

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

September 5, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, 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 3:30 PM.

2. Chairman Rael led the Pledge of Allegiance.

3. Approval of Agenda

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

Chairman Rael stated that Commissioner Medina would not be present today.

4. Approval of Minutes August 8, 2007 – Public Hearing August 15, 2007 – Business Meeting

Commissioner Kirkham moved for approval of the August 8, 2007, Public Hearing minutes. Seconded by Commissioner Pinkston. Motion carried unanimously.

Commissioner Gentry said the audio record is there as a record of the meeting as well as the written record of the minutes. Chairman Rael asked if we maintain the audio as permanent records and County Clerk, Sally Perea said yes. So when the records are approved so is the audio of the meeting.

Chairman Rael moved for approval of the August 15, 2007, Business Meeting. Seconded by Commissioner Kirkham. Motion carried unanimously.

Commissioner Pinkston commented on the inaudibles in the minutes and asked if there was anything that they could do to be heard better, being that there were some critical spots in the meeting. County Clerk Sally Perea said it seems that when you speak too close to the microphone, that's when it gets static and hard to understand. As with the attorney, speaking away from the hand held microphone is when it does not pick up. Commissioner Gentry said that possibly staff could get two microphones installed for the county manager and county attorney as this would somehow alleviate the problem.

5. Public Requests – At the discretion of the Chair

{For Information Only – limited to two minutes per person on subjects not on this

William Dean spoke on rezoning the County to I-2. Mr. Dean said that when he read the request form to the chairman that he told him no, that you are required to wait two years because this would affect the industrial park. Mr. Dean felt that the county commission has not allowed the public to voice their opinion as to the zoning for the industrial park. Mr. Dean ended by saying "please do something".

Chairman Rael thanked Mr. Dean for his comments and said many things were discussed regarding the I-2 and I-3 park including the fact that it has been litigated twice with a complete conclusion and were ordered to, according to the results that we heard the last time.

Mr. Dean asked when the two year begins.

Chairman Rael did not want to give him any advice because then "you start quoting me" and I am not going to do that. I will give you information but I am not going to give you any advice because I don't appreciate you quoting a telephone conversation that I thought was just getting guidance from me.

Mr. Dean said "you refused to let me speak today other than the two minutes".

Chairman Rael said nobody speaks for more than two minutes unless it is part of the agenda, and he was not on the agenda. Again he thanked him for his comments.

Commissioner Gentry said he would like to make one thing clear, and in fact maybe clear the record up, but he did not remember Judge McDonald saying this could not be brought up for two years. He didn't believe that was correct and didn't think that is what was in the court order.

Minutes of September 5, 2007, Regular Business Meeting

Mr. Dean said that was why he had asked the question and asked "next month can I submit them or wait two years"?

Chairman Rael said he didn't think those are the rules but "you follow the rules whatever they are". He thanked Mr. Dean for his comments.

Jim Lane said he would like to speak on a positive note today. We had the Mesa Estates/Fence Line clean up and it was unbelievably successful. Thanks go to Eric Zamora, he donated some equipment and trucks for half a day, Cyndi Sluder, Tierra Bonita, got us some dumpsters. For twenty eight years I have lived in Meadow Lake and to see all those people that got out just brought the community together. Thanks also to Ruben Chavez, Code Enforcement, the new road signs look great.

Commissioner Kirkham thanked Mr. Lane and said she hoped everyone in the audience took note that all of the community should do this as well. If all of the communities would organize this type of clean up, it would go a long ways.

Commissioner Pinkston said someone else from the Assessor's Office had also helped and drove around with the Code Enforcement Officer. These guys did an amazing job.

Chairman Rael said there was a resolution signed by the Commissioners honoring Sara Valenzuela on her 100th birthday. It was a matter of record and congratulated her.

6. Discussion (Non-Action) Items

a) Proclamation for "Literacy Week" of September 8-14, 2007- Jill Oglesby

Ms. Oglesby said this proclamation has to do with the 40 year anniversary of International Literacy Day on September 8, 2007 as declared by the United Nations. We appreciate Valencia County's participation in this matter. Ms. Oglesby thanked Valencia County, part of what they do is in El Cerro Community Center, and we partner with the University of New Mexico Campus providing adult literacy classes and preschool. Ms. Oglesby said a few of the students were in the audience. Ms. Oglesby read the proclamation. Chairman Rael said let the record reflect that by consensus the county commission did approve by signing the resolution proclaiming the week of September 8-14 as Literacy Week.

