

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

July 02, 2008

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman via telephone conference for items 7c thru 7g)iii	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, County Manager	
Adren Nance and Dave Pato, County Attorneys	
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 Pinkston moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

4. Approval of Minutes – June 11, 2008 – Public Hearing

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

June 13, 2008 Special Meeting

Commissioner Pinkston 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)

William Dean handed the Commissioners articles of interest from the News Bulletin.

Bob Gostisha a member of the Meadow Lake Association shared his concerns regarding the Mobility Plan and the removal of Fence Line Road and Mesa Road. He said Meadow Lake residents are in favor of having more than one access going in and out.

Chair Rael said the commission clearly indicated that the issue be revisited and the residents given an opportunity to voice their opinions. Chair Rael said he did not believe that the Commission has the authority to make MRCOG change the Mobility Plan.

6. Non-Action Items

a) Presentation of Valencia County Regional Water/ Waste Water Concepts –CDM

Representative of CDM (Camp, Dresser & McKee) gave a fifteen-minute presentation and gave the Commission a Master Plan Process Packet. CDM discussed Phase 1: Existing Conditions and Projections (1/2008), Phase 2: Alternatives and Criteria (8/2008) and Phase 3: Master Plan (12/2008). County Manager Eric Zamora summarized and gave concept of what this project is about. Eric Zamora said the concept CDM is developing in Valencia County and how Valencia County generates water.

b) Discussion to Impose Gross Receipts Tax Ordinance – Shirley Watley – Valdez

Shirley Watley-Valdez, 911 Directors for Valencia County Emergency Communication Center presented the above request and asked the County Commission to support a countywide emergency communications and emergency Medical and Behavior health services tax. Ms.Valdez is requesting quarter percent of the tax. She said the center receives calls for services that includes Law Enforcement, Medical and Fire. Ms.Valdez said if this tax becomes enacted this will support the dispatch communication center. The state mandates that the dispatchers be certified within twelve months of employment and must have a certain amount of hours of continuing education to keep their certification. She also said now they do not have the funding to be effective and efficient in our dispatching services to the citizens of Valencia County.

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Commissioner Pinkston asked why Living Cross was not included in the packet. Ms. Valdez said they are in negotiation at this time.

Chairman Rael asked what the quarter percent would produce. Ms. Valdez said according to the figures it may bring in two million dollars according to the taxes collected now. She also said that not all of the quarter percent would go into communications. Part of that would go to the Medical services throughout the county and it would help pay for a Medical Director, which they do not have now. Ms. Valdez said currently we give pre arrival instructions to our operators for EMD. This would also clear up funds for departments such as Rescue, EMS for the county, and EMS for the municipalities. The funding would go back into their budget and the money used for paid personnel for fire fighters, rescue and responding agencies.

Commissioner Gentry asked Ms. Valdez if she had spoken with the municipalities. Ms. Valdez said she has not yet spoke to anyone but does have on board the Clerk's and the Administrators who are planning to talk with their Mayors and their Councils. Ms. Valdez said she does have support from the municipalities, this was mentioned through board members who have spoke with their mayors about this proposal, and all are in support of imposing the tax.

Commissioner Gentry said to take into consideration that the municipalities live off gross receipt tax. The county has less gross receipt tax and benefits. Commissioner said Belen just passed another eight percent gross receipt tax increase that goes into effect in January and if this county wide tax is enacted this bumps up the tax a quarter plus the eighth for Belen. He was at a meeting in Santa Fe where the Governor will be asking for a 1/8 of a percent increase and there are other proposals that are going to be asking for a tax increase. He suggested that Ms. Valdez and the Board speak with the municipality to ask if they would like to participate in the countywide tax. This Resolutions need to be coming from the municipalities on any tax that is going to be passed countywide, he said.

County Manager Eric Zamora asked Ms. Valdez what was the deadline for her schedule. Ms. Valdez said in order to get this on the November ballot she has to have this Ordinance approved and at Tax & Revenue Department by September 30, 2008.

