



*Paul Maez
BOE Supervisor*

*Geraldine E. Gutierrez
Chief Deputy*

*Martha Sena
Deputy Clerk*

County Clerk

Melanie Y. Rivera



*Michelle Padilla
Deputy Clerk*

*Javier Lopez
Deputy Clerk*

*Ebeny Mondragon
Probate Deputy Clerk*



SAN MIGUEL COUNTY COMMISSION MINUTES **for January 12, 2010**

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, January 12, 2010, at 1:30 p.m. at the San Miguel County Commission Chambers, County Courthouse 2nd floor, 500 West National Ave., Suite 200, Las Vegas, New Mexico 87701. The agenda for the County Commission meeting was as follows:

ROLL CALL

All Commissioners were present

The record will show a quorum was present.

PLEDGE OF ALLEGIANCE

SALUTATION TO THE NEW MEXICO STATE FLAG

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES: December 8, 2009

Motion made by Commissioner June Garcia to approve minutes for the December 8, 2009 Commission meeting. Second by Commissioner Albert Padilla . Motion carried.

INTRODUCTION OF NEW EMPLOYEES:

Kenneth C. Medina, Jr. (Exempt Employee)	Wild Land Fire Coordinator	Fire Division
Kenneth R. Maestas (Probationary Employee)	Safe Ride Home/ Veterans Transit Operator	DWI Division
Daniel P. Cordova (Probationary Employee)	Safe Ride Home/ Veterans Transit Operator	DWI Division
Ignacio Rudy Salazar (Probationary Employee)	Equipment Operator II	Public Works Division
Robert Roybal (Probationary Employee)	Equipment Operator II	Public Works Division
Michael Wheeler (Probationary Employee)	Equipment Operator II	Public Works Division
Daniel Martinez (Probationary Employee)	Maintenance Worker II	Public Works Division

PRESENTATION OF APPRECIATION AND RECOGNITION PLAQUES FOR THE SAN MIGUEL COUNTY RENOVATION PROJECT TO MIKE MONTANO, PROJECT COORDINATOR FRANKEN CONSTRUCTION COMPANY AND BENITO ROMERO, BUILDING MAINTENANCE FOREMAN SAN MIGUEL COUNTY PUBLIC WORKS DIVISION

Chairman David R. Salazar recognized Benito Romero and Mike Montano with plaques.

Chairman David R. Salazar recognized El Valle Water Association Ed Gil De Rubio and commended Mr. De Rubio on his involvement with the water rights.

Mr. De Rubio introduced himself as the manager for the El Valle Water Association.

NEW BUSINESS:

1. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR THE 2010 CALENDAR YEAR FOR THE BOARD OF COUNTY COMMISSIONERS FOR SAN MIGUEL COUNTY

County Manager Les Montoya advised the Commission that Section 4-38-10, NMSA 1978, requires that at the first meeting of each year the Commission choose one of their members Chairman.

Mr. Montoya submitted for County Commission to consider selecting a Chairman and Vice-Chairman for the 2010 calendar year.

Motion made by Commissioner Albert Padilla to nominate David R. Salazar as Chairman. Second by Commissioner June Garcia. Motion carried.

Motion made by Commissioner Marcellino A. Ortiz to nominate June Garcia as Vice-Chair. Second by Commissioner Albert Padilla. Motion carried.

Chairman David R. Salazar recognized Mr. Kenneth C. Medina, Sr. and Mr. Hugh Ley, former Commissioners, for involvement in the Courthouse renovation project.

2. OPEN MEETINGS RESOLUTION FOR 2010

County Manager Les Montoya advised the Commission that the New Mexico Open Meetings Act, Sections 10-15-1, et seq., NMSA 1978, requires that all public bodies in New Mexico adopt at least annually, a resolution specifying certain matters relating to their public meetings, especially relating to reasonable notice requirements for said meetings. The proposed Resolution has been adopted annually in January of each year, and complies with the requirements of the Open Meetings Act.

Mr. Montoya submitted to adopt Open Meetings Resolution for 2010.

Motion made by Commissioner Albert Padilla to adopt Open Meetings Resolution for 2010. Second by Commissioner June Garcia. Motion carried.