b) Presentation Risk Awareness Program (RAP) New Mexico Association of Counties

– Bruce Swingle

Mr. Swingle spoke on how the New Mexico Association of Counties has developed a comprehensive risk awareness program for all of the member counties. It is a program that is designed to create and maintain risk control awareness and reduce each county's cost of risk, both direct and indirect costs. The program is designed for fifty weeks. It is a structured timing mechanism that allows between 12 and 15 minutes of training every week for every county employee. The training is site specific for each county department and employee. There are over 100 lesson plans in the program. Mr. Swingle said they piloted the program in McKinley County for one year. At the completion of one year, there were goals set and they reduced the workers comp claims by 33%. We got some comparative data for those that participated in the program and for those that didn't. The Sheriff's Office was one of the departments that did not participate. Mr. Swingle said the risk awareness program encourages employee empowerment, results in immediate corrective action of many hazards, provides employees with over 12 hours of risk control training and ensures compliance with many regulatory mandates. Commissioners all thought this was a good program and asked Mr. Zamora to follow up with Mr. Swingle on this matter.

c) Department Reports – Department Directors

None

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

None

7. Action Items:

a) Consideration of continuation of Belen Flea Market – Ruben Chavez/Lawrence Chavez (See Exhibit A)

Mr. Chavez presented the above item. Due to the increased activity that has risen, the property has changed from a hobby peddler to a full blown flea market. Mr. Chavez explained the changing situation on this property that occurred during the week of August 13th. A highly congested flea market took place on the property where the public was parking on the highway median and on the east side of Highway 314 and walking across the highway. Mr. Chavez said under the county ordinance a flea market is allowed in a commercial (C-1) district, however, it requires the overview and approval of a site plan. After commission discussion, Commissioner Kirkham moved to allow continuation of Belen Flea Market within a reasonable time on the condition that Mr. Chavez follows the planning and zoning procedure requirements. Seconded by Commissioner Gentry. Discussion. Motion carried unanimously.

b) Consider Appealing P & Z Commission decision to deny a conditional use; Church/School for the Jerusalem Community of the Society of Our Mother of the Most Blessed Trinity, T4N R1E, Sec. 25 NMPM; Land of the Jerusalem Community, Tract 1-A-2, Map 118, Valencia County, NM – James Aranda (See Exhibit B)

Mr. Aranda requested the commissioner's consideration to entertain a motion to review the P & Z Commission's decision to deny a conditional use for a school/church for the purpose of adding additional accessory structures to existing church and school. The county ordinance states that the

Minutes of September 5, 2007, Regular Business Meeting

commission may on its own motion initiate review of any decision of the P & Z made pursuant to Section 4.8 for appeals. After commission discussion, Commissioner Gentry moved to appeal the decision of the P & Z Commission and to bring it before this commission at a Public Hearing Meeting. Seconded by Commissioner Pinkston. Discussion. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted no. Commissioner Gentry voted yes. Motion carried 3-1.

c) **Consideration of Joint Powers agreement with the City of Belen and the Village of Los Lunas for the services of Medical Direction – Charles Eaton/Ruben Chavez (See Exhibit C)** Chairman Rael stated that the above item should read (for the services of Medical Director and not Direction).

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

d) **Consideration of entering into a Memorandum of Understanding between Casa Colorada, Jarales, Tome-Dominquez De Mendoza, Del Rio, and Meadow Lake Community Centers advisory boards to operate and care for their respective community centers – County Commission**

Commissioner Kirkham moved for approval of entering into a memorandum of understanding and/or contract with the advisory boards that have shown interest in maintaining their community centers. Seconded by Commissioner Gentry. Motion carried unanimously.

Commissioner Medina joined the commission at 5:55 PM.

e) **Review, consider and Adopt Loan – Resolution 2007-50, Authorizing the Execution and Delivery of a Loan agreement and intercept agreement by and between Valencia County and New Mexico Finance Authority for Meadow Lake Fire Station Construction Phase II – Casey Davis (See Exhibit D)**

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

Sally Perea, County Clerk, announced **Resolution 2007-50.**

f) Financial Matters:

i) **Consideration of Valencia County to perform as Fiscal Agent for Juvenile Justice Continuum – Carlton Liggins/Jerry Otero (See Exhibit E)**

Carlton Liggins requested consideration of Valencia County to perform as fiscal agent for the Juvenile Justice Continuum. The proposal is for the provision of cost effective services and temporarily nonsecure alternatives to detention through the Juvenile Justice Continuum. At the present time, there are no alternatives to detention with 10 available beds for secure detention. The proposal request is for \$80,000 to hire a Juvenile Coordinator to continue the current reception and assessment center. Commissioner Kirkham stated that she would abstain from voting as Jerry Otero is her brother. After commission discussion, Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

ii) **Consideration of Award RFB#623 "Road Infrastructure Construction Services" – Eric Zamora (See Exhibit F)**

Mr. Zamora presented the above item. Commissioner Gentry moved for approval to award the bid to all vendors to be included. The proposed process will be to contact the low bidder first. If they are unable to meet the need, the next vendor will be contacted. Seconded by Commissioner Pinkston. Motion carried unanimously.

iii) **Consideration of GRIP 2 agreement for Control #G2G7603, Project #SP-GF-7561 (228) "Manzano Expressway" in Valencia County – Eric Zamora (See Exhibit G)**

