

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting/ Regular Business Meeting

September 3, 2008

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairmanman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, County Manager	
Adren Nance & Dave Pato, County Attorney	
Theresa Sanchez, Chief Deputy	Sally Perea, County Clerk
Press and Public	

1. The meeting was called to order by Chairman Pedro Rael at 4:00 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. Public Comments – At the discretion of the Chairman (For Information Only-limited to two minutes per person on subjects not on this published agenda)

Bob Gostisha, Meadow Lake Residence Association, thanked Commissioner Lynette Pinkston District 5, for being able to get an emergency patch done on Manzano View Road and also for the doors at the Senior Citizens building which are a fire hazard.

5. Discussion (Non-Action) Items

Commissioner Kirkham announced the Hispano Chamber of Commerce having their annual 9-11 lunch at the Sheriff's Posse. It starts at 12:00 and is free for all first responders and the sheriff's department.

Commissioner Medina had received an e-mail requesting a four hour fair day for the county employees.

Commissioner Pinkston reminded the Commission that it had been voted no on the January 2nd 2008 meeting when the holiday schedule calendar had been presented and approved. Administrative Assistant Marilyn Silva presented the 2008 Holiday Schedule and showed that the employees had been granted paid administrative leave three different instances.

Chairman Rael said he will hold a town hall meeting on September 13, 2008, 10:00 A.M. at the Valencia County Commission Board Room. The topics for general discussion will be the 911 tax, the transit tax and the locations of paved road in District 1.

Commissioner Pinkston announced the Annual Gathering of Counties Day at the New Mexico State Fair on Saturday September 20, 2008, 1:30 P.M.

6. Public Hearing Items

Chief Deputy Theresa Sanchez administered the oath to those wishing to speak at tonight's meeting.

Commissioner Pinkston moved to go into Public Hearing regarding the Ordinance. Seconded by Commissioner Kirkham. Motion carried unanimously.

a) Ordinance 2008-06, County Wide Emergency Communications and Emergency Medical and Behavioral Health Services Tax – Shirley Valdez

Shirley Valdez said this Communication Medical tax would impose a one quarter percent tax collected annually and would be twenty-five cents for every hundred dollars spent in Valencia County. It would go to Valencia Regional Emergency Communications and Valencia County EMS. She was before the commission requesting approval of the ordinance and the resolution to be placed on the November 4, 2008 ballot.

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This had been before the commission before but Chairman Rael wanted to make sure that the public understood that this was a sales gross receipt tax and not a property tax.

The Emergency Medical Services provided by Living Cross is licensed to operate in Valencia County and we also have county rescue services along with all the county fire departments, Ms Valdez said. There are four municipalities that have rescue service. Ms Valdez is hoping the commission adopts the ordinance and implements a county wide system that would be beneficial to every rescue services in the county.

Chairman Rael asked is there an allocation between the 911, Emergency Services and Behavior Health Services tax. Ms. Valdez said the ordinance is written to allocate sixty percent collected to Valencia Regional and forty percent to Emergency Medical Services. Behavior Health is not part of the agreement as requested from the Commission. Ms. Valdez had calculations on the 60-40 split and the savings for each entity. Based on the collection of two million and based on projections, the county would save \$425,880, Los Lunas \$426,480, Belen \$294,000 and Bosque Farms \$53,000. Peralta is teaming up with Bosque Farms until they get more funding.

Commissioner Medina said if this passes the County's portion will be a hundred eleven thousand a year. Ms. Valdez said yes, everyone would all benefit from this tax.

Commissioner Kirkham said because Living Cross responds to emergencies, will they have more staff. Ms. Valdez said no, Living Cross has no contract with anyone and can do what they want providing the Public Regulation Commission rules are followed. She said an Emergency Medical Service Board can be set up to contract with Living Cross and stipulate the expectations that are needed in Valencia County.

Commissioner Pinkston asked if any of the gross tax will go to Living Cross. Ms. Valdez responded no.

Commissioner Gentry said he supports this tax but Living Cross is getting a tremendous service free and if Living Cross is going to receive this service they should be billed accordingly, as well as Northern Socorro County. Ms. Valdez said they are in negotiations with Socorro County.

