

**San Miguel County Clerk**  
**Melanie D. Rivera**

**MINUTES OF REGULAR MONTHLY MEETING OF  
SAN MIGUEL COUNTY BOARD OF COMMISSIONERS  
HELD TUESDAY, MAY 10, 2011, BEGINNING AT 1:30 P.M.**

**CALL TO ORDER**

The San Miguel County Board of Commissioners held its regular monthly meeting on Tuesday, May 10, 2011, beginning at 1:30 p.m. The meeting convened at the County Commission Chambers, San Miguel County Courthouse, 2<sup>nd</sup> floor, 500 West National Ave., Suite 200, Las Vegas, New Mexico 87701.

**ROLL CALL:**

Upon a call of the roll, Chairman David R. Salazar, Vice-Chairman Nicolas T. Leger, and Commissioners Marcellino A. Ortiz, Ron R. Ortega Commissioner Arthur J. Padilla were present, and a quorum was duly noted by Chairman Salazar

**PLEDGE OF ALLEGIANCE AND SALUTATION TO NM STATE FLAG**

Commissioners, staff and citizens in attendance joined in the pledge and salute.

**APPROVAL OF AGENDA**

Motion by Commissioner Padilla to approve agenda. Upon a second by Commissioner Ortiz, the motion carried. **(Unless otherwise indicated, all formal action by the Commission is by unanimous voice vote).**

**APPROVAL OF MINUTES**

Motion made by Commissioner Padilla to approve the minutes of the regular monthly meeting held April 12, 2011. Second by Commissioner Ortega. Motion carried.

**PRESENTATION ON UPPER GALLINAS WATERSHED PLAN BY LEA KNUTSON,  
EXECUTIVE DIRECTOR HERMIT'S PEAK WATERSHED ALLIANCE**

Ms. Lea Knutson spoke about water issues, especially concerning the upper Gallinas Watershed. She also invited the Commission to collaborate with the Hermit's Peak Watershed Alliance, and asked that the County name one or more representatives as liaisons to the Alliance.

Commissioners made several inquiries, and were generally supportive of the Alliance, but made no commitment concerning any financial support.

**SAN MIGUEL COUNTY 4-H & AGRICULTURE PROGRAM UPDATE BY  
SAMANTHA ORTIZ, SAN MIGUEL COUNTY 4-H/AG AGENT**

Samantha Ortiz advised the Commission generally concerning her work with the 4-H Program, and answered several questions asked by Commissioners.

**SAN MIGUEL COUNTY BOARD OF FINANCE MEETING**

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

San Miguel County Treasurer Alfonso E. Ortiz, Jr., presented the Treasurer's Monthly Report for the month of April 2011. This monthly report is presented for information only, and formal action is neither sought from nor required of the Commission.

**2. US ARMY CORPS OF ENGINEERS LAW ENFORCEMENT FUNDING  
AGREEMENT**

San Miguel County Sheriff Benjie Vigil asked the Commission to accept a continuing funding subsidy from the U. S. Army Corps of Engineers for law enforcement protection in the Conchas Lake area. The funding amount is \$8,650.00, and Commissioner Padilla moved that the same be accepted. Upon a second by Commissioner Ortiz, the motion carried.

**3. INDIGENT CLAIMS FOR ALTA VISTA HOSPITAL IN THE AMOUNT OF  
\$30,550.26**

Finance Division Supervisor Melinda Gonzales advised the Commission that her 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.

Discussion ensued.

Motion made by Commissioner Padilla to approve the indigent claims for Alta Vista Hospital. Second by Commissioner Ortiz. Motion carried.

(The County Manager asked that Item 8 of the Agenda be taken-up at this time, to avoid further delay for the scholarship recipients in attendance. Whereupon Commissioner Padilla moved and Commissioner Ortega seconded, that Item 8 of the Agenda be now considered by the Commission, and upon unanimous approval of the motion, Item 8 was next considered and the Commission proceeded to award the several scholarships, as noted with particularity at Item 8 hereunder).

**4. BUDGET ADJUSTMENT 2011-05-10-F1 REQUESTING APPROVAL TO INCREASE FUND 403 (FIRE MARSHAL'S FUND)**

Finance Division Supervisor Melinda Gonzales advised the Commission that during mid-year adjustments she decreased the Fire Marshal's budget, but now the funds need to be re-budgeted per the above noted Resolution. Whereupon Commissioner Padilla moved, and Commissioner Ortiz seconded, approval of the above-titled Resolution, and the motion carried.

