

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Regular Meeting

**August 06, 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	
Attorneys Adren Nance, Dave Pato	
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 – July 2, 2008 – Regular Business Meeting**

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

#### **July 9, 2008 – Public Hearing Meeting**

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

#### **July 16, 2008 – Regular Business Meeting**

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

#### **July 21, 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)**

Bob Gostisha a resident of Meadow Lake shared several concerns on the Senior Citizens Community Center. Security lights and fire doors have not been installed. Another issue is Manzano View road is in need of repairs and is a safety issue.

Commissioner Pinkston said the security lights and fire doors are on order.

Torrez Leyba a resident of Meadow Lake read a proclamation of appreciation for the 13<sup>th</sup> Judicial District for its, "Weed & Seed" initiative.

Mike Wood addressed an article on the Valencia County newspaper and engaged comments regarding the Chair's position. Chairman Rael several times told Mr. Wood that he was out of order and to end his derogatory comments. Chairman explained that public comments are to be helpful in some ways to the County of Valencia or to its citizens. It is not to start giving advice to people in the audience in an attempt to make derogatory comments about any particular commissioner. This is something for the record so that in the future there would be some semblance of order if this occurs again.

### **6. Non-Action Items**

#### **a) Reports from Boards, Commissions & Committees – County Commission**

Commissioner Gentry wanted to make note, for the record, on a call he said he had received today from a right-a-way expert or a person who sets up right-a-ways. He believes he was called as an individual and does not believe they realized he was a commissioner. They were asking permission to come on to his property and survey for a gas line going West and East across the valley through Jarales. During the phone conversation he was referred to a gentleman who knew more about the survey concerning the San Clemente Fuel Field. During the long discussion he asked why they were looking at a right-a- way going East and West across the valley when they had a very specific conversation at the Public Hearing and the issue of the right-a-way was very clear and was very important to him and other commissioners on granting that approval of that change. He believed the presentation was under oath which the Board had asked where the right-a-way would be and there was one very specific explanation that it would start at Turbine

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Road where their line intercepted the railroad tracks and would go completely from Turbine Road in the right-a-way of the railroad to the project in San Clemente. There was no alternative one or alternative two or any other issue. This is what was presented under oath at the Public Hearing and Findings and Facts and what they had voted for.

Commissioner Gentry explained he did not remember any alternatives and he was assured that was just something they're looking at and was assured that they are still looking at bringing the right-a-way line right up the railroad like it was presented to them.

Commissioner Gentry wanted to bring it to the Commission as a public item. Maybe the attorneys could check into it and see if his memory reflects what was actually granted and that there weren't any exceptions. His hope is this issue does not cause a public stir because they are calling a lot of people in his and Commissioner Medina's district asking if they can have the right-a-way and survey across the valley, which was never discussed. He didn't want it to get to a political football again, we have a clear understanding with them and that's the way he wants the record to reflect, he said.

Commissioner Medina said the same concern was brought to him and he had met with the Attorney Guggino and stated for the record he had agreed with the right-a-way with the railroad and continues to stick with his decision. He said the Board should be advised ahead of time of any changes.

Chairman Rael had also heard concerns about whether or not the original right-a-way was going to be followed as described at the Public Hearing meeting. He was notified, by phone, by one of the attorneys that there were no specific plans at this time to change the presentation that was made to the county and was reassured if there were any changes it would come back to the Board which they would probably have to do in any event if there were any changes of the location of the right-a-way.

Commissioner Medina asked that if there were any changes, what are the legalities. Would it have to be presented to the commission again for re-approval? Attorney Pato said that is right. He would also clarify what was said under oath and report back to the Commission.

Commissioner Kirkham addressed the subject relating to school busses and the roads not being passable. She has a road that leads to the Tome Elementary that is impassable and said that as a commission they must start having some kind of an emergency fund to address these issues. She wasn't sure how but said they must somehow figure a way to establish an emergency road repair fund for safety reasons. She does not want school busses driving on hazardous roads.

