

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

January 17, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, 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 Pedro Rael at 9:00 AM.

2. Chairman Rael asked Vice-Chairman Kirkham to lead the Pledge of Allegiance.

3. Approval of Agenda

Mr. Apodaca suggested changes to the agenda to move Item 7c and Item 7g to be heard after Item 7j. Also on Item 7d, move into executive session as this involves a personnel issue. Chairman Rael asked to move Item 7 (j) (iv) into executive session. Commissioner Kirkham made a motion to move Item 7d and item 7 (j) (iv) to be heard in executive session and take final action in regular session. Seconded by Commissioner Medina. Motion carried unanimously. Commissioner Pinkston made a motion to move Item 7c and Item 7g to be heard after Item 7j. Seconded by Commissioner Medina. Motion carried unanimously. Chairman Rael said the overall agenda is approved by general consensus with the above amended changes.

Chairman Rael stated that Commissioner Gentry will be late.

4. Approval of Minutes

December 13, 2006 - Public Hearing Meeting

December 13, 2006 - Special Meeting

Commissioner Kirkham moved for approval of the Public Hearing Meeting of December 13, 2006. Seconded by Commissioner Pinkston. Motion carried unanimously.

Commissioner Kirkham moved for approval of the Special Meeting of December 13, 2006. Seconded by Commissioner Pinkston. Motion carried unanimously.

5. Public Requests

Bill Lebrecht thanked staff for whomever was involved for the clean-up of the burned out and abandoned homes in the Meadow Lake area. In the county as a whole, this program that was put together is working and again thanks to staff and commission for making it happen. Mr. Lebrecht said the county abatement officer, Tony Savilla is doing a wonderful job in this project and also his commissioner in his district Lynette Pinkston.

John Clemens, Chairperson for the Las Maravillas Homeowner's Association, discussed the trash that has been a big concern in that area. Mr. Clemens said they are working together with Meadow Lake and VIA to help on this situation.

6. Discussion (Non-Action) Items

a) Department Reports – Department Directors

Mr. Apodaca stated in the Commission's packets are the written reports from the different departments for their perusal.

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

Commissioner Pinkston reported on the hospital board and EMS board meeting that she attended.

7. Action Items:

Board of Commissioners convenes as Indigent Claims Board

Commissioner Kirkham moved to convene as the Indigent Board. Seconded by Commissioner Medina. Motion carried unanimously.

a) Indigent Report & Appeal – Barbara Baker (Exhibit A)

Ms. Baker presented the Indigent Claims from December 1, 2006 to December 19, 2006. There were 68 claims submitted and 7 applicant denials. The amount of claims submitted was \$196,723.95 and Ms. Baker recommended approval of \$52,395.04. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

Ms. Baker presented one appeal on Elizabeth Bush. Her appeal was denied and Ms. Baker's recommendation to approve the Presbyterian Hospital bill balance of \$1,112.28. Presbyterian

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Hospital has agreed to accept \$856.45 as payment in full. Commissioner Kirkham moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

Reconvene as Board of County Commission

Commissioner Kirkham moved to reconvene as Board of County Commissioners. Seconded by Commissioner Medina. Motion carried unanimously.

b) Consideration of Permission to advertise RFP for construction, Greenways Phase V Bike Path – Jacqueline Guilbault (Exhibit B)

Ms. Guilbault requested permission to advertise for construction on the bike path. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Discussion. Motion carried unanimously.

c) Vacate Roads in District IV, Appoint Freeholders – Eric Zamora

Above action taken to move this item to be heard after item 7(j).

d) Magistrate Court Monitoring Program Contract – Francisco Apodaca

Above action taken to move this item to be heard in executive session and then take action after convening into regular session.

e) Final Action on Public Hearing January 10, 2007 – County Commission

i) Amend Zone Maps from RR-2 to RR-1 for the purpose of creating two lots, Tr.A-1 of Lands of JA and BK Smith, containing 2.27 acres, AKA 311 La Entrada, Los Lunas, NM/Ann Waterworth/Phoebe Conway – County Commission

