

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

June 18, 2008

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member – Present by telephone for items 7b thru 7i	
Eric Zamora, County Manager	
Attorneys Adren Nance & David Stout	
Debbie Ridley, Clerks Office 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 Kirkham moved to approve the agenda with the removal of Planning and Zoning Department and Commission section in Item 8, Executive Session. Seconded by Commissioner Medina. Motion carried unanimously.

4. Approval of Minutes- June 4, 2008 Regular Business Meeting

Commissioner Kirkham moved for approval. Seconded by Commissioner Medina. 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)

Torrez Leyba and Samuel Aragon gave a public tribute to Administrative Services Vangie Gabaldon. Ms. Gabaldon received a plaque of appreciation for services.

Mike Wood commented on the Chair's disposition.

Scott Joy a resident of Meadow Lake read a letter from the residents requesting that Fence Line Road be added to the Mobility Plan.

6. Non-Action Items:

a) Reports from Boards, Commission & Communities - County Commission
None.

b) Public Hearing Item

i) Update Valencia County Mobility Plan – Loretta Tollefson

Chairman Rael asked the public if anyone would like to speak on the Valencia County Mobility Plan.

Office Manager Debbie Ridley administered the oath to those giving testimony at tonight's meeting.

Bob Gostisha a member of the Meadow Lake Association said a second entrance is needed for Meadow Lake.

Sonya Montoya representing residents and local businesses of Meadow Lake said they are in favor of adding Mesa Estates Road and Fence Line Road to the Mobility Plan.

Jim Lane said Meadow Lake is in need of a second access to Meadow Lake.

Chairman Rael asked Ms.Tollefson if Fence Line Road was included in the Mobility Plan. Ms. Tollefson said no, an analysis had been done and there would be an impact to the roadways in Peralta. Chairman Rael asked what the difference will be to the Meadow Lake residents if Fence Line Road were added to the Mobility Plan. Ms. Tollefson said to include

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Fence Line Road would provide further extension into the process of getting funding and would be at the discretion of the County Commission. She shared concerns that the Steering Committee had not given direction to add Fence Line Road and said if the County Commission chooses to add Fence Line Road then she would have to go back to the Steering Committee and get their approval.

Chairman Rael asked the public if there was anyone in the audience that did not want Fence Line Road extension included in the plan.

Valerie Saline a resident of Peralta, Valencia Road, who lives near Fence Line Road shared her concern with the repercussion to Peralta having people speed and causing accidents. Ms. Saline said it is not fair to eliminate one danger from one community and impose it to another.

Peralta Mayor Bryan Olguin agrees that another access is needed for Meadow Lake. Mayor Olguin said the proposed roads that will be used in Peralta are beyond capacity and are residential roads. He feels that more research needs to take place and requested that traffic analysis be studied further.

Melesio Barela a resident of Valencia who has property on both sides of Highway 47 said he is requesting the widening of Highway 263 be removed from the Mobility Plan. He also asked why a bridge that has been proposed for several years is not a priority in the Plan.

7. Action Items:

Board of County Commissioners Convenes as Indigent Claims of Board

Commissioner Kirkham moved to convene as Indigent Claims Board. Seconded by Commissioner Gentry. Motion carried unanimously.

a) Indigent Reports/Appeals - Barbra Baker

Barbra Baker presented the Indigent Claims from May 8, 2008 to June 6, 2008. The amount of claims submitted was \$428,431.23. Ms. Baker requested approval of \$57,626.49.

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

Ms. Baker presented an appeal for Ms. Mitchell on behalf of her husband. Ms. Baker requested approval of the two Presbyterian Hospital bills in the amounts of \$319.12 and \$666.86 for the total of \$985.98. If approved, Presbyterian Hospital would be paid the amounts of \$245.72 and \$515.48 for a total of \$761.21.

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

Ms. Baker presented an appeal, on behalf of Eric Zamora, for Valencia County inmate Carl Routson. Ms. Baker requested approval of the UNM Health Sciences Center bill in the amount of \$429,901.40. If approved UNM Health Sciences Center would be paid the amount of \$1,760.35.

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

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

Chairman Rael stated that those who were unable to speak during the public hearing item and wished to do so, to come forward.

Commissioner Kirkham moved for approval of additional information on the Mobility Plan. Seconded by Commissioner Gentry. Motion carried unanimously.

Dr. Smith de Cherif shared concerns with the Mobility Plan and is opposed of the widening of El Cerro Loop.

Kathy Jennings a resident of Meadow Lake said Meadow Lake is in need of another road.

Debra Buck a resident of Meadow Lake said it is in need of another road and Manzano Expressway needs to be finished.

b) Resolution 2008-23, Update Valencia County Mobility Plan – County Commission

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Commissioner Pinkston joined the meeting via telephone conference. Commissioner Gentry moved for approval with the addition that Fence Line Road be added to the Mobility Plan for consideration.