Ms. Valdez introduced her staff, 911 dispatchers Beverly Gutierrez, Christina Benavidez and Sandy Hart whom all agreed that this would provide better service for the citizens of Valencia County.

c) Discussion of Memorandum of Understanding between the U.S. Fish & Wildlife Services – Adren Nance

Attorney Adren Nance said the purpose of the NEPA (National Environmental Policy Act) is to analyze alternative methods for altering the mechanism with New Mexican Wolf Experimental Population Area. Attorney Nance said the NEPA is requesting from the Commission as a county to consider being part of the NEPA process and enter this agreement with the National Fish and Wildlife Services. He clarified the County's duties according to the MOU (Memorandum of Understanding); to participate in the process by gathering data, providing comments, assisting in evaluating the information, to make staff available for these services and designate a representative. Attorney Nance said the MOU could be terminated at any time. He pointed out the rules of regulations on the MOU documents are not public documents and NEPA is requesting to keep these documents confidential.

Chair Rael asked where the wolves are located. Attorney Nance said the majority of them are in the Gila Wilderness and the wolves do range into Socorro County, Cibola County, Sierra County, and not sure of what parts of Valencia County.

d) Reports from Directors – Joseph Dorn

Juvenile Justice Administrator Joseph Dora addressed the cost care contract to the Bernalillo Juvenile Detention Center. In the last fiscal year the county spent \$337,000.00 retaining Valencia County youth. Bernalillo County charged Valencia County \$135.00 a day plus medical cost. He has requested that Bernalillo County start including Risk Assessment Instrument Score in the report given to Valencia County. Mr. Dorn explained the score that every juvenile that is attained is scored. The mass majority of juveniles detained in Bernalillo County are on property charges and only seven juveniles have personal crimes or persons crimes or crimes involving a weapon in the last quarter. Mr. Dorn reported the accomplishments of having a juvenile justice court that is mandated by the State. There are a twenty-four board members and the meeting dates are on the web

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juveniles is \$10.53. They were successful with a diversion program with the Boy's Scout Reach Program that will begin August 31, 2008. The Boy's Scout will arrange funding, and no funding comes from Valencia County. Mr. Dorn reported another consideration is Teen Court that has funding available through Teen Court Association and possible DWI grants.

Commissioner Gentry asked how many juveniles are processed daily. Mr. Dorn said ten juveniles in the last week. In addition, how many juveniles are on ankle bracelets? Mr. Dorn answered none.

County Manager Eric Zamora provided history on the matter. Mr. Zamora said in the fiscal year of 2007 Valencia County was contracted to Bernalillo County for approximately \$600,000.00 to provide juvenile justice care. Fiscal year 2008, Bernalillo County provided Valencia County a proposal to provide services for \$800,000.00. Mr. Zamora reported that as of today Valencia County has spent \$335,000.00 at a \$135.00 daily rate for the juveniles incarcerated. Mr. Zamora clarified the Risk Assessment Instrument Score and referenced from the activity report graphs. Mr. Zamora said thirty-four children in the last fourth quarter of 07/08 did not need to be attained and could have been put on the ankle bracelet through the CCP (Community Correction Program).

Commissioner Gentry said the board instituted a program with funding on May 30, 2007 Regular Business Meeting. The program was designed to put ankle bracelets on the juveniles for two reasons, cost savings and to reduce the trauma to families. This program was to avoid juveniles who were not a risk to self or others taken up to Albuquerque and incarcerating in a detention center. Commissioner Gentry said this program was to give better service in our county and if we are not using the program but paying Bernalillo County \$135.00 a day, what is the problem.

Mr. Zamora said Bernalillo County was to assist us with providing two officers to create the Community Correction Program for Valencia County and that never occurred. We never had staff to follow through with this program and Mr. Dorn's role is to take care of the lack of Community Correction Program in Valencia County that Bernalillo County did not supply.

