

January 2, 2013

Agenda

9:30 A.M. Organization / Business Meeting

Valencia County Commission Chambers 444 Luna Avenue Los Lunas, NM 87031 **Board of County Commissioners**

Donald E Holliday, Chair District V

Alicia Aguilar District II

Mary Andersen District I

Lawrence R. Romero District III
Charles Eaton District IV



- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes:

December 19, 2012......Business Meeting



PRESENTATION(S)

NONE

DISCUSSION (Non-Action) **ITEM(S)**

NONE

ACTION ITEM(S)

a.	Resolution 2013-	, Appointment of Chairperson & Vice-Chairperson
b.	Resolution 2013-	, Adoption of 2013 Open Meetings Act
C.	Resolution 2013-	, Adoption of Parliamentary Procedures and Robert's Rules of Order
d.	Resolution 2013-	, Inspection of Public Records Act
e.	Resolution 2013-	, Establish Holidays & Work Holidays
f.	Resolution 2013-	, Signature Authority on Checks
g.	Resolution 2013-	, Appointments Boards, Commissions & Committee's
h.:	Resolution 2013-	, Public Participation at Valencia County Commission Meetings

FINANCIAL MATTERS:

5) Approval of Financial/Payroll warrants. Nick Telles

PUBLIC COMMENT:

Please sign up on the sheet located just outside the Commission chambers. The Board will allow each member of the public wishing to address the Board a full and complete opportunity to address the Commission.

NEXT COMMISSION MEETING:

♦ January 9, 2013 – Public Hearing @ 5:00 P.M.
Valencia County Commission Board Room 444 Luna Ave. LL, NM

ADJOURN:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Manager's Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2014 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.



APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON OF VALENCIA COUNTY COMMISSION

WHEREAS, the Valencia County Board of Commissioners upon notice of meeting duly published has considered appointment of a Chair of the Valencia County Commission, and a Vice-Chair, and upon motions duly made and seconded has voted by majority and appointed its Chair and Vice-Chair, in its regularly scheduled meeting at the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87301, commencing at 9:30 A.M., on January 2, 2013.

NOW, THEREFORE, BE IT RESOLVED THAT the Valencia County

Commission appoints and names as Chair of the Commission,		Commission,
and as Vice-Chair of	the Commission,	
APPROVED	O, ADOPTED, AND PASSE	D on this 2 nd day of January, 2013.
	BOARD OF COUNTY CO	OMMISSIONERS
Mary J. Andersen		Alicia Aguilar
Commissioner, Distr	ict I	Commissioner, District II
Lawrence R. Romero		Charles D. Eaton
Commissioner, District III		Commissioner, District IV
	Donald E. Holliday Commissioner, District V	<u> </u>
Attest:	Commodianci, Pistrict V	
Peggy Carabajal, Co	unty Clerk	



OPEN MEETINGS ACT

WHEREAS, the Valencia County Board of Commissioners met upon notice of meeting duly published at the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031 on Wednesday, January 2, 2013, at 9:30 A.M. as required by law; and,

WHEREAS, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Section 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission or their policy-making body of any state or local public agency held for the purpose of formulating public policy, or for the purpose of taking any action within the authority of such body, are declared to be public meetings open to the public at all times; and,

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and,

WHEREAS, Section 10-15-1 (D) of the Open Meetings Act requires the Valencia County Commission to determine at least annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED, by the Valencia County Commission that:

- 1. All meetings shall be held at the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031 or as indicated on the meeting notice.
- 2. Regular business meetings shall begin at 9:30 a.m. and regular public hearing meetings shall begin at 5:00 p.m., or as indicated in the meeting notice. Regular business meetings will be held the first and third Wednesday of each month and regular public hearing meetings will be held on the second Wednesday of each month, if needed, unless otherwise specified. The agenda will be available at least forty-eight hours prior to a regular business meeting or a regular public hearing meeting from the County Manager, whose office is located at 444 Luna Avenue,

Los Lunas, New Mexico 87031. Notice of any other regular meetings will be given at least three days in advance of the meeting date. The notice shall include a copy of the agenda or information on how a copy of the agenda may be obtained.

