

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

April 16, 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	
Randolph Collins /Lesley Herbs--attorneys for tonight's Regular Business Meeting	
	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 the Pledge of Allegiance.

Chairman Rael introduced Deputy District Attorney Randolph Collins and Assistant District Attorney Leslie Herbst, attorneys with the 13th Judicial District from Cibola County to represent the county at tonight's meeting. Chairman Rael asked the attorneys to give a brief introduction of their profession.

3. Approval of Agenda

Commissioner Medina moved for approval to table item 7i until the next regular business meeting May 7, 2008. Seconded by Commissioner Kirkham. Motion carried unanimously

4. Approval of Minutes – April 2, 2008 Regular Business Meeting
April 9, 2008 Public Hearing Meeting

Commissioner Medina moved for approval for the April 2, 2008 Regular Business Meeting minutes and requested the April 9, 2008 Public Hearing Meeting minutes be approved at the next business meeting May 7, 2008. Commissioner Pinkston seconded. Motion carried unanimously.

5. Public Requests – At the discretion of the Chair.

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

Frank Barr gave his appreciation to the firefighters who are working hard on the Trigo Canyon and Capilla Peak fires in Torreon, New Mexico.

Jim Lane requested that the front doors be open during the meetings for those who choose to take breaks and can return into the building.

Rosemary Lebrecht a member of Meadow Lake Association stated that Valencia County is about twenty-five years behind the times. She shared her concerns that the county needs to hire more deputies for the Sheriffs department especially for the outskirts of Los Lunas.

James Maag President of San Clemente Association was concerned that a truck terminal coming before the board in the near future. He stated that the truck terminal would like to establish their place of business in a residential area and this would stop growth on the west side.

6. Non-Action Items:

a) Reports from the Directors - Directors

Cindy Sluder coordinator of Tierra Bonita Association, presented awards to board members of Tierra Bonita, an organization since 1989 that helps Valencia County with solid waste issues. The board members who were recognized for "Thinking Out of the Box" were Christine Corbique, Ms. Robin, Stephanie Williams and Chris O'Conner who was not present.

Minutes of April 16, 2008 Regular Business Meeting

b) Reports from Boards, Commissions & Communities

Commissioner Pinkston stated she had attended a NMAC (New Mexico Association of Counties) Board of Directors' meeting on April 4, 2008. She said many great things came out of the meeting including an upcoming conference in June. She also confirmed that Michael Anaya, President of the association asked that all county employees be trained and certified in CPR (Cardio Pulmonary Resuscitation). The commissioner has met with Charles Eaton on this matter. She also is attending the EMS (Emergency Medical Service) Board meeting. Living Cross who provides EMS (Emergency Medical Services) for Valencia County addressed a few issues. Commissioner Pinkston addressed the issues that were discussed and the main topics of interest were to increase volunteers, and the wait time at the hospitals when transferring patients. The average waiting time is 20 to 45 minutes. Commissioner Pinkston addressed her concerns on the waiting period.

Chairman Rael had requested a meeting with the Mid-Region Council of Governments, County Manager and the Chairman of the Mid-Valley Property Owners Association. The purpose of the meeting was to determine whether to put a second set of crossing guards on the south entrance of the Mid-Valley Air Park. He said Representative Elias Barela had assisted the county in receiving \$114,000.00 to place railroad crossing guards on the north entrance of the Mid-Valley Air Park. Chairman Rael also affirmed that the Legislators agreed to provide matching labor. The equipment that will be installed on the south entrance which is known as the Lane entrance will have a cross buck with warning bells and flashing lights. At this point there is not enough funding for the half barriers. Chair believes the equipment that will be used on the Lane entrance would more likely be consolidated from railroad crossings that are being closed in this county. Discussion followed.

7. Action Items

Board of Commissioner 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/Appeal – Barbra Baker

Barbra Baker presented the Indigent Claims from March 6, 2008 to April 3, 2008. The amount of claims submitted is \$584,392.15. Ms. Baker requested the commission approve \$44,761.60 and to deny \$539,630.55. There were 70 claims submitted.

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

Barbra Baker presented an indigent appeal for Betty Watson. Ms. Baker recommended approval of the balance of \$550.00 for Presbyterian Hospital. If approved Presbyterian Hospital would be paid \$423.50. Commissioner Pinkston moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

Board Re-Convenes as Board of County Commissioners

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

b) Consideration of Health Care facility Contract with Valencia health Commons – County Commission

Chairman Rael asked Dwayne Brown, attorney from the Modrall Sperling Law Firm, if he was going to give legal advice on the substance of the contract and how this would effect litigation. As clients here today, will this violate the attorney/client privilege?

