

VALENCIA COUNTY BOARD OF COMMISSIONERS

Business Meeting

June 17, 2005

PRESENT	ABSENT
Mary J. Andersen, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
Paul Edward Trujillo, Member	
Ron Gentry, Member	
Lynette Stublefield, Member	
Michael R. Trujillo County Manager	
Wimberly Law Firm, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Mary Andersen called the meeting to order at 9:00 AM.

**Chairman Andersen asked Kelly Pinkston to lead the Pledge of Allegiance.**

**Approval of Agenda**

Commissioner Trujillo made a motion for approval. Seconded by Commissioner Stublefield. Motion carried unanimously.

**Approval of Minutes**

May 25, 2005 – Special Budget Meeting

June 3, 2005 – Business Meeting

June 8, 2005 – Public Hearing Meeting

Commissioner Stublefield moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

**Public Requests**

None

**Discussion (Non-Action) Items**

**Commission Communications/Questions – County Commissioners**

**Reports from Boards, Commissions & Committees – County Commissioners**

Commissioner Stublefield reported on her town hall meeting and she thanked Cyndi Sluder and Ruben Chavez for attending. Commissioner Stublefield said most of the questions were directed at Mr. Chavez in regard to Planning and Zoning issues. Commissioner Kirkham and Commissioner Stublefield reported on the legislative luncheon provided by the Older American program. Commissioner Stublefield reminded the Commission of her upcoming marriage and name change to Commissioner Pinkston.

**Action Items**

***Board of Commissioners convene as Indigent Board***

***Indigent Report/Appeals – Barbara Baker***

***Re-Convene Board of County Commissioners***

Commissioner Trujillo moved to convene as the Indigent Board. Seconded by Chairman Andersen. Motion carried unanimously.

Ms. Baker presented the indigent claims from May 6, 2005 to June 1, 2005. There were 81 claims submitted and 30 applicant denials. The amount of claims submitted was \$428,447.87 and Ms. Baker recommended approval of \$52,635.46. Commissioner Stublefield moved for approval. Seconded by Commissioner Trujillo. Motion carried unanimously. **Exhibit A**

Ms. Baker presented two appeals, the first one was for Irma Coley which was denied due to income but has since changed and is now within the guidelines. Ms. Baker recommended approval of the Living Cross Ambulance bill in the amount of \$425.00. Commissioner Trujillo moved for approval. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit B**

The second appeal was for inmate Ervin Thomas, which was denied because the bill was received after the 90-day limit. Ms. Baker recommended approval in the amount of \$157.85 to UNM Health Sciences Center. Commissioner Trujillo moved for approval. Seconded by Chairman Andersen. Motion carried unanimously. **Exhibit C**

Chairman Andersen moved to reconvene as Board of County Commissioners. Motion carried unanimously.

**Resolution 2005-47, Relating to Indigent Hospital Claims; Establishing Guidelines Rules & Regulations for Indigent Hospital Claims**

Ms. Baker requested approval of the resolution relating to Indigent Hospital claims establishing guidelines. Commissioner Kirkham moved for approval. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit D**

**Resolution 2005-48, Adopting Recommendations for Action for the Comprehensive Plan – Joe Quintana**

Mr. Quintana requested approval of the above resolution in regard to the proposed recommendations for action which were presented for public input at two previous workshops. These recommendations have been endorsed by the Comprehensive Plan Steering Committee. Commissioner Kirkham moved for approval. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit E**

**Ordinance 2005-03, An Ordinance Relating to Motor Vehicles & Traffic – Mike Trujillo Prohibiting the Use of Engine Retarders (Jake Brakes) in designated locations, providing an exemption and setting forth penalties**

Commissioner Trujillo moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. **Exhibit F**

**Findings & Conclusion Final Action on Public Hearing held May 11, 2005 – Cyndi Wimberley Rr2 to RR1, Tr 1B1, Land of Betty Stewart – Betty Birner**

Commissioner Trujillo moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. **Exhibit G**

**Final Action on Public Hearing June 8, 2005/Amend Zone Maps – County Commissioners Amend Master Plan from Open Space to Residential/Manuel Martinez/Sam Herbert**

Commissioner Trujillo moved for denial of the request. Seconded by Commissioner Gentry. Discussion. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted no. Commissioner Stublefield voted yes. Chairman Andersen voted yes. Motion carried 4-1.

**I1 to I3, Tr35-A- AKA/3543 Hwy 116 Belen/Georgia Scovill**

Commissioner Trujillo moved for denial of the request. Seconded by Commissioner Stublefield. Motion carried unanimously.

**RR1 to C2 Tr of Land E & across Chical Lateral/Tr 6038 located off Meadowlake Rd/Jimmy Duncan**

Commissioner Kirkham moved for approval. Seconded by Commissioner Stublefield. Motion carried unanimously.

**RR2 to C2 Lot 22, Unit 8, Blk C located in Highland Meadows off Hwy 6 Los Lunas/Terry Fox**

Commissioner Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

**Memorandum of Understanding for Valencia County Water Planning Group – Ruben Chavez**

Commissioner Gentry moved for approval with the minor changes as discussed. Seconded by Commissioner Trujillo. Motion carried unanimously. **Exhibit H**

**Agreement with FFA Remitter Tower – John Cherry**

Commissioner Stublefield moved for approval of the agreement. Seconded by Commissioner Trujillo. Motion carried unanimously. **Exhibit I**

**Surplus County Equipment for Auction – Michael Steininger**

Commissioner Gentry moved for approval for acceptance of the surplus equipment with the exception of the Tome-Adelino Fire Department pumper. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit J**

**Selection of Adult Detention Administrator – County Commissioners**

Chairman Andersen made a motion to appoint Michael Oliver as the Adult Detention Administrator. Seconded by Commissioner Trujillo. Motion carried unanimously.