- 3. Special meetings may be called by a majority of the members upon three days notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least forty-eight hours before any special meeting.
- 4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of the citizens or to protect the public body from substantial financial loss. The Valencia County Commission will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four hours notice, unless protecting Valencia County from substantial financial loss or a threat to the health, safety and property of the citizens of Valencia County requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.
- 5. For the purposes of regular meetings and special meetings described in paragraphs 2 and 3 of this resolution, notice requirements are met if the notice of the date, time, place and agenda is published online at the County's website www.co.valencia.nm, is posted at the following locations:
 - A. Valencia County Administration Office, 444 Luna Avenue, Los Lunas, New Mexico 87031:
 - B. Valencia County District Courthouse, 1835 Hwy 314 SW, Los Lunas, NM, 87031;
 - C. Del Rio Senior Center, 351 Rio Communities Blvd., Belen, NM 87002;
 - D. Meadowlake Senior Center, 100 Cuerro Lane, Los Lunas, NM 87031;

and if the date, time, and place of the meeting, and information on how the public may obtain a copy of the agenda, is placed in a newspaper of general circulation in Valencia County. Copies of the written notice shall also be mailed, faxed or emailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

6. For the purposes of emergency meetings described in paragraph 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone, facsimile or email to newspapers of general circulation in the County and posted at the Valencia County Administration Office, 444 Luna Avenue, Los Lunas, New Mexico 87031. Notice shall also be

given by telephone, facsimile or email to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

7. In addition to the information specified above, all agendas shall include the following language:

"If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting please contact the Valencia County Manager, at 444 Luna Avenue, Los Lunas, New Mexico 87031, phone (505) 866-2014 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager if a summary or other type of accessible format is needed."

- 8. The Valencia County Commission may close a meeting to the public only if the subject matter of such discussion or action is exempted from the Open Meeting requirement under Section 10-15-1 (H) (1 through 10) of the Open Meetings Act.
 - A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the County Commission taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
 - B. If a closed meeting is conducted when the Valencia County Commission is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members of the general public.
 - C. Following completing of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
 - D. Except as proved in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a close meeting shall be made by vote of the Valencia County Commission in an open public meeting.
- 9. A member of the Board of County Commissioners or any of its Boards may participate in a meeting by means of a conference telephone or other similar communications equipment when it is difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference

telephone can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

APPROVED, ADOPTED, AND PASSED on this 2nd day of January, 2013. **BOARD OF COUNTY COMMISSIONERS**

Mary J. Andersen Commissioner, District I		Alicia Aguilar Commissioner, District II
Lawrence R. Rome	ro	Charles D. Eaton
Commissioner, District III		Commissioner, District IV
	Donald E. Holliday	
Attest:	Commissioner, District V	
Peggy Carabajal, C	ounty Clerk	



PARLIAMENTARY PROCEDURES AND ROBERT'S RULES OF ORDER

WHEREAS, the Valencia County Commission met upon notice of meeting duly published on January 2, 2013 at 9:30 A.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87301; and,

WHEREAS, the Board of County Commissioners will conduct their meetings using Robert's Rules of Order (10th ed.) as a guide to parliamentary authority, except as modified by this document; and,

WHEREAS, the Board of County Commissioner has five elected Commissioners representing five districts, and collectively, set policy for Valencia County outside of incorporated areas; and,

WHEREAS, collectively, the Board of County Commissioners, through simple majority, elect a Chairperson and Vice-Chairperson from among themselves, whose terms last until the first meeting of the next year; and,

WHEREAS, individually, the Board of County Commissioners are equal in their authority to represent not only their district but the entire County; and,

WHEREAS, to give equal representation for all five members of the Commission is appropriate to adopt special rules modifying Robert's Rules of Order.

