

VALENCIA COUNTY BOARD OF COMMISSIONERS

Business Meeting

August 19, 2005

PRESENT	ABSENT
Mary J. Andersen, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
Paul Edward Trujillo, Member	
Ron Gentry, Member	
Lynette Pinkston, 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 9:05 AM

Chairman Andersen led the Pledge of Allegiance.

Approval of Agenda

Chairman Andersen requested changing the wording on action 7b, (Adoption of), change to Support of Valencia County Mobility Plan. Commissioner Trujillo moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

Approval of Minutes

August 5, 2005 – Business Meeting

August 10, 2005 – Public Hearing

Commissioner Pinkston made a motion for approval of the above minutes. Seconded by Commissioner Kirkham. Motion carried unanimously.

Public Requests

None

Discussion (Non-Action) Items

Report on lightning strike and effect on County communications – Sheriff Perea, Andrew di Camillo

Mr. di Camillo stated Fire Marshal, John Cherry had a statement to present. Mr. Cherry said he removes himself from all Fire Marshal authority for Valencia County and designate, Deputy Fire Marshal Charles Eaton to assume all authority and responsibilities of the Fire Marshal's Office. Mr. Cherry said he has served 18 years in the Fire Marshal's Office and intends to retire July 2006. There is a lot of dissension in the office and this is a decision he made to better service Valencia County and the Fire Departments. Mr. Cherry asked the Commission to approve Mr. Eaton as acting Fire Marshal until an ordinance can be established. Mr. Cherry said he is not resigning his position with the County; he will work with the transition in the next seven to nine months but needs to step down and relinquish his position as Fire Marshal.

Commissioners said at this time this is a personnel issue and will be discussed in executive session.

Sheriff Perea reported on the lightning strike that hit the 911 system on Friday, August 12, 2005 leaving no communication for the sheriff's department, fire and rescue and ambulance services. The services that were affected were the telephone lines, 911 lines, radio communication and NCIC. Field service personnel did notify by radio the dispatch service that was down and immediately contacted Los Lunas Police Department and rerouted the 911 lines as well as advising them that we were in need of their services for radio communication with the Sheriff's Department personnel and fire. Advance Communications was immediately notified that the system was down. Sheriff Perea said he had not heard of any complaints from anyone on the situation from the services that were affected.

Commissioner Kirkham said it was her understanding from emails she had received that it was the Fire Departments that lost communications. Sheriff Perea said we established radio communication with LLPD but we did not have the tone out system for the fire departments. This did make it inconvenient for them but there was still radio contacts for each individual station.

Andrew di Camillo, Code Enforcement Director reported on the lightning strike and gave his assessment of the situation. The system is up and running but the z-tron mechanism that was discussed is the box that allows the dispatchers to manual encode and tone out the fire districts. We became aware of this type of technology and remedy by State Fire Marshal, James Maxon. Mr. di Camillo said he and Deputy Fire Marshal, Charles Eaton met Mr. Maxon in Albuquerque to retrieve this device and have it installed to have the volunteers toned out. This device failed and since then we have ordered from Advance Communications a device that will encode the tones and we will

work together to make sure this device does not fail us when we have a true emergency to where we would possibly lose life. Mr. di Camillo said he has initiated an investigation regarding the conduct and protocol of which the situation was handled. He will plan on branching this investigation into parties that were involved. Mr. di Camillo said he and Sheriff Perea are committed to seeing what has taken place and what failures that we found to be remedied and be prepared for the future. Mr. Cherry and Mr. Eaton have committed full cooperation and physical assistance in this investigation. Mr. di Camillo said his preliminary investigation had indicated a severe breach and lack of contingency protocol from the County and other parties involved which would include private vendors. He has been in contact with Bill Harris who is the 911 state DFA person in charge of this service for Valencia County. The 911 coordinator for Valencia County was Fire Marshal, John Cherry and as to date Mr. di Camillo said he has now assumed that role. He has prepared a document for the County Manager's signature that designates him as the 911 coordinator and Sheriff Perea as the alternate. On August 25, 2005, he and Sheriff Perea will meet with the police chief's counsel. At that meeting, Mr. di Camillo said they will move toward establishing regional authority. As he has advocated and stated at the Fire Chief's Counsel meeting regional dispatch is more than bricks and mortar, this act of God was an outcry for this County to take heed and establish all of the protocols, all the necessary contingencies, to ensure of regardless of what happens, lightning or a true attack on our services does not render them invalid.

