

VALENCIA COUNTY BOARD OF COMMISSIONERS

Business Meeting

February 06, 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 5:00 P.M.

2. Chairman Rael led Pledge of Allegiance.

3. Approval of Agenda

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

4. Approval of Minutes – January 2, 2008-Organization & Business Meeting January 16, 2008 – Business Meeting

Commissioner Pinkston moved for approval of minutes of January 2, 2008 amending a change to the code enforcement position to indicate it as unclassified position. Seconded by Commissioner Gentry. Motion carried unanimously.

Chairman Rael asked for a motion for approval of the January 16, 2008 minutes. Commissioner Kirkham motioned. Commissioner Medina seconded. Motion carried unanimously.

5. Action Item:

a) Consideration of amendment of rule regarding "Public Comments Section" – Pedro Rael

Chairman Rael presented the commission with the above item. The change would read as follows- any comments attacking or disparaging any member of the public or any commissioner will be stopped immediately.

Commissioner Gentry expressed his concerns on violating individual rights on freedom of expression and he would also like to extend the time allotted for the public to speak from two minutes to five minutes.

Commissioner Pinkston also expressed her concerns and suggested a sign up sheet be made available for those individuals wanting to speak during public comments and have it available a half hour before the meeting.

Commissioner Kirkham didn't feel that anyone's right to speak was being violated. If need be, the public can come directly to the commission or their commissioner and it can be dealt with in a constructive manner.

Chairman Rael stated some people come in and think that they can imply, indirectly or by implication that there are things going on that are dishonest and illegal. These things are clearly slanderous. These are the only items that are intended to be stopped. The right is that of the parties that come before the commission. The public has a right to observe and make notes and record the procedures if they like, but not the right to speak. This is a courtesy on the part of this commission that has been historical and of course is going to continue. Nobody is going to cut off the tradition of permitting the public to speak. As a cautionary addition to the rule, everyone needs to know where the line is. We know what can be said about a fellow human being that is not appropriate and especially in a public meeting. Discussions are to be on a level headed basis. The length of time for the public to speak is not an issue.

Commissioner Medina's feeling is that the commission needs to seat back and study this a little more before we put it in as an action item. We have to take the good with the bad. I'd like to study this a little more to see if there is an alternative choice. I'm not ready to make a commitment on this at this time.

Chairman Rael motioned to table item (5a) until the commission has had a chance to study it further. Commissioner Kirkham seconded. Commissioner Pinkston voted yes, Commissioner Kirkham voted yes, Chairman Rael voted yes, Commissioner Gentry voted yes and Commissioner Medina voted yes. Motion carried unanimously.

6) PUBLIC COMMENTS – At the discretion of the Chair (For Information Only-limited to two minutes per person on subjects not on this published agenda)

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Frank Barr of Las Maravillas spoke on safety. He wanted to alert the commission that he is working on formulating a plan to possibly have a GPS system installed in ambulances and have GPS locations generated for each home owner residents and have it on file. Other communities have what you call 911 addresses. He has spoken to the fire chief about this. It will be up to the residents to make certain the emergency services have their addresses and are able to find them. He will follow up and returned to the commission at a later time with more information.

Rosemary Lebrecht a resident and one of the Director's of the Meadow Lake Residents Association shared her concerns with the Meadow Lake trash problem. The residents need some type of answer or resolution to this problem.

Commissioner Medina responded to Ms. Lebrecht's comments and said this seems to be a county wide problem. We need to look at setting up transfer stations throughout the county and this might help to resolve the trash problem.

Commissioner Pinkston also stated they have 16.44 acres donated at Meadow Lake and the funding for that will be for an Equestrian Park, with an outdoor arena. Hopefully this will help with the dumping that's going on in Meadow Lake.

Bill Lebrecht a resident and one of the Director's of the Meadow Lake Residents Association stated he preferred the five minutes for public comments and public comments need to be acceptable to a certain point. Also the garbage issue needs to be a county-wide effort. Commission Kirkham stated she agreed with Mr. Lebrecht. It's an issue the county been battling since the first day she became a commissioner. We need to work on this county wide.

John Clemmons Chairman of the Las Maravillas Home Owner's Association asked for a decision from the commission on whether they would approve to allow the public to speak on matters only dealing with the Agenda of the day at the end of the commission. The commission has expressed their desire to know what the public's opinion is and whether the commission is doing a good job. If the commission really wants feedback on what the public thinks then allow the public to have 2 to 5 minutes before the commission goes into their closed session. He feels by implementing this it would prevent the office from being flooded with forms from people that want to give a two minute discussion and this would take up less of the Agenda. He also asked for assistance from the commission in replacing signs in his area that have been riddled with bullet holes, graffiti and are faded.