## **7. Action Items**

### **a) Presentation Municipalities/ Approval of Emergency 911 Gross Receipts Tax – County Commission**

Los Lunas Mayor Louis Huning introduced Peralta Mayor Brian Olguin, Belen Mayor Ron Torres, Bosque Farms Mayor Wayne Ake and Belen Police Chief Mike Chavez. Mayor Huning introduced Communication Center Director Shirley Valdez and turned the presentation over to her.

Ms. Valdez presented a slide show and printed materials. She addressed the Commissioners with four critical points. First - continuous population growth and funding issues. Second – infrastructure, county wide. Third – health, welfare and safety of the residents of the county. Fourth – we are not going away. We need to enhance the ability or standards in everything that we are doing, law enforcement, medical and fire standards.

Commissioner Pinkston asked Ms. Valdez the position of negotiations and where it stood with Living Cross. Ms. Valdez answered negotiations have stopped. Other avenues are now being considered within the County.

Commissioner Gentry asked if the services with Living Cross stopped and if the intentions were to stop the free services. Ms. Valdez said the free service has not stopped; the issue has been turned over to the attorney to find ways to move forward. She explained Living Cross services cannot completely come to a stop because they are the only medical advance life support in the county at this point.

Commissioner Medina asked Ms. Valdez what she meant by alternatives that are being considered. Ms. Valdez explained the alternatives are either putting out an RFP for another ambulance in the area, trying to start up negotiations with Living Cross. They are open to any other possibilities to provide medical services for the county. She mentioned the county only has four units which are provided by Living Cross.

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Commissioner Medina asked is there a time table. Ms. Valdez stated a time table is being considered. She will be attending a 911 board meeting and will be discussing the issue. She is communicating with PRC and their attorneys and they are providing her with the different alternatives.

Commissioner Pinkston asked if the gross receipt tax is approved, what would the percentages be for emergency communication and emergency medical and behavioral health. Ms. Valdez said the 911 board will make that decision and the recommendation will be presented to the Commission.

Commissioner Pinkston asked how many EMS voting members are on the 911 board. Ms. Valdez said one, Charles Eaton who represents the county. Commissioner Pinkston suggested adding more EMS voting members to bring balance to the board for the whole county. Commissioner Pinkston verified with Ms. Valdez that the ordinance presented today is for publication only. Ms. Valdez said yes, this was sent by the Taxation and Revenue Department to be published verbatim.

Chairman Rael indicated Attorney Pato is currently reviewing the ordinance with Taxation and Revenue Department. Mr. Pato will give his report if the ordinance can be amended.

Chairman Rael asked Ms. Valdez to explain the capital outlay of six hundred thousand dollars. Ms. Valdez said it is a USDA grant loan and when the whole six hundred thousand dollars are expended for the remodeling; she anticipates the first part of 2009 to begin paying on the debt.

Chairman Rael asked for the anticipated figures that will be collecting from this tax. Ms. Valdez said Mr. Fernandez who analyzed the taxes for Valencia County and the revenue, estimated two million dollars.

Commissioner Pinkston asked if the funding will help the Communication Center receive priority dispatch. Ms. Valdez said the 911 fund will pay for priority dispatch.

Chairman Rael questioned if the two million is sufficient to run the 911 operation in a reasonable manner. He said maybe Valencia County will not have to contribute any more money from the county's general fund.

Mayor Huning answered if the board determines the tax monies are sufficient, it could be a possibility. But if the board decides there is a need for an increase of funds, they could still ask each of the entities to add additional funds.

Attorney Pato reported his finding with the Taxation and Revenue department. He said the publication can be amended by adding the sum percentages on the ballot.

Chairman Rael clarified the ballot can indentify the sum percentage to go toward communication center, EMS and behavioral health.

Commissioner Medina had concerns with printing this ordinance as is and later printing an amended ordinance. He suggested if the Commission needs to call a special meeting, to present the amended ordinance, and then call a special meeting. Chairman Rael said the commission can vote with the caveat but not publish the ordinance. Commissioner Gentry recommended placing percentages of 60/40.

