

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

May 7, 2008

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chair	
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.

3. Approval of Agenda

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

4. Approval of Minutes – April 9, 2008 Public Hearing

April 16, 2008 Regular Business Meeting

Commissioner Medina moved for approval of the April 9, 2008 Public Hearing Meeting. Seconded by Commissioner Kirkham. Motion carried unanimously. Commissioner Kirkham moved for the approval for the April 16, 2008 Regular Business Meeting. Seconded by Commissioner Pinkston. 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.)

Rosemary Lebrecht a member of Meadow Lake Association shared her frustration with the mobile home ordinance, and the lack of concerns from the code enforcement department. Ms. Lebrecht shared an incident with the board concerning a mobile home moving into the area with only a permit. A call to the code enforcement officer was that the owner needed to come in for an application and no other course of action was pursued.

Bill Lebrecht a member of Meadow Lake Association also had concerns on the recently placed mobile home ordinance not being enforced.

Mike Woods had offensive opinions of the Commissioners and their dispositions. Chairman Rael stated this behavior would not be tolerated and requested Mr. Woods be escorted out of the commission meeting.

6. Non-Action Items:

a) Certificate of Award for Academic Achievement; Victor Nevarez – County Commission

Chairman Rael recognized Belen senior Victor Nevarez on his dedication, hard work and achievements. He was awarded a certificate for academic achievements. His accomplishments consist of Calculus, Physics, Psychology Governments, Chemistry and English all at the AP level. He has participated in the underclass work organizations which include MESA, Mathematical Engineering and Sciences. Mr. Nevarez is involved with the Honor Roll Society, Stater's Club, Chemistry Olympics, Chemistry Olympiad, Science World Competition and is also Senior Class Treasurer. He is the team captain of the academic decathlon team, has participated in Boy's State in 2007 and received the Martin Luther King scholarship. He has been awarded the Stars Scholar Award, has been recognized by the "Whose Who" among high school students and he plans to get a head start at MIT. He will major in mechanical engineering with a minor in astrophysicist. He has gone beyond his high school education and attended UNM, enrolled in Calculus III and received an A plus. Chairman Rael presented Mr. Nevarez with a Certificate of Award for Academic Achievements signed by all the Commissions.

b) Presentation of Los Lunas Station Area Plan "Mid-Region Council of Governments" – Tony Sylvester

Mr. Sylvester special project manager for the Mid-Region Council gave a presentation of the Transit-Oriented Development. He said the rail runner station project can have economical opportunities and attract tourists that wish to visit Los Lunas. He also stated he has been working with Village of Los Lunas for the past year on land use and residential use approximately a quarter of a half mile encircled of the rail runner station

c) Rio Grande Estates Fire Department State Fire funds Operation Account – County Commission

Commissioner Gentry had requested the above item be placed on the agenda to address the issues of safety items for the Rio Grande Estates Fire Department. He said purchase requests had been denied for equipment and supplies that are necessities.

Fire Chief Ruben Baca introduced his volunteer staff Assistant Chief Jason Gonzales, Lieutenant Steven Gonzales and Captain Baca. Chief Baca requested direction and the support from the commission board on this matter. He said he was not informed of the purpose for stopping purchase orders two months before the end of the fiscal year. He said the purchase request placed March 31, 2008 was to transfer funds from their reserve fund into the operating fund and was told by Chief Eaton that there were problems with the purchase request forms. Chief Eaton explained that there were multiple purchases requisitions from one vendor and they needed to be consolidated onto a single purchase requisition and needs to be under \$20,000.00 as per the Purchasing Department. Chief Baca stated he complied with the request and resubmitted the purchase orders as directed and is waiting for final approval.

Rebecca Nevarez explained the purchase request process and the discrepancy of the Rio Grande Estates Fire Department purchasing request. She stated that Chief Baca had submitted several purchase orders with one vendor per item line. Ms. Nevarez clarified that according to New Mexico state statute purchasing rules, it is illegal to turn in multiple purchase orders each with same the vendor.

Commissioner Kirkham asked Ms. Nevarez, if this was considered an emergency purchase. Ms. Nevarez said if processed as an emergency purchase order and they show proof that the department does not have any bunker gear, it can be deemed as an emergency purchase.

Chief Eaton agrees the need for the equipment is a necessity and a safety requirement.