Commissioner Gentry shared his concerns of trauma and effects on the children. He asked how the children get to Albuquerque without the Commission knowing and why children did not stay in Valencia County. Mr. Dorn answered the sheriff's deputy or the local police and explained the cost for picking juvenile(s) to and from Albuquerque and court dates that are scheduled in Valencia County and the cost of having local police staying with the juvenile until court is heard. The cost for local police transferring juveniles is not included in the budget. Mr. Dorn said he is currently working with the Juvenile Justice Board and with the assistance of the JJAC Director, Valencia County can get funding from the state to implement CCP (Community Correction Program).

Commissioner Gentry asked if the CCP could start without waiting for State's funding. Mr. Dorn said he and Eric Zamora would begin the process. Commissioner Gentry requested a report of the CCP as soon as possible.

Mr. Dorn said he is working on a manual and can have it in place within a month.

Commissioner Pinkston agreed four weeks is sufficient time for Mr. Dorn to report back to the Commission.

Chair Rael requested Mr. Dorn report back in a month.

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

Commissioner Gentry asked Ruben Chavez to report on a disturbing e-mail that was sent to the Commissioners. Commissioner Medina had received the e-mail and had contacted County Manager Eric Zamora to look into the matter. Commissioner Medina said he had received a reply from Mr. Zamora that the problem had been addressed.

Ruben Chavez reported his investigation on the incident that occurred at the Animal Shelter and said corrective action had been taken.

Commissioner Pinkston reported on the Association of County Conference she had attended in Los Cruces. She and Eugene Pickett from the Treasurers Office had presented the mobile home ordinance that they would like for all the counties to pass. Commissioner Pinkston said it became a heated discussion; but they all agreed on Eugene's idea and are going forward throughout the county.

Commissioner Pinkston also reported that the Board of Directors will be voting on resolution priorities in August and asked that elected officials let her know of issues in their department that are priorities.

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Chair Rael reported he and Commissioner Gentry attended a meeting at the Governor's Office in Santa Fe. Chair said the governor is requesting one-eighth percent of one percent tax increase for the operating cost of the Rail Runner. He reported half of the eighth percent would go to operating the Rail Runner; the other half will go to infrastructures to build parking spaces, and more bus service wherever the stops are made. Chair Rael said this would go before the voters and if passed will take effect early next year.

Commissioner Gentry added the way it will be proposed to the voters is three counties involved are Sandoval, Bernalillo and Valencia County. Commissioner Gentry said the majority rules of the votes for all three counties and gave an example; if Sandoval County votes no, and Bernalillo and Valencia County vote yes it means Sandoval County still pays. If the municipalities are in favor of the tax increase then each municipalities could make a resolution supporting the tax increase on the ballot.

7. Action Items

Board of County Commissioner Convenes as Canvassing Board

Commissioner Pinkston moved to enter as the Canvassing Board. Seconded by Commissioner Gentry. Motion carried unanimously.

a) Finalize Re-Count District 30 Canvass 2008 Primary Election

County Clerk Sally Perea presented the final re-count of State Senate Race District 30. The State mandates for an automatic re-count if the winning candidate receives less than one-half of one percent of the total votes for that office. Ms. Perea said the re-count had been scheduled and done on July 1, 2008 at 10:00A.M. The numbers did not change and the Bureau of Elections Director Peggy Carabajal presented the Commission the final re-count to canvass.

Chair Rael asked if this was a partial re-count for that district. Ms. Carabajal reported seven precincts and absentee were re-counted and was for that one race only. He then asked if the State rules were followed to the best of your ability. Ms. Carabajal answered yes.

