

July 2, 2012
Agenda
1:30 P.M. Special Meeting
Valencia County Commission Chambers
444 Luna Avenue
Los Lunas, NM 87031

Board of County Commissioners
Donald E. Holliday, Chair District V
Georgia Otero-Kirkham, Vice-Chair District II
Mary Andersen District I
Lawrence R. Romero District III
Ron Gentry District IV

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

A handwritten signature in dark ink, appearing to read "Donald Holliday".

ACTION ITEM(S)

- 4) Termination of Finance Director Contract.
- 5) Consideration of Approval for Ordinance 2012-____: **Bruce Swingle / Charles Eaton**

NEXT COMMISSION MEETING:

♦ **July 18, 2012 – Business Meeting @ 9:30 A.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.

VALENCIA COUNTY BOARD OF COMMISSIONERS

SPECIAL MEETING

JULY 2, 2012

PRESENT	ABSENT
Donald E. Holliday, Chairman	
Georgia Otero-Kirkham, Vice-Chair	
	Lawrence R. Romero, Member
Ron Gentry, Member	
Mary J. Andersen, Member	
Bruce Swingle, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Sally Perea, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Holliday at 1:30 P.M.

2) Chairman Holliday led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Otero-Kirkham moved for approval of the agenda. Seconded by Chairman Holliday. Motion carried.

ACTION ITEM(S)

4) Termination of Finance Director Contract.

Chairman Holliday said this item was discussed in length at the last meeting during Executive Session. Commissioner Andersen moved to cancel the Finance Director Contract in accordance with paragraph (5) of the contract. Seconded by Commissioner Otero-Kirkham. Motion carried 4-0. Commissioner Romero was absent.

5) Consideration of Approval for Emergency Prohibition of all Open and Controlled Burning in Valencia County Ordinance 2012-02 – Bruce Swingle / Charles Eaton.

Valencia County Fire Chief Charles Eaton stated this is a request to consider restricting open burning due to the volume of calls they received regarding the drought conditions in Valencia County. We are now in the extreme stage of our weather conditions. The membership and leadership has asked Chief Eaton to come before the commission to ask to place a total ban on all open burning until Valencia County gets some relief in terms of moisture and the weather improves. This would be consistent with what the state adopted a few weeks ago in which burn restrictions were imposed on all state lands. Hopefully this will be a temporary restriction in anticipation that the monsoon season beginning soon. Hopefully this restriction will last no longer than two to three weeks.

Commissioner Gentry said this particular ordinance just goes on and has no clause in it to repeal it, severed it or allow it. This looks like it's going to take a large action whenever we want to cancel this. Maybe counsel can direct us not to get into something that has no end. We need to give the Fire Chief the discretion to raise that and to decide whether it's a burn day or not.

Chairman Holliday said we need to have something that says until we have a considerable measureable amount of rainfall throughout the county then the ban is lifted. With a considerable amount of rainfall Chief Eaton has the authority to make that call. County Attorney Adren Nance said currently the way it's written, it would be rescinded by a resolution by the Board of County Commissioners. That could easily be changed so that it says "the Fire Chief can rescind the ordinance when he determines that conditions are favorable".

Commissioner Andersen moved to pass the ordinance with that change as stated by counsel. Seconded by Chairman Holliday. Motion carried 4-0.

County Clerk Sally Perea Announced Ordinance 2012-02. (See Exhibit A)

NEXT COMMISSION MEETING:


The next Regular Meeting of the Valencia County Board of County Commission will be held on July 18, 2012 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

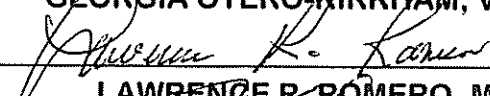
Commissioner Andersen moved for adjournment. Seconded by Chairman Holliday. Motion carried unanimously. TIME: 1:47 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the July 2, 2012 Special Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.