Mike Woods stated his comments and concerns on violations of the Open Meeting Act. He feels that there are bribes, misuse of county funds and he would also like to know where we are at with the progress of the hospital.

Gary Hall from the Sheriff's Department informed the commission on problems they were having with their payroll since it was contracted to Triadic. They have some grants involved that may be affected. We need the support of the commission to possibly look at this and bring this payroll issue back in house.

Chairman Rael requested that Mr. Hall identify specifically what the problem is, put it in writing and submit it to staff.

7) Non-Action Items:

- a) Reports from Boards, commissions & Committees – County Commission

Commissioner Pinkston said she attended the fire chief meeting and they discussed looking at a grant for a priority dispatch system and what the cost would be. Chief Eaton also met with Senator Sanchez to discuss this issue.

Commissioner Kirkham responded to Mr. Woods's comments in order to clear up some of his concerns on the misuse of county funds.

Eric Zamora gave a brief update on the development on the waste water project and also informed the commission of an advisory committee being formed to review the development of this project.

8) ACTION ITEMS:

- a) **Resolution 2008-03, Finding Public Nuisance requiring Renovation or Removal by County, 21 Los Cercas, Los Lunas, NM; 26 Township, 0 07N range-02E, Map 72 Tr. 99A2, 66Ac. B-5-26 AKA Tr. B Land of Eloy Garley, Valencia County, NM – Anthony Savilla**
Commissioner Pinkston moved for approval. Seconded by Commission Kirkham. Motion carried unanimously. County Clerk, Sally Perea announced the Resolution 2008-03. **See Exhibit A.**

- b) **Consideration of Accepting Maintenance portion of Luscombe Lane from NM 314 to the east railroad boundary; Mid-Valley Air Park – Eric Zamora/David Hamann**
County Attorney Cynthia Wimberly recommended that approval would be contingent upon receiving some kind of legal document from Department of Transportation giving the County the permission to use that road.

Pamela Finley a resident of Mid-Valley Air Park said it was her understanding that all they needed to do was have a letter from the president of Mid-Valley Air Park relinquishing any and all agreements regarding this crossing.

b) Consideration of Accepting Maintenance portion of Luscombe Lane from NM 314 to the east railroad boundary; Mid-Valley Air Park – Eric Zamora/David Hamann
County Attorney Cynthia Wimberly recommended that approval would be contingent upon receiving some kind of legal document from Department of Transportation giving the County the permission to use that road.

Pamela Finley a resident of Mid-Valley Air Park said it was her understanding that all they needed to do was have a letter from the president of Mid-Valley Air Park relinquishing any and all agreements regarding this crossing.

After discussion Chairman Rael asked for a motion to accept maintenance for a portion of Luscombe Lane from NM 314 to the east railroad boundary. This would be conditional upon the attorney drafting an appropriate document so Department of Transportation can transfer maintenance rights to the Commission. Commissioner Gentry moved for approval. Commissioner Medina seconded. Motion carried unanimously. **See Exhibit B.**

c) Resolution 2008-04, Adopting a Hazard Mitigation Plan – Charles Eaton

Fire Chief Charles Eaton was requesting approval of a resolution to adopt a hazard mitigation plan. Commissioner Gentry moved for approval of adoption of the plan. Commissioner Medina seconded. Motion carried unanimously.
County Clerk, Sally Perea announced the Resolution 2008-04. **See Exhibit C**

d) Consideration of request to publish Solid Waste Ordinance – Eric Zamora

Eric Zamora requested approval to publish solid waste ordinance. By implementing the proposed ordinance, the county commission can authorize fees to be assessed to residential dwelling owners, which would create an enterprise fund to be used for the establishment of a formal solid waste program. Commissioner Gentry expressed his concerns in which the ordinance calls for implementing a \$5.00 fee only to owners of residential dwellings. He feels that anyone who generates trash should be charged the fee whether they are churches, businesses, government entities and not just residential. After discussion Commission Pinkston stated this is just a request to publish. This has to go through Public Hearings, at which that time the commission and the public learn about the program. Commissioner Pinkston moved for approval. Commissioner Kirkham seconded. Commissioner Pinkston voted yes, Commissioner Kirkham voted yes, Chairman Rael voted yes, Commissioner Gentry voted no and Commissioner Medina voted no. Motion carried 3-2 **See Exhibit D.**

