

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Organization & Regular Business Meeting

January 02, 2008

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 P.M.

2. Chairman Rael led Pledge of Allegiance.

### 3. Approval of Agenda

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

### 4. Approval of Minutes – December 12, 2007

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

### 5. Public Requests – At the Discretion of the Chair

(For Information Only – limited to two minutes per person on subjects not on this published agenda.)

Torres G. Leyba gave his opinion of the two minute rule and read a prepared speech on the freedom of speech to the board.

Rosemary Lebrecht a resident and one of the Director's of the Meadow Lake Residence Association shared her concerns of a disturbing situation. Ms. Lebrecht said on December 23, 2007 she had received a phone call from a resident of Meadow Lake that a yearling horse was found tortured and dragged along Fence Line Road. She called channel 7 news station that came and filmed the scene and was broadcasted on the channel 7 news. There was a response from the New Mexico Animal Protected Services and they are now in charge of this matter and a reward has been placed for the person or persons responsible. Ms. Lebrecht said that she had called the sheriff and is curious to know if an investigation has been done as she was told it would be.

Commissioner Pinkston responded to Ms. Lebrecht's comment and said that she had spoke with County Attorney, Cynthia Wimberly, who said that it was her understanding that the yearling was picked up on Friday December 28, 2007 from the Road Department and that the animal was inspected and no evidence of branding was noticed. She said the animal was badly decomposed and was hard to determine any evidence, and advised that if this situation happened again to contact the Road Department when unable to contact the Live Stock Board.

Bob Gostishua Director from Meadow Lake Residence Association had concerns with the lighting at the community center and said it has been hit by taggers. He requested lighting for the center. Commissioner Pinkston said she believes there might be funds left over from building the playground, which is part of the community center and with the left over funds, lighting will be added.

### 6. Action Items – Organizational Issues – County Commission

#### a) Nominations & Selection of Chairperson & Vice-Chairman

Chairman Rael opened up the nominations for Chairperson of the Commission.

Commissioner Kirkham nominated Commissioner Pedro Rael. Seconded by Commissioner Medina. Commissioner Pinkston nominated Commissioner Ron Gentry. Seconded by Commissioner Gentry. Chairman Rael called for a roll call vote. Commissioner Kirkham voted for Commissioner Pedro Rael. Chairman Rael voted for Pedro Rael. Commissioner Medina voted for Commissioner Pedro Rael. Commissioner Pinkston voted for Commissioner Ron Gentry. Commissioner Gentry voted for Ron Gentry. Commissioner Pedro Rael retained the Chair by a 3-2 vote.

Nominations opened for Vice-Chair of the Commission. Chairman Rael nominated Commissioner Georgia Otero-Kirkham. Seconded by Commissioner Medina. Commissioner Pinkston nominated Commissioner Ron Gentry. Seconded by Commissioner Gentry.

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Chairman Rael called for a roll call vote. Commissioner Pinkston voted for Commissioner Ron Gentry. Commissioner Otero-Kirkham voted for Georgia Otero-Kirkham. Chairman Rael voted for Commissioner Georgia Otero-Kirkham. Commissioner Gentry voted for Ron Gentry. Commissioner Medina voted for Commissioner Georgia Otero-Kirkham. Commissioner Georgia Otero-Kirkham retained her seat as Vice-Chair by a 3-2 vote.

**b) Resolution 2008-01, Adoption of 2008 Open Meetings Act Resolution**

Business Meetings and Public Hearing Meetings will stay as they are. On the first and third Wednesday of each month for Business Meetings and Public Hearing Meetings to be held on the second Wednesday of each month unless otherwise specified. Commissioner Kirkham made a motion to approve the days of the Commission Meetings. Seconded by Commissioner Medina. Motion carried unanimously.

Commissioner Kirkham made a motion to change the times of the meetings from 3:30 to 5:00 to give constituents a chance to attend. Seconded by Commissioner Gentry. Discussion. Commissioner Gentry said the reason the time had been from 5pm to 3:30pm was because the meetings would carry on until late into the night. Chair Rael called for the vote. Motion carried 4-1, with Commissioner Ron Gentry voting no. Since the January meetings had already been published the new times will not start until February, by consensus of the commission.