SAN MIGUEL COUNTY BOARD OF FINANCE MEETING

3. ALTA VISTA FISCAL YEAR 2010/2011 REQUEST FOR SOLE COMMUNITY HOSPITAL PAYMENT

Finance Division Supervisor Melinda Gonzales advised the Commission that Alta Vista Hospital has submitted their FY10/11 Sole Community Provider Request. The amount of the request is \$967,641 which increased by \$46,078 from the amount funded in FY09/10.

Ms. Gonzales submitted to determine appropriate amount to be awarded for the Fiscal Year 2010/2011.

Motion made by Commissioner Marcellino A. Ortiz to approve \$679,054.00 for Fiscal Year 2010/2011. Second by Commissioner Albert Padilla. Motion carried.

4. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF \$41,906.94

Finance Division Supervisor Melinda Gonzales advised that the Finance Office has received, reviewed and processed the indigent claims submitted. All claims that meet the guidelines are listed on the Approved Indigent Claims Listing approval sheet and all claims that do not meet the guidelines are listed on the Denied Indigent Claims Listing.

CFO from Alta Vista Regional Hospital, Leonard Tapia, was present to answer any questions.

Commissioner Nicolas T. Leger advised the Commission he was not satisfied with the explanations received from Alta Vista Hospital officials concerning the issues raised by Commissioner Leger at last month's Commission Meeting. Commissioner Leger also said the Hospital should be represented at the Commission meeting by its highest ranking Administrator, who can answer the Commission's concerns.

Commissioner Leger then stated that for the reasons noted by him, claims for Alta Vista Hospital should be tabled.

County Attorney Jesus Lopez advised that it was lawful and appropriate to table this request, for the reasons noted by Commissioner Leger.

Ms. Gonzales submitted for approval of indigent claims listing.

Motion made by Commissioner Nicolas T. Leger to table request from Alta Vista Regional Hospital for reimbursement of indigent claims in the amount of \$41,906.94. Second by Commissioner Marcellino A. Ortiz. Motion carried.

5. CHRISTUS ST. VINCENT FISCAL YEAR 2010-2011 REQUEST FOR SOLE COMMUNITY HOSPITAL PAYMENT

Finance Division Supervisor Melinda Gonzales advised the Commission that Christus St. Vincent Hospital has submitted its FY10/11 Sole Community Provider Request. The amount of the request is \$633,352 which increased by \$476,943 from the amount funded in FY09/10.

Ms. Gonzales submitted to award \$226,351 for the Fiscal Year 2010/2011.

Motion made by Commissioner June Garcia to award \$226,351 for the Fiscal Year 2010/2011. Second by Commissioner Albert Padilla. Motion carried.

6. COUNTY TREASURER'S MONTHLY REPORT

San Miguel County Treasurer Alfonso E. Ortiz, Jr. presented the Treasurer's Monthly Report for the month of December 2009.

No action taken. For informational purposes only. No questions or discussion.

7. FISCAL YEAR 2008/2009 AUDIT REPORT

Finance Division Supervisor Melinda Gonzales advised the Commission the fiscal year 2008/2009 audit report was completed in November and submitted to the State Auditor's office prior to the deadline of November 15, 2009. The State Auditor has since completed his review process and the audit is now being presented to the Commission as required per section 2.2.2.10.j (3) (d) NMAC, requirements for contracting and conducting audits of agencies. The County received an unqualified opinion.

No action taken. For informational purposes only. No questions or discussion, except that Commissioner Leger commended Ms. Gonzales for her work and for the unqualified audit.

8. DECEMBER 30, 2009 CASH BALANCE REPORT

Finance Division Supervisor Melinda Gonzales advised the Commission of December 30, 2009 cash balances.

No action taken. For information purposes only. No questions or discussions.

9. ACCOUNTS PAYABLE LISTING

Finance Division Supervisor Melinda Gonzales informed the Commission of the report of payments since the last regular meeting and submitted for approval all accounts payable.

Motion made by Commissioner Albert Padilla to approve accounts payable. Second by Commissioner June Garcia. Motion carried.