**5. RATIFY RECOMMENDATION MADE BY STAFF TO RETAIN CLIFTON AND GUNDERSON TO PERFORM THE FY10-11 AUDIT**

Finance Division Supervisor Melinda Gonzales informed the Commission that a Request for Proposals for audit services for the FY 10-11 was issued; that eight proposals were submitted; that the Evaluation Committee rated and ranked each proposal, and is now recommending that the contract award be made to the firm of Clifton and Gunderson, as the best and most responsible offeror, to provide audit services beginning with the FY 2010-11. Whereupon Commissioner Padilla moved, and Commissioner Ortega seconded, that the contract award be made to Clifton and Gunderson, as recommended by Ms. Gonzales. The motion carried.

**6. CASH BALANCE REPORT AS OF APRIL 30, 2011**

Finance Division Supervisor Melinda Gonzales advised the Commission of all cash balances as of April 30, 2011, and noted the presentation was for their information and did not require any action.

**7. ACCOUNTS PAYABLE LISTING ITEMS 2011-10-1 THROUGH 2011-10-505**

Finance Division Supervisor Melinda Gonzales advised the Commission of all payments made during the month of April 2011, and requested ratification and approval.

Motion made by Commissioner Ortiz to approve accounts payable as submitted by Ms. Gonzales. Second by Commissioner Ortega. Motion carried.

**SAN MIGUEL COUNTY REGULAR MEETING**

**8. APPROVAL AND AWARD THE 2011 EL VALLE DE SAN MIGUEL FLYING DIAMOND SCHOLARSHIP (ELEVEN) RECIPIENTS FOR THE 2011 FALL**

**SEMESTER AND THE 2012 SPRING SEMESTER BY RECOMMENDATION  
MADE BY THE SCHOLARSHIP COMMITTEE**

This Item was passed upon by the Commission immediately following Item 4, above, as follows: County Manager Les W.J. Montoya advised the Commission that El Valle de San Miguel Flying Diamond Scholarships (recipients) were announced on March 28, 2011, as follows:

David Alan Rael	Gabrielle Benavidez
Patricia A. Chavez	Steven A. Salinas
Kimberly Martinez	Kevin A. Baca
Brianna A. Gallegos	Anthony Vigil
Zachary Regino Gallegos	Lisa Padilla-Varela
Estevan Flores	

Whereupon the Commissioners each made a presentation of the Scholarship to the above recipients who were present, congratulating each and wishing them well.

**9. MEMORANDUM OF UNDERSTANDING BETWEEN SAN MIGUEL COUNTY AND GUADALUPE COUNTY, ALLOWING GUADALUPE COUNTY, AT ITS SOLE COST AND EXPENSE, TO PERIODICALLY MAINTAIN A PORTION OF CERTAIN SAN MIGUEL COUNTY ROADS LOCATED AT THE COUNTY LINE BETWEEN THE TWO COUNTIES (C-47-B, A DISTANCE OF 10.6 MILES, C-45-C, A DISTANCE OF 0.9 MILES, AND B-45-C AND B-46, A DISTANCE OF 1.33 MILES)**

The County Manager advised the Commission that the MOU was beneficial to both counties and allows Guadalupe County to periodically maintain SMC roads immediately adjacent to the county line, as identified in the MOU, at no cost or expense to SMC. The Manager also advised that the Guadalupe County Commission had already approved the MOU. Both the County Manager and Attorney answered questions propounded by Commissioners Leger and Ortega, the attorney noting that the MOU was entirely lawful and proper. Whereupon Commissioner Padilla moved adoption of the MOU, and upon a second by Commissioner Ortiz, the motion carried.

**10. RESOLUTION SUPPORTING THE EFFORT TO ENDORSE A REQUEST OF THE STAMP ADVISORY COMMITTEE TO ISSUE A COMMEMORATIVE STAMP FOR THE SESQUICENTENNIAL OF THE BATTLE OF GLORIETA PASS**

County Manager Les Montoya advised the Commission that support is sought from the Commission, via adoption of the above Resolution, to establish and create a commemorative stamp recognizing the Civil War Battle of Glorieta Pass.

A brief discussion ensued, and Commissioner Ortiz moved adoption of the Resolution. Upon a second by Commissioner Padilla, the motion carried.

