

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

December 15, 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	
Sally Perea, County Clerk	
Press and Public	

1. The meeting was called to order by Chairman Paul Trujillo at 9:06 AM.
2. **Chairman Trujillo asked Jane Moorman to lead the Pledge of Allegiance.**
3. **Approval of Agenda**
Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.
4. **Approval of Minutes**
October 20, 2006 – Business Meeting
November 3, 2006 – Business Meeting
November 8, 2006 Public Hearing Meeting
November 9, 2006 – Special Meeting
Commissioner Andersen moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.
5. **Public Requests**
None
6. **Discussion (Non-Action) Items**
a) Swearing in County Clerk Sally Perea – County Commission
Judge Pope swore in the new County Clerk, Sally Perea. Ms. Perea thanked Judge Pope for taking his time to swear her in, he has been her mentor, for the times that she served as Probate Judge. Ms. Perea thanked the outgoing Clerk, Tina Gallegos for her years of service to the County. Ms. Perea said the County Clerk's office would like to present our outgoing Clerk, Tina Gallegos with a gift showing our appreciation. Ms. Perea thanked her personally for giving her a chance and she will be missed. Ms. Perea thanked the Commissioners for giving her this opportunity to serve the citizens of Valencia County.
- b) Acknowledgement of Appreciation for Services Rendered County Commissioners – County Commissioners – Paul Trujillo, Dist III – Mary J. Andersen, Dist I**
Mr. Apodaca said members of the Commission and staff acknowledged Chairman Trujillo and Commissioner Andersen in appreciation with a couple of plaques for their service to Valencia County. Mr. Apodaca read their plaques to the public. Commissioner Andersen said it has been a privilege to serve the citizens of Valencia County. She says they have set a path in the last four years that speak well with how the County is moving forward. Commissioner Andersen urges the Commissioners to seek that direction. Commissioner Andersen said her thanks for allowing her to be on the Commission. Chairman Trujillo thanked everyone for his years of service to Valencia County. Mr. Apodaca recognized the outgoing County Assessor, Beverly Dominguez-Gonzales, the outgoing Sheriff Richard Perea, and the outgoing County Clerk, Tina Gallegos. Mr. Apodaca said on behalf of the citizens of Valencia County he would like to thank them for their years of service. Commissioner Gentry recognized Judge Tody Perea for his years of service to the County. He was a pillar in the magistrate system. Commissioner Gentry thanked Chairman Trujillo and Commissioner Andersen, it has been a pleasure and fruitful for the citizens of Valencia County. It has been a turning point for county government. They both have met the calling for their services to the County. Commissioner Gentry applauded both Commissioner Trujillo and Commissioner Andersen for putting the citizens of Valencia County first and sometimes it takes its toll but sometimes that is the duty we swore to do. The citizens of Valencia County will reap the benefits of their participation.
- Mr. Apodaca said he would like to recognize Anne Aragon for her years of service to Valencia County. Anne retired from the Animal Control Department. She served the County from 1980 to 2006.
- Commissioners took a 15 minute break at this time to serve refreshments.

c) Acknowledgement of Appreciation for 1st Youth Law Enforcement Explorers – County Commission

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Frank Methola said he was one of the instructors that started the Youth Explorers in Albuquerque. This was a good program so we implemented it here in Valencia County. We started out with 24 kids and out of those 24 we graduated 7. This program has really taken off. For January we already have 30 kids that have signed up. We teach discipline and a sense of self worth to these kids, to watch them in their uniform is clearly amazing the change in these young kids. Commissioner Andersen said when she heard about this program she was excited. We wanted them to be present today but they are attending school but this is one of the neatest programs we have here in the County. Commissioner Andersen commended Sheriff Perea and Undersheriff Martinez for a job well done. Commissioner Pinkston said she can also attest to this program on how well it has been working, to watch these kids at the high school help out is amazing.

d) Rio Grande Fire Station Contractors/Certificate of Occupancy Status – Charles Eaton (Exhibit A)