SAN MIGUEL COUNTY REGULAR MEETING

10. PROPOSED SMC ORDINANCE NO. 01-12-10-AMENDMENT TO NO. 10-14-09-WASTEWATER LOAN FUNDS

County Manager Les Montoya advised the Commission that at its regular monthly meeting held December 08, 2009, the County Commission adopted Resolution No. 12-08-09-WASTEWATER LOAN FUNDS, proposing the adoption of an ordinance amending SMC Ordinance No. 10-14-09-WASTEWATER LOAN FUNDS, to provide that the loan will be paid from the net revenues of the system and from the capital outlay and infrastructure gross receipts taxes available to the County. (This was required by the New Mexico Environment Department). The title and general summary of the subject matter of the proposed ordinance was published in the Las Vegas Optic at least two weeks in advance of today's hearing/meeting.

Chairman David Salazar opens public hearing at this time.

Chairman David Salazar asks for public input-no comments or opposition on proposed changes were expressed by anyone.

Chairman David Salazar closed public hearing at this time.

Motion made by Commissioner Marcellino A. Ortiz to adopt proposed Ordinance No. 01-12-10-AMENDMENT TO NO. 10-14-09-WASTEWATER LOAN FUNDS. Second by Commissioner June Garcia. Motion carried.

11. PROPOSED SMC ORDINANCE NO. 01-12-10-NATURAL RESOURCES, IMPOSING A ONE-YEAR MORATORIUM ON CONDITIONAL USE PERMITS FOR OIL, GAS, OR GEOTHERMAL EXPLORATION, EXTRACTION OR DRILLING IN SAN MIGUEL COUNTY

County Manager Les Montoya and County Attorney Jesus Lopez advised the Commission that at its regular monthly meeting December 8, 2009, the County Commission adopted Resolution 12-08-09-NATURAL RESOURCES, proposing the adoption of the above ordinance imposing a one-year moratorium on conditional use permits for oil, gas or geothermal exploration, extraction or drilling. In the Resolution, the Commission also directed the County Manager to do all things necessary and proper to bring the proposed ordinance up for adoption today. The Manager published the title and the entirety of the subject matter of the proposed ordinance in the December 21, 2009 issue of the Las Vegas Optic, at least two weeks in advance of today's hearing, as required by law. All required procedure for the enactment of the proposed ordinance has been complied with, and the proposed ordinance is now ripe for adoption by the County Commission.

Chairman David Salazar opens a public hearing at this time and asked public to limit their presentations to three minutes.

The following individuals from the audience spoke in support of the Ordinance along with a brief explanation to the Commission as to why they were in favor of the Moratorium:

Leslie Turk
Cristino Griego of Sapello
Rose Josefa of Ojo Feliz
Miguel Pacheco
Jane Lumsden of Canoncito de Manuelitas
Dominic Gonzales-Montoya of Ocate
Bob Wesley
Dennis Lopez
Keely Meagan

Kate Daniel
Cordia Sammeth
Diane Lindsay
Sarah Moore
Pat Leahan
Amanda Hargis of Sapello
Sofia Martinez of Wagon Mound
Ellen Drew of Blanchard
Catherine Montano

Chairman David Salazar asks public if there is anybody in opposition to the Ordinance.

Attorney for Independent Petroleum Association of New Mexico Karin Foster spoke in opposition to the Moratorium.

Ms. Foster asked the Commission to allow her to be involved in the task force.

County Manager Les Montoya advised the Commission for the record that he received a phone call from President of the New Mexico Oil and Gas Association Bob Gallagher. Mr. Gallagher and his organization are not in opposition of the Ordinance regarding this matter, but he is in opposition to the Ordinance placing a Moratorium. Mr. Gallagher requested the Commission consider following through with the Resolution but instead of placing a Moratorium, a stay on any application submitted prior to the adoption of a new Ordinance go into effect on any application.

Chairman David Salazar closes public hearing at this time.

Chairman David Salazar asks Commissioner Nicolas T. Leger if he would be interested in serving on the task force.

Commissioner Nicolas T. Leger agreed to serve in the task force to revise the existing Ordinance.