County Manager Eric Zamora clarified the reason for closing down purchase orders two months before the fiscal year is because they need to refine how much money is needed to work with by the end of the budget year. If there are any unprocessed or unexpended purchase orders from the previous fiscal year, those would be automatically deducted from the new fiscal year budget. Mr. Zamora stated that everyone on the commission and county staff has agreed that emergency purchase requests will be accommodated and will assist with the Rio Grande Estates Fire Department with any information needed and as accurately as possible.

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

Commissioner Pinkston reported that she attended the American Heart Association on May 1st, 2008 with the board of directors and is now certified in CPR. She will give copies to her fellow commissioners and county staff with information on how to become certified in CPR.

7. Action Items:

a) Consideration of AYP Proclamation for "Tome Elementary School" & Ann Parish Elementary School" – Frank Otero/ Maria Mares

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

b) Consideration of Proclamation for "Older American Month May 2008" – Jose Compos

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

c) Consideration of Letter to serve as fiscal agent for project "Capital Outlay-RFP#7142, State funded Pre-Kindergarten Program at the Adelino Child Development Center (Deadline: April 24, 2008) – County Commission/ Bill Silva

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

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- d) **Consideration of Letter of Support to New Mexico Mortgage Finance Authority for Habitat for Humanity in effort along with funding assistance form NMMFA (Deadline: April 24, 2008) – Eric Zamora**

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

- e) **Consideration of Annual Budget request and a 5-7 minute overview on programming for Valencia County in regards to Home Economics, Agriculture and 4-H Youth – Ann-Marie Wilson**

Chairman Rael stated that the action for this item is to be tabled and it be combined with the final county budget.

- f) **Consideration to publish Valencia County Building Code Ordinance 2008-___, Adopting plan Review and Building permitting fee schedule authority, and adopting the Code Editions – Ruben Chavez**

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

- g) **Consideration of accepting of maintenance (approx.150') off Roadway South Elaine Drive entrance of to Mid-Valley Air Park – Pedro Rael/ David Hamann**

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

- h) **Consideration of Mutual Assistance Agreement between Central New Mexico Correctional Facility and Valencia County Detention Center – Derek Williams**

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

- i) **Consideration of University of NM-Valencia Campus Agreement to provide American Heart Association Training for Valencia County Emergency Services – Charles Eaton**

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

- j) **Consideration of Lease Addendum between TNT Investment LLC, District Attorney 13th Judicial District as "Lessee"- Eric Zamora**

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

- k) **Financial Matters:**

- i) **Consideration of Award RFP #172-B "Cleaning Services for Judicial Courthouse" – Eric Zamora**

Commissioner Pinkston moved for approval of awarding the contract to SMI for discussion only. Seconded by Chairman Rael.

Ms. Neveraz explained the process of interviewing all bidders and what concluded as the final outcome of their recommendation. She said bidders were interviewed on their capability to clean and manage the size of the Judicial Courthouse by the quantity of workers provided and years of experience.

After deliberating and withdrawing the first motion, Commissioner Gentry made a motion to table it to be discussed in executive session. Chair Rael seconded. Commissioner Pinkston voted no. Commissioner Kirkham voted yes. Chair Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 4-1.

- ii) **Consideration of Annual Financial Report for the Year Ended June 30, 2007 (Record left-open: April 16, 2008) – Wilma Abril**

Chairman Rael made a motion to approve the submitted document to the auditor as a requested change to the auditors findings, which reflects the actual facts of what occurred as stated in that document. Seconded by Commissioner Kirkham. Motion carried unanimously.

- iii) **Resolution 2008-16, Establishing a Separate Reserve Fund – County Commission**

Commissioner Gentry moved to establish a separate reserve fund for the 3/12 reserve required by statute. Seconded by Commissioner Pinkston. Chair Rael asked to include Section 6-10-8 to the already referenced statute, as he believed that this statute empowers the County Board of Finance to approve and designate banking institution and deposits.

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Commissioner Gentry requested that a fourth "whereas" be added in which, if the County Commission acting as the Board of Finance sees the need to transact that fund, it would require joint signatures from the County Treasurer and the Chairman of the County Commission with the approval of the Board of Finance before any funds are transferred.

Commissioner Gentry amended his motion to reflect the changes. Seconded by Commissioner Pinkston. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2008-16.

iv) Resolution 2008-17, Budget Transfer of Revenue/ Create New Fund/ Replenish General Fund – Wilma Abril

Wilma Abril presented the above item. Commissioner Gentry asked to amend the resolution to include the transfer from the fire fund into the operating fund for the Rio Grande Estates Fire Department. Chairman Rael asked for a motion to make an amendment to the resolution to authorize staff to transfer from the fire cash fund the sums of \$20,000.00, \$13,528.01 and \$2,486.57 into the operating fund for the Rio Grande Estates Fire Department for the purpose of making purchases that meet the requirements that are set out by law.