Commissioner Gentry asked is there any reason a fair share contract is not been negotiated with Living Cross. Ms. Valdez said we have tried, this has gone back and forth and right now we may be in litigation with Living Cross because the E911 board has suggested they could instruct 911 not to give the calls to Living Cross but we would have to have another service in place. We don't want to cut that service off and we should demand that the board take this to Living Cross and give them a fair share fee for what they are receiving. Commissioner Gentry urged the Fire Chief and Fire Services to apply for transport permit from the Public Regulation Commission so they can start transporting.

Chairman Rael said his understanding is that it is being taken care of by the court system. Ms. Valdez said the 911 board was doing that.

Fire Chief Charles Eaton clarified that they do have a Mutual Aid Agreement with Living Cross and indirectly Living Cross does benefit from the services from communications and our services. If approved, funding will be used to hire additional staff. He thanked the commissioners for appropriating monies out of general fund for paid personnel.

Commissioner Gentry asked Chief Eaton to clarify the EMS Board and their portion. Fire Chief Eaton said they have met with the EMS Board informally and have anticipated figures with the funding distribution. He said all the municipalities are supportive of what their figures might be. Commissioner Gentry said the county would be the fiscal agent and the comprehensive proposal on the EMS system be brought back to the commission. Fire Chief Eaton said yes.

Chairman Rael summary was that the figures were simply an allocation to each of the municipalities and the counties based upon on the best estimates by use.

Commissioner Kirkham said the benefits of Living Cross are basically a referral and sole provider, not that we pay them. Chief Eaton said Living Cross is the only certified ambulance transport service in Valencia County with the exception of Albuquerque Ambulance coming into the county upon request from Living Cross.

Ms. Valdez closed her presentation by saying that they have inherited alot in this 911 center and eventually they would get to a point where they would all be proud with the best 911 center and EMS system in Valencia County. Everyone works hard, are very committed

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and dedicated and by doing something like this is rewarding to everyone for doing their work.

Commissioner Pinkston moved to leave the Public Hearing Meeting and go into a Regular Business Meeting. Seconded by Commissioner Kirkham. Motion carried unanimously.

7. Approval of Minutes – August 6, 2008

Commissioner Gentry made a motion to strike the first sentence of the third paragraph of Item 5 in the minutes of the August 6 meeting and in the future to put captions in short form on public comments. For various reasons he would like to have that paragraph deleted from these minutes. Chairman Rael asked if there was something inaccurate about the statement. Commissioner Gentry thought there was a lot of supposition in it and said it's an opinion that he doesn't believe the minutes should reflect. Chairman Rael said if we were going to start detailing and doing them verbatim it would be a burden on staff and did not think it was necessary.

Commissioner Medina said the only question he had was if they were going to do this, they were going to have to list every public comment that somebody makes in a meeting.

Motion died for lack of a second. Discussion.

Commissioner Medina said either we show the comments made by the public or remove the public comments section.

Commissioner Kirkham said she is for setting the record straight and with the issues of concern; write down exactly what Mr. Woods and the Chairman said.

Commissioner Pinkston said she has no problem with the comments being stated but again a single comment or person is being singled out and there are two others on that same day and if one comment is verbatim then the others would need to be also. Commissioner Pinkston made a motion to table approval of the minutes of Aug. 6 and have them rewritten. Commissioner Kirkham seconded. Discussion. If this section was rewritten then all comments would have to be rewritten verbatim. Commissioner Kirkham withdrew her second; she preferred that the comments be stated. Commissioner Medina seconded the motion. It was suggested to state "Mr. Wood's addressed an article of the Valencia County newspaper and engaged comments regarding the Chairman's position."

Motion carried 4-1. Chairman Rael voted no.

August 13, 2008

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

August 20, 2008

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

a) Approval of County Wide Emergency Communications and Emergency Medical and Behavioral Health Services Tax Ordinance 2008-06 – County Commission

Commissioner Medina moved for approval. 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.

Deputy Clerk Theresa Sanchez announced Ordinance 2008-06.

a (i) Resolution 2008-38, Authorizing Placement of the Following Question on the November 4, 2008, General Election Ballot to Increase Gross Receipts Taxes for the purpose of County Area Emergency Communications and Emergency Medical and Behavioral Health Services Tax – County Commission

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

Deputy Clerk Theresa Sanchez announced Resolution 2008-38.

b) Consideration of Proclamation "International Literacy Day" – Martha Oros

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

c) Approval of Joint Powers Agreement (JPA) with the Village of Los Lunas and Valencia County for provider medical direction – Charles Eaton

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Commissioner Pinkston moved for approval. Seconded by Chairman Rael. Motion carried unanimously.