Mr. Eaton gave a status report on the fire station. Just this morning, Ms. Gabaldon handed to him that she received a final certificate of occupancy by Construction Industries. This has been an ongoing process that we have gone through. There have been some issues in the construction phase, Ms. Gabaldon has been monitoring those issues. The State Fire Marshal's finalized their portion of the fire station. Commissioner Gentry said in the Commissioners packets we have a letter putting the fire station on a seven day notice. Commissioner Gentry asked if this certificate supersedes that notice. Mr. Eaton said we have a copy of a final certificate of compliance by the Fire Inspector, Mr. Baca, approving the facility and eliminating the seven day notice. Commissioner Gentry asked if all of the deficiencies been completed on this facility. Mr. Eaton said the fire code has been satisfactory but there are some workmanship issues that need to be complete. Mr. Eaton said there has been some dissatisfaction with this project. Commission discussed that this project had a rather large punch list of construction deficiencies and they do not want to see this type of thing down the line. We need to go forward on this project and do it right. Commissioner Andersen said it is her understanding that this contract had a deadline of early June. Commissioner Andersen said the contract had a penalty clause of \$100 a day for every day that the building was not finished and we have not imposed that penalty. We write a legal document and then we do not follow it, the contractor should be penalized. Commissioner Andersen said we need to follow through on contracts that we draw up, it is this administration staff's responsibility to get this done right, it may have the previous administration to where there was problems but right now at this time, it is the direction of this Commission to follow through on this project. Mr. Apodaca agreed that it has taken far too long on this project but we are proactive with our involvement on this project and we will go forward to make sure these types of deficiencies don't happen again.

e) Reports from Boards, Commissions & Committees – County Commission

Commissioner Pinkston reported on the Workforce connection elected officials meeting. The main topic was the AOL closing.

Commissioner Gentry reported on the Mid-Region Council of Governments meeting. They discussed the mid year budget adjustments and legislative policies.

f) Department Reports – Department Directors

Mr. Apodaca said in the Commissioners packets are various department reports for information only that were handed in but there will be no verbal reporting today.

7. Action Items

Board of Commissioners convenes as Indigent Claims Board

Commissioner Kirkham moved to convene as the indigent claims board. Seconded by Commissioner Pinkston. Motion carried unanimously.

a) Indigent Report – Barbara Baker (Exhibit B)

Ms. Baker presented the indigent claims from November 2, 2006 to December 1, 2006. There were 94 claims submitted, there were 27 applicant denials. The amount of claims submitted was \$526,022.90 and Ms. Baker asked the Commission to approve \$69,473.63. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. Commissioner Kirkham asked what was the balance in this account. Ms. Baker said she would call Commissioner Kirkham

Reconvene as Board of County Commissioners

Commissioner Andersen moved to reconvene as the Board of County Commission. Seconded by Commissioner Pinkston. Motion carried unanimously.

b) Consideration of Execution FOP Contract Agreement –County Commission (Exhibit C)

Mr. Apodaca said the negotiation committee consisting of Commissioner Andersen, Commissioner Gentry, Undersheriff Martinez, Attorney Wimberly and himself met with representatives of the FOP. They came to an agreement on a contract that we can move forward on and will benefit the deputies of Valencia County. Commissioner Gentry moved for approval of this agreement. Seconded by Commissioner Andersen. Motion carried unanimously.

c) Consideration of Agreement between County of Valencia and The Humane Society of the United States – Cynthia Wimberly (Exhibit D)

Ms. Wimberly presented the above agreement. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

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d) Ordinance 2006-08, Authorizing the Issuance of 911 Surcharge Revenue Bonds, JPA Village of Los Lunas & Valencia County – Bonnie Pasley (Exhibit E)

Ms. Pasley presented the above ordinance ratifying the joint powers agreement and pledging the County's interest in surcharge revenue to pay those bonds over the next ten years. Commissioner Andersen moved for approval. Seconded by Commissioner Pinkston. Roll call vote. Commissioner Andersen voted yes. Commissioner Gentry voted yes. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Trujillo voted yes. Motion carried 5-0.