Motion made by Commissioner Albert Padilla to approve Ordinance No. 01-12-10-NATURAL RESOURCES. Second by Commissioner Marcellino A. Ortiz. Motion carried.

12. RESOLUTION OPPOSING WHITE'S PEAK LAND EXCHANGE PROPOSED BY STATE LAND OFFICE

County Commissioner Nicholas T. Leger advised the Commission of the Resolution opposing the White's Peak land exchange proposed by State Land Office

Mr. Leger submitted to approve a Resolution opposing land exchange.

Motion made by Commissioner Nicolas T. Leger to approve Resolution opposing land exchange. Second by Commissioner Albert Padilla. Motion carried.

13. RESOLUTION CONTINUITY OF HOLD HARMLESS PROVISION

Finance Division Supervisor Melinda Gonzales advised the Commission that Counties throughout the state are urging State Government not to negatively impact revenues of local Government as the state attempts to solve state level fiscal imbalance.

Ms. Gonzales submitted to review Resolution and consider approving thereby establishing the County of San Miguel's position on Hold Harmless Provisions.

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

Chairman David Salazar requested to move item #18 PROPOSED REVISIONS TO ORDINANCE NO. SMC-10-14-03-ORD, WIND ORDINANCE to item #14.

14. GRANT NO. 03250 MEDICAL CENTER IN SAN MIGUEL

Planning and Zoning Division Supervisor Alex Tafoya advised the Commission that San Miguel County has received Grant Agreement No. 03250 which provides \$197,661.20 to plan, design, construct, equip and furnish the expansion of the San Miguel medical center in San Miguel County. This grant agreement replaces previous Grant Agreement No. 07-L-G-6467. County staff obtained signature from Commission Chairman David R. Salazar and returned the agreement to DFA-Local Government Division.

Mr. Tafoya submitted to ratify the action taken to obtain signature from Chairman Salazar and approve the Grant Agreement No. 03250.

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

15. GRANT NO. 03252 HEALTH FACILITY

Planning and Zoning Division Supervisor Alex Tafoya advised the Commission that San Miguel County has received Grant Agreement No.03252 which provides \$6,808.75 to plan, design, construct, renovate, equip and furnish a health facility, including a parking area, in San Miguel County. This grant agreement replaces previous grant agreement No. 08-L-G-4430. County staff obtained signature from Commission Chairman David R. Salazar and returned the agreement to DFA-Local Government Division.

Mr. Tafoya submitted to ratify the action taken to obtain signature from Chairman Salazar and approve Grant Agreement No. 03252.

Motion made by Commissioner Albert Padilla to approve the Grant Agreement and ratify the Chairman's execution. Second by Commissioner Marcellino A.Ortiz. Motion carried.

16. GRANT NO. 03568 TRI-COUNTY FAMILY JUSTICE CENTER

Planning and Zoning Division Supervisor Alex Tafoya advised the Commission that San Miguel County has received Grant Agreement No. 03568 which provides \$544,000 to purchase and equip a building and land for the Tri-County Family Justice Center of Northern New Mexico. This grant agreement replaces previous Grant Agreement No. 06-L-G-1824. County staff obtained signature from Commission Chairman David R. Salazar and returned the agreement to DFA-Local Government Division.

Mr. Tafoya submitted to ratify the action taken to obtain signature from Chairman Salazar and approve the Grant Agreement No. 03568.

Motion made by Commissioner Marcellino A. Ortiz to approve Grant Agreement No. 03568 and ratify the Chairman's execution. Second by Commissioner Albert Padilla. Motion carried.

17. GRANT NO. 03248 (INFRASTRUCTURE FOR WOOD CLUSTER PARK)

Planning and Zoning Division Supervisor Alex Tafoya advised the Commission that San Miguel County has received Grant Agreement No. 03248 which provides \$355,917.19 to plan, design and construct utility system infrastructure for the Wood Cluster Park. This grant provides the unexpended balance of previous Grant No. 07-L-G-5429. County staff obtained signature from Chairman David R. Salazar and returned the Grant Agreement No. 03248 to DFA-Local Government Division.

Mr. Tafoya submitted to ratify the action taken to obtain signature from Chairman Salazar and approve the Grant Agreement No. 03248.