Commissioner Kirkham made a motion to adopt the above resolution for the Open Meetings Act with the changes of the times of the meetings. Commissioner Medina seconded. Motion carried. County Clerk, Sally Perea announced the Resolution 2008-01. See Exhibit A.

**c) Resolution 2008-02, Adoption of Special Rules of Order**

Commissioner Medina moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. County Clerk, Sally Perea announced the Resolution 2008-02. See Exhibit B.

**d) Adoption of 2008 Holiday Schedule and County Calendar**

The Commission granted four hours of administrative leave on Friday March 21<sup>st</sup> for Good Friday, Wednesday December 24<sup>th</sup> for Christmas Eve and Wednesday December 31<sup>st</sup> for New Years Eve. Commissioner Pinkston made a motion to approve the holiday schedule but deleting out the four hours administrative leave for state fair day. Seconded by Commissioner Kirkham. Motion carried unanimously. See Exhibit C.

**e) 2008 County Organization Chart**

Commission discussed the following changes under Administrative Services; to take out Information Technology and the Building Maintenance Office; change Tierra Bonita Program from Public Works and replace it under Special Ad Hoc Committee and to eliminate the Trash Communities, Heavy Industrial Committee and the Comprehensive Plan Steering Committee. Commissioner Pinkston moved for approval with the above changes. Seconded by Commissioner Kirkham. Commissioner Medina asked to see the chart after it is revised. Motion carried unanimously. See Exhibit D.

**f) Appointments to Boards, Commissions & Committee**

**Planning and Zoning Commission** – The only changes made to this committee was District V, Commissioner Pinkston who appointed Jim Lane as her appointee. Commissioner Kirkham requested training for the Planning and Zoning Commission and made a motion for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

**Indigent Board –**

Commission discussed this board with Barbara Baker. Ms. Baker said this is the only county that has an Indigent Board and requested to keep them for their knowledge even if they only meet once a year. Commissioner Pinkston made a motion to retain the board as is. Seconded by Commissioner Medina. Motion carried unanimously.

**Emergency Medical Services Board –**

After discussion Chair indicated the changes and additions; Chief Casey Davis Meadow Lake #4, appoint Ruben Chavez Valencia County Representative a member, leave John Cherry Sr. as (retired) Ex Officio and Commissioner Pinkston as Ex-Officio. Commissioner Pinkston made a motion to approve with the changes. Seconded by Commissioner Medina. Motion carried unanimously.

**Regional Dispatch Board –**

By consensus the Region Dispatch Board was approved as is.

**County Board of Registration –**

Same board retained.

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

**Employee Unclassified Position** – County Manager, Eric Zamora, Administrative Services Director, Vangie Gabaldon, Dentention Center, Derek Williams, Public Works Director, Eric Zamora.

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

**Fire Chief -**

Retained same board Commissioner Medina moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

**Mid-Region Council of Government -**

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

**Executive Board Water Resources Board -**

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

**Regional Planning Authority (RPO) -**

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

**VC Transportation Steering Committee -**

By consensus the VC Transportation Steering Committee was approved as is.

**Region Transit District Board -**

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

**Workforce Investment Board (CEO Board) -**

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

**Mid-West CAP Board -**

Chairman Rael stated by consensus the Mid-West Cap Board is approved as is.

**New Mexico Association of Counties (Board of Directors (3)) - R -** Commissioner Lynette Pinkston retained.

**Multi-Line/Risk Management Board (4) - R -** Barbara Baker, A - Cynthia Wimberley, A - Lynette Pinkston.

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

**ML/RMB - Law Enforcement & Detention Adv. Committee - R -** Rene Rivera.

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

**Workers' Compensation Board (4) - R -** Cynthia Wimberley, A - Jacque Chavira.

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

**Region Juvenile Detention Board -**

Commissioner Kirkham moved for approval to remove the Region Juvenile Detention Board. Seconded by Commissioner Gentry. Motion carried unanimously.

**Animal Control Advisory Board (Special Board) Georgia Ortego-Kirkham, Commissioner -** District I, Jane Rael Cordova, District II (Open), District III, Gail Goodman, District IV, Val Talbert, District V, Liz Turner.