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

f) Accept Findings of Fact & Conclusion of Law Decisions – County Commission

i) Amend Zone Maps from RR1 to WCF to build a wireless facility on the property El Cerro Mission Unit 14, Blk 5 Tr. A, AKA El Cerro Mission Community Center & Fire Department/T-Mobile/Dan Varela (Exhibit C)

ii) Preliminary Plat review for Luna Vista Subdivision, Lot 48 & a portion of open space as shown on a replat of Lots 72-A Lots 95-A & Lots 250-A-264-A of replat of a portion of Eastland Hills Subdivision, Valencia County, NM/Robert Moore, Agent – County Commission (Exhibit D)

iii) Amend the Master Plan of Rio Del Oro Unit 46, to facilitate development of 350-400 acres, westerly portion of Unit 6, Rio Del Oro Subdivision, Los Lunas, NM/Mike McCartney – County Commission (Exhibit E)

iv) Preliminary Plat review for La Vida Suerte Subdivision all of Parcel A-1A of McCullough & Knight Tracks, such parcel is shown on Maps 79 & 83 of the surveys within the MRGCD situate within Sec 2 & 11, T6N R2E, NMPM, Valencia County, NM Filed on May 12, 2005, in Cabinet J Page 582/Kenny Trujillo – County Commission (Exhibit F)

Commissioner Pinkston moved for approval of all the above findings of fact & conclusions of law. Seconded by Commissioner Kirkham. Motion carried unanimously.

g) Consideration of Hospital Board Appointments by each Commissioner – County Commission

Above item moved to be heard after item 7 (j).

h) Consideration of Approval to transfer three (3) vehicles from the OAP to the City of Belen RSVP Program – Vangie Gabaldon

Ms. Gabaldon requested approval to transfer three vehicles from the Older American Program to the City of Belen. Commissioner Kirkham moved for approval. Seconded by Commissioner Medina. Commission discussion on this request. Commissioner Kirkham withdrew her motion. Commissioner Medina withdrew his second. Commissioners consensus to table this item until the next meeting with instruction to the Sheriff's Department to determine if these vehicles can be used and also have counsel look into using these vehicles for other department use. .

i) Consideration of Approval of Amendment No. 1 to the Older American Program 2006/2007 Title III Agreement – Vangie Gabaldon (Exhibit G)

Ms. Gabaldon requested for approval of the above agreement between North Central New Mexico Economic Development District Non Metro Area Agency on Aging and Valencia County. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

j) Financial

i) Consideration of Approval NM Traffic Safety Project “Selective Traffic Enforcement Program” (S.T.E.P.) Agreement – Gary Hall (Exhibit H)

Mr. Hall presented the above consideration for approval Commission discussion. Commissioner Kirkham moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

ii) Consideration of Approval of Bid Award #612 “Older American Program” – Vangie Gabaldon (Exhibit I)

Ms. Gabaldon requested the above consideration for approval of Bid Award #61 to Southwest Distributing, Ben E. Keith Foods and Creamland Dairies, Inc. Commission discussion. Ms. Gabaldon said one of the bids was disqualified because it was received after the stipulated time.

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

iii) Resolution 2007-02, Increase Expenditures for Incentive Pay – Wilma Abril (Exhibit J)

Ms. Abril presented this item to increase expenditures for incentive pay by resolution. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

County Clerk, Sally Perea stated the Resolution number 2007-02.

iv) Consideration of Elected Officials Salary – Francisco Apodaca

The above item moved to be heard in executive session.

v) 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 January 11, 2007 covering vendor bills processed on that date. Check #88113 thru Check #88238 for the total of \$1,721,223.21. **(Exhibit K)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office January 12, 2007 covering vendor bills processed on that date. Check #88239 thru Check #88240 inclusive for a total of \$100,300.00. **(Exhibit L)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on January 16, 2007 covering vendor bills processed on that date. Check #88241 thru Check #88243 inclusive for a total of \$161,182.33. **(Exhibit M)**

Commissioner Kirkham moved for the above payroll and warrants. Seconded by Commissioner Pinkston. Motion carried unanimously.