NOW, THEREFORE BE IT RESOLVED, the Board of County Commissioners incorporates the above recitals, to be made a part of this resolution with the same force and effect as the remainder of this document.

BE IT FURTHER RESOLVED, that the Board of County Commissioners adopt the following "Special Rules" modifying Robert's Rules of Order for the purpose of conducting business during the meetings of the Board:

1. The Chairperson may make motions and shall have the same voting rights, no less and no more, as any other member of the Board.

- 2. The Chairperson shall not have any administrative, procedural, contractual or similar authority different than any other member of the Board, except as provided by statute.
- 3. Should the Chairperson vacate the office of Chairperson, the Vice-Chairperson shall serve the remainder of the term, and a new Vice-Chairperson shall be selected by a simple majority of a quorum of the Board.
- 4. Members of the Board are required to obtain the floor (i.e., must be recognized by the Chairperson) before making motions or speaking.
- 5. Any and all motions need to have a second before a vote may be taken.
- 6. Items appearing on the agenda of meetings of the Board shall be those necessary for the proper consideration and management of County business, as determined by the County Manager. Additionally, the County Manager shall place any item necessary for the proper consideration and management of County business requested by any individual member of the Board of County Commissioners on the agenda for the meetings of the Board.

APPROVED, ADOPTED, AND PASSED on this 2nd day of January, 2013. **BOARD OF COUNTY COMMISSIONERS**

Mary J. Andersen Commissioner, District I	Alicia Aguilar Commissioner, District II
Commissioner, District I	Commissioner, District II
Lawrence R. Romero	Charles D. Eaton
Commissioner, District III	Commissioner, District IV
Donald E. Holl	iday
Commissioner,	•
Attest:	
Peggy Carabaial, County Clerk	



INSPECTION OF PUBLIC RECORDS ACT

WHEREAS, the Board of County Commissioners of Valencia County, met upon notice of meeting duly published on January 4, 2012, at 9:30 A.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87301; and,

WHEREAS, Section 14-2-7 of the Inspection of Public Records Act (NMSA 1978, Section 14-2-1 to −12) states that each public body shall designate at least one custodian of public records who shall: Receive and respond to requests to inspect public records, provide proper and reasonable opportunities to inspect public records, and provide reasonable facilities to make or furnish copies of the Public Records during usual business hours;

NOW, THEREFORE, BE IT RESOLVED, by the Valencia County Commission that it designates the Valencia County Manager as its custodian of public records.

The County Manager shall:

- (1) Receive and respond to requests to inspect County Commission public records;
- (2) Provide proper and reasonable opportunities to inspect County Commission public records; and
- (3) Provide reasonable facilities to make or furnish copies of County Commission public records during usual business hours.

APPROVED, ADOPTED, AND PASSED on this 2nd day of January, 2013.

Mary J. Andersen	Alicia Aguilar	
Commissioner, District I	Commissioner, District II	
Lawrence R. Romero	Charles D. Eaton	
Commissioner, District III	Commissioner, District IV	
Donald E. Holliday Commissioner, District V		
Attest:		
Peggy Carabaial County Clerk		



ESTABLISHING HOLIDAYS & WORK HOURS

WHEREAS, The Valencia County Commission met upon notice of meeting duly published on January 2, 2013 at 9:30 A.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87301; and,

WHEREAS, The Board of County Commissioners will establish regular working hours and holidays as follows:

WORKING HOURS:

Monday through Friday - 8:00 A.M. - 5:00 P.M. - five (5) days a week, with two (15) minute breaks every (4) hours, and one (1) hour for lunch break (Days and times for offices that require staggered shifts, part-time, emergency or personnel employed through grants, including the County Road Department, Sheriffs Department, Detention, Animal Control & Fire/Emergency Services may vary according to need and as approved by the Elected Official/ Department Head and the County Manager).

