

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

May 16, 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 Kirkham moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

4. Approval of Minutes

April 18, 2007 – Regular Business Meeting

May 2, 2007 – Regular Business Meeting

May 9, 2007 – Public Hearing Meeting

Ms. Wimberly stated she had minor changes to the April 18, 2007 Regular Business Meeting and that these changes were reflected in the commissioners packet. Commissioner Pinkston moved for approval of all three sets of minutes with the amendment for April 18, 2007. Seconded by Commissioner Kirkham. Motion carried unanimously.

5. Public Comments – At the discretion of the Chair. (For Information Only – Limited to two minutes per person on subjects not on this published agenda)

Vonda Temple stated her concerns on the issue of possible partial closure and abandonment of maintenance of Mesa Estates Road. Ms. Temple said she had expressed her views on paper and hoped each commissioner had gotten an opportunity to read those concerns.

Bob Gostischa, Meadow Lake Residential Association member, said he was in a Magistrate Court hearing yesterday and the code enforcement officer of the county failed to show up. This was a concern for him because they are trying so hard to get the trashed out areas cleaned up.

Chairman Rael reported on his town hall meeting that was held in Los Lunas at the Senior Citizens Center. They met for 2½ hrs, there were 60 persons in attendance. It was a rather lively detailed discussion on roads, the open meetings act, and the hospital project. Chairman Rael said it was a very positive meeting.

6. Discussion (Non-Action) Items

a) Presentation of Proclamation “Respect for Law Week” Breakfast Optimist Club of Belen – Patsy Torres(See Exhibit A)

Ms. Torres presented the above proclamation to proclaim the week of June 3-9, 2007 as Respect for Law Week and asked all citizens of Valencia County to join with the Breakfast Optimist Club of Belen in carrying the message of respect for law to other citizens, and by example, exercise responsible citizenship. Ms. Torres invited everyone on June 9th to a banquet in honor of seven officers selected by their peers at 6:30 PM at the Masonic Lodge in Belen. Ms. Torres said speaker for the event will be New Mexico State Attorney General Gary King.

b) Presentation of Proclamation “Older Americans Month 2007” – Jose Campos (See Exhibit B)

Mr. Campos, Older Americans Director asked one of the active seniors to present the above proclamation for the Older American Program. Mr. Campos stated that Ms. Trujillo had just celebrated her 91st birthday, on May 4th. Ms. Trujillo read the proclamation which honors older adults during the month of May and this year, and to promote and participate in the services that contribute to the health, welfare, and independence of our older citizens.

c) Presentation of University of New Mexico Health Science Center – Elaine Stack, RN (See Exhibit C)

Elaine Stack, Nurse Practioner and Clinical Care Specialist for the University of New Mexico Health Science Center and Department of Neurosurgery spoke on the proposed brain study, which may improve outcomes for severely brain injured patients. This procedure is done with early cooling

Minutes of May 16, 2007, Regular Business Meeting

measures either by EMS or immediately upon arrival to the UNM Emergency Room. Ms. Stack said she would like to involve the communities that are being targeted as a high risk population. A new head injury occurs every fifteen seconds, that means 1.5 million people that are affected annually by head injuries and of these about ¼ of a million are hospitalized and 50,000 are going to end up dying or 80,000 are permanently disabled. These are major long life paralysis or unable to function. If the cooling therapy is to be effective it needs to be administered close to point of injury within two hours. The study involves working closely with EMS, arriving at the scenes, and on helicopter arrival They would start cooling in the field and when the patient arrives in the hospital, continue cooling and get them to a level, which they believe, participating in the study is beneficial to the achieving outcome.

d) Department Reports – Department Directors

Derek Williams, Interim Director gave an oral monthly status report on the Adult Detention Center. Mr. Williams discussed the meeting that was held on May 3, 2007 in the County Commission room in reference to issues with adult probation/parole, the District Attorney's Office, and increasing inmate housing. Mr. Williams also reported on current contracts that are in need of updating and a legislative reference that the Adult Detention Center is now a non smoking facility. **(See Exhibit D)**

