

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

November 19, 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, County Attorney	
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 for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

4. Approval of Minutes – November 5, 2008 Regular Business Meeting

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

November 7, 2008 Special Meeting

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

5. Public Requests

Samuel Aragon asked the status of retrieving delinquent taxes. Chairman Rael said this commission by unanimous vote, had requested funding from the legislature for new computer system to monitor the tax situation throughout the county. This ranked top five of our county's list. Chairman Rael said the law does not allow Valencia County to collect its own delinquent property taxes. The State of New Mexico Property Tax collects delinquent taxes.

6. Non-Action Item

a) Reports from Directors – Directors

Commissioner Kirkham as a point of interest commented on declining building permits. In 2006, 310 permits were issued, in 2007-269 and in 2008 -141. This will give the public an idea of the finance status of the county.

b) Reports from Boards, Commissions & Committees

Commissioner Pinkston reported the following items; Teen court's acting judge was Michael Sanchez whose participation with the teens had a positive impact.

Commissioner Pinkston also announced she is stepping down as the Association of Counties Board of Directors member and recommended County Assessor Viola Vallejos. Ms. Vallejos does attend all the conferences in-state and has filled in for her at one of the meetings. Ms. Vallejos is interested in the position.

7. Action Items

Board of County Commissioners Convenes as Indigent Claims Board

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

a) Indigent Report/Appeal – Barbra Baker

Ms. Baker presented the Indigent Claims from October 1, 2008 to November 6, 2008. The amount of claims submitted was \$1,714,174.96. Ms. Baker requested approval of \$78,161.39.

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

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Commissioner Pinkston moved to re-convene as the Board of Commissioners. Seconded by Commissioner Kirkham. Motion carried unanimously. **(See Exhibit A)**

Ms. Baker presented a National Association of County Prescription (NACo) drug discount card. Ms. Baker said this card is free to residents and the county with a savings of twenty-two percent for prescriptions. This can be used for the inmates and save the county a lot of money.

Commissioner Kirkham asked if only national pharmacies accept the NACo discount cards. Ms. Baker said national and local pharmacies.

County Attorney Adreni Nance said the discount card was created by the National Association of Counties. He explained the county would enter into a three year contract and there is no cost for the county. County Attorney Nance said the only problem he has seen with other counties is that it is not advertised enough. The company would provide all advertising materials.

Commissioner Kirkham said she is a member of the Head Start Program of the New Mexico Midwest Community Action Program (CAP) Board and suggested to Ms. Baker that this could be beneficial to those families.

Commissioner Pinkston volunteered to assist Ms. Baker. She explained the NACo discount card can be distributed throughout the county with the county's logo and phone number. The company does not collect any personal information.

Commissioner Gentry asked how local pharmacies participate and who will inform the board if the contract is amended. Ms. Baker said the local pharmacies are listed as participating pharmacies through the National Associations of Counties and once a contact person has been appointed the company will inform that person. Ms. Baker said she would like to be the contact person and would first go to the county attorney if any amendments were added and then go before the Commission.

Commissioner Medina wants verification that the local pharmacies are in favor of this program before voting.

Commissioner Pinkston motioned for approval. Seconded by Commissioner Kirkham. Discussion. Commissioner Gentry said he wants to make sure this program will not lean to one big discount house undermining the local pharmacies.

Commissioner Pinkston amended her motion to verify that all pharmacies accept Caremark NACo discount card. Seconded by Commissioner Kirkham.

Motion carried 3-2. Commissioner Gentry and Commissioner Medina abstained.

c) Final Action on Public Hearing: November 12, 2008

i) Requesting an Amendment the Zoning Map from OD to C-2 with a Conditional Use to allow for the operation of a Motorsports Facility; T6N. R4E, Section 7, NMPM; The Northwest ¼ and East ½ of the Northwest ¼ and Lots 1 and 2; Consisting of 326.1 Acres; Zoned OD; Valencia County, NM/ Route 66 Community Multiplex, Inc. – Anthony Williams, Agent/ County Commission

Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham.

Discussion. Commissioner Kirkham said Meadow Lake Association and El Cerro Mission did not speak in favor or against Motorplex and feels good about voting in favor.

