

VALENCIA COUNTY BOARD OF COMMISSIONERS

Business Meeting

October 6, 2006

PRESENT	ABSENT
	Paul Trujillo, Chairman
Ron Gentry, Vice-Chairman	
Mary J. Andersen, Member	
Georgia Otero-Kirkham, Member	
Lynette Pinkston, Member	
Francisco Apodaca, County Manager	
Cynthia R. Wimberly, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

1. The meeting was called to order by Vice-Chairman Ron Gentry at 9:09 AM.
- 2. Vice-Chairman Gentry asked John Cherry to lead the Pledge of Allegiance.**
- 3. Approval of Agenda**
Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.
- 4. Approval of Minutes: September 13, 2006 Public Hearing
September 15, 2006 – Business Meeting**
Commissioner Pinkston moved for approval of both sets of the above minutes. Seconded by Commissioner Kirkham. Motion carried unanimously.
- 5. Public Requests**
None
- 6. Discussion (Non-Action) Items**
- a. Acknowledgement of Appreciation for Services Rendered “John Cherry” – County Commission**
Vice-Chairman Gentry & Commissioners honored John Cherry with a plaque for all of his years of service as Fire Marshal of Valencia County. Charles Eaton spoke on behalf of the Fire Districts honoring John Cherry as always for his dedication. He will be missed. Members of the Fire Departments spoke honoring Mr. Cherry. Mr. Cherry introduced his family and if not for them he could have not served for so many years. Mr. Cherry thanked all who made a part of his retirement so special. Commission, staff and the public audience gave Mr. Cherry a standing ovation. Staff served cake and refreshments. Vice-Chairman Gentry took a 10-minute break.
- b. Acknowledgement of Appreciation for Services Rendered “Election Poll Workers” - Tina Gallegos (Exhibit A)**
Ms. Gallegos rendered appreciation for the poll workers that served 6 or 20 plus years for elections held in Valencia County. Ms. Gallegos read off the names, Peggy Leonard served 20 years, Nita J. Bundrant served 12 years, Janice M. Brunacini served 10 years, Marcella G. Gilchrist served 8 years, Dorsie L. Blandford served 8 years, Gloria Stanley served 8 years, Ray Blandford served 6 years, Manuel A. Velasquez served 6 years, James Vaughn served 10 plus years, Becky Luna served 20 years, Cosomo Torelli served 20 plus years and Natalie Torelli served 20 plus years. Ms. Gallegos said she is very appreciative for all of their hard work during the election process.
- c. Reports from Boards, Commission & Committees – County Commission**
None
- d. Department Director’s Reports – Department Directors (Exhibit B & C)**
Ruben Chavez gave a brief summary report for Animal Control, Code Enforcement, and Planning and Zoning Department. Commissioners thanked Mr. Chavez for a thorough report. Dan Trujillo, Road Department handed a report to the Commission for their review. Mr. Apodaca introduced Jim Puckett, Project Manager overseeing the Judicial Complex , he has been doing a great job. The people on the job site have been very pleased with his expertise. The Commission welcomed him on board and asked Mr. Puckett to give a briefing every couple of months of where the project stands.
- 7. Action Items**
- a. Consideration of MOU Los Lunas School – Francisco Apodaca (Exhibit D)**
Mr. Apodaca brought forward the Memorandum of Understanding with the County of Valencia and Los Lunas Public Schools. The MOU will remain in effect from October 6, 2006 to June 1, 2007. Commissioner Kirkham moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

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b. Consideration of MOU between Adult DC and Juvenile DC – Michael Oliver (Exhibit E)

Mr. Oliver requested the approval of the Memorandum of Understanding between the Valencia Adult Detention Center and the Valencia County Juvenile Detention Center. Commissioner Pinkston moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

c. Resolution 2006-41, Urging The New Mexico State Legislature to pass the Health Security Act – Dana Miller (Exhibit F)

Ms. Miller requested the Commissioners to consider the above Resolution urging the New Mexico State Legislature to pass the Health Security Act. Commissioner Andersen moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

d. Resolution 2006-42, Endorsing and Supporting Governor Richardson's Investment Partnership 2 (GRIP2) – Francisco Apodaca (Exhibit G)

Mr. Apodaca brought forward the above Resolution for Commission consideration endorsing and supporting Governor Richardson's Investment Partnership 2 (Grip 2). Mr. Apodaca said Valencia County supports GRIP 2 because it provides \$10,877,340 in funding for improvement of Manzano Expressway. Commissioner Andersen moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

e. Requesting additional Public Hearings "Airport Zoning Ordinance" – Ron Gentry (Exhibit H)