Chairman Rael stated in the commissioners packet is a Planning and Zoning Department written monthly activity report for their review. **(See Exhibit E)**

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

Commissioner Gentry stated he had a concern with the Casa Colorado project that has fallen behind schedule. It was supposed to be completed by the middle of May and available to be used as a polling location for the MRGCD election. Commissioner Gentry asked staff to find out what was going on with this project and to check on the Tome Adelino project. He does realize the hold up with the Tome Adelino project is because of septic problems.

7. Action Items

Board of Commissioners convenes as Indigent Claims Board

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

a) Indigent Report – Barbara Baker (See Exhibit F)

Ms. Baker presented the indigent claims from April 4, 2007 to May 3, 2007. There were 111 claims submitted and 36 applicant denials. The amount of claims submitted was \$584,403.38 and Ms. Baker asked the commission to approve \$62,564.58. Commissioner Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

Board reconvenes as Board of County Commissioners

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

b) Consideration of Memorandum of Understanding between the Village of Bosque Farms & Valencia County – Eric Zamora (See Exhibit G)

Mr. Zamora presented the above consideration. The purpose of this agreement is to provide financial support for the Summer Recreation Program, for the benefit of the children and youth of the Los Lunas School District, Village of Bosque Farms and Valencia County. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

c) Consideration of Easement (Electric) with Public Services of NM Property Tr. A, Block 5, El Cerro Mission, Unit 14 – Eric Zamora (See Exhibit H)

Mr. Zamora presented the above consideration of easement for the intent to provide electrical service to the T-Mobile site located at the El Cerro Fire station. Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

d) Consideration of Correcting Zone Designations for Commercial Properties in Rio Communities – James Aranda (See Exhibit I)

Mr. Aranda, Planning and Zoning Department presented the above consideration on behalf of Commissioner Ron Gentry. Mr Aranda is requesting a motion and vote directing the Planning and Zoning Department to conduct an assessment of all properties within Rio Communities that may have been incorrectly zoned. Once that assessment is complete the P & Z Dept will gain approval from the affected property owners to proceed with changing the zoning designation of the affected properties to the appropriate zoning designation. Commissioner Medina moved for approval to direct Planning and Zoning to conduct an assessment of properties in Rio Communities and its master development plans through the quasi-judicial zone change process. Seconded by Commissioner Pinkston. Motion carried 4-0, Commissioner Gentry abstaining.

e) Consideration to Publish: Amend Ordinance 2006-02, allowing road vacating and acceptance for road maintenance – Eric Zamora (See Exhibit J)

Ms. Wimberly said this amended ordinance is to provide a method for the County to eliminate its maintenance responsibility on public roads or roads dedicated for public use, without affecting the legal access rights of the public. Ms. Wimberly said the section numbers in the amendment need to be fixed, as the section numbers are repeated. She said under section 3 of the ordinance the road viewers shall recommend abandonment of the subject road for maintenance if they determine that the road is not presently needed and if they reasonably anticipate that the road will not be needed

Minutes of May 16, 2007, Regular Business Meeting

within the next two years. Commissioner Gentry moved for approval to publish. Seconded by Commissioner Medina. Discussion. Motion carried unanimously.

f) Consideration of Rescheduling Business Meeting (Time) – County Commission

Commissioners discussed that the Business and Public Hearing Meetings be changed to 3:30 PM. The meeting day of Wednesday would remain the same. Commissioner Medina moved to have the meeting time at 3:30 PM and keep them on Wednesdays. Seconded by Commissioner Gentry. Motion carried unanimously. Commissioners consensus that the meetings be capped off at 7:00 PM.