Motion made by Commissioner Albert Padilla to approve the Grant Agreement and ratify the Chairman's signature. Second by Commissioner June Garcia. Motion carried.

18. PROPOSED REVISIONS TO ORDINANCE NO. SMC-10-14-03-ORD, WIND ORDINANCE

Planning and Zoning Division Supervisor Alex Tafoya advised the Commission that proposed revisions have been made to Ordinance No. SMC-10-14-03-ORD (wind energy facility ordinance) and are being presented to the Board of County Commissioners for review and comment.

Mr. Tafoya read some of the revisions of the Ordinance.

Mr. Montoya informed the Commission he is looking for direction from the Commission to continue with direction to eventually adopt the Ordinance.

Discussion ensued.

Mr. Tafoya submitted for review of the proposed revisions and provide staff with direction as to how to proceed with such revisions. The Commission indicated that the task force should proceed with its work and a draft ordinance should be passed by the Commission when it is ready.

The Commission directed staff to continue with the reasons of the Ordinance as presented. No motion was made.

19. VEHICLE AGREEMENT BY AND BETWEEN COUNTY AND SER DE NEW MEXICO

Planning and Zoning Division Supervisor Alex Tafoya advised the Commission that on October 14, 2009, the Board of County Commissioners approved an agreement between San Miguel County and SER de New Mexico for the use of vehicles to support Senior Citizen programs in San Miguel County. SER de New Mexico has requested that additional language be added to Section 5, Compensation on paragraph B. At present, SER de New Mexico has not signed the agreement.

Mr. Tafoya submitted to approve the addition of the new language and approve the agreement.

Motion made by Commissioner Marcellino A. Ortiz to approve the new language and the agreement. Second by Commissioner Albert Padilla. Motion carried.

20. DWI SAFE-RIDE TRANSIT OPERATOR JOB DESCRIPTION (AMENDMENT)

DWI Coordinator Wendy F. Armijo advised the County that the County of San Miguel DWI Safe-Ride-Home service will provide individuals with transportation services from local liquor establishments to their place of residence free of charge. DWI Safe-Ride-Home services are in operation Thursday through Saturday 8 p.m. to 3 a.m. and will operate during most governed holidays.

The amendment to this job description excludes the requirements for a Class B drivers' license.

Discussion ensued.

Commissioner Nicolas T. Leger suggested to Mr. Montoya to follow up with insurance carrier to find out if it is acceptable and insurable.

Ms. Armijo submitted to amend DWI Safe-Ride Transit Operator Job Description.

Motion made by Commissioner Albert Padilla to table until notice and follow up. Second by Commissioner Marcellino A. Ortiz. Motion carried.

21. VETERAN'S TRANSIT OPERATOR JOB DESCRIPTION (AMENDMENT)

DWI Coordinator Wendy F. Armijo advised the Commission that the County of San Miguel through the San Miguel County DWI Program will provide county veterans' with transportation services for the sole purpose of acquiring medical care from the Department of Veteran Affairs (VA) Medical Center in Albuquerque, NM. The driver, referred to as the Veteran's Transit Operator, holds the following responsibilities: drive van to meet appointment dates, time and pick up location with veterans, prepare and care for veterans in transit, escort passenger to appointment, notify proper authorities of arrival for appointment, report time of arrival and departure times for all transports, and complete all reports as required by San Miguel County DWI Office.

Ms. Armijo submitted for approval from San Miguel County Commission for said amendment to Veterans' Transit Operator Job Description.

Motion made by Commissioner Marcellino A. Ortiz to approve amended Veterans' Transit Operator Job Description. Second by Commissioner June Garcia. Motion carried.

22. AGREEMENT-SAN MIGUEL COUNTY, NM AND QUAY COUNTY, NM HOUSING AND CARE-JUVENILE AND ADULT SAN MIGUEL COUNTY DETAINEES

Warden/Facility Administrator Patrick W. Snedeker advised the Commission that an agreement by and between Quay County, NM and San Miguel County, NM, for the housing and care of both juvenile and adult San Miguel County detainees at the Quay County Detention Center is presented for Commission review and approval. The cost per adult, per day, per detainee housed remains at \$120.00. The cost per juvenile, per day, per detainee housed has been reduced from \$120.00 to \$75.00. There is an additional physical examination cost of \$35.00 per juvenile detainee.