Director Peggy Carabajal invited the Commission to view the tapes with the results. Ms. Carabajal said there was no change with the tapes of Election Day and the recount tapes. Commissioner Pinkston moved to approve the canvass of Senate District 30. Commissioner Medina seconded. Motion carried unanimously. **(See Exhibit A)**

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

b) Resolution 2008-26, the National Day of "The American Cowboy in Valencia County" NMSU Extension Agriculture – Kyle V. Tator

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

County Clerk Sally Perea announced Resolution 2008-26.

c) Consideration of Interim Joint Powers Agreement regarding The Continuation of Services between the Town of Peralta – Bryan Olguin

Commissioner Kirkham joined the meeting via telephone. Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. **(See Exhibit C)**

d) Reconsider Service agreement Valencia County Boarding Town of Peralta (Animal Control) fee – Bryan Olguin

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

e) Consideration renewal of agreement with Philip Froman for EMS Medical Oversight Services – Charles Eaton

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

f) Consideration of Valencia County Loss Prevention/ Risk Control Manual & Fleet Safety Program – Jack Smith

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

g) Accept Findings of Fact & Conclusions of Law for Decisions

i) Amendment to zoning maps from the Planned Development zoning designation to the Rural Residential -1 (RR-1) zoning designation for the property described as T6N, R2E, within projected Section 25, MNPM; Rio Del Oro, Unit 54, Lot C; Containing 10.15 Acres; zoned Planned Development; Filed in Book 359, Page 13,019 of the Office of the Valencia County Clerk; Valencia County, NM/ Manuel A. Martinez/Sam Herbert- Attorney

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

ii) Amendment to zoning maps from the Planned Development department zoning designation to the Mineral Resources (MR) zoning designation for the property described as: within projected Section 29, T6N, R4E, NMPM: Rio Del Oro, Unit 22, Block 16; containing 35.42 acres; zoned Planned Development department; Filed in Book 35, Page 4796 of the Office of the Valencia County Clerk, Valencia County, NM / Southwest Rock and Development Corporation – County Commission

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

iii) Amendment to zoning map from the RR-2 zoning designation to the Rural Residential-1 (RR-1) zoning designation for the property described as Section 16, T6N, R2E, 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 carries 4-1. Chair abstains. (See Exhibit I)

Vice-Chair Kirkham ended telephone communication.

h) FINANCIAL MATTERS

i) Consideration of reallocation of funds for certain appraisers in the County Assessor's Office, from: Property Valuation Fund to; General Fund – Viola Vallejos/ County Commission

Chair Rael moved to table until July 16, 2008 Regular Business Meeting. Motion died for the lack of second.

Commissioner Pinkston moved for approval. Seconded by Chairman Rael. Motion carried 3-1. Commissioner Gentry voted no. Discussion.

Commissioner Gentry requested legal opinion before this action becomes final and the Commission makes a legal determination. Commissioner Gentry said we may be in violation of how we are spending these monies and we may need to allocate the whole \$150,000.00.

Chair Rael said at this point the action carried officially and the Commission has asked for a legal opinion. (See Exhibit J)

ii) Consideration of 2008/ 2009 Cooperative Agreements – Eric Zamora

Eric Zamora presented the Cooperative Agreement between the New Mexico Department of Transportation and Valencia County.

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

iii) Consideration of Employees Salaries (tabled: June 18, 2008) – Eric Zamora

Eric Zamora presented the increase salaries of staff.

County Clerk Sally Perea asked if this raise was across the board for all employees. The Commission said yes.

Ms. Perea said her request of two additional employees and a dollar increase for each employee in her office had been requested and placed at the April department budget review and heard at the budget hearing. She said the hardship of rising living costs and the recent raise of employee's insurance rates have made it difficult for her employees. Ms. Perea said a fifty-cent raise is good but would not benefit employees except put them into a higher tax bracket to pay more taxes. She acknowledged her staffs' hard work and stressed the shortage of staff. It was difficult with having two employees in the Bureau of Elections department during the Primary Election although they did a great job running the election.

Commissioner Pinkston said unfortunately the commission could not discuss this at this time. Chairman Rael suggested that the request be put on the agenda.