Commissioner Gentry moved to publish the ordinance as is, substitute the caveat that the commission will add the 60/40 split between Emergency Communications and Emergency Medical Services. Seconded by Commissioner Kirkham. Discussion.

Commissioner Pinkston asked who receives 60/40 and what about behavioral health.

Commissioner Gentry said behavioral health is funded through many other programs. The 60% is for the Communication Center and 40% to municipalities, counties and EMS services.

Chairman Rael said he has no problem going forward with the ordinance but does have a problem having to publish it for the second time with percentages of 60/40 and also leaving out behavioral health services.

Commissioner Pinkston said the 60/40 was used as a reference by Valencia County Fire Chief Charles Eaton.

Commissioner Gentry said the 60/40 came from reviewing the presentation board and through out the discussion. It was 30% over collection as to the actual cost and that is how he came up with 60/40. Chair called for the vote. Motion carried 4-1. Chairman Rael voted no.

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- b) Resolution 2008-33, Authorizing the Execution and Delivery of a Loan agreement and Intercept agreement by and between Valencia County, NM and the New Mexico Finance Authority "purchase Tanker/Pumper for Highland Meadows Fire Department – Charles Eaton**

Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Motion carried 4-0. Commissioner Medina was not present for the vote.

County Clerk Sally Perea announced Resolution 2008-33.

- c) Approval of Joint Powers agreements (JPA) for the purpose of providing a Medical Director for EMS Services with the City of Belen & Village of Bosque Farms – Charles Eaton**

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

- d) Resolution 2008-34, implementing a property Valuation Fund Expenditure Program for 1% administrative Revenue permitted uses – Adren Nance**

County Attorney Adren Nance presented the agreement plan with an amendment. There were three positions to be funded by the Property Valuation funds under Section b. Chairman Rael asked County Assessor Viola Garcia-Vallejos if she approves the full time salary figures. She approves the full time salary figures as stated within the Resolution. Attorney Nance announced the three full time positions with salaries to be paid for out of the 1% fund (fund 420-33). Position Appraiser Trainee \$8.00 per hour, Appraiser Trainee \$8.00 per hour and Appraiser Trainee 9.50 per hour. Commissioner Pinkston moved for approval with the amendment. Seconded by Commissioner Kirkham. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2008-34.

- e) Financial Matters**

- i) Resolution 2008-35, Relating to Delinquent Property Tax, waiving the extra penalty on delinquent Taxes for the 2008 Tax Year – Diana Martinez-Coplen**

Treasurer Diana Martinez-Coplen established the penalty level for 2008 property tax that becomes delinquent, also known, as the five dollar minimum penalty Resolution. It is recommend by the Treasurers office the five dollar minimum penalty shall not be imposed (waived) for the year 2008.

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

County Clerk Sally Perea announced Resolution 2008-35.

- ii) Resolution 2008-36, 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 Pinkston moved for approval. Seconded by Commissioner Kirkham.

Discussion. Commissioner Gentry would like to see any document or agreements that are signed to be brought to the Commission for information only. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2008-36.

- iii) NM Environment Department construction Programs Bureau; Special Appropriation Project #SAP 08-1267-GF "Valencia County Refuse Container Cleaning, Deodorizing & Sanitizing" Grant Agreement – Eric Zamora**

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

- iv) Approval of Awarding Bid #634 "Fire Tanker for Highland Meadows Fire Department – Charles Eaton**

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

- v) Consideration of Approval: Payroll/ Warrants**

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Ms. Abril presented the computer printout lists of all the checks issued by the Manager's Office on 07/18/2008 covering payroll process. Direct Deposit Check #7171 thru direct deposit check #7335 inclusive. Deduction Check #95284 thru deduction check #95316 inclusive. Payroll Check #82461 thru payroll check #82553 inclusive. Listing total \$340,294.95.

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

Ms. Abril presented the computer printout lists of all the checks issued by the Manager's Office on July 31, 2008 covering vendor bills processed. Check #95350 thru check #95551 inclusive for the total of \$916,928.81.