Seconded by Chairman Rael. Discussion. Commissioner Gentry agrees that it is a problem with only one access to Meadow Lake. Commissioner Kirkham asked if this would have an impact on Valencia Road, La Ladera Road and Peralta Blvd. or any of the small county roads. Commissioner Gentry recommended tying Fence Line Road (going west) and Manzano Expressway. That would give two direct access routes for Meadow Lake residents, and by doing this proposal it does not cut any new artery through Peralta or Valencia Road.

Commissioner Pinkston approves the change of the Mobility Plan.

Chairman Rael suggested approving the plan as presented with Fence Line Road and other concerns be taken into account. Chairman Rael said a serious study of the Mobility Plan is essential and should include Fence Line Road for consideration, and also include both studies, whether or not to include Fence Line Road.

Commissioner Gentry amended his motion to accept the Mobility Plan with the caveat to add Fence Line Road extension consideration for the Steering Committee to consider alternate routes. Seconded by Chairman Rael. Motion carried unanimously. (See Exhibit D)

Office Manager Debbie Ridley announced Resolution 2008-23.

- c) **Consideration to Amend Zone Map from Outland District (OD) to Heavy Industrial (I-3) to allow for the operation of Bulk Refined Products (diesel, gasoline and ethanol) Truck Terminal; Section 28, T7N, R1E, NMPM; a certain tract of land being comprised of Lots 6,7 & 10; San Clemente Grant; consisting of 10.008 acres respectively, zoned OD; Valencia County, NM/Plains Marketing – County Commission**

Chairman Rael made a motion to amend the map for the purpose of discussion. Seconded by Commissioner Kirkham. Discussion.

Commissioner Gentry asked Attorney Adren Nance to explain the purpose for the Facts and Findings of Conclusion law packet that was before the Board of Commission.

Attorney Adren Nance said the Facts and Findings gives the attorneys information of what the other party is proposing. He explained that in this situation the information comes from both sides of attorneys and the Facts and Findings helps the county records and also is practical and helps formulate argument with any court case.

Chairman Rael clarified that the Facts and Finding that are before the Commission at tonight's meeting is not part of the record. He said the Board has heard very strong opinions from the proponents and the opponents on this project.

Commissioner Gentry suggested adding a condition to Plains Marketing's proposal saying they must show development within the three years or the I-3 zoning reverts back to Outland District.

Chairman Rael asked the attorney if the Commission could place a time limit. Attorney David Pato said yes,

Plains Marketing Attorney Michael Griego said they will stipulate the 3 year condition recommended by Commissioner Gentry.

Chairman Rael amended his motion to approve the zoning change subject to it been done within the three years from the date if there are appeals taken. Plains Marketing Attorney asked for clarification; is the project to be completed or commenced within the three years. Commissioner Gentry said a substantial development of the project is reasonable. Chairman Rael said within three years at the end of any appeals to have substantial development of the project.

Chairman Rael called for the vote to approve the zone map form Outline District to Heavy Industrial subject to them having three years from the day of any final appeals being finished, should it be in favor of the proponent, that they would have started substantial development of what Plains Marketing proposed to do pursuant to their request or it reverts to Outland District. Seconded by Commissioner Kirkham. Motion carried unanimously.

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d) Ordinance 2008-04, Adopting Plan Review and Building permitting fee schedule authority, and the 2006 Code Editions – Ruben Chavez
Commissioner Gentry moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. (See Exhibit E)

Office Manager Debbie Ridely announced Ordinance 2008-04.

e) Consideration of Joint Powers Agreement for Fire Administrative Services between the Town of Peralta –Ruben Chavez
Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. (See Exhibit F)

f) Consideration of Adult Detention Administrator Contract – County Commission (See Exhibit G)
Commissioner Kirkham moved for approval. Discussion.

Commissioner Medina asked if the Adult Detention Administrator position is a one year contract. County Manager Eric Zamora said yes, it is one of three individuals with a one year contract.

Commissioner Medina asked if the Commission could offer a two year contract.

Commissioner Pinkston said she is in favor of extending Derrick William's contract for two years. She said Mr. Williams has proven with success he can manage the job and is willing to do a two year contract if the Commission were to approve it.

Chairman Rael asked the attorney if the contract could be extended. Attorney Nance said the contract does allow for extension.

Commissioner Kirkham amended her motion to approve the Adult Detention Administrator Contract with an amendment extending the contract to July 2010. Seconded by Commissioner Medina. Motion carried unanimously.

g) Resolution 2008-24, Accepting Acequia, Oney, Fairway and Christine Roads in District IV- Eric Zamora
Commissioner Medina asked County Manager Eric Zamora the extent of each of the roads. Eric Zamora said Christine road is 0.5 miles, Acequia road 6 miles, Oney road 0.4 miles, Fairway 0.176.

Commissioner Medina asked if there are homes on the proposed roads. Commissioner Gentry said this item was before the board so that that they could begin the road maintenance that does have homes in his district.