Vice-Chairman Gentry said he has had numerous calls on this issue. We need to hold a workshop with FAA and discuss state and federal regulations that have been controversial to this matter. Vice-Chairman Gentry recommended to extend these hearings, at the October 11th Public Hearing Meeting, and then we can get the FAA here to meet with us at the Business Meeting of October 25th, and then have a workshop to discuss the issue. Then on November 8th Public Hearing Meeting, the public will have been able to voice their concerns and on the Business Meeting of November 17th be ready to vote. Vice-Chairman Gentry moved to adopt the above hearing schedule for this ordinance. Seconded by Commissioner Andersen. Motion carried unanimously.

f. Financial Matters

i. Consideration of Bid Award #607 "Belen Public Health Office Site Demolition" – to VP Construction Company in the amount of \$75,120.00 - Vangie Gabaldon (Exhibit I)

Ms. Gabaldon requested approval for the above bid. Bids were received from three companies, two who are Albuquerque based and one that is based in Belen. The bids were reviewed and analyzed by the project architect, John Gardner who determined that all three bids met the requirements of the bidding documents. Mr. Gardner has recommend that the bid be awarded to V.P. Construction Co, the low bidder on this project. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Discussion. Motion carried unanimously.

ii. Consideration of Bid #605 "Fire Apparatus – Manzano Vista Fire Department – Charles Eaton (Exhibit J)

Mr. Eaton said himself and Chief Jimmy Cooke, Manzano Vista Fire Department are here to answer any questions. Today, we are here before you to take into consideration to award Bid #605 Class A Pumper for Manzano Fire District. We went out to bid, there were two submittals, one from Pete's Equipment and the other from Independent Fire. Both reputable companies. We have some specs that were prepared by Chief Cooke and submitted to the State Fire Marshal's Office to obtain approval for state fire funds to purchase this truck. Those specs were sent out in the bid packet, there was ten comparatives that were brought up. Seven out of ten were classified as priority, three that we could live with. The sheet in question, it has independent fire piece equipment, at the bottom it has (FTM), failure to meet specs. Independent Fire Co has met all the specs, and he can read each one of them individually, based on our analysis, the pieces of apparatus meets the needs of the community and the Fire District, even though Independent Fire was the higher bid, by approximately \$8,464.00. Mr. Eaton said his recommendation based on the criteria of the immediate need and the specs that were met versus Pete's Equipment, his recommendation is to award the bid to Independent Fire. The funding formula that was purchased was an absolute appropriation from last years, we appropriated \$130,000 and Mr. Cooke had appropriated \$25,000 out of the state fire funds and the remainder would be coming out of his fire excise tax which would be approximately \$65,267.00, he has \$92,158.00 in reserves. With this transfer it would leave him a balance of \$26,891.00 after the purchase. Mr. Eaton said he stands for any questions. Vice-Chairman Gentry said he wasn't sure of what questions they would have, he just got a hand out on all of the criteria. Mr. Eaton said he apologizes for that. Vice-Chairman Gentry said this is not a good policy, we have been getting on the moment hand outs and that is against our policy. Vice-Chairman Gentry said he did have questions before we take a motion. Based on what he sees on this, who made this up, number one, where did this come from, Mr. Apodaca? Commissioner Kirkham said from the Manzano Fire Chief, Mr. Cooke. Vice-Chairman Gentry said it doesn't say who this criteria is from. Mr. Cooke said he apologizes, this was at the last minute. Vice-Chairman Gentry said it says on

here it does not meet specs, size inadequate on the low bid, if this is correct, Mr. Manager, should this bid have been thrown out and disqualified or why are we now considering a bid that says, and he mentioned this to the Chief yesterday, if you are going to do this, document it by the Fire Marshal so we don't get sued for avoiding the low bid. This certainly isn't a legal document saying that it is not qualified, the low bid is either a good bid or it is a disqualified bid, in his opinion. Mr. Eaton said in conversation with Mr. Apodaca, being that both companies had done business with them, we give the companies the benefit of the overview analysis, and at this time for legal interpretation he is prepared

