

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

June 04, 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	
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 Medina moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

4. Approval of Minutes – May 7, 2008 - Regular Business Meeting

May 14, 2008 – Public Hearing Meeting

May 21, 2008 – Regular Business Meeting

Commissioner Kirkham moved for the approval for the May 7, 2008 Regular Business Meeting. Seconded by Commissioner Pinkston. Motion carried unanimously.

Commissioner Medina moved for the approval for May 14, 2008 Public Hearing Meeting. Seconded by Commissioner Kirkham. Motion carried unanimously.

Commissioner Kirkham moved for the approval of May 21, 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.)

Torres Leyba director of Meadow Lake Association read a proclamation honoring firefighters. Mr. Leyba gave his appreciation to the firefighters for their courageous sacrifices and dedication to the public.

Rosemary Lebrecht resident of Meadow Lake gave her appreciation to the Sheriff's Department for their quick response on an imperative situation.

Ruben Chavez introduced Susan Ledoux technician from Animal Control. Invitations were handed out for the grand opening on phase one of the Animal Control facility on Saturday June 14, 2008. Time 11:00 A.M – 1:00 P.M.

6. Non-Action Items:

a) Presentation of Appreciation to County Commission (Meadow Lake Fire Department) – Casey Davis

Mr. Davis Chief of Meadow Lake Fire Department expressed his gratitude to the Commissioners and presented each with an appreciation plaque for their support.

b) Reports from Directors – Directors

Jack Smith Loss Prevention Specialist gave a background summary of his work experience. He said his job with the county is to lower the accident rates and save money on insurance. Mr. Smith said he is currently working on a Loss Prevention Risk Control Manual and will be presenting the manual to the Commission for final approval. He has also written a Fleet Safety Program for the employees who drive for the county. Mr. Smith stated that CPR, First Aid classes and defensive driving class are to begin for Valencia County employees.

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

Commissioner Pinkston reported that the summer conference would be held on June 18-20 2008 in Las Cruces, New Mexico.

Chairman Rael said he had received an order from Judge Camille Olguin that appeared to be a final order regarding the hospital. Chairman Rael said the question and the purpose for the order is to see if the county could contract and to hold the mill levy. He said the judge ruled that the Commission has the authority to proceed. Within an hour after receiving the fax he had received a copy of notice of an appeal to the Court Appeals.

Commissioner Gentry asked if they could get a copy of the appeal and Chair Rael said yes. Commissioner Medina asked if the County Manager and Attorney Collins knew about the appeal. Mr. Collins said, he was told informally that something would be sent from Judge Olguin.

7. Action Items:

Board of County Commissioners Convenes as Canvassing Board to

a) Begin to Canvass the 2008 Primary Election – Peggy Carabajal

Commissioner Kirkham moved to convene as the Canvassing Board. Seconded by Commissioner Medina. Motion carried unanimously.

Director of Elections, Peggy Carabajal requested that the Board of Commissioner give her the direction to start the 2008 Primary Election canvass. Commissioner Gentry moved to authorize the Director of Elections to go forward with the canvass. Seconded by Commissioner Pinkston. Motion carried unanimously.

Board Re-Convenes as Board of County Commission

Commissioner Kirkham moved to Re-Convene as the Board of County Commission. Seconded by Commissioner Pinkston. Motion carried unanimously.

b) Consideration of Mutual Assistance Agreement between Central New Mexico Correctional Facility and Valencia County Sheriff's Department – Rene Rivera (See Exhibit A)

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

c) Resolution 2008-21, Finding Public Nuisance requiring renovation or removal by County; 5 De Nada Rd., Los Lunas, NM; Lot 16-B as shown and designated on a replat of Lot 16, El Cerro Mission Estates, Unit 1, said replat filed in the Office of the County Clerk of Valencia County, NM on December 20, 1978 – Anthony Savilla

Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. (See Exhibit B)

County Clerk Sally Perea announced Resolution 2008-21.

d) Resolution 2008-22, Finding Public Nuisance requiring renovation or removal by County; Lots 1,2 & 3 El Sueno De Maez, Los Lunas, NM; A certain Tract of land situation within projected Section 30, Township 7 North, Range 3 East, NM principal meridian, Valencia County, NM; comprising a portion of Tract C, as such tract C is shown and designated on the plat showing Lands of Polo Maez, filed in the Office of the Valencia County Clerk on January 8, 1970, and comprising a portion of an unnumbered Tract East of the Chical Lateral, Map #71 of the surveys of the Middle Rio Grande Conservancy District – Anthony Savilla

Commissioner Pinkston moved for approval. Seconded by Chairman Rael. Motion carried unanimously. (See Exhibit C)

County Clerk Sally Perea announced Resolution 2008-22.

e) Financial Matters:

i) Consideration of Litter Control & Beautification Grant Agreement – Eric Zamora

Commissioner Gentry moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. (See Exhibit D)

ii) Consideration of 2009 Newly Elected Official Salary – County Commission

Commissioner Gentry presented the above item and said this would apply to the newly elected 2009 officials. He made a motion for approval. He said this would be at state authorized level. Chairman Rael asked what the state authorized levels were and what the dollar amount was.

