

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

July 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	
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

County Manager Eric Zamora requested the County Manager's Report item 6a and Assessor's Plan item 7c be tabled until August 6, Regular Business meeting.

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

4. Approval of Minutes – June 18, 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)

Because of the lengthy agenda and at the discretion of the Chair, public request would not be heard for this meeting.

6. Non-Action Items

a) County Manager's Report (Information Only)

Grand Opening for Valencia El Cerro Fire Station July 26, 2008 at 11:00 A.M.
Tabled.

b) Reports from Directors – Directors

County Manager Eric Zamora announced the grand opening for Valencia El Cerro Fire Station on July 26, 2008 at 11:00 A.M.

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

Commissioner Pinkston had attended the National Association of Counties Conference and would be giving a report at a later date.

7. Action Items

Board of County Commissioners Convenes as Indigent Claims Board

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

a) Indigent Appeals/ Indigent Report – Barbara Baker

Ms. Baker presented an appeal on behalf of Ms. Mucher. Ms. Baker requested approval of three Presbyterian Hospital bills in the amount of \$1,187.73.

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

Ms. Baker presented a second appeal on behalf of Mr. Nieto. Ms. Baker requested approval of Living Cross Ambulance bill in the amount of \$400.00.

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

Ms. Baker presented the Indigent Claims from June 6, 2008 to July 3, 2008. The amount of claims submitted was \$682,802.40. Ms. Baker requested approval of \$68,573.48.

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

Board Re-Convenes as Board of County Commissioners

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

b) Final Action on Public Hearing: July 9, 2008

- i. Approval of Final plat for the proposed Verde Escondido Subdivision a type 2 subdivision consisting of 79 residential lots, containing 11.998 acres; a certain tract of land situate within projected section 28, T5N, R2E, NMPM; within the Tome Grant, and comprising that parcel of land described in Warranty Deed to Elizabeth Gabaldon, Book 309, Page 7809 of the Office of the Valencia County Clerk, Valencia County, NM/ Bruce Burman/ Jazz Builders – County Commissioners

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

- ii. Approval of Final Plat for the Loma Codorniz Subdivision, a type 3 subdivision consisting of 18 residential lots containing 21.3 acres. The proposed development is located in Peralta, approximately ½ mile south of Peralta Blvd on La Ladera Rd; comprising Tract "A", replat and Land Division of Lands of Codorniz Land Company; MRGCD map 66; within Section 18, T7N, R3N, NMPM; within the Lo de Padilla Grant, Valencia County, NM/ Allen Sanchez – County Commission

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

- iii. Approval of Amend the Zone Map from RR-2 to RR-1 to allow for the Subdivision of the Subject property into a 1-acre Parcel and a 1.59 acre parcel; T4N, R2E, Section 19 NMPM; MRGCD Map 114; Tract 103-A-1; consisting of 2.65 acres; Zoned RR-2; also known as 02 Jarales Lane, Valencia County, NM/ Quarai & Jennifer Silva – County Commission

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

- c) Approval of Assessor's Plan to pay certain appraisers in the County Assessor's Office by reclassifying funds from property valuation funds to General Fund – Adren Nance

Tabled until August 6, 2008 Regular Business Meeting.

- d) Resolution 2008-28, For the Purchase of an Easement appurtenant to the Del Rio Senior Center – Eric Zamora

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

County Clerk Sally Perea announced Resolution 2008-28.

- e) Approval of Grant and Acceptance of Easement and Agreement for the Same – Eric Zamora

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

- f) Approval of Cooperative Agreement for Fire Station Signal System installation to provide Electrical Energy and Maintenance on NM 263, south of Meadow Lake intersection, adjacent to El Cerro Loop Fire Station, Valencia County, NM – Eric Zamora

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

- g) Approval of three (3) contracts with North Central New Mexico Economic Development District (NNMEDD)

- i. State Funded Senior Employment Program (SEP) – Joseph Compos

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ii. Nutrition Services Incentive Program (NSIP) – Joseph Compos

iii. Direct Purchase Agreement (DPA) – Joseph Compos

Commissioner Pinkston moved for approval of all three contracts. Seconded by Commissioner Kirkham. Discussion. Commissioner Kirkham gave her appreciation to Kandy Cordova for her support with all three projects. Motion carried unanimously. (See Exhibit J)

h) Consideration of Valencia Health Commons contract – Joseph Campos

Commissioner Gentry moved to approve the health facility contract with the supplemental agreement. Discussion.

Commissioner Medina asked who had drawn up the supplement agreement. Chairman Rael replied Attorney Duane Brown from the Modrall Sperling Law Firm.

County Clerk Sally Perea announced recording difficulties. 5:15 P.M.
Recording resumes 5:24 P.M.

Chair Rael continued with the meeting and said that Commissioner Gentry had asked counsel whether the amendment was proper. Commissioner Gentry said if the contract and the supplemental agreement, which holds the county harmless, and in the event the appellate court reverses the district court's decision, the contract would then be voided. He moved to approve the Health Commons contract with the supplemental agreement. Chairman Rael said there is a motion pending to consider the Valencia Health Commons contract with the supplemental agreement that holds the county harmless in case the appeal is lost by the county. Commissioner Pinkston seconded the motion. Discussion.

Commissioner Kirkham feels the same way as she did the last time the contract was brought forward. She totally supports the hospital project without a personal agenda or strings attached. The only problem is nothing has changed. They still have that lawsuit that should be settled before moving forward.

