda Gonzales advised the Commission of miscellaneous budget adjustments.

Motion made by Commissioner June Garcia to approve budget adjustments. Second by Commissioner Albert Padilla. Motion carried.

**29. CASH BALANCE REPORT \***

Finance Division Supervisor Melinda Gonzales informed County Commissioners of the March 31, 2009 cash balances.

No action taken: information only.

**30. ACCOUNTS PAYABLE LISTING \***

Finance Division Supervisor Melinda Gonzales advised the Commission of the payments made since the last regular meeting.

Ms. Gonzales requested the Commission approve accounts payable.

Motion made by Commissioner Marcellino A. Ortiz to approve accounts payable. Second by Commissioner Albert Padilla. 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)(7) 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 Meetings Act, NMSA 1978.**

County Manager Les Montoya recommended to retire into Executive/ Closed 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 June Garcia to retire into Executive/Closed Session at 4:19 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 Nicolas T. Leger. Motion carried.

Roll call was taken before County Commission retired into Executive Session

Chairman David Salazar	Yes
Vice-Chair June Garcia	Yes
Commissioner Albert Padilla	Yes
Commissioner Marcellino A. Ortiz	Yes
Commissioner Nicolas T. Leger	Yes

Unanimous vote to retire into executive session.

Motion made by Commissioner June Garcia to return to regular session at 5:35 P.M. Second by Commissioner Nicolas T. Leger. Motion carried.

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

## **ADJOURNMENT**

Motion made by Commissioner Nicolas T. Leger to adjourn. Second by Commissioner David Salazar. Motion carried. The meeting ended at 5:36 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009 as the official minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its regular meeting held April 14, 2009.

\_\_\_\_\_  
David R. Salazar, Chairman

\_\_\_\_\_  
June J. Garcia, Vice-Chair

\_\_\_\_\_  
Albert J. Padilla, Commissioner

\_\_\_\_\_  
Marcellino A. Ortiz, Commissioner

\_\_\_\_\_  
Nicolas T. Leger, Commissioner

**ATTEST**

\_\_\_\_\_  
Melanie Y. Rivera, County Clerk

\_\_\_\_\_  
Minutes Submitted by: Michelle J. Padilla