Commission Communication/Questions – County Commissioners

Reports from Boards, Commissions & Committees – County Commissioners

Commissioner Pinkston thanked staff, road department and animal control for working on the auction that the County held on August 7, 2005. She also thanked the different county departments that gave to the auction.

Commissioner Gentry asked if there was a letter sent in concerning Mesa Oil air quality permit. At a previous meeting we had asked that the County visit with the State air quality personnel. This is an incinerator burning process that has been added to Mesa Oil and there is a lot of objection with regard to this. Commissioner Gentry said he would like our zoning department look into this matter.

EXHIBIT A

Ruben Chavez said we did visit the site when this issue was first brought to Planning and Zoning's attention. As noted from a permitting standpoint this incinerator is a structure that is portable, it does not have a building attached to it. We could not say that it was not allowed.

Commissioner Trujillo said this is a critical issue for that area. It was his impression we were going to look at the zoning on that industrial park and regarding affirmation that it is not a high nuisance area, it is more of an I-2.

Mr. Trujillo said he was unprepared to give a formal response but in terms of timing he would recommend a special commission meeting and have this item as a matter of discussion so we could take appropriate action at that time and get our attorney involved.

Chairman Andersen said we can set up date and time during the County Manager's report close to the end of this meeting.

Chairman Andersen reported on the commuter rail task force meeting she attended in Albuquerque. The commuter rail is on schedule and we should see the train no later than December of this year. The first passenger car has been shipped from the factory and the locomotives will start around September 20th. There will be nine stations. Groundbreaking for the depots will begin in September and one of the first ones will be in Belen. Congress has authorized another 75 million dollars from Bernalillo to Santa Fe.

Commissioner Kirkham and Chairman Andersen attended the groundbreaking for the Merillat factory. This plant has the possibility of 700 future jobs for Valencia County. It is estimated to open in 2007. Commissioner Kirkham said she would like to encourage Valencia County to work with the schools and the village so that when we know this plant opens that we have a qualified work force.

Mr. Trujillo reported on a meeting that he and Chairman Andersen attended with UNMH and several counties. The issue is that UNMH is the states only trauma center and because of their mandate they support too large of an indigent clientele. They are seeking to acquire means of additional revenue to offset their cost. The concern with Bernalillo County, their mill levy supporting UNMH is up for a vote in 2008. They are afraid they may lose this since UNMH contributes heavily supporting indigent specifically from Sandoval and Valencia counties.

ACTION ITEMS:

Board of Commissioners convene as Indigent Claims Board

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

Indigent Appeals & Reports – Barbara Baker

Ms. Baker presented the indigent claims from July 1, 2005 to August 5, 2005. There were nine claims submitted and 35 applicant denials. The amount of claims submitted is \$267,446.39 and Ms. Baker recommended approval of \$48,232.97. Commissioner Pinkston moved for approval. Seconded by Commissioner Trujillo. Motion carried unanimously. **EXHIBIT B**

Ms. Baker presented the indigent appeal for Victoria Trujillo. Ms. Baker recommended approval of the Presbyterian Hospital bill for the amount of \$1,317.09. Commissioner Trujillo moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. **EXHIBIT C**

Re-convene Board as County Commissioners

Commissioner Trujillo moved to re-convene as County Commissioners. Seconded by Commissioner Pinkston. Motion carried unanimously.

Resolution 2005-58, Support of “Valencia County Mobility Plan” - Loretta Tollefson

Ms. Tollefson reported on a survey summary of responses that included 169 respondents. The top survey of responses were as before decreasing traffic congestion, establishing additional river crossings, easy access to the interstate system, and adding lanes to NM47. Commissioner Kirkham moved for approval of the above resolution. Seconded by Commissioner Pinkston. Motion carried unanimously. **EXHIBIT D**

Resolution 2005-59, “2007-2011 Infrastructure Capital Improvements Plan” – Ruben Chavez

Commissioner Gentry moved for approval with the inclusion of the Rio Grande Fire Department five-year plan added to the ICIP. Seconded by Commissioner Trujillo. Motion carried unanimously. **EXHIBIT E**

Resolution 2005-60, “Use of Jake Brakes Prohibition in designated locations” – Mike Trujillo (Hwy 346 in Casa Colorado area and a portion of El Cerro Loop & Meadow Lake Rd)