County Clerk, Sally Perea stated the Ordinance number as **2006-08**.

e) Request to Publish Animal Control Ordinance-Amendment of Fees – Ruben Chavez (Exhibit F)

Mr. Chavez introduced Eric Tanner as the new Animal Control Director, he took over when Anne Aragon retired. Mr. Chavez said we are requesting permission to publish an amendment to the Animal Control Ordinance providing for the extraction of the fee structure from the ordinance and provide for the passing of a fee structure via a resolution. Commissioner Pinkston moved for approval to publish. Seconded by Commissioner Andersen. Motion carried unanimously.

f) Consideration of Approval of Electric Line Extension & Revenue Credit agreements – Vangie Gabaldon (Exhibit G)

Ms. Gabaldon presented the above consideration agreements. Commissioner Pinkston moved for approval of both agreements. Seconded by Chairman Trujillo. Motion carried unanimously.

g) Consideration of Appointments to Valencia County Hospital Board – Robin Hunn (Exhibit H)

Ms. Hunn stated in the Commissioner's packets are recommendations from the evaluation committee considered a long list of nominees for a nine member board. These are a good mix of expertise, financial expertise, hospital development expertise and two nurse parishioners. Ms. Hunn said it is a really good balance for this board. Commissioner Andersen said her appointee was not considered and she would like to place Mary Merrill on this list. Commissioner Gentry moved to accept this list of appointments and add Mary Merrill. Seconded by Commissioner Pinkston. Discussion. Commission discussed that a commissioner be an ex-officio member on this board. Commissioner Gentry amended his motion to accept the list of appointments with the added name of Mary Merrill and that a commissioner be an ex-officio member to vote only in the event of a tie. Commissioner Pinkston amended her second. Motion carried unanimously.

h) Final Action on Public Hearing December 13, 2006 – County Commission

i) Request of Application for Transfer of Ownership of Liquor License #2784, Applicant is Encargo Limited LLC, proposed location is 1000 Golf Course Rd. Belen, NM dba Tierra Del Sol Golf & Country Club/T. Scott Edeal (Exhibit I)

Commissioner Andersen moved for approval. Seconded by Commission Kirkham. Motion carried unanimously.

ii) Request of Application for Transfer of Location Only of Liquor License #8218, Applicant is Loyal Order of Moose La Merced Lodge 2550. Proposed location is 306 Rio Communities Blvd., Belen, NM, 87002 dba Loyal Order of Moose, La Merced Lodge #2550/Gary Hall (Exhibit J)

Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Commissioner Gentry recused himself from voting on this issue. Motion carried 4-0.

iii) Request to Amend the Zone Maps from C1 to C2, Land situated within Sec. 21 T5N R2E, NMPM in Valencia County, Tract 8B3 & 8B4, Cabinet G, Page 272, containing 1.01 & .74 acres, located off of Hwy 304/Ron Gentry

Commissioner Pinkston moved for approval. Seconded by Commissioner Andersen. Commissioner Gentry recused himself from voting on this issue as he is the applicant. Commissioner Kirkham recused herself from voting on this issue as her title company is handling the closing. Motion carried 3-0.

iv) Request for a Final Plat review for Manzano Vista Subdivision Blk 1, Tract 10A of Mesa View Addition, corner of Meadow Lake Road & Amy Road/Tony Chavez

Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. Ms. Wimberly stated that the County did receive a signed irrevocable letter of credit for the financial assurances for the subdivision.

v) Request for a Final Plat review for La Vida Suerte Subdivision, All of Parcel A-1-A of McCullough and Knight Tracts, as such parcel is shown on maps 79 & 83 of the

surveys within the MRGCD, situate within Sections 2 & 11, T6N R2E, NMPM, Valencia County, Filed on May 12, 2005, Cabinet J Page 582/Kenny Trujillo

Chairman Trujillo moved for approval. Seconded by Commissioner Gentry. Discussion. Ms. Wimberly said regarding the financial assurances the board did have in its hearing a loan commitment for this property but she suggested as part of this motion that this Commission approve be conditioned upon the follow through of that loan commitment letter that the County actually receive the irrevocable line of credit which should be coming soon. Chairman Trujillo amended his motion with the suggestion of the County Attorney as stated above. Commissioner Gentry amended his second. Motion carried unanimously.

