

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Regular Business Meeting

December 17, 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 & 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 agenda and to table item 7di. By consensus item 7di was tabled and the agenda was approved.

### **4. Approval of Minutes – November 19, 2008 – Regular Business Meeting**

Commissioner Medina moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. **December 3, 2008 – Regular Business Meeting**

Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. 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.)**

Paul Smouse a resident of Los Chavez shared his concerns of access blocked into Trego Canyon by a local Rancher. County Attorney Adren Nance gave status of the road and said that road was condemned in 1965 by Valencia County. He also said It is a county road and access to the National Forest and open it up for discussion in executive session before taking action.

Ed Grant, a resident of Los Lunas, had concerns on this matter also.

Samuel Aragon presented an award to Commissioner Pinkston in appreciation for her service to Meadow Lake Community in her tenure as their commissioner. Commissioner Pinkston gave her heartfelt appreciation to Meadow Lake residents for their support.

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

#### **a) Proclamation for Paul Moya, President of “National Future Farmers of America” – County Commission**

Chairman Rael read the Proclamation. Commissioner Kirkham presented the Proclamation plaque to Ms. Jaramillo, who accepted on behalf of her son. Ms. Jaramillo read an acceptance speech from Paul Moya. She recognized Paul Moya's High School Agriculture teacher Daniel Mathews for his positive support.

By consensus the Board approved the Proclamation. **(See Exhibit A)**

#### **b) Presentation of Award Ceremony – County Commission Employee Retirement Recognition**

Human Resource Director Jacque Chavira presented retirement awards to Alex Lopez, employed with Public Works-Conejo Transfer Station and to Edward James Martinez for eighteen years of service with law enforcement. They both gave their appreciation to the Commission.

#### **Elected Official Recognition**

Chairman Rael presented award plaques to the out going elected officials, Treasurer Diana Martinez Coplen and Commissioner Lynette Pinkston. Treasurer Diana Coplen said she enjoyed serving Valencia County for twenty-six years and gave her appreciation to her staff.

Commissioner Pinkston said she enjoyed serving Valencia County especially working with Teen Court and she will continue to volunteer. She gave her appreciation to Meadow Lake Association for their support. Commissioner Gentry gave his appreciation to Commissioner Pinkston for her service for Valencia County residents and said she will be missed. Chairman Rael said he appreciated Commissioner Pinkston's effort toward Teen Court and bringing out his son's awareness. Commissioner Kirkham and Commissioner Medina both gave their appreciation to Commissioner Pinkston for her services.

Fire Chief Charles Eaton presented a Dedication of Service Award to Commissioner Pinkston from EMT and all Fire Departments.

Chairman Rael called a five minute break for refreshments.

**c) Reports from Directors – Directors**

Prevention Specialist Jack Smith presented the final series of the Risk Awareness Program (RAP) report. Workers' Compensation accidents decreased 32 % percent, Multi-Line claims decreased 15%, Auto claims decreased 20% and Law Enforcement Liability claims decreased 25%. Commissioner Gentry asked if this report has been forwarded to the New Mexico County Insurance Company. Mr. Smith said the report came from Loss Prevention Manager Insurance Authority Bruce Swingle. Commissioner Pinkston commented on the Prevention Specialist position is the best thing the commission has done and Mr. Smith is a great asset. Mr. Zamora said if the pattern continues to decrease or show stability the next three years a decrease with insurance premiums is a great possibility. Mr. Zamora said second phase of RAP will focus on Behavior Base Safety. Mr. Zamora thanked the Commissioners for their support.

Budget Analyst Larry Trussell reported the County's final revenues. Property tax revenues increased five hundred three thousand dollars from 2007, Gross receipts tax decreased hundred ninety-two thousand dollars (due to the economy), General fund increased five hundred forty thousand dollars (this is over the budget); Expenses increased nine thousand eight hundred forty dollars from 2007. There are no concerns with financial position at this moment. County Manager Eric Zamora recommends continuing the conservative approach when revaluating the budget. Commissioner Pinkston gave her appreciation to all departments for their cooperation and supporting the Commissioners.