Commissioner Trujillo moved for approval of the above resolution. Seconded by Commissioner Pinkston. Motion carried unanimously. **EXHIBIT F**

Lease of real property with State Property Control Division, GSD at the old LLH & TS – Mike Trujillo

(PSR Buildings – Valencia Counseling Services, Inc)

Commissioner Trujillo moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. **EXHIBIT G**

Final Action on Public Hearing held August 10, 2005 – Amend/Zone Maps – Ruben Chavez

1) RR2 to C1-AKA 09 El Cerro Rd (Living Cross Ambulance) – David Bris

Commissioner Kirkham moved for approval of the zone change. Seconded by Commissioner Pinkston. Motion carried unanimously.

2) RR2 to RR1 – AKA 04 Vista Hermosa Peralta-David Sanchez

Commissioner Trujillo moved for approval of the zone change. Motion died for lack of a second. Commissioner Kirkham moved to deny the zone change. Seconded by Commissioner Pinkston. Commissioner Trujillo voted no. Commissioner Gentry voted yes. Chairman Andersen voted yes. Commissioner Kirkham voted yes. Commissioner Pinkston voted yes. Motion carried 4-1.

Accept agreement between Tierra Bonita & First Baptist of Los Chavez – Cyndi Sluder

Commissioner Trujillo moved for approval. Seconded by Commissioner Gentry. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Chairman Andersen voted no. Commissioner Kirkham voted yes. Commissioner Pinkston voted yes. Motion carried 4-1. **EXHIBIT H**

Consider offer to purchase property for Valencia-El Cerro Fire Station – Andrew di Camillo

Mr. di Camillo requested the Commissioners to consider an offer to purchase property for the El Cerro Fire Station located off of Highway 47, north of Otero Road. The property is two acres and the purchase price is within the range of \$80 to \$90,000. Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. Commissioner Trujillo absent for this vote.

Financial Items:

1) Approval of Payroll & Warrants

Mr. Steining presented the computer printout list of all the checks issued by the Manager's Office on August 8, 2005 covering payroll process on that date. Payroll Check #68573 thru Payroll Check #68803 inclusive. Deduction Check #81761 thru Deduction Check #81794 inclusive for a listing total of \$278,961.93. **EXHIBIT I**

Mr. Steining presented the computer printout list of all the checks issued by the Manager's Office on August 16, 2005 covering vendor bills processed on that date. Check #81795 thru Check #81910 inclusive for a listing total of \$179,290.92. **EXHIBIT J**

The general fund balance as of August 18, 2005 was \$2.6 million.

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

Executive Session

Commissioner Gentry moved to enter into executive session. Seconded by Commissioner Pinkston. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Gentry voted yes. Chairman Andersen voted yes. Motion carried. Commissioner Trujillo absent for this vote.

Commissioner Pinkston moved to enter regular session. Seconded by Commissioner Gentry. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Commissioner Pinkston voted yes. Motion carried.

Ms. Wimberly reported that during executive session items discussed were personnel and pending and threatened litigation regarding an activity ongoing at the industrial park. No action taken.

Commissioner Trujillo moved to approve the above report. Seconded by Commissioner Gentry. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Commissioner Pinkston voted yes. Motion carried.

County Manager's Report

No report as Mr. Trujillo had to leave for another meeting.

ORDINANCE 2005-04

Commissioner Gentry said in view of the fact this Commission had received notice in the last couple of days a permit is going to be issued for the incinerator plant according to testimony may not even be permitted or have to go through any County scrutiny that is considered a high nuisance. Commissioner Gentry said he would like to deem this an emergency. Commissioner Gentry made a motion that we place a moratorium on the Rio Communities Industrial Park on any I-3 development pending the Commissioner's review and changing to I-2 those uses in that plant and this would eliminate the high nuisance addition in that area and deem this an emergency and place a moratorium until this Commission can act and respond on this matter. Seconded by Commissioner Trujillo. Motion carried unanimously. **EXHIBIT K**

The next Business Meeting of the Valencia County Board of County Commission will be held on September 2, 2005 at 9:00 AM in the Los Lunas Consolidated Schools Board Room. The next Public Hearing Meeting will be held on September 14, 2005 at 5:00 PM in the Valencia County Commission Room.

Adjournment

Meeting adjourned at 11:30 AM.

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the August 19, 2005 meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>

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: September 2, 2005