HOLIDAYS:

The Commission will follow State personnel memorandum of holidays, and amendments are to be made only by the Board of County Commissioners.

HOLIDAY	DAY / DATE OBSERVED
Martin Luther King Jr.'s Birthday	Monday, January 21, 2013
Spring Holiday	, 2013
Memorial Day	Monday, May 27, 2013
Independence Day	Thursday, July 4, 2013
Labor Day	Monday, September 2, 2013
Columbus Day	Monday, October 14, 2013
Veteran's Day	Monday, November 11, 2013
Thanksgiving Day	Thursday, November 28, 2013
Presidents Day (observed)	Friday, November 29, 2013
Christmas Day	Wednesday, December 25, 2013
New Year's Day 2013	Wednesday, January 1, 2014

NOW, THEREFORE, BE IT RESOLVED, that the Valencia County Commissioners approve the above working hours and holidays on this 2nd day of January, 2013.

APPROVED, ADOPTED, AND PASSED on this 2nd day of January, 2013.

Mary J. Andersen	Alicia Aguilar
Commissioner, District I	Commissioner, District II
Lawrence R. Romero	Charles D. Eaton
Commissioner, District III	Commissioner, District IV
Donald E. Holliday Commissioner, District V	
Attest:	
Peggy Carabajal, County Clerk	



SIGNATURE AUTHORITY ON CHECKS

WHEREAS, the Valencia County Commission met upon notice of meeting duly published on January 2, 2013 at 9:30 A.M. at the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87301; and,

WHEREAS, NMSA 1978, Section 4-45-4 (2001) provides in pertinent part that "[m]oney may be paid from the county treasury by check or warrant. If money is paid by check, the check must be signed by the chairman of the board of county commissioners or his designee and the county treasurer;"and,

WHEREAS, NMSA 1978 Section, 4-38-16 (1976) declares that it is a duty of the Board of County Commissioners to "[t]o examine and settle all accounts of the receipts and expenses of the county, and to examine and settle, and allow all accounts chargeable against the county, and when so settled they may issue county orders therefor as provided by law."

NOW, THEREFORE, BE IT RESOLVED, that the Valencia County Commissioners delegates it authority to approve checks to the Chair of the Commission; and,

BE IT FURTHER RESOLVED that this delegation and the authorization of signatures on checks shall continue until replaced by future designations. This designation of signatures may be affixed to the form contract of deposit signature card of any financial institution issuing Valencia County checks, and shall incorporate the terms thereof, and all laws of the State of New Mexico and regulations of the Local Government Division of the Department of Finance and Administration, as if fully set out herein, and when so affixed, shall constitute full and sufficient authorization of the banking institution to honor signatures upon such checks.

APPROVED, ADOPTED, AND PASSED on this 2nd day of January, 2013.

Mary J. Andersen	Alicia Aguilar
Commissioner, District I	Commissioner, District II
Lawrence R. Romero	Charles D. Eaton
Commissioner, District III	Commissioner, District IV
Donald E. Holliday	
Commissioner, District V	
Attest:	
Peggy Carabaial, County Clerk	



APPOINTMENT BOARD & COMMITTEE MEMBERS

WHEREAS, The Valencia County Commission met upon notice of meeting duly published on January 2, 2013 at 9:30 A.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87301; and,

WHEREAS, pursuant to NMSA 1978, 4-38-18 (1876) it is the duty of the Board of County Commissioners "[t]o represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law;" and,

WHEREAS, the Board of County Commissioners has established various boards and advisory committees to assist with the management of County business; and,

NOW, THEREFORE, BE IT RESOLVED, that the Valencia County Commissioners approve the appointments to the various established boards and committees as designated on Exhibit "A" attached hereto.

APPROVED, ADOPTED, AND PASSED on this 2nd day of January, 2013.