**d) Reports from Boards, Commission & Committees – County Commission**

None.

**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 Pinkston. Motion carried unanimously.

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

Ms. Baker presented the Indigent Claims from November 6, 2008 to December 2, 2008. The amount of claims submitted was \$483,268.60. Ms. Baker requested approval of \$33,077.63. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. **(See Exhibit B)**

Ms. Baker presented an Indigent Appeal on behalf of Faustino Molina. Ms. Baker requested approval of two Lovelace Medical Center bills in the amount of \$605.12 and \$684.15. If approved Valencia County Indigent would pay \$992.73 to Lovelace Medical Center. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. **(See Exhibit C)**

**Board Re-Convenes as Board of County Commissioners**

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

**b) Resolution 2008-52, "Implementing a Uniform Fee Schedule for Reproducing Public Records in the Custody of the County of Valencia Assessor's Office – Victor Gonzales**

Victor Gonzales presented the above item. The fee is to offset costs for custom maps and custom data base. County Attorney Adren Nance suggested a correction on the Uniform Fee Schedules third "whereas" and said this does not change the substance of the Resolution.

Commissioner Pinkston moved to approve with the recommendation from the County Attorney. Seconded by Commissioner Kirkham. Motion carried unanimously.

**(See Exhibit D)**

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Commissioner Kirkham asked Mr. Gonzales if other counties have these fees. Mr. Gonzales stated yes. The fees for maps and data were originated from the Clerk's Office charges and are set by state statute.

County Clerk Sally Perea announced Resolution 2008-52.

**c) Ordinance 2008-07, "Valencia County Sex Offender" – County Commission**  
Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston.  
Motion carried unanimously. (See Exhibit E)

County Clerk Sally Perea announced Ordinance 2008-07.

**d) Final Action Public Hearing; December 10, 2008**  
**i) Request to Vacate Summary Subdivision Plat known as Land Division of West ½ of Lot 4, Block 6, Mesa Estates; T7N, R2E, Section 26, NMPM; Zoned RR-1; filed in the Cabinet B, Page 196 of the Office of the Valencia County Clerk, Valencia County, NM/Connie Gutierrez – County Commission**  
Tabled.

**ii) Appeal of Planning & Zoning Commission approval of request for a Conditional Use; Home Occupation for application #Cu8015 (Application #APL08002); Legal description of the subject property on which the appeal is based is as follows; T5N, R2E, Section 20 NMPM; Land of Safewaste, Inc., Tracts 115C1 & 115D1; consisting of 2.35 acres and 2.00 acres respectively; zoned AP; filed in Book 359, Page 21995 of the office of the Valencia County Clerk; also known as 18 Don Quixote Road, Belen, Valencia County, NM/ Gabriel E. Marquez – County Commission**

Chairman Rael called for a motion to affirm the Planning and Zoning approval of the Conditional Use Home Occupation. Motion died for lack of a second.  
Commissioner Gentry moved to approve the denial of Planning and Zoning Conditional use Home Occupation. Seconded by Commissioner Pinkston. Motion carried 3-2.  
Commissioner Kirkham voted no. Chairman Rael voted no. (See Exhibit E)

**iii) Request for Preliminary Plat approval (application #PP08001) The Vistoso Ranch, Unit 1 Subdivision; a Type 2 Subdivision consisting of 99 residential lots; T5N, R2E, Sections 14 & 15, NMPM; a Tract of Land situate within the Tome Grant; all of Block 6, Unit 65, Rio Del Oro; Tract A, Enchanted Mesa, Unit 23; being all designated on said plat filed in Cabinet J, Folio 216 of the Office of the Valencia County Clerk Valencia County, NM / Sunchase Builders, LLC- Mark Goodwin & Associates, PA- Agent – County Commission**