Chairman Rael reappointed Jane Rael Cordova until further discussion to see if Ms. Cordova wants to remain on the board.

Commissioner Kirkham left District II vacant until further notice. Commissioner Medina appointed Gail Goodman, Commissioner Gentry reappointed Val Talbert, and Commissioner Pinkston appointed Liz Turner.

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

**Older American Advisory Council (Special Council) (BoCC approves appointment)**

After discussion the Commission agreed to add Lydia Piro as a member and to retain the same board. Commissioner Pinkston moved for approval with the additional change. Seconded by Commissioner Kirkham. Motion carried unanimously.

**Hospital Board -**

Kathy Sanchez to Kathy Chavez, Dr. Schneider, Rita Padilla and Mary Devine are no longer on the board, and Mary Merrill was replaced, but Commissioner Gentry would like to see her back on the board because of her medical knowledge.

Commissioner Gentry moved to approve with changes. Seconded by Commissioner Pinkston. Motion carried 4-1 with Chairman Rael voting no.



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**Tierra Bonita of Valencia County (tabled) (Standing Committee) Ordinance #89-03**

After discussion Commissioner Gentry moved to table the above item. Seconded by Commissioner Pinkston. Motion carried unanimously.

**Judicial Complex Committee (Special Committee) –**

Commissioner Pinkston made a motion to approve the committee as it stands. Seconded by Commissioner Gentry. Motion carried unanimously.

**Accident Review Committee (Internal) (Appointed by Department Head/Director) –**

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

Commissioner Pinkston requested that staff give the Commissioners proper notification of dates and times and locations of any meetings in a timely manner.

Chairman Rael stated by consensus Commissioner Pinkston motion passes.

**7. Action Items – Business Items**

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

i) Decision to deny appeal of a Planning and Zoning Commission decision to grant a variance to property owner Michael Stasi for rear and side yard setback to place a 40' x 40' garage structure 10' from the side and rear property lines, T6N, R2E, Sec. 19, Tr.27B1, Map 86, Book 360, Page 21297, containing 1.02 acres; AKA 74 Seabell Rd, Belen, NM – Appeal by Juan and Nancy Griego

Commissioner Kirkham moved for approval to deny. Seconded by Commissioner Gentry. 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 unanimously.

ii) Decision to grant amendment of the zone map from RR-2 to RR-1 for the purpose of splitting two 1.6 acre parcels into three (3) 1-acre parcels; T6N, R2E, Sec.17, NMPM, Lands of Lupe C. Chavez, Tr.39-A-3-B-1 & 39-A-3-B-2, Mid-Region Government Council of Government Map 86, Valencia County, NM – Application by Louie Salas

Commissioner Pinkston moved for approval. Seconded Commissioner Gentry. 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 unanimously. See Exhibit E.

iii) Decision to grant request to amend zone map from Plan Development to RR1, T6N, R2E; Tract A-1, A-2, B-2, Rio Del Oro Subdivision, Unit 54; Lands of Leroy and Ritha J. Aragon; containing 3.36 acres, located on the corner of South Rio Del Oro Loop and Manzano Expressway, Valencia County, NM – Application by Leroy Aragon

Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. 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 unanimously. See Exhibit F.

iv) Decision to deny appeal of Planning and Zoning Commission decision to deny a conditional use: Church/School for the Jerusalem Community of the Society of Our Mother of the Most Blessed Trinity (SOLT) – Application # CU 07008; T4N, R1E, Section 25, NMPM; Land of the Jerusalem Community, Tract 1-A-2, Map 118, Valencia County, NM – Application by Board of County Commission

Commissioner Kirkham moved for approval to deny. Seconded by Commissioner Medina. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted no. Commissioner Medina voted yes. Motion carried 4-1.