g) Final Action of Public Hearing held: February 14, 2007

i) Request to Name Private Road “CC Pino Court” a certain parcel of land situated in the Belen Grant within Sec. 13, T4N R2E & Sec 18, T4N R1E, NMPM, Map 112, Cabinet G, Page 235, in Valencia County, NM/Lorezo Pino – County Commission (See Exhibit K)

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

ii) Request to Amend Zone Maps from RR2 to RR1, Lot 23, Bosque Vista Estates (formerly known as Jaramillo Estates Subdivision) containing 2.05 acres, located west of Menard Road and for Tract B-1, Lands of Trey McNabb and Glynette Carson containing 3.21 acres in Valencia County, NM/Scott Edeal – County Commission (See Exhibit L)

Commissioner Kirkham stated that there were members in the public that had asked questions on this request and asked Mr. Aranda to explain. Mr. Aranda said this zone change is to allow the applicant to make a lot line adjustment that would mitigate the odd shape of Lot 23. The current shape makes it difficult to work with. Commissioner Kirkham stated this does not change the acreage of any lots only Lot 23. Mr. Aranda had a plat map for public view. Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

iii) Request for zone change from PD to C1 to correct the existing zone map for an unnumbered Tract of land within Map 102 of the surveys of the MRGCD being within the Tome Grant and within Section 16, T5N R2E containing .69 acres, being further described in Book 296, Page 8375, AKA 101 Manzano Expressway, formerly known as 103 Manzano Expressway and Desert Rain Car Wash, Valencia County, NM/Ralph Castillo/Alicia Aguilar, Agent – County Commission (See Exhibit M)

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

iv) Request for zone change from C1 to C2, for the purpose of operating an auto sales dealership on the subject property, Tract C, Land of Manuel & Nestor Gallegos, Cabinet 1, Page 483, containing 1.114 acres, AKA 19562 Hwy 314, Valencia County, NM/Bill Cruz – County Commission (See Exhibit N)

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

h) Consideration of Solid Waste Franchise Agreements – Eric Zamora (See Exhibit O)

Mr. Zamora presented the above consideration. This agreement allows the County to engage in the business of collecting, transporting, disposing and recycling of solid waste kept, accumulated or produced in the unincorporated area of the County and to use the public streets and rights of way for such purpose. Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

i) Financial Matters

i) Resolution 2007-27, Adopting the 2007/2008 Fiscal Year Preliminary Budget – County Commission (See Exhibit P)

Commissioner Gentry asked if the 2006-2007 budget could be supplied to each of the commissioners so that they can make that comparison to the new fiscal budget. Julie Hutchins, NM State Corporate Extension Service, asked for clarification on the budget request for rental cost. Discussion ensued. Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Discussion. Motion carried unanimously.

County Clerk, questioned a budget request for the Bureau of Elections Director position for a salary increase, during the budget workshop hearing she was under the impression that it was going to happen but the budget does not reflect that increase. Commissioner Pinkston stated this is a personnel issue and should be discussed in executive session.

County Clerk, Sally Perea, announced **Resolution 2007-27.**

ii) Resolution 2007-28, Increase Expenditures Rio Grande Fire Department – Wilma Abril (See Exhibit Q)

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

Minutes of May 16, 2007, Regular Business Meeting

County Clerk, Sally Perea, announced **Resolution 2007-28.**

iii) Resolution 2007-29, Increase Expenditures Emergency Services Fire Rescue – Charles Eaton (See Exhibit R)

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

County Clerk, Sally Perea, announced **Resolution 2007-29.**

iv) Consideration of Homeland Security Commercial Equipment Direct Assistance Program Application – Rod Johnson (See Exhibit S)

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

v) Consideration of Sub-Agreement with New Mexico Department of Public Safety for FEMA-1659 DR-NM, Amendment #2 – Eric Zamora (See Exhibit T)

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

vi) Consideration of Award RFP #166 “Vector Control Services” – Eric Zamora (See Exhibit U)