e) Accept Findings of Fact & Conclusions of Law for Decisions: See Exhibits E-4

i) Decision to Approve Preliminary Plat for Verde Escondido (Jazz Builders/Las Villas del Rio LLC); a proposed type 3 subdivision consisting of 79 residential lots, containing 11.998 acres. A certain tract of land situated within projected Sec. 28, T5N, R2E, NMPM; within the Tome Grant, and comprising that parcel of land described in Warranty Deed to Elizabeth Gabaldon, Book 309, Page 7809 of the Office of the Valencia County Clerk, Valencia County, NM/Bruce Burman, Jazz Builders – County Commission
Commissioner Pinkston moved for approval. Commissioner Kirkham seconded. Motioned carried with Commissioner Gentry abstaining.

**ii) Decision to Approve Amendment to the Rio communities Master Plan to allow for phased development of a maximum of 1,300 single family homes, an 8,00 sq. ft. community center, 5 parks and a 2.7 acre neighborhood commercial tract; T5N, R2E, Sections 22 & 23, NMPM; Enchanted Mesa, Units 3,4,5; consisting of 241 acres; Zoned PD; Valencia County-
County Commission**

Commissioner Pinkston moved for approval. Commissioner Kirkham seconded. Motion carried unanimously.

iii) Decision to Approve Zone change from RR-2 to C-2 to allow for commercial usage of an existing warehouse on the subject property. T5N, R2E, Section 6, NMPM; Tract 28B, Lands of Premetivo Gabaldon: consisting of 3.1124 acres; Zoned RR-2; Map 96, Book 309, Page 7809 of the office of the Valencia County Clerk, Valencia County, NM/ Lorenzo Romero - County
Commissioner Medina moved for approval. Commissioner Gentry seconded. Motion carried unanimously.

iv) Decision to Approve Zone Change from RR-2 to RR-1 to allow for County approval of a court-ordered Claim of Exemption land split, T7N, R2E, Section 36, NMPM; Tracts 1, 3-D-2, 3B, 3C, 6, 5A, 5B; Lands of Estate of Lupita V. Jaramillo; consisting of 79.85 acres; Zoned RR-2; Map 77 Cabinets J & X, Pages 552 & 114 of the Office of the Valencia County clerk, Valencia County, NM/Lillian J. Otero, Fred P. Jaramillo – County Commission
Commission Kirkham moved for approval. Commissioner Medina seconded. Commissioner Pinkston and Commissioner Gentry voted no. Motion carried 3 -2.

v) Decision to Approve Amendment of Zone Map from Agricultural Preservation (AP to Lands of Trinidad Romero; Tracts A2, A3, and A4; MRGCD Map 85; containing 8.48 acres respectively; Zoned AP; filed respectively in Book 361, Pages 16,137,16,144 and 6466 of the

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office of the Valencia County Clerk; Valencia County, NM/Jonathan Trujillo -County Commission

Commissioner Kirkham moved for approval. Commissioner Pinkston seconded. Motion carried unanimously.

f) Consideration of form of Summary Review Subdivision Development Agreement for Privately Owned Improvements – Eric Zamora

Mr. Zamora presented the above for consideration and possible approval of Public Work's use of this form for summary review subdivisions. Commissioner Kirkham moved for approval. Commissioner Pinkston seconded. Commissioner Gentry expressed his concerns that if the commission passes this, is this going to open up the flood gates, will people say now is the time, I need to get in and plat all these five acre pieces, put them on record and wait four years, go in and ask for an extension for four more years. County Attorney Cynthia Wimberly responded by saying that legally they can file a plat and hold on to it for eight years. Chair called for the vote. Commissioner Pinkston voted yes, Commissioner Kirkham vote yes, Chairman Rael voted yes, Commissioner Gentry vote no and Commissioner Medina voted yes. Motion carried 4-1. See Exhibit J.

g) Creation of Loss Prevention Specialist position – Eric Zamora

Commissioner Pinkston moved for approval. Commissioner Kirkham seconded. Motion carried unanimously. See Exhibit K.

h) Creation of Juvenile Justice Administrator position- Eric Zamora

Commissioner Pinkston moved for approval. Commissioner Medina seconded. Commissioner Pinkston voted yes, Commissioner Kirkham abstained because Jerry Otero is her brother. Chairman Rael voted yes, Commissioner Gentry voted yes and Commissioner Medina voted yes. Motion carried 4-1 abstention.

i) Re-discussion of Creation of Assistant County Manager position; take action on creation of position of Assistant County Manager – Pedro Rael

Commissioner Gentry moved to postpone taking action until July, which is the County's next fiscal budget. Commissioner Pinkston seconded. Motion carried unanimously.

j) Financial Matters:

i) Consider approval of contract between Mid-West New Mexico Community Action Program and Valencia County, Administrative Services Department, Older American's Program –Vangie Gabaldon.