Commissioner Gentry said that is the level that the state sets for all elected officials for the next four years and asked Wilma Abril for the dollar amounts.

Wilma Abril stated State Statue 4-44-4.1 Class B Counties of annual salaries for elected officers. Ms. Abril read the state levels for the elected officials. The County Commission - \$22,832.00, Treasurer - \$57,265.00, Assessor - \$57,265.00, Sheriff - \$59,699.00, County Clerk - \$57,265.00 and the Probate Judge- \$20,024.00

Chairman Rael asked Ms. Abril if those were the maximum amounts and who does this affect. Ms. Abril said yes, and this would affect those who are re-elected.

Commissioner Medina said that all the elected officials deserve a raise for the dedication and endless hours of work. He said he is in favor of the increase of what the state allows and this would be fair to everyone. He seconded the motion. Motion carried unanimously.

(See Exhibit E)

iii) Consideration of raises for Animal Control & Code Enforcement – County Commission

Commissioner Kirkham and County Manager Eric Zamora presented the above item.

Commissioner Kirkham moved for approval to increase the salaries as shown on the spreadsheet that was given by Wilma Abril. Seconded by Commissioner Gentry.

Commissioner Medina asked if the fifty cent raises that was approved for all county employees are added on to the two dollar raise that is proposed for the Animal Control and Code Enforcement employees. County Manager said the fifty cents is combined within the two dollar raise. Motion carried unanimously.

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

Ms. Abril presented the computer printout lists all the checks issued by the Manager's office on May 30, 2008 covering vendor bills processed. Check #94337 thru Check #94519 inclusive for the total of \$678,960.90.

Ms. Abril presented the computer printout lists all the checks issued by the Manager's office on May 23, 2008 covering payroll process. Direct Deposit Check #6532 thru direct deposit check #6687 inclusive. Deduction Check #6532 thru direct deposit check #6687 inclusive. Deduction Check #94298 thru deduction check #94333 inclusive. Payroll Check #81939 thru payroll check #82031 inclusive. Listing total \$331,689.09.

Commissioner Pinkston moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. *(See Exhibit F)*

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 to Regular Session. Seconded by Commissioner Pinkston. Motion carried unanimously.

Attorney Randolph Collins reported the matters discussed in Executive Session were; Administrative Services contract, litigation of the Valencia County Sheriff, potential settlement of district attorneys' office having to do with statute section 36-18 and 36-19, Lawsuits involving Susan Bissell and Baca, lawsuit regarding PERA employees 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. Commissioner Kirkham made the motion. 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 5-0.

Action on Executive Session Item(s)

a) Consideration of Mutual Release and Settlement agreement

Commissioner Medina moved for approval. Seconded by Commissioner Kirkham. Commissioner Gentry stated he does not believe this settlement should be before the Commission and is inappropriate. He said he believes this might violate the open meetings act, violate the state constitution and violate conduct code for elected officials and should be before other counsel and if the commission continues with this he would be voting no based on statutory problems.

Chairman Rael stated, for the record, that there were two different attorneys that had discussed this matter and it needs to be resolved. They specifically proposed the mutual release and settlement agreement. Chair called for the vote. Motion carried 3-2. Commissioner Gentry voted no. Commissioner Pinkston abstained.

b) Consideration of County Legal Services Application & Firms

Chairman Rael moved to hire the Nance, Pedro and Stout law firm to do all of the county's litigation and to have the district attorney provide all the non-litigations type services. Motion died for lack of second.

Commissioner Gentry moved to hire the same law firm and ask them to do the full term as in house counsel, which is twenty-five percent under the budget. Seconded by Commissioner Pinkston. Chairman Rael asked what the monthly amount would be. Attorney Randolph Collins said around \$8,000 plus which would be about \$100,000.00 a year. Chair called for the vote. Motion carried 4-1. Chairman Rael voted no.

c) Consideration of Administrative Services Contract

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

10. County Manager's Report (Information Only)

Mr. Zamora reported that the Juvenile Justice Coordinator has been employed by Valencia County since Monday June 2, 2008 and that he has a very good work plan drafted and will be presented to the Commission in couple of weeks.

Mr. Zamora requested that the Commission review the issue of rehiring PERA retirees and will have open discussion in future meeting.

Commissioner Gentry requested a special meeting by the following week and to have the Modrall Law Firm attorney before them to explain the settlement and the court order that Judge Olguin had sent and also to brief them on the hospital issue order.

Without having a special meeting, the Board directed County Manager Eric Zamora to add this to the agenda for the next Public Hearing Meeting for closed session and most of it could be discussed in open session with the Modrall Law Firm attorney present.

Commissioners gave their appreciation for the district attorney services.

11. The next Regular Meeting of the Valencia County Board of County Commission will be held on June 11, 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 Gentry. Motion carried unanimously. Time 8:11 P.M.

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the June 4, 2008, Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>

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

6-18-08
DATE

