

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Regular Meeting

August 20, 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

Commissioner Kirkham moved to approve the amended agenda. Seconded by Commissioner Pinkston. Motion carried unanimously.

### 4. Approval of Minutes

None.

### 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 Chairman of the Valencia County Older American Advisory Council addressed the issues of flooding at the Del Rio Senior Center. Senior citizens were offered space at the Abundant Life Christian Center to use as a meal site until the Del Rio Senior Center can provide services to the Senior Citizens again.

City of Belen Emergency Manager Tommy Sanchez offered information of the Red Cross stationed at the Belen Recreation Center on 719 South Main Street. The Red Cross will assist low income families that may not be able to meet with their deductible for the hail damage that occurred on Sunday, August 17, 2008. Mr. Sanchez said he will need an assessment of the damage that was done to the infrastructure or vehicles within the county. He offered his services to the county.

### 6. Non-Action Items

#### a) Discussion Bosque Park Update – Judge Danny Hawks

Judge Danny Hawks updated the commission on the success of the Bosque Park. He gave his appreciation to the commission and to the community for the park's great success. He requested pipe fencing, a pump house/ concession stand and walking track for the park. The success of this park has initiated the thought of a proposal for a small community center. Judge Hawks offered to organize a clean up crew if needed in anyone's district. Commissioner Gentry added that the county had a work day several months ago. The county crew was out there with their equipment and hauled off all the trash. They had torn up road fences and cleaned it up where it was really looking nice.

#### b) Discussion Valencia County Emergency Relief Fund – Eric Zamora

County Manager Eric Zamora said this project began 08/19/2008 with a special meeting in Santa Fe for the hail damage that occurred over the weekend. The beginning of a request for an emergency declaration is in progress.

Tommy Sanchez gave a brief summary of the damages in Belen. Mr. Sanchez said to begin the emergency declaration he would need an assessment from the county on the infrastructure damages that were caused by the storm and any overtime that was occurred because of the emergency.

Chairman asked Mr. Zamora to work with Mr. Sanchez to assess any damages.

Commissioner Pinkston recommended Fire Chief Eaton to be the County's contact person.

#### c) Director's Report – Directors

None.

**d) Reports from Boards, Commissions and Committees – County Commission**

Chairman Rael received a letter from the New Mexico Attorney General's Office. He said the Commission was reported for violating the open meetings act. The results state the Commission did not violate the open meetings act.

He also received another letter from the Mid-Region of Council of Governments regarding the Valencia County Mobility Plan. The letter states the Steering Community modified the proposed project to extend Fence Line Road west and south and connect with Manzano Express Way. They are prepared to make this change administratively. However, if the Commission would like to see a more formal process of this modification, they request formal action from each of the local governments which have accepted the plan update prior to this modification. A copy of the map is enclosed and copies of the map can be provided to anyone wishing to obtain one.

**7. Action Items**

**Board of County Commissioners convenes as Indigent Claims Board**

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

**a) Indigent Report /Appeal – Barbara Baker**

Ms. Baker presented the Indigent Report from July 3, 2008 to August 7, 2008. The amounts of claims submitted are \$396,875.79. Ms. Baker requested approval of \$61,748.94 and to deny \$335,126.85.

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

Ms. Baker presented an appeal for Cruz Ortiz. Ms. Baker requested approval of the Lovelace Medical Center bill in the amount of \$788.48.

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

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

**b) Resolution 2008-37 "Authorizing Placement of the Following Question on the November 4, 2008, General Election Ballot to Increase Gross Receipts Taxes for the purpose of Regional Transit" – County Commission**

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

County Clerk Sally Perea announced Resolution 2008-37.

**c) Ordinance 2008-05, "County Regional Transit Gross Receipts Tax"- County Commission**

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

County Clerk Sally Perea announced Ordinance 2008-05.

**d) Consideration of Program Work Plan Cooperative Wildlife Services Program – George Cornelius/ County Commission**

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

**e) Consideration to Publish "Amendment to the Curfew Ordinance" – Joseph Dorn**

County Attorney and Joseph Dorn presented the above item in hopes that the commission would approve publishing the ordinance and to be heard at the next Public Hearing Meeting. The commission heard the pros and cons of it and in the end approved it. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried 4-1. Commissioner Medina voted no. (See Exhibit E)

**f) Financial Matters**

**i) Consideration of Awarding RFB#637 "Removal of Buried Solid Waste Material" – Eric Zamora**

Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried 4-1. Commissioner Medina voted no. **(See Exhibit F)**

**ii) Supplemental Road Project funding transfer – County Commission**

Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried 4-1. Chairman Rael abstained. **(See Exhibit G)**

**iii) Consideration of Pay Increase for Sheriff's Department – Rene Rivera**

Sheriff Rivera presented the above item asking for a pay raise for his captain, three lieutenants and the under sheriff. The reason was because these employees are not union members and some of his sergeants and deputies are making more, which was not fair. Commissioner Gentry said if this was approved he would want it with the caveat that three new deputies positions be created and the Sheriff staff them with already certified officers, instead of hiring, sending them to the academy and then not passing or going somewhere else.