Commissioner Gentry moved for approval. Commissioner Pinkston seconded. Motion carried unanimously. See Exhibit L.

ii) Resolution 2008-05 - Budget Increases; Sheriff's Department Purchase 2(two) vehicles/CYF/Juvenile Justice Continuum Program-Grant - Wilma Abril.

Ms. Abril was seeking approval for a \$40,000.00 intra budget transfer for the Sheriff's Department to purchase two vehicles. Commissioner Kirkham moved for approval. Commissioner Pinkston seconded. Motion carried unanimously.

Sally Perea, County Clerk announced the Resolution 2008-05. See Exhibit M.

iii) Resolution 2008-06, Intra Budget Transfer Juvenile Detention – Wilma Abril

Commissioner Pinkston moved for approval of the intra budget transfer juvenile detention. Commissioner Kirkham seconded. Motion carried unanimously.

Sally Perea, County Clerk announced the Resolution 2008-06. See Exhibit N.

iv) Resolution 2008-07, Loss Prevention Specialist Budget –Wilma Abril

Commissioner Kirkham moved for approval. Commissioner Pinkston seconded. Motion carried unanimously. Sally Perea, County Clerk announced the Resolution 2008-07. See Exhibit O.

v) Resolution 2008-, Assistant County Manager Budget – Wilma Abril

Commissioner Gentry moved to table until a decision can be made in July. Commissioner Medina seconded. Motioned carried.

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

Ms. Abril presented the Computer printout list of all checks issued by the Manager's Office on January 24, 2008 and February 1, 2008 covering vendor bills processed on those dates. Check #92845 thru Check #92848 and Check #92883 thru Check #93035 inclusive for the total of \$1,601,341.11.

Commissioner Gentry moved for approval. Commissioner Medina seconded. Motion carried unanimously. See Exhibit P.

9) 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 Kirkham moved to go back into Regular Session. Seconded by Commissioner Pinkston. Motion carried unanimously.

Ms. Wimberly reported the matters discussed in Executive Session were the Berben Road litigation, the Cypress litigation, five item litigation, law enforcement claim, one road claim and one personnel claim. No final action was taken.

Chairman Rael asked for a motioned on the matters that were discussed in closed session as summarized by the County Attorney.

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.

10) Action on Executive Session

Appointment of Temporary Assistant County Manager – Pedro Rael
Previously tabled.

11) County Manager's Report (Information Only)

None

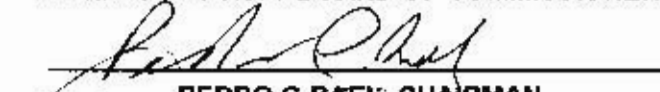
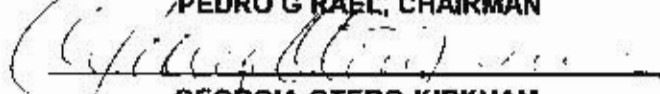
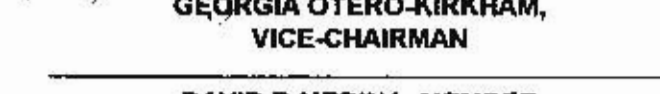
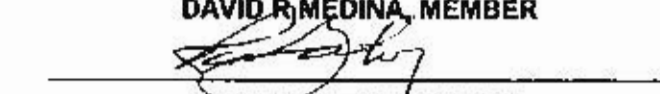
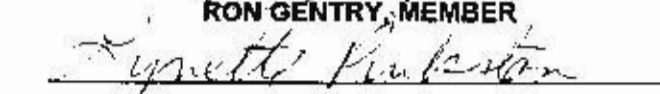
11. The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on February 13, 2008 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

12) Adjournment

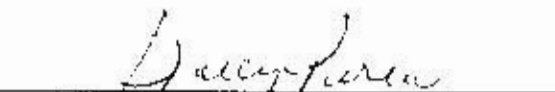
Commissioner Medina moved to adjourn. Seconded by Commissioner Kirkham. Motion carried.
8:02 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 06, 2008, 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

2-20-08
DATE