Mary J. Andersen		Alicia Aguilar	
Commissioner, Di	strict I	Commissioner, District II	
Lawrence R. Rom	ero	Charles D. Eaton	
Commissioner, District III		Commissioner, District IV	
	Donald E. Holliday		
	Commissioner, District V		
Attest:			
Tittobt.			
Peggy Carabaial, (County Clerk		



PUBLIC PARTICIPATION AT VALENCIA COUNTY COMMISSION MEETINGS

WHEREAS, the Valencia County Commission met upon notice of meeting duly published on January 2, 2013 at 9:30 A.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, the Valencia County Commission recognizes that public access to the proceedings and decision-making processes of the meetings of the Board of County Commissioners is crucial to the functioning of democracy; and

WHEREAS, the Valencia County Commission further recognizes that meetings held by the Commission to discuss public business, particularly when conducted with the public taxpayers' money, are the taxpayers' business; and

WHEREAS, the Valencia County Commission recognizes that, with limited exceptions, the Open Meetings Act generally prohibits a public body from conducting public business in secret or in closed meetings, and requires that such business be conducted by the public body acting as a whole at meetings open to all persons who wish to attend and listen; and

WHEREAS, Article 2 Section 17 of the New Mexico Constitution guarantees that "[e]very person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press;" and,

WHEREAS, the Board of County Commissioners welcomes public comment at its public hearing meetings in order to encourage freedom of speech in the County and as a valued tool to communicate with its constituents even though the Courts have held that the New Mexico Open Meetings Act "[] does not require the commissioners to allow the public to speak at its meetings, but instead, only requires them to allow the public to attend and listen." See, Mesa v. White, 197 F.3d 1041, 1046 (10th Cir. 1999); and,

WHEREAS, the Board has traditionally reserved a public comment period as a designated public forum at a selected time during the Commission Meeting, a non-public forum held to manage the business of Valencia County Government; and,

WHEREAS, the Valencia County Commission must balance the desire to afford members of the public a full and complete opportunity to address the Commission with the Commission's need to conduct the people's business in an orderly and efficient manner; and,

WHEREAS, there is a need for the Commission to set content neutral rules for the public comment period that a will allow individuals the ability to make their comments in a meeting environment that fosters respect for the time and views of all attendees, while also being narrowly tailored to promote orderly and efficient meetings of the Board.

NOW, THEREFORE, BE IT RESOLVED by the Valencia County Commission that each member of the public wishing to address the Commission shall be given an opportunity to address the Commission at the conclusion of its public meetings.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Board of County Commissioners adopts the following rules for its public comment period:

- I. So that freedom of speech is unrestricted:
- A. Anyone will be allowed an opportunity to speak during the public comment period at the conclusion of the Board's public meetings.
 - B. Speakers may discuss any subject during the public comment period.
- II. In order to promote orderly efficient meetings respectful of everyone's time:
 - A. All individuals will be strictly limited to a two (2) minute comment period.
 - B. No individual will be permitted to speak more than one (1) time; no rebuttals to the comments of others will be permitted.
 - C. The public comment period will be on the Commission's agenda after all County or Public business items.
- D. Comments, applause and other interruptions from the audience are not allowed.
- III. In order to promote orderly meetings so that attendees feel safe and secure in their attendance:
 - A. Threatening/abusive comments that disrupt the meeting will not be allowed.
 - B. All speakers must address the Board of County Commissioners and speak from the podium.

NOW THEREFORE, BE IT FURTHER RESOLVED that this resolution does not in any way diminish the Chair's authority to conduct meetings consistent with the rules and

powers granted to the Chair by virtue of this Board's adoption of Roberts Rules of Order or any special rules.

APPROVED, ADOPTED, AND PASSED on this 2nd day of January 2013. **BOARD OF COUNTY COMMISSIONERS**

Mary J. Andersen Commissioner, District I	Alicia Aguilar Commissioner, District II	
Lawrence R. Romero	Charles D. Eaton	
Commissioner, District III	Commissioner, District IV	
Donald E. Holliday		
Commissioner, District V		
Attest:		
Peggy Carabaial County Clerk		