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

iv) Resolution 2008-27, Increase Expenditures on Salary & Benefits due to Mutual Release Settlement agreement – Wilma Abril

Ms. Wilma Abril presented the spreadsheet of the scheduled of budget adjustment. Commissioner Medina moved for approval. Seconded by Chair Rael. Discussion. Commissioner Pinkston said the Commission has had previous legal discussion on the matter that it might have not been done properly and has some reservation. Motion carried 3-1. Commissioner Gentry abstained. **(See Exhibit M)**

County Clerk Sally Perea announced Resolution 2008-27.

v) Consideration of Approval; Payroll- Warrants – Wilma Abril

Ms. Abril presented the attached computer printout lists of all the checks issued by the Manager's Office on June 5, 2008 covering vendor bills processed. Check #*7889 thru Check #94558 inclusive for the total of \$16, 797.92. Commissioner Pinkston moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. **(See Exhibit N)**

Ms. Abril presented the computer printout lists of all the checks issued by the Manager's Office on June 28, 2008 covering vendor bills processed. Check #94968 thru Check #95157 inclusive for the total of \$ 645,083.24. Commissioner Pinkston moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. **(See Exhibit O)**

Ms. Abril presented the computer printout lists of all the checks issued by the Manager's Office on June 30, 2008 covering vendor bills processed. Check # 95160 thru Check # 95169 inclusive for the total of \$4,835.81. Commissioner Pinkston moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. **(See Exhibit P)**

8. Executive Session- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; Discussion Tierra Grande Improvement Association./ Inc. v. Board of County Commission of the County of Valencia and Toby Romero, Melvin L. Sisson's Systems Inc. d/b/a Superior Waste v. James Fernandez, Michael R. Trujillo and County of Valencia, Your Credit Inc. v. Sandra Donahey, Valencia County, Garnishee, Joe Torres and Eurasio Armijo et al. v. Valencia County Board of County Commissioner et al. b. pending or threatened litigation, and c. other specific limited topics that are allowed or authorized under the stated statute.

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

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

Attorney Adren Nance stated the matters that were discussed in executive session were; Tierra Grande Improvement Association vs. Board of Commission, Sisson's System Inc. Superior Waste vs. Valencia County, Your Credit Inc. vs. Sandra Donahey, Valencia, Garnishee Joe Torres and Eurasio Armijo vs. Valencia County and no final action taken. Commissioner Gentry moved for the approval of the summary. Seconded by Commissioner Medina. Roll call vote. Commissioner Pinkston voted yes. Chair Rael voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Motion carried 4-0.

9. County Manager's Report (Information Only)

Mr. Zamora reported a change on the agenda for the next business meeting. Mr. Zamora said the section of County Manager's Report would be placed before the Directors report section. Mr. Zamora shared the yearly report for the fiscal year 2007 with the commission and the public.

Commissioner Pinkston announced she would be attending a National Counties Conference in Kansas City, Missouri and will be back July 9, 2008.

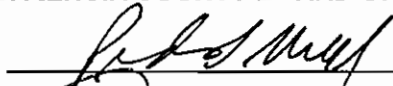
10. The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on July 9, 2008 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

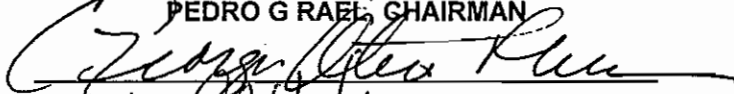
11. Adjournment


Commissioner Medina moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. Time 8:44 P.M.

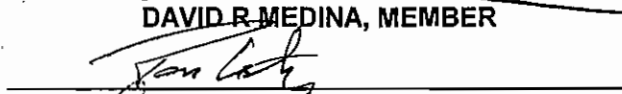
NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the July 2, 2008 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

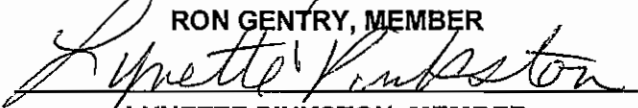
VALENCIA COUNTY BOARD OF COMMISSIONERS


 PEDRO G. RAEL, CHAIRMAN


 GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN


 DAVID R. MEDINA, MEMBER


 RON GENTRY, MEMBER


 LYNETTE PINKSTON, MEMBER

ATTEST:


 SALLY PEREA, COUNTY CLERK

8/6/08
 DATE