

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

April 18, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, Interim 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 led the Pledge of Allegiance.

3. Approval of Agenda

Commissioner Gentry stated on Item 7(e) to include Belen to that memorandum. Commissioner Medina moved for approval of the agenda with the above amendment. Seconded by Commissioner Gentry. Motion carried unanimously. Commissioner Pinkston moved for approval of the agenda with the amendment. Seconded by Medina. Motion carried unanimously.

4. Approval of Minutes

April 3, 2007 – Emergency Meeting

April 4, 2007 – Business Meeting

Commissioner Kirkham moved for approval of the April 3, 2007 Emergency Meeting. Seconded by Commissioner Medina. Discussion. Commissioner Gentry stated he will be voting no on the April 3, 2007 minutes, because he does not think that it was an appropriate meeting, his opinion still stands that this meeting was in violation of the open meetings act. Commissioner Gentry wanted to make it clear, that it is not what is in the contents of the minutes but the meeting itself. Commissioner Pinkston said she will also be voting no because she was not there at the meeting to know that these were the proper minutes. Commissioner Pinkston voted no. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted no. Commissioner Medina voted yes. Motion carried 3-2.

Commissioner Medina moved for approval of the April 4, 2007 Business Meeting. Seconded by Commissioner Kirkham. Motion carried unanimously.

5. Public Requests

Frank Barr discussed information on the freeholder project to vacate Puente Court. Mr. Barr expressed his thoughts to the Commission on events that have transpired since the first of the year.

Bill Lebrecht, Meadow Lake, discussed trash issues. Mr. Lebrecht gave kudos to the newly elected magistrate judge, Tina Gallegos is enforcing the ordinance giving fines for trashing our community and streets. This enforcement hopefully will make people think and clean up their property. Mr. Lebrecht said planning and zoning officers and law enforcement should also be commended for doing a fine job.

Chairman Rael asked Chief Charles Eaton to give a summary of the Laguna Pueblo approving passage of their land during the time that an overpass was being constructed, which was the only reasonable access. Mr. Eaton said the old Highway 66 bridge was in need of repair, it has a six ton limit, which compromises our response for emergency vehicles on the southern end of Highland Meadows. That area has over 200 homes. Mr. Eaton said Dept. of Transportation has helped with this issue and the alternative route was thru Laguna Pueblo land. They have been receptive to our needs and have been very open to that bridge issue. Chairman Rael said Mr. Eaton was instrumental in discussing the needs with the representatives of the Laguna leadership. He is to be commended for his actions.

Commissioner Gentry reported on a community meeting in Rio Communities with the Rio Communities Association. This was a good discussion meeting, the Sheriff was in attendance and Commissioner Gentry wanted to compliment the Sheriff for doing an excellent job in his presentation with law enforcement in that area. Sheriff Rivera has negotiated a substation with VIA, the projected date is about a month away to have that up and running.

6. Discussion (Non-Action) Items

a. Department Reports – Department Directors

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Mr. Zamora stated for Commissioners review, Ruben Chavez, Code Enforcement and Derek Williams, Adult Detention had written reports. **(See Exhibits A & B)**

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

Commissioner Pinkston reported on the Board of Directors meeting. She stated that they interviewed two applicants for the Association of Counties Director, and they selected Paul Gutierrez. He will start May 14, 2007. He brings a lot of New Mexico back with him, right now he is in Washington but prior to that he was native of Socorro. Commissioner Pinkston said other topics at the meeting were GRIP II and they are starting to take applications which is on first come first serve basis and proof of county match. Commissioner Pinkston stated that we can go back five years and any work that has been done within the GRIP II project can be part of that match.

c. Review/Consideration of Juvenile Detention, Joint Powers Agreement between Valencia County, Bernalillo County and Sandoval County – Tom Swisstack, Bernalillo County (See Exhibit C)

Tom Swisstack, Bernalillo County, thanked the County Manager and Finance Director for their cooperation in their involvement with this agreement. Mr. Swisstack discussed with the commission a three year study compiled by Ms. Abril showing budgeted revenues and actual expenditures and the overall detention activity for Valencia County.