Chairman Rael called for a 10-minute break to wait for Commissioner Gentry.

Chairman Rael stated to let the record reflect Commissioner Gentry's presence. And now we will hear the items that were moved to the bottom of the agenda.

7 (c) **(Exhibit N)** Eric Zamora said they have began the process to vacate roads in District IV meeting statutory criteria for vacation, appoint a board of commissioners of three freeholders to undertake review of District IV roads and report to the Board which roads the freeholders recommend to be discontinued. Valencia County currently maintains 1200 miles of maintained roadways and in District IV there is 900 more or less maintained roadways listed for maintenance. Commissioner Gentry went into lengthy discussion as this affects his district. Commissioner Gentry said he would like to take the viewers to view such roads or part of a road and then report back to the Commission. We also need to check with the State Highway Department. Commissioner Gentry moved for staff to get with the State Highway Department for assistance and see where we are in this process. Seconded by Commissioner Pinkston. Motion carried unanimously.

7 (g) Chairman Rael stated he would like to appoint Juanita Sena to replace Mary Merrill as his appointee to the hospital board. Commission discussion on this item. After discussion, it was the consensus of the commission to appoint Juanita Sena as District 1, Chairman Rael's appointee to replace Mary Merrill without objection. Commissioner Pinkston moved to have the Commissioners have one appointment on the hospital board. Seconded by Commissioner Kirkham. 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 Kirkham moved to enter into executive session. Seconded by Commissioner Medina. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Medina voted yes. Commissioner Gentry voted yes. Chairman Rael voted yes. Motion carried 5-0.

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

County Attorney, Ms. Wimberly stated matters that were discussed in executive session. Matters that were discussed were threatened litigation of the tort claims act notice from Joe Torres, pending litigation regarding various transportation orders Sheriff's Department, pending litigation involving Berben Road, personnel disciplinary action with respect to two employees, discussed leave issues with one employee and a potential pending vacancy with the other employee, discussed the court monitor contract for a personnel position, discussed the elected officials salary. No final action was taken.

Commissioner Pinkston moved to accept counsel's report as to matters that were discussed in executive session. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Medina voted yes. Commissioner Gentry voted yes. Chairman Rael voted yes. Motion carried 5-0.

7 (d) Magistrate Court Monitoring Program Contract (Exhibit O)

Chairman Rael said there are two contracts that will expire on June 30, 2007. These contracts are subject to renewal. Commissioner Pinkston moved for approval of the two contracts and give

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directive to the County Manager to give the 30-day notice of termination of the September 2004 contracts. Seconded by Commissioner Gentry. Discussion. Motion carried unanimously.

7 (j) (iv) Consideration of Elected Officials Salary (Exhibit P)

Commission discussion on this item.

Commissioner Gentry moved for approval of the 7½% elected officials raise (only to the newly elected officials) and motion to rescind previous action on the 23% elected officials salary. Seconded by Commissioner Pinkston. Motion carried unanimously.

9. County Manager's Report (Information Only)

Mr. Apodaca said the hospital advisory board will meet on January 24, 2007 at 6:00 PM in the county commission room. Mr. Apodaca said the commissioners will meet in a special work shop meeting Wednesday, January 24 at 1:30 PM in Santa Fe at the Mortgage Finance Office.

10. The next Regular Business Meeting of the Valencia County Board of County Commission will be held on February 7, 2007 at 9:00 AM in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Pinkston moved for adjournment. Seconded by Commissioner Gentry. Motion carried unanimously. Chairman Rael reminded the commissioners to sign all proper documents before leaving.

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 17, 2007 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/
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 21, 2007