Commissioner Gentry requested the commission consider adding two conditions; an acquisition by the applicant of the property and substantial construction to recognize in five years. Chairman Rael said the board had heard public input with ranching, the airpark and the impacts of the Motorplex in terms of business and asked for the vote. Motion carries 4-1. Commissioner Gentry voted no.

ii) Requesting County Commission overturn the Planning and Zoning Commission's decision to deny the applicant's application for a Variance on Side Yard Setback requirements within an RR-2 Zoning District to allow for a storage building to be placed 2 feet from the property line; T5N, R2E, Section 19, NMPM; MRGCD Map 102; Tract 94A; consisting of 1.03 acres; Zoned RR-2 filed in Book 274, Page 7548 of the Office of the Valencia County Clerk; Also Known as: 673 A Jarales Road, Valencia County, NM/ Alfred Gurule – County Commission (See Exhibit B)
Commissioner Medina moved for approval. Seconded by Commissioner Gentry. Motion carried 4-1. Commissioner Kirkham abstained; Alfred Gurule's wife is related to her.

iii) Requesting an Amendment to the Zoning Map from RR-2 to RR-1 to allow for the Subject Properties to be split into (3) equal parcels to be distributed in accordance to the Will and Testament of the applicant's mother; T6N, R2E, Section 27, NMPM; Tracts 106A1 & 106C2B1A2AA2B; MRGCD Map 89, consisting of 1.17 acres & 2.11 acres respectively; Zoned RR-2; Valencia County, NM/ Macedonio Marquez-County Commission (See Exhibit C)

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

iv) Requesting to Amend the Zoning Map from Rural Residential-2 (RR-2) to Community Commercial (C-2) to allow for use of the existing structure on the subject property as a residence/office and to allow for future development of the subject property for commercial purposes; T7N, R2E, Section 26; Lot 72-A; consisting of 1.45 acres; Zoned RR-2 Also Known as 20 El Cerro Road, Los Lunas, Valencia County, NM/ Unit P. LLC-Robert D. Becker- County Commission

Commissioner Kirkham made a motion to deny. Seconded by Commissioner Pinkston. Discussion. Commissioner Kirkham stated her concerns were with the traffic on a two lane road and this is a safety issue. Motion carried unanimously. Commissioner Kirkham encouraged Mr. Becker to re-apply at a later date. (See Exhibit D)

d) Consideration & Approval of Amend existing Joint powers Agreement between Bosque Farms and Valencia County Detention Center – Derek Williams

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

e) Consideration & Approval of MOA between Valencia County and Midwest Community Action Program – Kenneth Griego

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

f) Financial Matters

i) Convenes as Board of Finance-Budget Review- County Commission

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

County Manager Eric Zamora presented the county's economical financial situation. The county budget revenues in comparison with 2007 shows figures at a 10% shortfall, gross receipt revenues are down 4% and overall the county will be in a 7.5% shortfall. The property tax collection true figures will be revealed after December 10, 2008. The primary expense is personnel. The immediate steps for cost savings for the Board to consider are hiring freeze, overtime, travel, take home vehicles, training and cell phone usage. Commissioner Kirkham's concerns with the hiring freeze was that she did not want to disservice the public. County Manager Eric Zamora said administrative staff can recommend not making a complete hiring freeze.

Commissioner Medina requested the board give the County Manager and Business Manager direction to mandate and have the authority to implement cut backs and hiring replacements as seen fit.

Commissioner Kirkham asked for a review of cell phones and suggested the county have one carrier.

Chairman Rael said 65% of the budget is personnel. We need to protect personnel as much as possible. Those are the people who have families who buy and make the economy move. This is why we have to be very careful with our budget and our future expenditures.

Commissioner Kirkham suggested Mr. Griego consider having department heads cross train or consider job sharing. She asked Mr. Zamora if he had met with the Elected Officials. Mr. Zamora said yes and they were very helpful to identify areas to cut cost.

Commissioner Medina requested that Mr. Zamora include department budget reports along with the revenues. Mr. Zamora said he will report after December 10, 2008 to present figures.

Commissioner Kirkham asked County Clerk Sally Perea if the county was still paying for the prior voting machines bought in 2003. Ms. Perea said there has been a moratorium extended since 2006 when the Governor wanted paper ballots. We have budgeted but

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haven't had to make a payment. The bill to forgive the debt will go to Legislature again. The clerk's affiliate is almost sure that the debt will be forgiven.