d) Consideration of Memorandum of Agreement for the purposes of the Design and Construction of the Adelino/Tome Pre-K between The County of Valencia and The Midwest Community Action Program – Bill Silva

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

e) Financial Matters

i) Approval of Grant award between Valencia County and State of New Mexico Forestry Division – Charles Eaton

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

ii) Approval of Capital Cooperative Agreement for 08/09 Legislative Appropriations - Eric Zamora

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

iii) Acknowledgement of Final Budget FY-2008/2009 – Approval from Department of Finance – Wilma Abril

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

iv) Consideration of Award Bid #635A "2008 Ford Crown Victoria Police Interceptors & 2008 Ford F-150 Trucks – Rene Rivera

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

v) Resolution 2008-39, Increase of Expenditures-Sheriff's Department/Chief Deputies – Wilma Abril

Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried 4-1. Chariman Rael abstained.

Deputy Clerk Theresa Sanchez announced Resolution 2008-39.

vi) Resolution 2008-40, Increase of Expenditures – Wilma Abril

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

Deputy Clerk Theresa Sanchez announced Resolution 2008-40.

vii) Consideration of Approval: Payroll/ Warrant – Wilma Abril

Ms. Abril presented the attached computer printout lists all checks issued by the Managers Office on 08/29/2008 covering payroll process. Direct Deposit Check #4665 thru direct deposit check #7829 inclusive. Deduction Check #95744 thru direct deposit check #95776 inclusive. Payroll Check #82732 thru payroll check #82814 inclusive. Listing total \$345,942.00.

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

Ms. Abril presented the attached computer printout lists all the checks issued by the Manager's Office on August 29, 2008 covering vendor bills processed. Check #95777 thru Check #95942 inclusive for the total of \$ 699,316.35.

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

9. Executive Session- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; Discussion payment of wages for employees on leave with cause 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: Discussion payment of wages for employees on leave with cause and no final action was taken.

Commissioner Kirkham moved for approval of the summary. Seconded by Commissioner Medina. 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.

10. Action Item(s)

a) Consideration payment of wages for Employees on leave with cause

Chairman Rael moved to have the item withdrawn permanently. Seconded by Commissioner Kirkham. Motion carried unanimously.

11. County Manager's Report (Information Only)

County Manager Eric Zamora reported the agenda's request form. This is to provide the Commission with more efficient information. Also have the legal counsel review each agenda item. This will assure to help the Commission make a decision. On Mondays, ten days before a commission meeting there will be an agenda review. Mr. Zamora is proposing and requesting from all staff to stick to this calendar. Wednesday's will be the deadline for agenda requests and this will allow time to prepare and deliver packages on Friday's to the commission for their review. Hopefully this will avoid many amended agenda.

Commissioner Kirkham said she is all for implementing the agenda's request form. Chairman Rael said he likes having a procedure and having a standardized method and if the County Manager wants to proceed with this idea he should go forward.

Commissioner Gentry asked the status of the Business Manager's open position. Mr. Zamora said the position closed on Friday and he received nine or ten applications and interviews will take place as early as next week.

Commissioner Gentry said he would like to see a system set up for items placed in the in baskets and stamped "received by" and who brought them in. Chairman Rael said he did not want anything "received" in his basket unless stamped with who brought it in because we know when and who received it. He does not want public access to his mail.

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

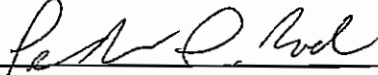
13. Adjournment

Meeting was adjourned by consensus. Time 6:24 P.M.

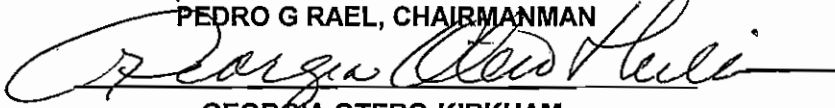
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NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 3, 2008, Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS



PEDRO G RAEI, CHAIRMANMAN




GEORGIA OTERO-KIRKHAM,
VICE-CHAIRMANMAN



DAVID R MEDINA, MEMBER

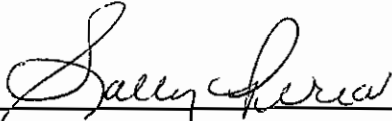


RON GENTRY, MEMBER



LYNETTE PINKSTON, MEMBER

ATTEST:



SALLY PEREA, COUNTY CLERK

9-17-08

DATE