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vi) Request to Amend the Master Plan of Rio Communities Tract H to facilitate development of Tract H for Town Homes & Single Family detached homes Tract H, Lands of Elizabeth Gabaldon within projected Sec 21 & 22 T5N R2E, NMPM, located off of Golf Course Road in Rio Communities, Belen, NM/Sean Gabaldon

Chairman Trujillo moved for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Gentry recused himself from voting on this issue as per the ruling of Judge McDonald as having a perceived perception of a conflict of interest because he owns property adjacent to the country club. Commissioner Kirkham recused herself from voting on this issue as her title company has the title commitment. Motion carried 3-0.

vii) Storage units on the property Blk C, Unit 1 Tract 8, El Cerro Mission, containing 1.4 acres, on the corner of El Cerro Mission Blvd & Rose Court, Los Lunas, NM/Phillip Sena

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

viii) Request to Amend the Zone Maps from RR2 to RR1, for the purpose of a land split to build homes T6N R2E Sec 1 Tract 58-A, containing 3 acres aka 308 El Cerro Loop, Los Lunas, NM/Gregorio Ronquillo

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

ix) Legal Description; A certain parcel of land situated in Sec 10 & 9 T6N R2E, NMPM Map 82 Jaramillo Estates Subdivision/Jeremy Shawver/Edeal Investment

Chairman Trujillo said this issue was a name change to Leibel for a road name in the Jaramillo Subdivision. Commissioner Andersen moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

i) Financial Matters

i) Resolution 2006-55, Increase revenue & expenditures emergency services department, purchase of a vehicle – Wilma Abril (Exhibit K)

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

County Clerk, Sally Perea stated the Resolution number **2006-55**.

ii) Resolution 2006-56, Increase expenditures Meadow Lake Fire Department, purchase of equipment – Wilma Abril (Exhibit L)

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

County Clerk, Sally Perea stated the Resolution number **2006-56**.

iii) Resolution 2006-57, Expenditures Peralta Fire Department, purchase of equipment – Wilma Abril (Exhibit M)

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

County Clerk, Sally Perea stated the Resolution number **2006-57**.

iv) Resolution 2006-58, Expenditures Older American Program, purchase of ADA passenger vehicle – Wilma Abril (Exhibit N)

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

County Clerk, Sally Perea stated the Resolution number **2006-58**.

v) Resolution 2006-59, Increase Revenue & Expenditures, Older American Program supplies – Wilma Abril (Exhibit O)

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

County Clerk, Sally Perea stated the Resolution number **2006-59**.

vi) Resolution 2006-60, Increase & Decrease Expenditures & Increase Revenue in the Emergency Medical Services in all Fire Departments Wilma Abril (Exhibit P)
Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

County Clerk, Sally Perea stated the Resolution number **2006-60**.

vii) Resolution 2006-61, Increase Expenditures Rio Grande Estate Fire Department renovations – Wilma Abril (Exhibit Q)
Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

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County Clerk, Sally Perea stated the Resolution number **2006-61**.

viii) Consideration of Award of Bid #610 Class A Structure Engine Pumper (Manzano Vista Fire Station) – Casey Davis (Exhibit R)
Mr. Davis requested consideration to award bid #610 to Independent Fire Co. Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Discussion. Motion carried unanimously.

ix) Consideration of Employee Incentive Pay – Francisco Apodaca
Mr. Apodaca said the above consideration is before this Commission to allow for incentive pay for full time, part-time and temporary employees of an expenditure of \$60,088.65 to provide 192 employees a range of \$300.00 for full time employees, part-time employee \$150.00 and temporary employees \$75.00..This would take effect immediately. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Discussion. Commission went into a lengthy discussion on this issue. Motion carried unanimously.