VALENCIA COUNTY BOARD OF COMMISSIONERS


DONALD E. HOLLIDAY, CHAIRMAN

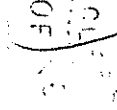

GEORGIA OTERO-KIRKHAM, VICE-CHAIR


LAWRENCE R. ROMERO, MEMBER


RON GENTRY, MEMBER


MARY J. ANDERSEN, MEMBER

ATTEST: 
SALLY PEREA, COUNTY CLERK


7-18-12
DATE

NOTICE OF TERMINATION FINANCE DIRECTOR CONTRACT

WHEREAS, the Board of County Commissioners of Valencia County met in a duly noticed special meeting on July 3, 2012 at the Valencia County Administration 444 Luna Ave., Los Lunas, New Mexico; and,

WHEREAS, NMSA 1978, Section 4-38-19 (1973) provides in pertinent part “[a] board of county commissioners may set the salaries of such employees and deputies as it feels necessary to discharge the functions of the county;” and,

WHEREAS, on May 2, 2012 the Board approved a contract of employment (“contract”) with Mr. Larry A. Augsbury to serve as the Valencia County Finance Director; and,

WHEREAS, section 5 of the contract provides in pertinent part that “[t]he Board may terminate this Agreement by delivering to Mr. Augsbury a written notice of the Board’s intent to terminate this Agreement, as determined by a minimum of a 3/5 vote of the Board.

NOW THEREFORE, the Board of County Commissioners hereby elects to terminate the contract pursuant to section 5 of the contract and give notice thereof.

NOW THEREFORE, be it ordered that County Manager Bruce Swingle is authorized and directed to take any and all action(s) necessary to effectuate the termination of the contract pursuant to its terms.

(EXHIBIT A)

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BOOK 072 PAGE 434

I II

APPROVED, ADOPTED, AND PASSED on this 3rd day of July 2012.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF VALENCIA



Donald E. Holliday,
Chairman, District V



Georgia Otero-Kirkham,
Vice-Chair, District II



Mary J. Andersen
Commissioner, District I

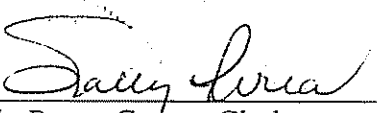


Ron Gentry
Commissioner, District IV

Absent

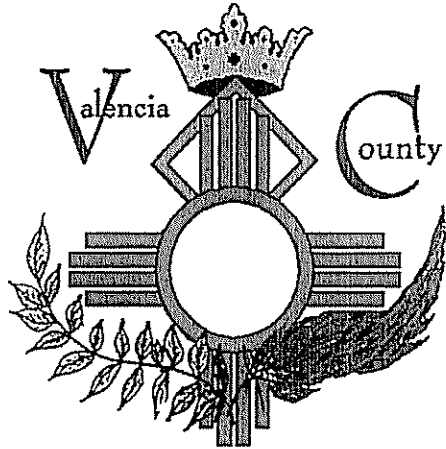
Lawrence R. Romero
Commissioner, District III

Attest:



Sally Perea, County Clerk

VALENCIA COUNTY



EMERGENCY PROHIBITION OF ALL OPEN AND CONTROLLED BURNING IN VALENCIA COUNTY

ORDINANCE NO. 2012- 02

(EXHIBIT B)

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BOOK 673

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VALENCIA COUNTY
ORDINANCE NO. 2012-02

**AN ORDINANCE DECLARING AN EMERGENCY AND PROHIBITING ALL
OPEN AND CONTROLLED BURNING IN VALENCIA COUNTY, NEW
MEXICO**

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, Section 4-37-1 *et seq.* NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and

WHEREAS, the danger of brush fires, grass fires, forest fires and structure fires is extremely high in the State of New Mexico and especially Valencia County and the surrounding jurisdictions; and,

WHEREAS, current conditions such as relative humidity, weather and fuel content and condition create an extremely high fire hazard in Valencia County; and,

WHEREAS, the probability of ignition of material and fire spread is extremely high in Valencia County; and,

WHEREAS, the Whitewater Baldy fire, the largest wildfire in New Mexico’s history ,thus far consuming approximately 300,000 acres, is currently burning in Catron County New Mexico; and,

WHEREAS, the Little Bear Fire, thus far consuming over 225 structures and approximately 45,000 acres, is currently burning in Lincoln County, New Mexico; and,

WHEREAS, on June 12, 2012 the State Forestry Division placed a burn ban on restrictions on certain lands in New Mexico; and,

WHEREAS, due to continued drought conditions and the extreme fire danger in the bosque area of the Middle Rio Grande Conservancy District, as of 8:00 a.m. Friday, June 29, 2012, the bosque in Sandoval, Valencia and Socorro Counties was closed by the District; and,

WHEREAS, an immediate danger to the public health, safety and welfare of Valencia County residents has arisen due to extreme drought and fire conditions within the County; and,

WHEREAS, it is necessary to prohibit all open and controlled burning within the unincorporated areas of Valencia County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, THAT:

Section 1. EMERGENCY DECLARATION

The Board of County Commissioners hereby declares that Valencia County is suffering from extremely or serious drought conditions and high fire hazards represent a significant immediately threat to the peace, safety, health and welfare of Valencia County.