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/Appeal – Barbara Baker (See Exhibit D)

Ms. Baker presented the indigent claims from March 9, 2007 to April 4, 2007. There were 62 claims submitted and 15 applicant denials. The amount of claims submitted was \$471,168.98 and Ms. Baker recommended approval of \$47,691.89. Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

Ms. Baker presented one applicant denial of an inmate. The inmate was denied as the bill was received after the 90 day limit. Ms. Baker recommended approval of the Rehoboth McKinley Hospital bill in the amount of \$332.64. Commissioner Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. **(See Exhibit E)**

Board Reconvenes as Board of County Commissioners

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

Chairman Rael called for a 10-minute break.

b) Consideration of Invitation to Bid Judicial Complex Alternates – Judge William Sanchez (See Exhibit F)

Judge Sanchez said he has gone through a few commission cycles, when the project first started Gary Daves was chairman and James Fernandez was the county manager. Judge Sanchez said we are in the home stretch on this project and late last year, he had met with one of the legislators and in discussion the question was asked, how much to complete this project?. Judge Sanchez said initially it was 2.2 million dollars, this was for furnishings and equipment, which is district court's responsibility, so in essence we asked legislation for 1 million dollars to complete this project. Judge Sanchez said we now see the numbers have gone up and he is glad to see this an action item. It has come to a critical point in time so that we can move forward and complete that home stretch. Judge Sanchez said at one of the meetings, it was the consensus to have Bradbury and Stamm move forward to complete this project. Judge Sanchez stated he attended yet another meeting and wasn't quite sure where the recommendations were either pushing forward with Bradbury and Stamm or submitting this project out to bid. Judge Sanchez said he understood there was questions with the procurement code whether or not the county can move forward to approve the add on alternates without putting them out to bid. This is a gray area that needs to be addressed. Judge Sanchez said Mr. Puckett is in attendance to answer questions and counsel to answer on the procurement code.

Ms. Wimberly said she had attended a meeting with Judge Sanchez and through that discussion she learned the consideration of the mechanism of the change order. Ms. Wimberly stated in her research the procurement code is a state statute and is silent on the issue of additive alternates as change orders when it comes to procurement. All procurement of the state and political subdivision of the state shall be through the competitive sealed bids with certain exceptions. Ms. Wimberly said we have adopted a procurement policy prior to our invitation to bid. Discussion ensued on the procurement procedure with the commission. Ms. Wimberly stated in her opinion bidding this out would be the safest way to go.

David Dekker, Studio SW Architects, discussed the additive alternates with the commission. They have had bid projects with additive alternates and depending on funds available they award the project and as many of the additive alternates as they can, the reason is to be sure to be able to award the base bid to get the project awarded. Mr. Dekker said the last two years, they have seen the biggest cost in construction increase. Mr. Dekker said they had additive alternates in Sandoval

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and Chavez Counties. Mr. Dekker said they are doing a change order in basic construction cost. Mr. Dekker said in his twenty five years of doing construction business, he has never heard of a legal issue of doing a change order.

Jim Puckett discussed the financial aspect of the project with the commission. He explained the summary sheet with details on the funding received and the disbursements, both actual to date, and projected to finish the project. The purpose of this update is to consider the addition of the alternate work on the project to complete the third floor build out and to complete the decorative woodwork in the public and courtroom spaces of the facility.

Commission discussion ensued. Commissioner Pinkston moved to go out for the bid process on the alternates for the judicial complex. Seconded by Commissioner Gentry. Discussion. Chairman Rael asked to listen to all of the commissioners before they take a vote on this item. Commissioner Pinkston voted yes. Commissioner Kirkham voted no. Chairman Rael voted no. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 3-2.

c) Final Action on Public Hearing held April 11, 2007

i) Amend Zone Maps from RR2 to RR1 for the purpose subdividing the 2.58 acre subject property into 2 parcels T6N R2E Sec. 18, Tr. 19A, AKA 34 Pleasant View Dr/Loretta Torres – County Commission(See Exhibit G)