#### **11. AMENDED SAN MIGUEL DRUG COURTS GRANT AGREEMENT**

Program Manager of the 4<sup>th</sup> Judicial District Court, Anna Lujan, presented to the Commission an amendment providing for continued funding of the Program for fiscal year 2011-2012, and requested approval of same; whereupon Commissioner Ortega moved approval, and upon a second by Commissioner Padilla, the motion carried and the Amendment was duly approved.

#### **12. ORDINANCE NO. SMC-05-10-11-SOLAR**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that at its meeting held April 12 2011, the Board of County Commissioners adopted Resolution No. 04-12-11-SOLAR ENERGY FACILITY ORDINANCE, which directed the County Manager to do all things necessary and proper for the proposed adoption of Ordinance No. SMC-05-10-11-SOLAR and the County Commission also directed County staff to submit the proposed Ordinance for adoption at the May 2011 County Commission meeting.

Whereupon, at 2:44 p.m., Chairman Salazar opened the meeting for a public hearing and invited comment from any interested person concerning the proposed adoption of Ordinance No. SMC-05-10-11-SOLAR. No person sought recognition, and the Chairman proceeded twice more to solicit and invite public comment. No one seeking recognition, Chairman Salazar noted the time as 2:45 and proceeded to seek the pleasure of the Commission.

Whereupon Commissioner Padilla moved adoption and passage of proposed Ordinance No. SMC-05-10-11-SOLAR, as presented and published, without amendment, and upon a second by Commissioner Ortiz, and a call of the roll, each Commissioner voted in the affirmative and the motion carried and the aforesaid Ordinance was duly adopted.

#### **13. NORTHERN NEW MEXICO RESOURCE ADVISORY COMMITTEE PROPOSAL GRANT RECOMMENDATION**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that the Northern New Mexico Resource Advisory Committee is accepting proposals for funding under Title II of the 2008-2011 Secure Rural Schools and Community Self-Determination Act, for projects that must benefit National Forest System land. County staff has identified three (3) projects for funding consideration: Iron Gate road near Terrero, County Road A-27 in the Gallinas area, and County Road B-28-A near El Cerrito.

Discussion ensued, with Commissioners indicating their preference and the reasons why one or another of the recommended projects should be selected. After a lengthy discussion, and give-

and-take among the Commissioners, Commissioner Ortega made a motion that County Road A-27 in the Gallinas area be selected as the project for the grant application. Upon a second by Commissioner Padilla, the motion carried and County Road A-27 was selected as the project to be identified in the grant application.

**14. RESOLUTION NO. 05-10-11-ICIP ADOPTING INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) 2013-2017 AND RESOLUTION**

Planning and Zoning Supervisor Alex Tafoya advised the Commission that at its meeting held April 12 2011, the Commission conducted a public hearing and determined the priority listing for projects to be submitted under the County's Infrastructure Capital Improvement Plan (ICIP). Tafoya said the above Resolution submitted by him identifies those projects, and is required by DFA (Local Government Division). Whereupon Commissioner Padilla moved adoption of Resolution No. 05-10-11-ICIP, and upon a second by Commissioner Ortiz, the motion carried.

**15. RESOLUTION SMC-05-10-2011-S8-1 SECTION 8 UTILITY ALLOWANCE**

Section 8 Housing Administrator Christina Barajas advised the Commission that the San Miguel County Section 8 Housing Authority is responsible for conducting a Utility Allowance Survey which provides the amounts used by the housing authority to determine gross rent for eligible units. The utility allowance schedule must be updated annually to ensure the amounts correctly reflect the typical cost of utilities and services paid by households of similar size within the community as a whole. Ms. Barajas said the above Resolution accomplishes the foregoing, and asked approval of same. Whereupon Commissioner Ortega moved, and Commissioner Padilla seconded, adoption of Resolution SMC-05-10-2011-S8-1, and the motion was duly approved.

**16A. QUARTERLY REPORT FOR SECTION 8 HOUSING ADMINISTRATION FOR THE 3<sup>RD</sup> QUARTER OF FY 2010/2011**

Section 8 Housing Administrator Christina Barajas submitted to the Commission her quarterly report for the Housing program. She stood for questions and advised that no action was necessary by the Commission; that the Report was submitted for the Commissioners' information and review.