Chairman Rael is in favor of a hospital but had several concerns. If the Commission were to sign this contract, we would be agreeing to tie down twenty-two million dollars of tax payer's money on a venture that could fail and also tying future commission hands with anything dealing with health care. There will be no medical facility and no hospital of any kind for at least five years and there is pending litigation appeal and no progress will occur until the appeal is resolved. He explained the lengthy process of litigation that could take eighteen months or longer. It will then go to the New Mexico Supreme Court and could take another six months or longer. It then goes to Stern Brothers & Company or another finance company to begin a feasibility study. He believes the contract to build this hospital will find that it is not to be a feasible financial venture for lack of doctors. Chairman had a New Mexico Board of Physicians report that in 1988 Valencia County had twenty doctors. Since then the population has approximately doubled and in 2007 still twenty-one doctors are reported in Valencia County. There are not enough doctors to support even a small hospital.

The Commission had instructed the county attorneys to make and present an offer to Valencia Health Commons. They refused the offer and want control of all the mill levy. Chairman Rael urged his fellow commissioners not to sign the contract.

Commissioner Medina commented if the court finds the appeal in our favor there might or might not be another appeal. Chairman Rael said he expects either party can take it to the New Mexico Supreme Court.

Commissioner Pinkston shared a personal agenda of families losing members when it could have been prevented if Valencia County had a hospital. Commissioner Kirkham asked for the number of people who had died not making it to the hospital. Commissioner Pinkston did not have any statistics but gave a personal incident of a close friend whose daughter died for lack of a hospital in Valencia County and this makes it her personal agenda.

Commissioner Gentry said with all do respect to Chairman Rael's opinions and analysis, they are still just opinions. He worked on this project for three years and is very proud of the work that has been done. He hopes that Valencia County can move forward.

Chairman Rael stated a motion has been made to approve the consideration of the Valencia Health Commons as amended with the attachment.

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Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried 3-2. Chairman Rael voted no. Commissioner Kirkham voted no.
(See Exhibit K)

a. Financial Matters

- i. Resolution 2008-29, Relating to Agreements, Designating the Commission Chair, County Manager and Finance Director to sign specific Documents in relationship to Grant Agreements processing – Eric Zamora**

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

County Clerk Sally Perea announced 2008-29.

- ii. Approval of New Mexico Environment Department Construction Programs Bureau Special Appropriation Project # SAP 08-3941-GF; Valencia County Conejo Transfer Station building Improvements Grant Agreement – Eric Zamora**

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

- iii. Resolution 2008-30, Relating to Finance; Adopting the Final 2008/2009 Fiscal year Budget; and Requesting State Approval – Wilma Abril**

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

County Clerk Sally Perea announced Resolution 2008-30.

- iv. Resolution 2008-31, Year End FY 07/ 08 Intr/Inter Budget Transfers – Wilma Abril**

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

County Clerk Sally Perea announced Resolution 2008-31.

- v. Resolution 2008-32, Year Ending 07/ 08 Budget Expenditures Increases – Wilma Abril**

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

County Clerk Sally Perea announced Resolution 2008-32.

- vi. Approval of Payroll/ Warrants – Wilma Abril**

Ms. Abril presented the attached computer printout list of all checks issued by the Manager's Office on 07/03/2008 covering payroll process. Direct Deposit Check #7006 thru direct deposit check #7170 inclusive. Deduction Check #95170 thru deduction check #95202 inclusive. Payroll Check #82373 thru payroll check #82459 inclusive. Listing total \$345,091.73.

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

Ms. Abril presented the attached computer printout list of all the checks issued by the Manager's Office on July 11, 2008 covering vendor bills process. Check #95205 thru check #95277 inclusive for the total of \$1,314,773.36.

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

Ms. Abril presented the attached computer printout lists of all the checks issued by the Manager's Office on July 15, 2008 covering vendor bills process. Check #95278 thru Check #95283 inclusive for the total of \$45,488.88.

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

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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 Settlement for Society of Lady of the Holy Trinity; Update Dominquez-Gonzales Case & Pursuant to § 10-15-1 (F) of the Open meeting Act, discussion of new development in Sisson v. Valencia County of Valencia 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 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 into Regular Session. Seconded by Commissioner Pinkston. Motion carried unanimously.

Attorney Adren Nance stated the matters that were discussed in executive session were; Sission vs. Valencia County and no final action was taken.

Commissioner Pinkston moved for the approval of the attorney's summary. Seconded by Commissioner Kirkham. 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.

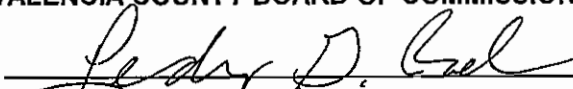
9. **The next Regular Meeting of the Valencia County Board of County Commission will be held on August 6, 2008 at 5:00 PM in the County Commission Room at the Valencia County Courthouse. Special Meeting will be held next week regarding the potential one eighth cent vote for the Rail runner and infrastructure.**

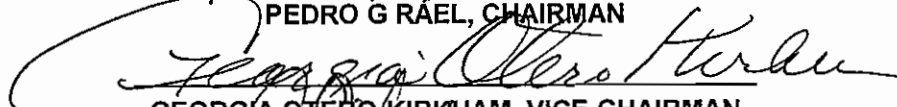
10. Adjournment

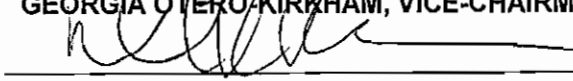
Commissioner Gentry moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. Time 6:11 P.M.


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

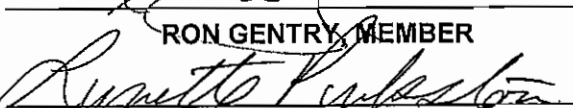
VALENCIA COUNTY BOARD OF COMMISSIONERS


 PEDRO G. 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