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to submit that Pete's Equipment did not meet specifications as advertised. Commissioner Andersen said are you saying that the low bidder, instead of having it on here as the low bidder, it should have just said disqualified? Vice-Chairman Gentry said once we have this to vote on two bids, the procurement code, we have two legal bids to make a decision on and to go different than the low bid, with the procurement code we need to justify as to why we are going with the higher bid as a public body. In his opinion, it shows Pete's Equipment, if we took one of the options, \$30,000 less approximately than the high bid, with this with his request why were we recommending the high bid. The State Fire Marshals said there were 21 deficiencies in the low bid, and he asked for a letter from the State Fire Marshals office documenting that so that we would have legal grounds to throw it out and not vote on it. What he is saying Commissioners if all of these did not meet the bid specs then we shouldn't have this bid before us, it should have been disqualified. Commissioner Andersen said she is not trying to create a controversy, in the purchasing experiences that she has had in her lifetime, you show all bids and then justify why you did not accept the low bids, then to her this one is acceptable. Commissioner Andersen said she did purchasing under Department of Defense regulations and that was acceptable federally. If we want to set another policy, then she thinks that is fine but we need to standardize it so that we know what we are doing. Vice-Chairman Gentry said so then do you want the higher bid? Commissioner Andersen said at this point you don't have a legitimate low bid from Pete's Equipment. We have a price for a piece of equipment that does not meet specifications and she thinks that unfortunately this piece of paper that is in front of us should have said if that low bid does not meet specifications then therefore we recommend the acceptance of the next bid. Vice-Chairman Gentry said he thinks that is what he said. Commissioner Andersen said she did not hear that, she is sorry, we have to get our language together. **Commissioner Andersen said at any rate she moves approval of the bid from Independent Fire Co for the equipment that Manzano Vista needs. Seconded by Commissioner Kirkham. Discussion.** Commissioner Pinkston said one of the problems she had with this was given these two pieces of paper seeing that we had recommended the high bid, something more cushy then we don't want that. We don't ever want it to look like we are favoring one company over another with the high bid. Commissioner Pinkston said she agrees with Vice-Chairman Gentry that the other bid should have never been put on there even though Commissioner Andersen said they show all bids. We showed American La France Fire at No Bid. We should have shown Pete's Equipment at Bid Did Not Meet Specs. That would have solved all of our problems in question that we have. In looking over this, it just didn't look right. Something was wrong and we need to look at ways of doing this and if comes in with the specs wrong we need to put on there did not meet specs. That was just a comment. Mr. Eaton said Mr. Apodaca called him into the office yesterday and he was led to believe that the process may have created or appeared to have an unfair advantage of one bid over another. This was not the intent as far as he is concerned, he is entrusted with the health and public safety of the residents. A sound analysis of needs for our community, that was not the intent and he hopes that if there is anybody that considers that as the possibility, he stands to believe on the credibility of the analysis of going over the specs one by one, individually, he would be more than happy to do it. Vice-Chairman Gentry asked Mr. Eaton if he could get a letter from the State Fire Marshals Office, he was told yesterday, that this piece of equipment does not meet specs. Mr. Eaton said yes he could. Vice-Chairman Gentry said then he hopes that we could before we vote on the differences of the two, he thinks it would be appropriate to disqualify the one that does not meet specs based on your assurances from the State Fire Marshal and then we vote on the one that is remaining. Commissioner Andersen said she would be happy to make a motion that includes both of those, do you want two separate motions? Vice-Chairman Gentry said he believes so, in his opinion, it keeps them straight on our options, and we are not deciding against the low bid, that bid is disqualified, and we have one to consider. Vice-Chairman Gentry said would this be the appropriate way, he would ask counsel. Commissioners said Commissioner Andersen needs to withdraw her motion. Commissioner Andersen withdrew her motion. Vice-Chairman Gentry said if we have a valid disqualification, he would like to see this done before we vote on the issue so we are not voting on the high bid versus an invalid, he would rather just vote on what's valid. Commissioner Andersen said she has withdrawn her motion and Commissioner Kirkham said she withdraws her second. **Commissioner Andersen said then in this case she makes a motion to disqualify the bid received from Pete's Equipment because it did not meet specs. Vice-Chairman Gentry said then we will have that letter to substantiate this right, Charles? Mr. Eaton said yes. Seconded by Commissioner Kirkham. Motion carried unanimously. Commissioner Andersen said now she will make a motion that we approve and accept the bid from Independent Fire Co. in the amount of \$195,267.00 as the only acceptable bidder. Seconded by Commissioner Kirkham. Motion carried unanimously.**

Mr. Apodaca said for the record he would like to make a correction on the bid document, on the date opened and on the date Wilma Abril, Finance Director signed it is not July but September, this was a typo, so date opened was September 26, 2006 and signed September 26, 2006 and not July.

iii. Approval of Agreement NM & Long Term Services - \$30,000 - { Purchase vehicle for transportation Senior Centers} – Vangie Gabaldon (Exhibit K & L)

Ms. Gabaldon requested approval of the above contract increasing the Legislative Appropriations Valencia County vehicles Senior Center line item by \$30,000.00. This will be to purchase two vehicles that will be used by administrative staff conducting business for the OAP program. The purchase of these vehicles will eliminate the use of transport vans for this purpose and will fully dedicate the use of the vans for food delivery and client transport. Commissioner Pinkston moved for approval of the agreement. Seconded by Commissioner Kirkham. Motion carried unanimously.