**16B. AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS FOR THE PURCHASE OF SURVEILLANCE SYSTEM UPGRADE**

Emergency Manager Dennis English advised the Commission that the San Miguel County/Las Vegas Office of Emergency Management received a grant in the amount of \$127,500.00 for three projects, through New Mexico Department of Homeland Security (State Homeland Security Grant Program) for the year 2010. One of the specified projects is the purchase of a surveillance system upgrade for the 4<sup>th</sup> Judicial District Court.

Mr. English asked authorization to invite bids for the above project, whereupon Commissioner Padilla moved approval, and upon a second by Commissioner Ortiz, the motion carried.

**17. REQUEST TO ADVERTISE FOR PUBLIC AWARENESS CAMPAIGN FOR SAN MIGUEL COUNTY/LAS VEGAS OFFICE OF EMERGENCY**

Emergency Manager Dennis English advised the Commission that the San Miguel County/Las Vegas Office of Emergency Management received a grant through the New Mexico Homeland Security Grant Program in the amount of \$15,000.00, for a project to create a Public Awareness Campaign for the San Miguel County/Las Vegas Office of Emergency Management.

Mr. English sought the Commission's approval to invite proposals for the project, whereupon Commissioner Padilla moved approval, and upon a second by Commissioner Ortiz, the motion carried.

**18. BID NUMBER 05-10-11-SMC-FIRE REQUEST TO ADVERTISE FOR BIDS TO PURCHASE PROPANE FOR SAN MIGUEL COUNTY FIRE DEPARTMENTS**

Fire Chief Russell Pacheco sought the Commission's approval to invite bids for the purchase of propane for the County's fire districts. Whereupon Commissioner Padilla moved approval, and upon a second by Commissioner Ortega, the motion carried.

**19. RATIFICATION OF SERVICE AGREEMENT WITH ADVANCED COMMUNICATIONS**

Fire Chief Russell Pacheco requested the Commission's approval of an Agreement with Advance Communications for a one-year service agreement for maintenance and upkeep of various communications sites throughout the County. Whereupon Commissioner Padilla moved approval of the Agreement, and upon a second by Commissioner Ortiz, the motion carried.

**20. AUTHORIZATION TO APPLY FOR 2011 VFA/RFA GRANT (VOLUNTEER FIRE ASSISTANCE AND RURAL FIRE ASSISTANCE GRANT PROGRAM)**

Wildland Fire Coordinator Kenneth Medina advised the Commission of the 2011 VFA/RFA Grant Application, as noted above, and asked permission to apply for same. Whereupon Commissioner Padilla moved that Mr. Medina be given permission to make application and that Melinda Gonzales be authorized to sign-off on the application, and upon a second by Commissioner Ortega, the motion carried.

**21. APPROVAL OF FY 11-12 COMMUNITY DWI (CDWI) GRANT APPLICATION**

DWI Coordinator Wendy Armijo advised the Commission the San Miguel County DWI Planning Council continues to receive Community DWI Grant funds. The identified funding is a result of court fees collected from DWI convictions within San Miguel County. Its purpose is to undertake activities that will impact the DWI problem in the County through the use of

prevention/education and enforcement. A total of \$25,397 has been allotted in CDWI funds for the upcoming FY11-12.

Ms. Armijo asked approval of the FY11-12 Community DWI Grant application.

Motion made by Commissioner Padilla to approve Grant application. Second by Commissioner Salazar. Motion carried.

**22. APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF SAN MIGUEL AND THE CITY OF LAS VEGAS POLICE DEPARTMENT**

DWI Coordinator Wendy Armijo advised the Commission that the above MOA will allow the City of Las Vegas and San Miguel County to combine funds and resources to eradicate DWI and reduce highway traffic accidents that are alcohol related, and asked approval of the MOA. Whereupon Commissioner Padilla moved, and Commissioner Ortiz seconded, approval of the above MOA, and the motion carried.

**23. PUBLIC WORKS DIVISION MONTHLY REPORT FOR THE MONTH OF APRIL 2011**

Road Foreman Daniel Encinias presented his monthly report for the information of the Commission, and stood for questions. Discussion ensued and several questions were propounded to Encinias by Commissioners. (This item is presented only for information, and no formal action was required by the Commission).

Mr. Encinias also advised the Commission that five entities in New Mexico submitted applications for a Clean Diesel Grant, and San Miguel was awarded \$515,000.00.