Mr. Snedeker submitted for approval of the agreement.

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

23. MEMORANDUM OF UNDERSTANDING-NEW MEXICO DNA IDENTIFICATION SYSTEM-AVAILABILITY OF LEGISLATIVE CAPITAL IMPROVEMENT PROJECT FUNDING

Warden/Facility Administrator Patrick W. Snedeker advised the Commission of a Memorandum of Understanding that is presented for San Miguel County Commission review and approval specific to the New Mexico DNA Identification System and the availability of legislative capital improvement project funding.

As part of the program, and with such project funding; NM DNA Identification program personnel shall purchase and install information technology computer equipment, within the intake and booking areas of the San Miguel County Detention Center.

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

Motion made by Commissioner June Garcia to approve the Memorandum of Understanding. Second by Commissioner Albert Padilla. Motion carried.

24. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF DECEMBER 2009

Interim Public Works Division Supervisor Daniel Encinias advised the Commission that 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 and/or special projects with County roads that are addressed.

No action taken. For informational purposes only. No questions or discussion.

25. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND ROCKY ROAD GRAVEL PRODUCTS FROM LAS VEGAS FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE

Interim Public Works Supervisor Daniel Encinias advised the Commission that San Miguel County currently has an agreement with Rocky Road Gravel Products for emergency snow removal and/or road maintenance for various districts identified within the County. This agreement is on a 12-month basis renewable every year up to 4 years. The second year expired December 31, 2009.

Mr. Encinias submitted for the County Commission to approve the Agreement for emergency snow removal and/or road maintenance with Rocky Road Gravel Products for a 12-month period beginning January 1, 2010 and terminating on December 31, 2010, with an option to renew in 12 month increments for another year.

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

26. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND DURAN SAND & GRAVEL, INC. FROM PECOS FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE

Interim Public Works Supervisor Daniel Encinias advised the Commission that San Miguel County currently has an agreement with Duran Sand & Gravel for emergency snow and/or road maintenance for various districts identified within the County. This Agreement is on a 12-month basis renewable every year up to 4 years. The second year expired December 31, 2009.

Mr. Encinias submitted for the County Commissioner to approve the Agreement for emergency snow removal and/or road maintenance with Duran Sand & Gravel, Inc. for a 12-month period beginning January 1, 2010 and terminating on December 31, 2010, with an option to renew in 12 month increments for another year.

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

27. AGREEMENT BETWEEN SAN MIGUEL COUNTY AND EP CONSTRUCTION FROM LAS VEGAS FOR EMERGENCY SNOW REMOVAL AND/OR ROAD MAINTENANCE

Interim Public Works Supervisor Daniel Encinias advised the Commission that San Miguel County currently has an agreement with EP Construction for emergency snow removal and/or road maintenance for various districts identified within the County. This agreement is on a 12-month basis renewable every year up to 4 years. The second year expired December 31, 2009.

Mr. Encinias submitted for the County Commission to approve the Agreement for emergency snow removal and/or road maintenance for various districts identified within the County. This Agreement is on a 12-month basis renewable every year up to 4 years. The second year expired December 31, 2009.

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

28. COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE PROMOTION OF THE FOLLOWING INDIVIDUAL TO FILL THE UNDERSHERIFF POSITION WITH THE SAN MIGUEL COUNTY SHERIFF'S DIVISION

REQUEST TO PROMOTE:

APPOINTEE OF ELECTED OFFICIAL/EXEMPT EMPLOYEE:

WILLIAM E. CRUZ-UNDERSHERIFF DATE OF PROMOTION: JANUARY 9, 2010-SALARY: \$42,000.00

San Miguel County Sheriff Benjie Vigil advised the Commission that Mr. William F. Cruz is being recommended for the position of Undersheriff with the San Miguel County Sheriff's Division. Mr. Cruz has been with the Sheriff's Department since October of 2008 and has over twenty years of experience in law enforcement and in the field of administrative work. Mr. Cruz will be replacing Mr. Joe Robert Urban who retired with 24 years of service with the Sheriff's Department on December 31, 2009.