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

Ms. Abril presented the computer printout lists of all the checks issued by the Manager's Office on 08/01/2008 covering payroll process. Direct Deposit check #7336 thru direct deposit check #7500 inclusive. Deduction Check #95317 thru deduction check #95349 inclusive. Payroll Check #82554 thru payroll check #82642 inclusive. Listing total \$348,666.42.

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

**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**

i) Society of Our Lady of the Holy Trinity

ii) Sission v. BoCC #D-1314-CV-2004-0058

iii) Tierra Grande v. BoCC #D-1314-CV-2005-00415

iv) Patrick Baca & Michael H. Payne v. Assessor, Viola S. Garcia-Vallejos, In her Official Capacity only In re: Valencia County Valuation and Protest Board #D-1314-CV-2007-01177

v) Board of County Commissioners of the County of Valencia v. Thomas Bizzell and Messer Construction, #D-1314-CV-2007-01401

vi) Burris v. Yates, et al., #D-1314-CV-2007-99418

vii) State v. Dustin Rogers, #M-60-MR-200800223

viii) Six nuisance abatement actions and foreclosures 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 Pinkston. Roll call vote. Commissioner Pinkston voted yes. Commissioner Medina voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Chairman Rael 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; Society of Our Lady of the Holy Trinity; Sission vs. Board of County Commissioners; Tierra Grande vs. Board of County Commissioners; Patrick Baca & Michael Payne vs. Assessor Viola Garcia-Vallejos; Board of Commissioners vs. Thomas Bizzell; Burris vs. Yates; State vs. Dustin Rogers; six nuisance abatements and personnel. No final actions were taken. Commissioner Pinkston moved for approval of the summary. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Medina voted yes. Commissioner Pinkston voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Chairman voted yes. Motion carried 5-0.

Attorney Nance also stated direction was given on the matter of Sission vs. Board of County Commission.

**9. County Manager's Report (Information Only)**

Mr. Zamora reported on pending items with the closeout of the contract for the Judicial Complex. He said originally the project was claimed to be completed in April of this year, but there were issues with the heating and cooling system. Mr. Zamora said he has achieved fifty percent completion with these issues over the past few months. He reported construction feedback and they are noted. He will be working with the legal department on options to close this project. Another issue that came up during one of the inspections was the fire alarm system is not adequate. State Fire Marshal had requested that they install an audio warning system with flashing lights and an audio system be installed to meet

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current fire code. The estimated cost for the fire safety equipment is twenty-six thousand dollars. He is in the process of negotiating with the Fire Marshal to waive the cost.

Commissioner Gentry asked about the Rio Grande Fire Department continuous roof leak problem which has not been resolved. This issue has been addressed during the warranty period and the warranty has expired. His concern is getting the funding to repair the roof leak.

Chairman Rael said the warranty issue is simple. If the warranty was breeched it can be enforced after six years of expiration.

Commissioner Kirkham asked Mr. Zamora if there where any other issues with the fire department and Mr. Zamora said no other issues.

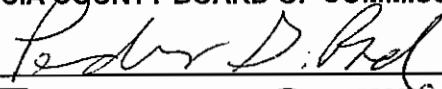
**10. The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on August 13, 2008 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.**


**11. Adjournment**

Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. Time 8:24 P.M.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, August 6, 2008 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

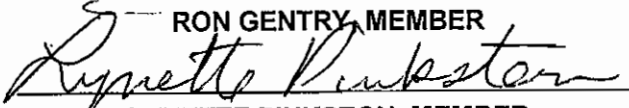
VALENCIA COUNTY BOARD OF COMMISSIONERS

  
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PEDRO G RAEI, CHAIRMAN

  
\_\_\_\_\_  
GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN

\_\_\_\_\_  
DAVID R MEDINA, MEMBER

\_\_\_\_\_  
RON GENTRY, MEMBER

  
\_\_\_\_\_  
LYNETTE PINKSTON, MEMBER

ATTEST:

  
\_\_\_\_\_  
SALLY PEREA, COUNTY CLERK

9-17-08  
DATE