**b) Financial Matters –**

i) Consideration of Awarding Bid #624 "Tome Domínguez de Mendoza Community Center Phase II" – Vangie Gabaldon

Commission discussed if bids had been publicized and also discussed the design of the Community Center. Vangie Gabaldon said proper notification was given to all those wishing to place a bid and the turn out of bidders was great. Commissioner Kirkham asked if the local contractors had been informed and Ms. Gabaldon said not only was it published in the local newspaper but 28 personal invitations were sent by her and none had responded. Ms. Gabaldon said the local community and the Board of Directors are supporting the design and are willing to move forward, in answer to Commissioner Gentry's question. Commissioner Kirkham made a motion to approve. Commissioner Pinkston seconded. Motion carried unanimously. See Exhibit G.

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

Mr. Zamora presented the computer printout list of all checks issued by the Manager's Office on December 21, 2007 covering vendor bills processed on that date. Check #92435 thru Check #92454. Inclusive, for the total of \$ 79,357.24. See Exhibit H.

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Mr. Zamora presented the computer printout list of all checks issued by the Manager's Office on December 28, 2007 covering vendor bills processed on that date. Check # 92455 thru Check #92824 inclusive, for the total of \$940,479.38.

Commissioner Pinkston moved for approval of both payroll and warrants. Seconded by Commissioner Medina. Motion carried unanimously. See Exhibit I.

**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 unanimously.

Commissioner Medina moved to go back into Regular Session. Seconded by Commissioner Kirkham. Motion carried unanimously.

Ms. Wimberly stated the matters that were discussed in Executive Session were the status of (EEOC) Equal Employment Opportunity Commission complaint against the county with the name intentionally blank. Discussed the settlement of the Burris property which is on the agenda on the action item, the Berben Road litigation, personnel items discussed were EMS and Fire Personnel, extension of the County Manager's contract for final action on the next agenda and personnel, regarding payroll issues and personnel issues in respect to loss prevention specialist in that position and no final action was taken.

Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried unanimously.

**9. Action on Executive Session**

□ Consideration of Approval of Settlement Agreement for Elizabeth Nunn Burris, personal representative of the estate of George Weldon Burris, deceased, and Elizabeth Nunn Burris, individually, vs. Harvey Yates, Jr., and Cibola Energy Corporation, Action No. D-1314-CV-99-418.

Commissioner Gentry moved for a settlement agreement. Seconded by Commissioner Kirkham. Motion carried unanimously.

**10. County Manager's Report (Information Only)**

Mr. Zamora reported the NMAC Mid-Winter Conference January 15 & 16, 2008- Santa Fe

Mr. Zamora reported the water project is planned to finish at the end of the year. The plans to develop a region community.

Commissioner Pinkston announced that January 15<sup>th</sup>, 2008 is national cancer awareness and for everyone to show their support and to wear pink.

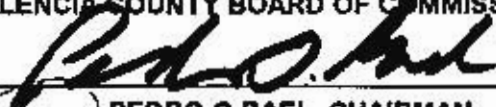
**11. The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on January 9, 2008 at 3:30 PM in the County Commission Room at the Valencia County Courthouse.**

**Adjournment**


Commissioner Medina moved to adjournment. Seconded by Commissioner Kirkham. Motion carried unanimously. Time 6:25 P.M.

**NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 02, 2008, Organizational and Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.**

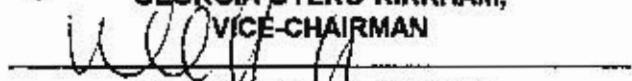
VALENCIA COUNTY BOARD OF COMMISSIONERS



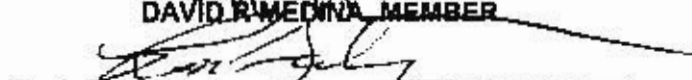
PEDRO G RAEI, CHAIRMAN



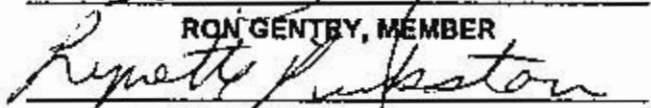
GEORGIA OTERO-KIRKHAM,  
VICE-CHAIRMAN



DAVID R. MEDINA, MEMBER

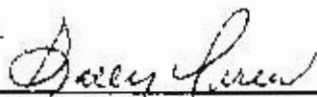


RON GENTRY, MEMBER



LYNETTE PINKSTON, MEMBER

ATTEST:



SALLY PEREA, COUNTY CLERK

2-6-08

DATE