Commissioner Pinkston moved for approval to increase the line item by \$30,000. Seconded by Commissioner Kirkham. Motion carried unanimously.

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Ms. Gallegos said the top two approved items are **Resolution 2006-43 and Resolution 2006-44.**

iv. Consideration of Increasing Revenue & Expenditures to account – Wilma Abril (Exhibit M & N)

a. (456) Local Law Enforcement Block Grant

b. (465) Traffic Safety Ed & Enforcement

Ms. Abril requested the above resolution, Local Law Enforcement Block Grant for approval. Commissioner Andersen moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously,

Ms. Abril requested the approval of the Traffic Safety Ed & Enforcement Resolution. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

Ms. Gallegos stated the above approved items are **Resolution 2006-45 and Resolution 2006-46.**

v. Consideration of Decreasing Cash Balance & Increasing Expenditures to account – Wilma Abril (Exhibit O)

a. (462) Sheriff's Gross Receipt

Commissioner Andersen moved for approval of the above consideration. Seconded by Commissioner Kirkham. Motion carried unanimously.

Ms. Gallegos stated the above approved item was **Resolution 2006-47.**

vi. Consideration of Approval of Payroll & Warrants – Francisco Apodaca

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on September 21, 2006, covering vendor bills processed on that date. Check #86568 thru Check #86588 inclusive for a total of \$777,056.46. **(Exhibit P)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on September 29, 2006, covering vendor bills processed on that date. Check #86620 thru Check #86808 inclusive for a total of \$651,112.33. **(Exhibit Q)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on September 29, 2006 covering payroll processed on that date. Payroll Check #75481 thru Payroll Check #75709 inclusive. Deduction Check #86590 thru Deduction Check #86619 inclusive for a listing total of \$267,546.11. **(Exhibit R)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on October 4, 2006, covering vendor bills processed on that date. Check #86814 thru Check #86814 inclusive for a total of \$400.00. **(Exhibit S)**

Commissioner Andersen moved for approval of the above payroll & warrants. Seconded by Commissioner Pinkston. Motion carried unanimously.

Ms. Abril presented a financial report as of October 4, 2006 for Commissioners review. Discussion followed. **(Exhibit T)**

8. Executive Session – Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; b. pending or threatened litigation, and c. other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Pinkston moved to enter into executive session. Seconded by Commissioner Kirkham. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Andersen voted yes. Vice-Chairman Gentry voted yes. Motion carried 4-0.

Vice-Chairman Gentry called the meeting back to order regular session. Commissioners welcomed Chairman Paul Trujillo to the meeting. Commissioner Pinkston moved to enter into regular session. Seconded by Commissioner Andersen. Motion carried unanimously.

Ms. Wimberly reported on matters discussed in executive session which were limited personnel matters and pending or threatened litigation, there were no other limited topics discussed and no final action taken.

Commissioner Pinkston moved to accept the report by Ms. Wimberly as to matters discussed in executive session. Seconded by Commissioner Kirkham. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Andersen voted yes. Vice-Chairman Gentry voted yes. Commissioner Trujillo voted yes. Motion carried 5-0.

9. County Manager's Report (Informational Only)

Use of Commission room by Judge Violet Otero

Mr. Apodaca said the following information was provided to his office by Judge Violet Otero that she would be occupying and coming back to the Thirteenth Judicial District. She will no longer be needed in Sandoval County and will conduct her court here. That puts a strain on the Commissioners use of the chambers for public, business and planning and zoning meetings. Mr. Apodaca asked for direction on how to prepare for Judge Otero's full time use in this courtroom.

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There are funds available to modify a temporary judges chamber for her use. Vice-Chairman Gentry said we have a statutory obligation to house the judge in a facility fit for her use. We will ask for a proposal from an architect and we will expedite this so we can have it available come January 1.

10. Next Commission Meetings

The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on Wednesday, October 11, 2006 at 5:00 PM in the County Commission Room at the Valencia County Courthouse. The next Business Meeting will be held Friday, October 20, 2006 at 9:00 AM in the County Commission Room.

Adjournment

Commissioner Kirkham moved to adjourn. Seconded by Commissioner Andersen. Motion carried unanimously. Time 12:06 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the October 6, 2006 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

PAUL EDWARD TRUJILLO CHAIRMAN

**ss/
RON GENTRY, VICE-CHAIRMAN**

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

**ss/
GEORGIA OTERO-KIRKHAM, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/ by Sally Perea for

TINA GALLEGOS, COUNTY CLERK

DATE: December 1, 2006