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

vii) Consideration of Vector Control Services Agreement – Eric Zamora (See Exhibit V)

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

viii) Consideration of Award Bid #618 “Carpet –Judicial Complex” – Eric Zamora (See Exhibit W)

Commissioner Kirkham stated that before this item is voted on, she would like to publicly state that she noticed there were no local bidders for this Judicial Complex carpet project. Commissioner Kirkham said a few meetings back this commission had directed staff to formulate a list of all local businesses to bid on county projects. She took it upon herself to contact local carpet places and none had been invited to bid. Commissioner Kirkham said she will not vote on this item, she does not want this project stalled, it is just that she wants to take a stand because as she stated before she would like to keep the money in Valencia County. Commissioners discussed this item because they all agreed with Commissioner Kirkham that local businesses should be part of this bid process and discussion ensued with County Attorney, County Manager and Mr. Puckett on whether to reject all bids and rebid and if there is allotted time to rebid. Commissioner Kirkham moved to reject all bids and to rebid. Seconded by Chairman Rael. Motion carried unanimously.

x) Consideration of Approval: Payroll & Warrants – Eric Zamora

Mr. Zamora presented the computer printout of all the checks issued by the Manager's Office on May 10, 2007, covering vendor bills processed on that date. Check #89620 thru Check #89752 inclusive for the total of \$868,163.05. **(See Exhibit X)**

Mr. Zamora presented the computer printout of all the checks issued by the Manager's Office on May 11, 2007 covering payroll process on that date. Payroll Check #79120 thru Payroll Check #79214 inclusive. Direct Deposit Check #2430 thru Direct Deposit Check #2573 inclusive. Deduction Check #89587 thru Deduction Check #89619 inclusive for a listing total of \$293,127.79. **(See Exhibit Y)**

Commissioner Medina moved for approval. 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; b. pending or threatened litigation, and c. other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Kirkham moved to go into executive session. 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.

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

Ms. Wimberly reported on items discussed in executive session. The issues that were discussed were personnel vacancies and salaries, Bizzel status, Sisson status, and threatened litigation regarding the Industrial Park. No final action was taken.

Commissioner Pinkston moved to accept Ms. Wimberly's report as presented. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham

Minutes of May 16, 2007, Regular Business Meeting

voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 5-0.

9. Action on Executive Session Item

None

10. County Manager's Report (Informational Only)

Reschedule Business Meetings, June 6, 2007 – Ruidoso Summer Conference and July 4, 2007 – Independence Day

After discussion, Commissioners all agreed on May 30, 2007 replacing the June 6, 2007 Regular Business Meeting due to the Summer Conference. Commissioners all agreed on June 27, 2007 replacing July 4, 2007 Holiday. Commissioners all agreed on June 13, 2007 to have the Public Hearing and the Business Meeting together to replace the June 20, 2007 meeting. All meetings will be at 3:30 PM.

Ms. Wimberly asked commission to go back to item 7(i-viii) Consideration of Award Bid #618 Carpet Judicial Complex. Ms. Wimberly stated she had informed the commission that they could reject all bids, state statute says all bids can be rejected in the best interest of the County to do so. Ms. Wimberly said the procurement officer, Ms. Abril, said the county policy states that it limits the reasons to reject all bids, which there are seven. There is a potential for protest but this is in the best interest of the county.

11. The next Regular Business Meeting of the Valencia County Board of County Commission will be held on May 30, 2007 at 3:30 PM in the County Commission Room at the Valencia County Courthouse.

12. Adjournment

Commissioner Kirkham moved to adjourn. Seconded by Commissioner Pinkston. Motion carried unanimously. Chairman Rael reminded commissioners to sign all proper documents before leaving. Time 1:34 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the May 16, 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. RAEI, CHAIRMAN**

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

DAVID R. MEDINA, MEMBER

**ss/
RON GENTRY, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/

SALLY PEREA, COUNTY CLERK

DATE: June 13, 2007