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

**e) Financial Matters**

**i) Consideration and Approval of Payroll, Warrants**  
Ms. Abril presented the attached computer printout list of all checks issued by the Manager's Office on 12/10/2008 covering payroll process. Direct Deposit Check #8844 thru direct deposit check #9014 inclusive. Deduction Check #97238 thru deduction check #97237 inclusive. Payroll Check #83472 thru payroll check #83562 inclusive. Listing total \$364,381.28. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. (See Exhibit G)

Ms. Abril presented the attached computer printout list of all checks issued by the Manager's Office on December 10, 2008 covering vendor bills process. Check #97274 thru check #97365 inclusive for the total of \$289,040.64. Commissioner Gentry moved for approval. Second by Commissioner Pinkston. 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; b. pending or threatened litigation; Update by Kevin Brown on Jerusalem Community of the Society of Our Lady of the Most Holy Trinity ("SOLT") vs. Valencia County, and c. other specific limited topics that are allowed or authorized under the stated statute.**  
Commissioner Pinkston moved to go into Executive Session. 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.

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

County Attorney Adren Nance reported the matters discussed in Executive Session: Jerusalem Community of the Society of Our Lady of the Most Holy Trinity ("SOLT") vs. Valencia County and no final action was taken.

Commissioner Pinkston moved for approval. 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 5-0.

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

**January 1, 2009 – Swearing-In of Newly Elected Officials @ 1:00PM in Judicial District Court in Judge William Sanchez Court Room 1835 Hwy 314 SW Los Lunas, NM**

County Manager Eric Zamora reported that the swearing in ceremony for the newly elected officials would be held on January 1, 2009 at 1:00 P.M at the Judicial District Courthouse in the Courtroom of Judge William Sanchez.

Mr. Zamora gave an update on the Conejo Transfer Station clean-up. The county has been working with the Environment Department and are 95% completed with the cleaning effort. Mr. Zamora requested the commission review their committee appointments. The current list will be delivered to the commission for review at the January 7, 2009 meeting.

On December 19, 2008 at 3:00 P.M. a dedication ceremony for the Isleta Pueblo Rail Runner Station will be held and the Commissioners are invited to attend.

Mr. Zamora requested that December 26, 2008 be awarded as Administrative Day to the employees for successfully completing the RAP training. By consensus the commission approved December 26, 2008 a day off for Valencia County employees. Commissioner Medina requested that it be published and publicly place signs of the the courthouse being closed on that day. Commissioner Gentry said the day off is a bonus and a thank you for participating in the RAP program. Chairman Rael agreed that this is an incentive to continue the good work regarding the risks assessment and expecting good work in the future.

**10. The next Organization/Business Meeting of the Valencia County Board of County Commission will be held on January 7, 2009 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.**

**11. Adjournment**

Commissioner Medina moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. Time 6:51:38 P.M.

Minutes of December 17, 2008 Regular Business Meeting

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the December 17, 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

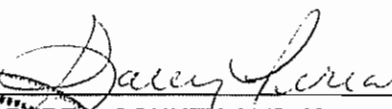
  
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GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN

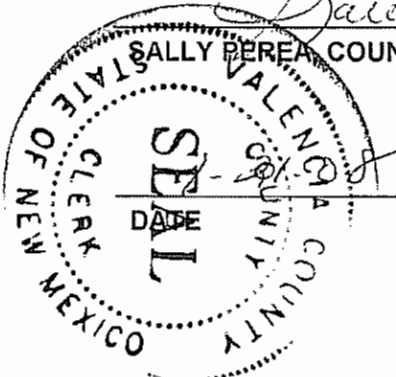
  
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DAVID R MEDINA, MEMBER

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

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

ATTEST:

  
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SALLY PEREA, COUNTY CLERK

  
The seal is circular with "VALENCIA COUNTY" around the top and "NEW MEXICO" around the bottom. In the center, it says "CLERK" and "SEAL". There is a date stamp "DEC 17 2008" and a signature across the seal.