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

County Clerk Sally Perea announced Resolution 2008-17.

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

Ms. Abril presented the attached computer printout lists all the checks issued by the Managers Office on 04/25/08 covering payroll process. Direct deposit Check #6222 thru direct deposit check \$6379 inclusive. Deduction checks #93920 thru deduction check #93956 inclusive. Payroll checks #81743 thru payroll check #81840 inclusive. Listing total \$337,043.25.

Ms. Abril presented the attached computer printout lists of all checks issued by the Managers Office on April 24, 2008 covering vendor bills processed. Check # 93957 thru Check #93980 inclusive for the total of \$544,111.95.

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

B. Executive Session- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; Legal Services; Discussion PERA Retirees b. pending or threatened litigation, 2006/2007 Elected Official raise and c. other specific limited topics that are allowed or authorized under the stated statute.

Chairman Rael asked for a motion to go into executive session for the stated reasons, and to hold back on the legal services as advised by legal council.

Commissioner Kirkham moved to go into executive session. 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 5-0.

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

Attorney Randolph Collins reported the matters discussed in Executive Session were; discussion of PERA retirees, pending or threatened litigation, 2006/2007 elected officials raises 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 Randolph 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. Action On Executive Session Items(s)

a) Consideration of Legal Services

On the advice of legal council, Chairman Rael asked for a motion to move item (9a) to the next meeting to be discussed openly. Commissioner Kirkham made the motion.

Chair Rael suggested calling for a special meeting just for that purpose. one group applying for full time employment in-house, two contract applicants, and someone from the District Attorney's office. It was a consensus of the Commissioners to have a special meeting within the following week.

b) Consideration of approval of settling Public Official Salary Lawsuit

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Chairman Rael moved for approval for settling the above item as outlined to the Commission Board in closed session by legal council. Seconded by Commissioner Kirkham. Motion carried 4-1 with Commissioner Gentry voting no.

10. County Manager's Report (Information Only)

a) Bureau of Election-Early Voting Primary – May 17-31, 2008; using Commission Room (Los Lunas School Board Room)

County Manager Eric Zamora announced that the next business meeting would be held at the Los Lunas School Board Room, the reason being, the commission room would be used for early voting.

Mr. Zamora reported that training on loss prevention issues would begin on Monday May 12, 2008. Final forms for employee evaluations is nearly finished and the goal is to be completed by the second week of June 2008 with employee evaluations. He said he is looking at the current budget and will be seeking donations for labor and materials for Otero Park and Bosque Park, then they will begin their improvements.

County Manager Eric Zamora asked what the boards' decision was for the cleaning services and if this item is to be discussed at the next Regular Business Meeting. Chair Rael said it had been left open for reconsideration.

Commissioner Medina moved to approve and award the contract to Fresh Start Janitorial who was the low bidder. Seconded by Commissioner Gentry. Motion carried 4-1 with Commissioner Pinkston voting no.

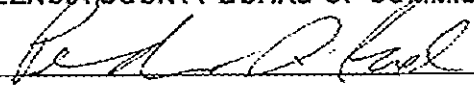
11. The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on May 14, 2008 at 5:00 PM in the County Commission Room at the Valencia County Courthouse. The next Regular Business Meeting will be held on May 21, 2008 at 5:00PM in the Los Lunas School Board Room.

12. Adjournment

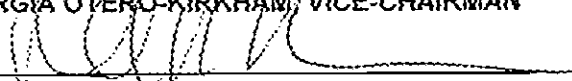
Commissioner Medina moved to adjourn. Seconded by Commissioner Gentry. Motion carried unanimously. Time 9:50 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, May 7, 2008, Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

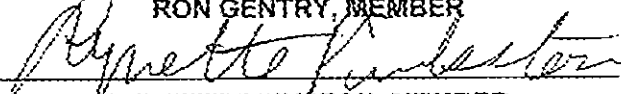
VALENCIA-COUNTY BOARD OF COMMISSIONERS


PEDRO G RAEI, CHAIRMAN

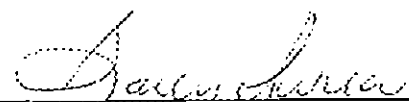

GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN


DAVID R MEDINA, MEMBER


RON GENTRY, MEMBER


LYNETTE PINKSTON, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

6.4.08
DATE