Mr. Montoya submitted for approval to ratify the promotion of Mr. William E. Cruz to fill the Undersheriff position with the San Miguel County Sheriff's Division.

Motion made by Commissioner Marcellino A. Ortiz to ratify the promotion of Mr. William E. Cruz to fill the Undersheriff position with the San Miguel County Sheriff's Division. Second by Commissioner June Garcia. Motion carried.

29. COUNTY MANAGER'S RECOMMENDATION TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS TO FILL THE VACANT POSITIONS OF SAFE RIDE HOME AND VETERANS' TRANSIT OPERATORS WITH THE SAN MIGUEL COUNTY DWI DIVISION AS PER THE RECOMMENDATION OF WENDY ARMIJO, DWI DIVISION COORDINATOR

RECOMMENDATION TO RATIFY AND HIRE:

PART TIME/PROBATIONARY EMPLOYEES:

**KENNETH R. MAESTAS-SAFE RIDE HOME/VETERANS' TRANSIT OPERATOR
DATE OF HIRE: DECEMBER 31, 2009-HOURLY SALARY: \$10.00**

**DANIEL P. CORDOVA-SAFE RIDE HOME/VETERANS' TRANSIT OPERATOR
DATE OF HIRE JANUARY 7, 2010-HOURLY SALARY: \$10.00**

Mr. Montoya submitted for approval to hire and ratify the hiring of the above individuals as the new Safe Ride Home and Veterans' Transit Operators.

Motion made by Commissioner Albert Padilla to hire the above individuals as the new Safe Ride Home and Veterans' Transit Operators. Second by Commissioner Marcellino A. Ortiz. Motion carried.

30. SAN MIGUEL COUNTY MANAGER REQUEST TO HIRE THE FOLLOWING INDIVIDUAL TO FILL THE VACANT POSITION AS A DEPUTY WITH SAN MIGUEL COUNTY SHERIFF'S DIVISION AS PER THE RECOMMENDATION OF BENJIE VIGIL, SAN MIGUEL COUNTY SHERIFF

PROBATIONARY EMPLOYEE

**DAVID BIBB III-DEPUTY-EFFECTIVE DATE OF HIRE: JANUARY 23, 2010
PROBATIONARY SALARY: \$29,000.00**

San Miguel County Sheriff advised the Commission that David Bibb has over twenty years of experience in Law Enforcement. Mr. Bibb is also certified through the Department of Public Safety. David Bibb will be replacing William Cruz who got promoted to Undersheriff after the retirement of Joe Robert Urban.

Motion made by Commissioner Albert Padilla to hire David Bibb III as a new deputy with the San Miguel County Sheriff's Division. Second by Commissioner Marcellino A. Ortiz. Motion carried.

31. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF DECEMBER 2009

County Manager Les Montoya advised the Commission of personnel changes which have taken place in San Miguel County for the month of December 2009 are submitted for ratification and approval by the San Miguel County Board of Commissioners

Motion made by Commissioner June Garcia to ratify and approve the personnel changes that have taken place during the month of December 2009 as recommended by the County Manager. 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 Marcellino A. Ortiz to retire into Executive/Closed Session at 4:36 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Albert Padilla. 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 Nicolas T. Leger	Yes
Commissioner Marcellino A. Ortiz	Yes

Unanimous vote to retire into Executive Session.

Commissioner June Garcia made a motion to return to Regular Session at 4:45 P.M. Second by Commissioner Albert Padilla. Motion carried.

ADJOURNMENT

Motion made by Commissioner Albert Padilla to adjourn. Second by Commissioner Marcellino A. Ortiz. Motion carried. The meeting ended at 5:15 P.M.

Approved this _____ day of _____, 2010 as the official minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its regular meeting held January 12, 2010.

David R. Salazar, Chairman

June J. Garcia, Vice-Chair

Nicolas T. Leger, Commissioner

Marcellino A. Ortiz, Commissioner

Albert J. Padilla, Commissioner

ATTEST

Melanie Y. Rivera, County Clerk

Minutes Submitted by: Michelle J. Padilla