Commissioner Kirkham recused herself. Commissioner Gentry moved for approval for Loretta Torres. Seconded by Commissioner Pinkston. Motion failed 2-2. Commissioner Medina moved to deny. Seconded by Commissioner Pinkston. Motion carried 3-1.

d) Consideration of Agreement with Local Pet ER (Animal Control) – Ruben Chavez (See Exhibit H)

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

e) Consideration of Memorandum of Understanding between the Village of Los Lunas, Los Lunas Public School District & Valencia County – Eric Zamora (See Exhibit I)

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

f) Consideration to Enter into Contract negotiation (Water & Sewer Master Plan) – Eric Zamora (See Exhibit J)

Mr. Zamora presented the above consideration. Commissioner Pinkston moved to authorize the Public Works Division to enter into contract negotiations with CDM. Seconded by Commissioner Medina. Motion carried unanimously.

g) Resolution 2007-22, Local Government Road Fund Financial Hardship – Eric Zamora (See Exhibit K)

Commissioner Medina moved for approval of the above resolution. Seconded by Commissioner Gentry. Discussion. Motion carried unanimously.

County Clerk, Sally Perea, announced **Resolution 2007-22**.

h) Financial Matters:

i) Consideration of Application for Vest Grant (Sheriff's Dept) – Rod Johnson (See Exhibit L)

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

ii) Consideration of Approval: Payroll/Warrants – Eric Zamora

Mr. Zamora presented the computer printout of all the checks issued by the Manager's Office on April 12, 2007, covering vendor bills processed on that date. Check #89327 thru Check #89436 inclusive for a total of \$234,357.78. **(See Exhibit M)**

Mr. Zamora presented the computer printout of all the checks issued by the Manager's Office on April 13, 2007 covering vendor bills processed on that date. Check #89437 thru Check #89438 inclusive for a total of \$11,910.00. **(See Exhibit N)**

Mr. Zamora presented the computer printout of all the checks issued by the Manager's Office on April 13 2007 covering payroll processed on that date. Payroll Check #78927 thru Payroll Check #79022 inclusive. Direct Deposit Check #2144 thru Direct Deposit Check #2287 inclusive. Deduction Check #89290 thru Deduction Check #89326 inclusive for a listing total of \$314,291.66. **(See Exhibit O)**

Commissioner Medina moved for approval of the above payroll and warrants. Seconded by Commissioner Gentry. 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 including without limitation PERA payback; b. pending or threatened litigation, and c. other specific limited topics that are allowed or authorized under the stated statute.

Chairman Rael moved to enter into executive session. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 5-0.

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

Ms. Wimberly reported on items discussed in closed session. We discussed the status of the Torrez Tort Claims, PERA payback for county employees, the status of the detention incident, pending threatened litigation regarding Marble Quarry Road, the status of the negotiations of the Fraternal Order of Police, the general personnel matter. No final action was taken.

Commissioner Gentry moved to ratify the report as given by counsel. Seconded by Commissioner Pinkston. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 5-0.

9. Action on Executive Session Item

a) Consideration of RFP for Contractual Legal Services regarding PERA Payback

Chairman Rael stated the above item was discussed in closed session. Chairman Rael moved to direct counsel to prepare to publish a request for proposal for legal services to resolve all of the issues surrounding the PERA questions that have arisen regarding payment or lack of payment of PERA funds by the prior employees of the county of Valencia. Seconded by Commissioner Kirkham. Motion carried unanimously.

10. County Manager's Report

Acting County Manager, Eric Zamora reminded the commission that they are conducting weekly staff meetings and they are welcome to attend on Monday mornings with the Department Directors.

Chairman Rael announced the next meeting. Commissioner Pinkston stated for public purposes on this agenda the next regular business meeting will be held at 9:00 AM and not 5:00 PM as this agenda reads.

11. The next Regular Business Meeting of the Valencia County Board of County Commission will be held on May 2, 2007 at 9:00 AM in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Medina moved to adjourn after all proper documents have been signed. Seconded by Commissioner Gentry. Motion carried unanimously. Time 1:56 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the April 18, 2007 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

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: May 16, 2007