Section 2. BURNING PROHIBITION

ALL OUTDOOR BURNING including the following types of burning are hereby prohibited in the unincorporated areas of Valencia County:

- A. Campfires ("Campfire" means a fire set for cooking, warming, or ceremonial purposes, which is not more than three feet in diameter by three feet high, and has had the ground five feet from the base of the fire cleared of all combustible material);
- B. Open fires;
- C. Open Burning of vegetation or rubbish; and,
- D. Any other smoke producing substance and material that creates a fire safety hazard. (Reference Regulation #301 of the Ambient Air Quality Standards and Air Quality Control Regulation);
- E. Trash Barrel Burning;
- F. Agricultural Burning.

Section 3. ENFORCEMENT

The Sheriff's Department of Valencia County, the Valencia County Fire Department, the Valencia County Code Enforcement Office and any other legally qualified law enforcement officer or any of their agents shall have the ability to enforce this Ordinance.

Section 4. PENALTIES

Any violation of this Ordinance shall be deemed a misdemeanor and punishable by a fine of not more than three hundred dollars (\$300) and/or up to 90 days in jail.

Section 5. SEVERABILITY

If any article, section or provision of this Ordinance is deemed invalid or void, the remaining portions shall not be effected and shall be enforced accordingly.

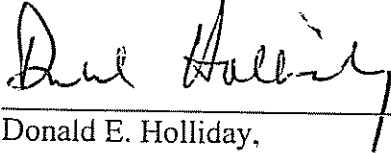
Section 6. EFFECTIVE DATE; REPEAL

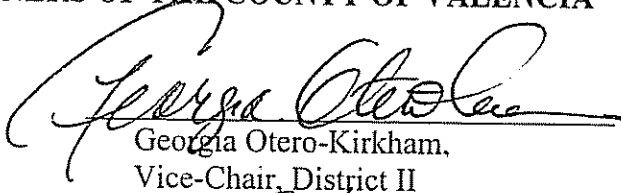
A. The Board of County Commissioners hereby declares a continuing emergency relating to fire conditions within the County, which is an immediate danger to the public health, safety and welfare of the County and its residents, and the ordinance shall take effect immediately upon adoption by the Board of County Commissioners and recordation by the County Clerk as required by statute. Due to the declared emergency and danger, no publication is required pursuant to NMSA 1978, Section 4-37-7 (c) (1981).

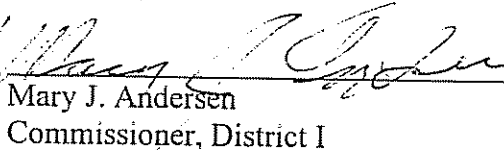
B. This Ordinance shall be in effect indefinitely until rescinded when favorable conditions exist, as determined by the Fire Chief.

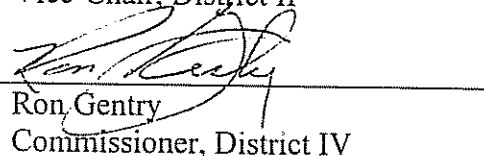
APPROVED, ADOPTED, AND PASSED on this 2nd day of July 2012.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF VALENCIA


Donald E. Holliday,
Chairman, District V

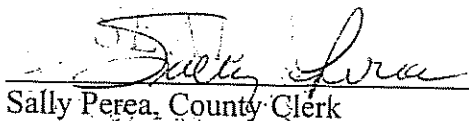

Georgia Otero-Kirkham,
Vice-Chair, District II


Mary J. Andersen
Commissioner, District I


Ron Gentry
Commissioner, District IV

Absent
Lawrence R. Romero
Commissioner, District III

Attest:


Sally Perea, County Clerk

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BOOK 070

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