**24. AWARD OF RE-BID FOR EMERGENCY ROAD RESTORATION DRAINAGE PROJECTS**

Road Foreman Daniel Encinias advised the Commission that San Miguel County recently re-advertised for Emergency Road Restoration Projects, and received the following six bids: CJ Mead Construction, Hays Plumbing & Heating Inc., Lumar Inc., Rocky Road Gravel Products, Max Tech and Apple Mountain Constructors. Lumar, Inc., was the lowest bidder at \$212,856.00, as determined by the County's engineer. Therefore, Encinias recommended that the contract for the emergency road restoration projects be awarded to Lumar for the amount noted above.

Whereupon, Commissioner Ortiz made a motion that the contract award be made to Lumar, Inc., in the amount of \$212,856.00, as recommended by Mr. Encinias. The motion was seconded by Commissioner Padilla and carried.

**25 and 26. APPROVAL OF AGREEMENTS BETWEEN DURAN SAND & GRAVEL, INC. AND SAN MIGUEL COUNTY, and ROCKY ROAD GRAVEL PRODUCTS and SAN MIGUEL COUNTY, FOR ROAD MAINTENANCE**



**AND IMPROVEMENTS WITHIN VARIOUS DISTRICTS IDENTIFIED  
BY SAN MIGUEL COUNTY**

Road Foreman Daniel Encinias advised the Commission that San Miguel County invited bids for road maintenance and improvements within various districts identified by the County. Two bids were submitted, one by Duran Sand & Gravel, Inc., and one by Rocky Road Gravel Products. These services will be for a period up to four years in twelve month increments renewable every year during these four years. Encinias recommended that each of the two bidders receive a contract award, each as-needed. Whereupon Commissioner Padilla moved, and Commissioner Ortega seconded, approval of the contract awards to Duran Sand and Gravel and Rocky Road, and approval also of the contract agreements with each. The motion carried.

**27. REJECTION OF BIDS FOR RECYCLING CONTAINERS**

Public Service Foreman Harold Garcia advised the Commission that San Miguel County recently invited bids for the purchase of recycling containers through the recycling grant allocated to the County by the New Mexico Recycling Coalition in the amount of \$103,650.00. Two bids were submitted, and neither is advantageous to the County, according to Garcia. He recommended, therefore, that the bids be rejected and that the County invite bids a second time. Whereupon Commissioner Padilla moved approval of Harold Garcia's recommendation as aforesaid, and upon a second by Commissioner Ortiz, the motion carried.

**28. EXECUTION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAS VEGAS AND SAN MIGUEL COUNTY FOR DEVELOPMENT OF A HUB RECYCLING FACILITY AND SPOKE RECYCLING CENTERS THAT WILL SERVE THIS HUB**

Public Service Foreman Harold Garcia advised the Commission that San Miguel County was recently notified of a grant allocation in the amount of \$103,650.00 for the development of six (6) recycling spokes within the County and City of Las Vegas, and presented for approval a Memorandum of Understanding between the City and County for this purpose.

Whereupon Commissioner Leger moved approval, with two amendments to the MOU, namely, inclusion of a fuel adjustment provision, and that glass not be permitted unless and until the necessary equipment is available. Leger's motion to approve the MOU, with the foregoing amendments, was seconded by Commissioner Padilla, and carried.

**29. GRANT AGREEMENT (CONTRACT #2011-05) FOR A RURAL RECYCLING DEVELOPMENT GRANT BETWEEN THE NM RECYCLING COALITION AND SAN MIGUEL COUNTY IN THE AMOUNT OF \$103,650.00 FOR RECYCLING EFFORTS IN SAN MIGUEL COUNTY AND THE CITY OF LAS VEGAS**

Public Service Foreman Harold Garcia presented for approval, the actual Grant Agreement for the project and funds described in Items 27 and 28, above. Whereupon Commissioner Pailla moved approval of Grant Agreement No. 2011-05 in the amount of \$103,650.00, and upon a second by Commissioner Ortiz, the motion carried.

**30. ADMINISTRATIVE REGULATION NO. 05-10-2011 COUNTY ASSETS/STORAGE POLICY**

Public Service Foreman Harold Garcia advised the Commission that San Miguel County constructed storage units at the Public Works facility at 10 Airport Road during the construction of the new Public Works facility, which units are designated for use by county offices wanting to store county assets in the units. Accordingly, an Administrative Regulation has been prepared and was presented by Garcia for approval, regulating the proper use of and storage in the aforesaid units located at the Public Works facility. Whereupon Commissioner Padilla moved approval of Administrative Regulation No. 05-10-2011, and upon a second by Commissioner Ortiz, the motion carried.