Chair Rael did not have a problem with them based on experience and certification but he was concerned that this would be putting the budget very short on cash balance. It is not a question of should we do it but can we do it, he said. He went on to say the cash balance for the 2007-2008 fiscal year was \$229,780 and if we approve this today it would leave us at approximately \$51,904. This should wait until after the property tax disbursement in November, he said.

Commissioner Medina moved for approval with the stipulation to hire three certified field officers. Commissioner Gentry seconded. Motion carried 4-1. Chairman Rael abstained. **( See Exhibit H)**

**iv) Policy approval and Salary increase for Elected Officials Deputies – Eric Zamora**

Chairman Rael moved for approval. Seconded by Commissioner Kirkham. Discussion. Motion carried unanimously. **(See Exhibit I)**

**v) Consideration of Approval; Payroll/Warrants – Wilma Abril**

The attached computer printout lists of all the checks were presented by the Manager's Office on August 15, 2008 covering vendor bills processed. Check #95590 thru Check #95743 inclusive for the total of \$635,363.21.

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

The attached computer printout lists of all checks were presented by the Manager's Office on August 15, 2008 covering payroll processed. Direct Deposit Check #7501 thru direct deposit check #7664 inclusive. Deduction Check #95553 thru deduction check #95589 inclusive. Payroll Check #82643 thru payroll check #82731 inclusive. Listing total \$347,893.75.

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

**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, Sission vs. Valencia County & PERA & Update Wells Fargo Account unauthorized withdrawn, 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 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.

County Attorney Adren Nance reported the matters that were discussed in Executive Session: Sission vs. Valencia County, PERA and Update Wells Fargo Account and a personnel matter. No final action was taken. Attorney Nance also stated direction was given on the matter of Sission vs. Valencia County.

Chairman Rael moved for approval of the 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. County Manager's Report – Eric Zamora**

Minutes of August 20, 2008 Regular Business Meeting

County Manager Eric Zamora gave a summary of the accomplishments and goals of each department and praised staff for their hard work and efforts and said there are many more improvements to accomplish. He reported that his goal for 2008-2009 fiscal years is to shift his focus to administration staff with a theme of "Customer Service".

Commissioner Kirkham said she did not see any planning & zoning issues addressed. Mr. Zamora stated he had one meeting with that department and intends to schedule a subsequent meeting. She would also like to see the dress code enforced in order to establish a professional appearance.

Commissioner Pinkston experienced certain employees not conducting themselves in a professional manner by using profanity in open areas. The code of conduct needs to be implemented, she said.

Commissioner Gentry praised Mr. Zamora and thanked him for all the accomplishments. Commissioner Medina also expressed his gratitude and thanked him for his accomplishments and for keeping the commission informed of what's going on within the county.

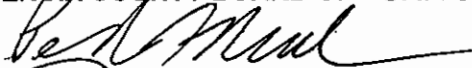
**10. The next Regular Meeting of the Valencia County Board of County Commission will be held on September 3, 2008 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.**

**11. Adjournment**

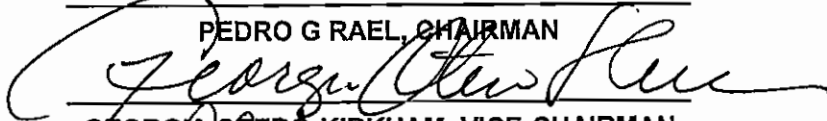
Commissioner Kirkham moved to adjourn. Seconded by Commissioner Pinkston. Motion carried unanimously. Time 9:04 P.M.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, August 20, 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



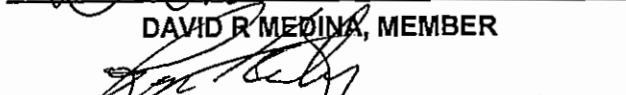
PEDRO G RAEI, CHAIRMAN



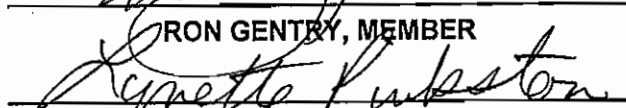
GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN



DAVID R MEDINA, MEMBER

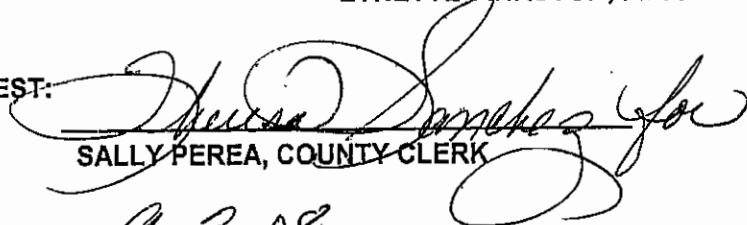


RON GENTRY, MEMBER



LYNETTE PINKSTON, MEMBER

ATTEST:



SALLY PEREA, COUNTY CLERK

9-3-08

DATE