Commissioner Gentry brought up the elected official's salary. Two years ago this discussion was brought up that the two Commissioners that came in did not receive the state allowed increase. Commissioner Gentry said he would like to see the two Commissioners coming in are brought up to that state allowed standard. Only the Commission can vote on this. Commissioner Gentry recommended approval of the Commission rate to the state approved standard for the incoming Commissioners and so moved. Seconded by Commissioner Pinkston. Discussion. Commissioner Pinkston voted yes. Chairman Trujillo voted yes. Commissioner Kirkham voted no. Commissioner Gentry voted yes. Commissioner Andersen voted no. Motion carried 3-2.

x) Consideration of Approval Payroll & Warrants – Francisco Apodaca
Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on December 4, 2006 covering vendor bills processed on that date. Check #87631 thru Check #87636 inclusive for a total of \$309,859.54. **(Exhibit S)**
Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on December 14, 2006, covering vendor bills processed on that date. Check #87900 thru Check #87904 inclusive for a total of \$90,425.72. **(Exhibit T)**
Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on December 8, 2006 covering payroll processed on that date. Payroll Check #76689 thru Payroll Check #76931 inclusive. Deduction Check #87637 thru Deduction Check #87665 inclusive for a listing total of \$286,913.22. **(Exhibit U)**
Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on December 8, 2006, covering vendor bills processed on that date. Check #87666 thru Check #87897 inclusive for a total of \$285,231.30. **(Exhibit V)**
Commissioner Gentry moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

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 Gentry. Roll call vote. Commissioner Kirkham voted yes. Commissioner Andersen voted yes. Commissioner Gentry voted yes. Commissioner Pinkston voted yes. Chairman Trujillo voted yes. Motion carried 5-0.

Commissioner Kirkham moved to enter into regular session. Seconded by Commissioner Gentry. Motion carried unanimously.

Ms. Wimberly stated matters that were discussed in executive session, the outcome of the oral arguments from the Rio Grande Industrial Park Limited Co and Mesa Oil Inc. appellants vs. Board of County Commissioners, discussed were the options and responses that the County has to that decision. No final action taken.

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

9. Direction to file Petition for Writ of Certiorari, Rio Grande Industrial Park and Mesa Oil v Board of County Commissioners of Valencia County, No. D-13-14-CV-2006-85

Chairman Trujillo gave direction to Ms. Wimberly to file the petition for Writ of Certiorari, Rio Grande Industrial Park and Mesa Oil vs. Board of County Commissioners of Valencia County, No D-13-14 CV-2006-85. Seconded by Commissioner Pinkston. Discussion. Ms. Wimberly said on the above case number it should read CV-2006-85 and 2006-11. Commissioner Kirkham voted yes. Commissioner Pinkston voted yes. Chairman Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Andersen abstained from voting. Motion carried.

10. Order publication of notice of public hearing for consideration of Zone Change Moratorium Ordinance.

Lack of a motion on this issue.

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11. County Manager's Report (*Informational Only*)

Mr. Apodaca reminded the Commission on the swearing in of elected officials on December 31, 2006 at 2:00 PM at the Holiday Express in Belen.

12. The next Regular Business Meeting of the Valencia County Board of County Commission will be held on January 5, 2007 at 9:00 AM in the County Commission Room at the Valencia County Courthouse.

13. Adjournment

Chairman Trujillo called for adjournment of the meeting after all documents have been signed. Time 12:32 PM.

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the December 15, 2006 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>
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VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
PEDRO G. RAEL, CHAIRMAN**

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

**ss/
DAVID R. MEDINA, MEMBER**

**ss/
RON GENTRY, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/

SALLY PEREA, COUNTY CLERK

DATE: February 7, 2007