Chairman Rael said by consensus it is made clear to cut as much as possible without reducing services and to keep all employees fully employed. If Mr. Zamora needs the Commissions' help we will support him at a moments notice.

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

ii) Consideration of Approval; Payroll/Warrants – Wilma Abril

Mr. Zamora presented the attached computer printout list of all checks issued by the Manager's Office on November 7, 2008 covering payroll process. Direct Deposit Check #8500 thru direct deposit check #8670 inclusive. Deduction Check #96600 thru deduction check #96636 inclusive. Payroll Check #83249 thru payroll check #83362 inclusive. Listing total \$384,688.56. **(See Exhibit G)**

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

Mr. Zamora presented the attached computer printout list of all checks issued by the Manager's Office on November 14, 2008 covering vendor bills process. Check #96637 thru check #97046 inclusive for the total of \$466,704.24.

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

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 Deputy Detention Director 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 Gentry. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Medina voted yes. Commissioner Gentry voted yes. Chairman Rael voted yes. Motion carried 5-0.

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

County Attorney Adren Nance stated the matters discussed in executive session were; Deputy Detention Director, Direction to the County Manager to make review of the initial position and to report back the findings and no further action was taken.

Commissioner Pinkston moved to approve the summary. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Medina voted yes. Commissioner Gentry voted yes. Chairman Rael voted yes. Motion carried 5-0.

9. County Manager Report (Information Only)

Mr. Zamora reported Regional Water/Waste Board legislative priorities from the Mid-Region Council of Governments. The summarized recommendations to legislature for 2009 are; to support state funding assistance per modification and update regional water plan. Capitalize a trust fund in order to build significantly permanent water project plan. Establish and maintained all aquifers information by modification program. Support state wide water conservation building centers. Create policies for stable water management. Mr. Zamora also reported the Transit Transporting plan, produced by the MRCOG, in reviewing the list of projects, needs to be re-evaluated. At the next Commission meeting he will present a list of projects for consideration based on district. There is discussion occurring at local and state levels that appears that the second stimulant package, through the federal government, is coming together. It is possible for the county to receive monies under the federal government, if county is on the approved list. In order to qualify for federal dollars the county has to be on a long range plan. It is prudent to take a correct approach in case funds are available.

Target date for the Legislative luncheon is December 4, 2008 to promote priorities for 2009. Commissioner Kirkham said the county did not take a proactive approach in contacting legislative in Santa Fe and requested Mr. Zamora confirm reservation to lobby the county's cause.

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

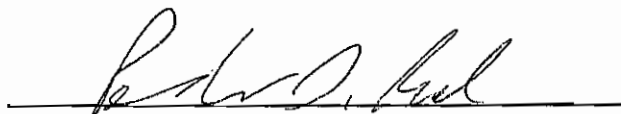
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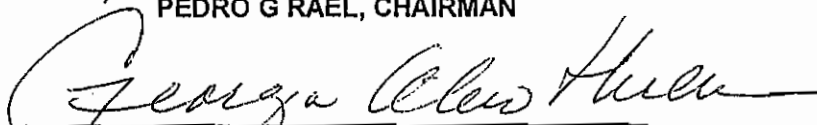
11. Adjournment


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

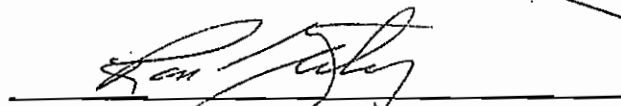
NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, November 19, 2008 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

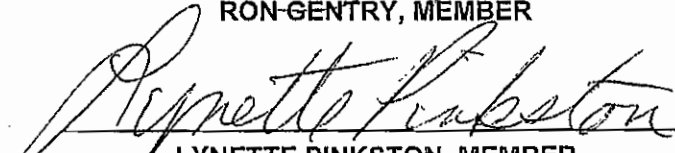
VALENCIA COUNTY BOARD OF COMMISSIONERS


PEDRO G RAEI, CHAIRMAN


GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN


DAVID R MEDINA, MEMBER


RON-GENTRY, MEMBER


LYNETTE PINKSTON, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

12-17-08
DATE