**31. APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN NEW MEXICO TAXATION & REVENUE DEPARTMENT AND SAN MIGUEL COUNTY FOR FREE INTERACTIVE ON-LINE SERVICES**

County Manager Les W.J. Montoya advised the Commission that the New Mexico Taxation & Revenue Department will offer the County driver monitoring services, driver history records and motor vehicle records to local governments at no charge, upon approval of the MOU which he submitted for approval. (Montoya noted that San Miguel County is currently paying for these services through its agreement with SAMBA, and given the tough economic times and stretched budgets, this new service with Taxation and Revenue will save the County money; and he also noted that a separate policy will be implemented for the service to be provided by Taxation and Revenue, and that all checks will be done exclusively by the County's Human Resources office).

Motion made by Commissioner Padilla to approve the Memorandum of Understanding between New Mexico Taxation & Revenue Department and San Miguel County. Second by Commissioner Ortega. Motion carried.

**32. HIRING OF FELICIANO J. CHAVEZ FOR APPRAISER II POSITION**

County Manager Les W.J. Montoya advised the Commission that County Assessor Elaine Estrada is recommending the employment of Feliciano J. Chavez for the Appraiser II position in the Assessor's office.

Motion made by Commissioner Padilla to hire Feliciano J. Chavez for the position of Appraiser II. Second by Commissioner Ortiz. Motion carried.

**33. PERSONNEL ACTIONS OR CHANGES FOR THE MONTH OF APRIL 2011**

County Manager Les Montoya advised the Commission of personnel changes which have taken place in San Miguel County during the month of April 2011, and asked ratification of same; whereupon Commissioner Padilla moved approval of the personnel changes, and upon a second by Commissioner Ortiz, the motion carried.

**34. CONTRACT AMENDMENT-NEW MEXICO CHILDREN, YOUTH AND FAMILIES**

Warden Patrick W. Snedeker advised the Commission of a contract amendment specific to CYFD Agreement #11-690-12415, and asked approval of same, which extends the current FY-2011 contract for the period of July 1, 2011 thru September 30, 2011.

Motion made by Commissioner Padilla to approve contract/amendment as presented. Second by Commissioner Ortega. Motion carried.

**35. COUNTY ROAD NAME CHANGE**

Computer Information Specialist Mario H. Vasquez advised the Commission that the owners who live upon and own the driveway named Thistle Drive would like to change the name to Willow Lane.

Motion made by Commissioner Padilla to change the name to Willow Lane. Second by Commissioner 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)(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 that the Commission 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, matters pertaining to the discussion of the acquisition or disposal of real property, as permitted by Section 10-15-1-(H)(8) of the Open Meetings Act, NMSA 1978, and matters pertaining to collective bargaining strategy preliminary to collective bargaining negotiations, as permitted by Section 10-15-1(H)(5) of the Open Meetings Act, NMSA 1978, as amended.

Motion made by Commissioner Padilla to retire into Executive/Closed Session at 5:44 p.m. to discuss the matters outlined above by the County Manager. Second by Commissioner Leger.

Roll call was taken before County Commission retired into Executive Session, with all Commissioners voting in the affirmative to retire into executive/closed session pursuant to the above motion and second, as follows:

Chairman Salazar	Yes
Vice-Chair Leger	Yes
Commissioner Padilla	Yes
Commissioner Ortega	Yes
Commissioner Ortiz	Yes

Unanimous vote to retire into executive session.

Commissioner Padilla made a motion to return to regular session at 7:00 p.m. Second by Commissioner Ortega. Motion carried.

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

### **ADJOURNMENT**

Commissioner Padilla made a motion to adjourn. Second by Commissioner Ortega. Motion carried. The meeting ended at 7:01 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011 as the official Minutes of the Board of County Commissioners of San Miguel County, New Mexico, of its Regular Meeting held May 10, 2011.

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David R. Salazar, Chairman

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Nicolas T. Leger, Vice-Chair

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Arthur J. Padilla, Commissioner

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Marcellino A. Ortiz, Commissioner

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Ron R. Ortega, Commissioner

**ATTEST**

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Melanie Y. Rivera, County Clerk

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Minutes Submitted by Michelle J. Padilla