Mr. Brown said his plan is not to give advice with respect to the substance of the contract in so far as relation of the litigation. He plans to give advice as to the form of the motion and also give the board a historical statement of how the commission got here. He said the type of motion we are asking the commission to approve today, is so we don't violate the court order that is pending. Mr. Brown went through the statement of what was requested of the commission and the request is not to sign the contract today.

Mr. Brown gave history of the Valencia Health Commons. They are moving forward to come up with the financing for a hospital. The Corporation has discussed with the Commission, the County Manager and former County Attorney Cynthia Wimberly a contract that would serve to transfer the Mill Levy proceeds to the Valencia Health Commons. The funds will be used to maintain and operate the hospital. Mr. Brown stated that pending litigation is court ordered and is public record. He also said the request before the commission is to approve the form of this contract, subject to approval by Judge

Minutes of April 16, 2008 Regular Business Meeting

Olguin, and subject to having this hearing on these merits. He said the contracts were prepared and presented to the commission in their packages for that purpose.

Chairman Rael asked Attorney Collins if this would violate the Open Meetings Act. He stated what is inclusive of what is on the agenda differs, on some degree, from the action that Mr. Brown is requesting. He said the agenda states it is "consideration" of the Health Care facility. That is okay for the board to consider.

Chairman Rael asked Mr. Brown if by approving the contract, but not signing it, and with the approval of Judge Olguin, the commission would then sign the contract? Mr. Brown stated that is correct.

Commissioner Gentry stated this contract is a structure of how it develops a hospital and present this to the court for review. He said he believes that the court is asking that the commission not enter into a contract without the court looking into this draft contract first. Commissioner stated this contract that is presented to the commission is in proper format on how the commission would proceed and see if the contract will meet the court statutes and also give the commission direction on this matter. He stated he would like to move forward on this matter. The court hearing is in two weeks and would like to show the court the contract form and the commission's intention on how the money is being spent on the hospital.

Commissioner Kirkham stated she is for the hospital and shared her concerns and said she has been told by a reliable source that depending on Judge Olguin's decision, there would be an appeal in one form or another. There's another lawsuit, she said. The fighting and bickering and all the lawsuits needs to stop and everyone needs to get on board and go into a positive direction with the hospital.

Commissioner Gentry moved to approve the form of the proposed contract with Valencia Health Commons subject to approval by Judge Olguin. Seconded by Commissioner Pinkston. Roll call vote. 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) Ordinance 2008-02 Requiring the Possession of a Tax Certificate prior to movement of Mobile Homes within Valencia County; providing for Penalties and Enforcement – Eugene Pickett

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

Deputy Clerk Theresa Sanchez announced Ordinance 2008-02.

d) Resolution 2008-14 Finding Public Nuisance requiring renovation or removal by County; 101 Comanche Lane, Los Lunas, NM; Lot 3 of Meadow Lake, Unit 2 a subdivision in Valencia County, New Mexico as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Valencia County, NM August 17, 1976 – Anthony Savilla

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

Deputy Clerk Theresa Sanchez announced Resolution 2008-14.

e) Resolution 2008-15 Finding Public Nuisance requiring revocation or removal by County; 1812 Joleen Dr. Los Lunas, NM; Lot 25 of El Monte Estates a subdivision in Valencia County, NM as the same is shown and designated on the Plat thereof, filed in the Office of the County Clerk of Valencia County, NM April 2, 1973 – Anthony Savilla

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

Deputy Clerk Theresa Sanchez announced Resolution 2008-15.

f) Resolution 2008-__ Establishing an Open Meetings Policy and determining the meeting dates for the Board of County Commissioners and their Boards, Commissions or Committees (supersedes Resolution 2008-01)

Commissioner Medina moved to table the above item. Seconded by Chairman Rael. Motion carried 4-1. Commissioner Gentry abstained.

Minutes of April 16, 2008 Regular Business Meeting

g) Permission for all Fire District to apply for the new fiscal year's State Fire Fund – Ruben Chavez/Charles Eaton

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

h) Permission to seek alternative financing for apparatus for Highland Meadows -Ruben Chavez/Charles Eaton

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

i) Consideration of Joint Powers Agreement between Town of Peralta for Fire Administrative Services – Ruben Chavez/ Joe Romero

Tabled until May 7, 2008 Regular Business Meeting.

j) Final Action on Public Hearing Held; April 9, 2008

a. Amendment to the Zone Map from RR-2 to RR-1 to allow for the subdivision of the subject property into three (3) 1-acre parcels; section 16, T6N, R3E,NMPM; Tract 3, Land of the Estate of Inez Berlier containing 3.03 acres; zoned RR-2 filed in Book 303, Page 6110 of the Office of the Valencia County Clerk; Valencia County, NM/Charles Apodaca – County Commission

Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried 4-1. Commissioner Kirkham voted no.

k) Consideration of Memorandum of Understanding between the Village of Los Lunas; "Fred Lunas Senior Center Expansion" – Vangie Gabaldon

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

l) Consideration of Memorandum of Understanding between the City of Belen; Belen Senior Center Expansion: - Vangie Gabaldon

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

m) Consideration of Architectural Services to develop a Master Plan and design renovation of the Tome/Adelino Fire Station – Vangie Gabaldon

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

n) Financial Matters:

a. Consideration of Department of Homeland Security and Emergency Management Sub-Grant agreement amendment – Eric Zamora

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

b. Consideration of Annual Financial Report for the Year Ended June 30, 2007 Wilma Abril

Chairman Rael moved to table this item until appropriate corrections of the Annual Financial Report are made. Seconded by Commissioner Gentry. Motion carried unanimously.

c) Convenes as Board of Finance set Policy for Reserve Funds – County Commission

Commissioner Gentry moved to go into the Board of Finance. Seconded by Commissioner Kirkham. Motion carried unanimously.

Commissioner Gentry explained that the Commission Board is the Board of Finance. He said that in the past the county commission has not taken the initiative to act as the Board of Finance and suggested he would like to set up a financial policy to designate a different bank that has no other county accounts within the same institution for a reserve account. He also recommended if funds needed to be withdrawn from the reserve fund it would require two signatures.

Chairman Rael agrees with Commissioner Gentry's idea and would like to go further and hire a budget analyst to serve as liaison between the commission and the treasurers department and invite them when the commission meets as the Board of Finance. This would keep communications open.

Commissioner Medina stated this would help Eric Zamora considerably when the commission asks about funding for projects. He approves the idea of opening a separate reserve account and hiring a budget analyst.

Commissioner Kirkham agrees that it would be a great idea to hire a budget analyst but does the county have the money to hire another person? She suggested considering contracting a budget analyst. She also asked if the reserve account would be opened at a local bank.

Commissioner Gentry moved to re-convene as the board of commission. Seconded by Commissioner Medina. Motion carried unanimously.

iv) Consideration of Approval; Payroll/Warrants – Willima Abril

Ms. Abril presented the attached computer printout lists of all checks issued by the Manager's Office on 04/11/2008 covering payroll. Direct Deposit Check #6066 thru direct deposit check #6221 inclusive. Deduction Check #93806 thru deduction check #93841 inclusive. Payroll Check# 81645 thru payroll check #81742 inclusive. Payroll Check #81645 thru payroll check #81742 inclusive. Listing total \$337,534.87.

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

Ms. Abril presented the attached computer printout lists all the checks issued by the Manager's Office on April 10, 2008 covering vendor bills. Check #93801 thru Check #93919 inclusive for the total of \$106,882.86.

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

Randolph Collins reported the matters discussed in Executive Session were; the appeal of assistance and nuisance lawsuit, two personnel matters and law prevention specialist and a budget analyst and no final action was taken.

Chairman Rael asked for a motion on the matters that were discussed in closed session as summarized by Attorney Randall Collins. 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 (Information Only)

County Manager Eric Zamora reported that Wilma and he continue to work on the budget. A special budget meeting will be held on April 23, 2008 at 5:00 P.M. in Judge Otero's old courtroom in the Courthouse.

10. The next Regular Meeting of the Valencia County Board of County Commission will be held on May 07, 2008 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.


11. Adjournment

Commissioner Kirkham moved to adjourn. Seconded by Commissioner Pinkston. Motion carried unanimously. Time 8:34 P.M.

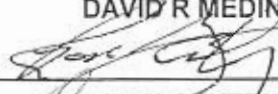
NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, April 16, 2008, Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

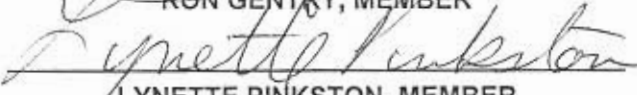
VALENCIA COUNTY BOARD OF COMMISSIONERS


PEDRO G RAEI, CHAIRMAN

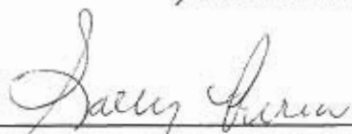

GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN


DAVID R MEDINA, MEMBER


RON GENTRY, MEMBER


LYNETTE PINKSTON, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

5-7-08
DATE