Commissioner Medina moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit H)

Office Manager Debbie Ridley announced Resolution 2008-24.

h) Consideration of Memorandum of Understanding between Tierra Bonita "Trash Compactor" –Eric Zamora
Commissioner Medina moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. (See Exhibit I)

i) Consideration of Professional Legal Services Contract between Nance, Pato & Stout LLC – County Commission
Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. (See Exhibit J)

Commissioner Pinkston ended the telephone conference of tonight's meeting.

j) Consideration of Awarding Bid #633 "Emergency Medical Supplies – Charles Eaton
Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. (See Exhibit K)

k) Financial Matters

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i) Consideration of approval of Grant Amendment No.1 to 2007

Legislative Severance Tax Bond Grant Agreement – Vangie Gabaldon

Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. (See Exhibit L)

ii) Consideration of Approval of Grant Amendment No.1 to 2006

Legislative General Fund appropriation's Agreement –Vangie Gabaldon

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

iii) Consideration for New Mexico Environment Department Solid

Waste Bureau Recycling and Illegal Dumping Fund; Project #08NT-11 – Eric Zamora

Eric Zamora requested approval of the above item.

Commissioner Kirkham enlightened the Board that this fund is for a project called Sandhill located in her district and is a public hazard. Commissioner moved for approval.

Seconded by Chairman Rael. Motion carried unanimously.

(See Exhibit N)

iv) Recommendation to allow or not to allow elected officials and department

director to hire PERA retirees back to work – Eric Zamora

Commissioner Medina moved to approve allowing PERA retirees to be rehired by the Department Heads or the County. Seconded by Commissioner Kirkham. Motion carried unanimously. (See Exhibit O)

v) Consideration of Employee Salaries – Eric Zamora

Tabled.

vi) Consideration of Memorandum of Understanding between the Village of

Los Lunas, Los Lunas Public School District to provide Financial support for the

"Summer Recreation Program" – Wilma Abril

Commissioner Medina moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit P)

vii) Consideration of Memorandum of Understanding between the City of

Belen to provide financial support for the "Summer Recreation Program" – Wilma

Abril

Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. (See Exhibit Q)

viii) Resolution 2008-25, Increase Expenditures for 05/06 Road Projects/

Legislative Appropriation FY 03/04 – Wilma Abril

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

Office Manager Debbie Ridley announced Resolution 2008-25.

ix) Consideration of Approval of Payroll/Warrants – Wilma Abril

Ms. Abril presented the computer printout lists all the checks issued by the Manager's Office on June 16, 2008 covering vendor bills processed. Check #94559 thru check #94930 inclusive for the total of \$ 934,149.57.

Ms. Abril presented the computer printout lists all the checks issued by the Manager's Office on 06/06/2008 covering payroll process. Direct Deposit Check #6688 thru direct deposit check #6843 inclusive. Deduction Check #94520 thru deduction check #94555 inclusive. Payroll Check #82033 thru payroll check #82140 inclusive. Listing total \$341,126.38.

Ms. Abril presented the computer printout list all checks issued by the Manager's Office on 06/20/2008 covering payroll process. Deduction Check #94567 thru deduction check #94568 inclusive. Payroll Check #82141 thru payroll check #82269 inclusive. Listing total \$76,322.85.

Ms. Abril presented the computer printout lists all checks issued by the Manager's Office on 06/05/2008 covering vendor bills processed. Check #94556 thru check #94558 inclusive for the total of \$16,797.92.

Commissioner Medina moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. (See Exhibit S thru V)

8. Executive Session- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; Planning and

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Zoning Dept. and Commission; Torrez vs. Valencia County, Cordova vs. Valencia County & Administrative Agreement b. pending or threatened litigation, and c. other specific limited topics that are allowed or authorized under

Commissioner Kirkham moved to go into Executive Session. Seconded by Commissioner Medina. Roll call vote. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 4-0.

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

Attorney Adren Nance reported the matters that were discussed in Executive Session: Torres vs. Valencia County, Cordova vs. Valencia County and Administrative Agreement and no final action was taken.

Commissioner Kirkham moved for approval. Seconded by Commissioner Gentry. Roll call vote. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 4-0.

Chair indicated by consensus that no action was taken on any of the items, but had directed the attorney's and delegated to them the authority to consider the Cordova vs. Valencia County lawsuit and to handle the administrative services agreement.

9. Action Item

a) Consideration of Administrative Services agreement

Chairman Rael said the Board delegated responsibilities to current council to manage the Administrative Services agreement.

10. County Manager's Report

None.

11. The next Regular Meeting of the Valencia County Board of County Commission will be held on July 2, 2008 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

12. Adjournment

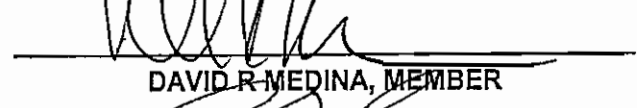
Commissioner Kirkham moved to adjourn. Seconded by Commissioner Gentry. Motion carried unanimously. Time 9:20 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, June 18, 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. RAEL, CHAIRMAN

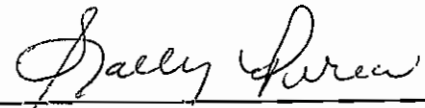

GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN


DAVID R. MEDINA, MEMBER


RON GENTRY, MEMBER


LYNETTE PINKSTON, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

7-16-08
DATE