**Financial Items**

**Resolution 2005-49, PERA Payback – Mike Trujillo**

Chairman Andersen made a motion that the Board direct staff to attempt to resolve outstanding issues for PERA back payment issues with the individual employees or former employees who have brought the matter to the County's attention. A resolution of the matter must involve the signature, under oath, of the employee stating that the employee believed that PERA was being withheld from their pay at all times when employed by the County, releasing the County of further liability, and any other provisions recommended by the County Attorney, in a form similar to that form attached to this written motion and incorporated into this written motion.

In the event that an individual employee or former employee will not or cannot sign the form affidavit, the County will attempt to work out a settlement that does not violate the anti-donation clause or any other provision of law, and is approved by a court of law absolving the County of any further liability in the matter.

With respect to those instances where the County and the employee are not able to work out a solution, and in those instances where potential employee claimants are unknown, the county will attempt to work out a solution in a court of law bringing closure to any unknown or continuing exposure to liability on the part of the County for any missed PERA contributions and releasing the County from further liability.

Accordingly, the County staff and legal counsel are directed to file a complaint in District Court in Valencia County which will seek to comprehensively solve the matter of PERA back payments. Staff and counsel shall request accommodation regarding notice in this matter to ensure the most cost effective means possible. In the event that a cost effective method of providing notice is not available, staff and counsel shall re-evaluate the matter and discuss the same with the Board. Staff and Counsel should keep in mind the Board's goal of fairly, expediently, and in accordance with law disposing of this issue, so that it does not arise in the future. Seconded by Commissioner Kirkham. Motion carried unanimously. **Exhibit K**

**Resolution 2005-50, Intra/Inter Transfers – Michael Steininger**

Commissioner Kirkham moved for approval. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit L**

**Resolution 2005-51, Intra/Inter Transfers – Michael Steininger**

Commissioner Kirkham moved for approval. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit M**

**Decision on raises for employees of the Sheriff's Office not covered by the recent change in PERA plan – Michael Steininger**

Commissioner Gentry moved for approval for the .90c increase to all non-PERA eligible employees. Seconded by Chairman Andersen. Discussion. Motion carried unanimously. **Exhibit N**

**Award Bid #579 – Backhoe/Front end loader – Solid Waste Department – Michael Steininger**

Commissioner Stublefield move for approval to award the bid to Tom Growney Equipment. Seconded by Commissioner Trujillo. Commissioner Trujillo voted yes. Commissioner Gentry voted no. Commissioner Kirkham voted yes. Commissioner Stublefield voted yes. Chairman Andersen voted yes. Motion carried 4-1. **Exhibit O**

**Approval of Payroll & Warrants – Michael Steininger**

Mr. Steininger presented the computer printout list of all the checks issued by the Manager's Office on June 10, 2005 covering the payroll process on that date. Payroll Check #67639 thru Payroll Check #67867 inclusive. Deduction Check #81065 thru Deduction Check #81097 inclusive for a listing total of \$262,610.69. **Exhibit P**

Mr. Steininger presented the computer printout list of all the checks issued by the Manager's Office on June 13, 2005 covering vendor bills processed on that date. Check #81098 thru Check #81215 inclusive for a total of \$291,234.20. **Exhibit Q**

The General Fund balance as of June 14, 2005 was \$3,144,920.00.

Commissioner Kirkham moved for approval. Seconded by Commissioner Stublefield. Motion carried unanimously.

**Executive Session**

Commissioner Stublefield moved to enter into executive session. Seconded by Commissioner Gentry. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Commissioner Stublefield voted yes. Chairman Andersen voted yes. Motion carried 5-0.

Commissioner Kirkham moved to enter into regular session. Seconded by Commissioner Trujillo. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Commissioner Stublefield voted yes. Chairman Andersen voted yes. Motion carried 5-0.

Mr. Trujillo reported as to what was discussed in executive session. Discussed was a notice that was received on potential pending litigation. No action taken.

Commissioner Gentry made a motion to ratify as to what was discussed in executive session. Seconded by Commissioner Trujillo. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Commissioner Stublefield voted yes. Chairman Andersen voted yes. Motion carried 5-0.

**County Manager's Report**

**Auction for County surplus – August 6<sup>th</sup> or 7<sup>th</sup>, 2005 – Tentative**

**Fire/EMS Workshop – Date**

**Hobbs Conference – Debriefing**

**Valencia County Judicial Complex Budget vs actual report 6/31/2005**

Mr. Trujillo discussed dates for the County surplus auction either in August or September. Commission discussed the August dates would be their preference.

The workshop date for the Fire/EMS will be scheduled after the next business meeting of July 1, 2005.

Mr. Trujillo reported on NMAC conference in Hobbs.

Mr. Trujillo gave a budget report to the Commission on the Judicial Complex. **Exhibit R**

The next Business Meeting of the Valencia County Board of County Commission will be held on July 1, 2005 at 9:00 AM in the Los Lunas Schools Consolidated Board Room.

**Adjournment**

Adjournment 11:20 AM.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, June 17, 2005 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**ss/  
MARY J. ANDERSEN, CHAIR**

**ss/  
GEORGIA OTERO-KIRKHAM, VICE-CHAIR**

**ss/  
PAUL EDWARD TRUJILLO, MEMBER**

**ss/  
RON GENTRY, MEMBER**

**ss/  
LYNETTE PINKSTON, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: July 1, 2005**