Mr. Zamora presented the above item. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

iv) **Consideration of contract with North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Agency on Aging for the Older American Program – Vangie Gabaldon (See Exhibit H)**

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

v) **Consideration of contract with North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging for renovations and repairs to the Del Rio Senior Center – Vangie Gabaldon (See Exhibit I)**

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

vi) **Resolution 2007-51, Increase Budget Expenditures for Covenant Health System Contract – Wilma Abril (See Exhibit J)**

Ms. Abril said with the instruction of administration this request is to consider an increase expenditures in the amount of \$304,989.00. This is to pay the Covenant Health System contract and this expenditure was not funded in the FY 07-08 budget. The resolution goes to DFA for approval and it comes out of the ending cash balance of June 2007/2008. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Commissioner Pinkston voted yes. Commissioner

Minutes of September 5, 2007, Regular Business Meeting

Kirkham voted yes. Chairman Rael voted no. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 4-1.

Sally Perea, County Clerk, announced **Resolution 2007-51**.

vii) Consideration of Approval: Payroll/Warrants – Wilma Abril

Ms. Abril presented the computer printout list of all the checks issued by the Manager's Office on August 17, 2007 covering payroll processed on that date. Direct Deposit Check #3416 thru Direct Deposit Check #3563 inclusive. Deduction Check #90958 thru Deduction Check #90989 inclusive. Payroll Check #79797 thru Payroll Check #79893 inclusive for a listing total \$330,243.69. **(See Exhibit K)**

Ms. Abril presented the computer printout list of all the checks issued by the Manager's Office on August 22, 2007 covering vendor bills processed on that date. Check #90990 thru Check #90994 inclusive for a total of \$9,395.95. **(See Exhibit L)**

Ms. Abril presented the computer printout list of all the checks issued by the Manager's Office on August 28, 2007 covering vendor bills processed on that date. Check #90995 thru Check #91173 inclusive for a total of \$994,614.07. **(See Exhibit M)**

Ms. Abril presented the computer printout list of all the checks issued by the Manager's Office on August 31, 2007 covering payroll processed on that date. Direct Deposit Check #3564 thru Direct Deposit Check #3713 inclusive. Deduction Check #91174 thru Deduction Check #91204 inclusive. Payroll Check #79894 thru Payroll Check #79991 inclusive. Listing total \$330,820.09.

(See Exhibit N)

Ms. Abril presented the computer printout list of all the checks issued by the Manager's Office on August 31, 2007 covering vendor bills processed on that date. Check #91205 thru Check #91206 inclusive for a total of \$1,913.46. **(See Exhibit O)**

Commissioner Gentry moved for approval of payroll and warrants. Seconded by Commissioner Pinkston. 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 for approval. Seconded by Commissioner Pinkston. Roll call vote. Commissioner Medina voted yes. Commissioner Gentry voted yes. Chairman Rael voted yes. Commissioner Kirkham voted yes. Commissioner Pinkston voted yes. Motion carried 5-0.

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

Ms. Wimberly stated the board discussed the status of the Rector Quiet Title Suit, threatened litigation involving estates, Chavez litigation, Nelson-Gonzales litigation, status of the Uriaga litigation, Cordova litigation, Bizzell litigation, status of the tort claims, we discussed five personnel matters, two regarding disciplinary action, one involving customer service training for county employees, the other two involving job descriptions for two employees. No final action was taken.

Commissioner Pinkston moved to accept Ms. Wimberly's report. 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.

9. County Manager's Report (Informational Only)

Mr. Zamora informed the commission that he would use the road viewers that have been used previously because he had not heard from any of the commissioners. Commissioner's consensus.

Mr. Zamora said a request had been handed to him on employees asking for leave time to attend the State Fair and his recommendation would be no. After discussion, Commissioners consensus was to grant this request.

10. The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on Wednesday, September 10, 2007 at 3:30 PM in the County Commission Room at the Valencia County Courthouse.

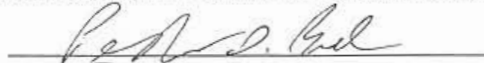
11. Adjournment


Commissioner Kirkham moved to adjourn. Seconded by Commissioner Gentry. Motion carried unanimously. Time 7:40 PM.


NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 5, 2007, Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

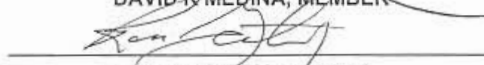
Minutes of September 5, 2007, Regular Business Meeting

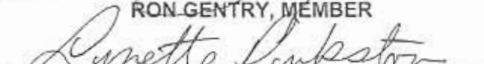
VALENCIA COUNTY BOARD OF COMMISSIONERS


PEDRO G RAEI, CHAIRMAN

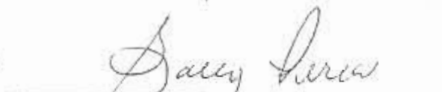

GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN


DAVID R. MEDINA, MEMBER


RON GENTRY, MEMBER


LYNETTE PINKSTON, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

10. 3. 07
DATE