

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

February 18, 2009

PRESENT	ABSENT
Pedro G Rael, Chairman	
Donald E. Holliday, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Georgia Otero-Kirkham, 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

County Manager Eric Zamora requested some corrections to the agenda; "meditation" be corrected to read "mediation", item p (ii) be corrected to read "for purchasing bunker gear" and item 7(f) be deleted. County Clerk Sally Perea said the date of the minutes be corrected to read 2009 instead of 2008. Commissioner Holliday moved to approve the agenda as amended. Seconded by Commissioner Kirkham. Motion carried unanimously.

4. Approval of Minutes – February 4, 2009 Regular Business Meeting

Commissioner Kirkham moved for approval. Seconded by Commissioner Holliday. 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)

Jolene Ortega, Rita Padilla Gutierrez, Juanita Baca, Marvin Kaylor and Glenna Giles-Gilder residents of Valencia County opposed the location of the hospital. They also had concerns on lack of doctors/ nurses housing the hospital and the expense burden, to tax payers who would not utilize the hospital that it would take to operate a hospital after the life of the mill levy.

Susan Miran, Mike Wood, Dick Klapper, Dave Wayne, Jae Walton, Frank Barr, Helga Warner and Dave Hammon residents of Valencia County supported the hospital and requested that it not go into mediation but that it goes forth with the appellants' court making the final decision.

Jon Clemens shared his concerns on illegal dumping of old tires and said that this is an eye sore to the community and asked when the county intends to take action to correct the problem. He also mentioned the bullet holes on some of the stop signs.

Kevin Granger from Las Maravillas proposed having a special election to amend or change the wording of the mill levy tax proposal that was voted on two years ago.

6. Non-Action Items

a) Reports from Directors – Directors

County Manager informed the commission that a report from Human Resource was in their packets and no verbal report would be given.

b) Reports from Boards, Commission & Committees

None.

7. Action Items

Board of County Commissioners convene as Indigent Claims Board

Commissioner Kirkham moved to convene as the Indigent Claims Board. Seconded by Commissioner Medina. Motion carried unanimously. **(See Exhibit A)**

a) Indigent Report – Barbara Baker

Ms. Baker presented the Indigent Claims from January 8, 2009 to January 29, 2009. The total amount of claims submitted was \$209,859.21. Ms. Baker requested approval of \$31,186.02 and denying \$178,673.19.

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

**b) Consideration of Rescinding Hospital Mediation and return to appeal process
– Commissioner Ron Gentry**

Commissioner Gentry made a motion that this commission instructs counsel of record to rescind the hospital mediation request and notify the appellants' court as such and that we request to return to the appellate court calendar to have that matter heard which was on the docket. Seconded by Commissioner Medina. Discussion on the following matters proceeded; procedures of appellate court, alternatives of the lawsuit, hospital location, staffing for the hospital, and support from Albuquerque hospitals, alternatives of emergency care, mill levy purpose, and Health Commons' contract. After a lengthy discussion, the commission voted 4-1 with Chairman Rael voting no.

Chairman Rael called for a five minute recess.

**c) Consideration of request to increase payments for E911 Operation – County
Commission/ Shirley Valdez**

Ms. Valdez thanked the commission for supporting the recently passed gross receipt tax. She reported the operating budget had increased 47.3% for each municipality, and was present today inquiring as to when the county intended to pay the remaining balance of \$172,371.00.

Chief of Police Joe Stidham of Bosque Farms and Chairman of E911 Board explained the payment increase was needed to keep staff to adequately handle large volumes of calls for all municipalities. He informed the commission that all other municipalities have paid the increase that was presented to them in June of 2008. He discussed the ramifications that if the \$172,371.00 is not paid, the impact would be to lay off six dispatchers and the E911 dispatch operating center will be forced to cut services to the county, by the direction of the Village of Los Lunas.

The commission, county manager and finance division discussed the county's budget and alternatives to pay the remaining balance. After much discussion the commission decided by consensus to give county manager and finance division direction to explore the budget and report back at the next business meeting.

d) Accept Finding of Facts and Conclusion of Law

- i) **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 & 106C2B1A2A2B; MRGCD Map 89, consisting of 1.17 acres & 2.11 acres respectively; Zoned RR-2; Valencia County, NM/ Macedonio Marquez – County Commission (See Exhibit B)**

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

- ii) **Appeal of Planning and Zoning Commission approval of request for a Conditional Use; Home Occupation for application #CU0815 (Application #APL08002); Legal description of the subject property on which the appeal is based is 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 Rd. Belen, Valencia County, NM/ Gabriel E. Marquez (See Exhibit C)**

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

- iii) **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 of 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 (See Exhibit D)**

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

- iv) **Requesting to Amend 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 Northeast 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 (See Exhibit E)**

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

- v) **Requesting County Commission overturn the Planning and Zoning Commission's decision to deny 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 Rd. Belen, Valencia County, NM/ Alfred Gurule – County Commission**

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

- iv) **Requesting 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 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, Filo 216 of the office of Valencia County Clerk, Valencia County, NM/ Sunchase Builders, LLC – Mark Goodwin & Associates, PA-Agent – County Commission**

Commissioner Holliday moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit G)

e) Consideration of Cellular Telephone Use Policy – Kenneth Griego

Mr. Griego reported the cell phone policy is to provide standards and clarifications of cell phone usage for county employees.

Commissioner Kirkham moved to approve. Seconded by Commissioner Gentry.

Discussion. Commissioner Kirkham withdrew her original motion and moved to approve the amended policy with item 2 on page 2 deleted. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit H)

f) Consideration of Grant Submittal for Illegal Tire Dump Removal – Ruben Chavez

Item Deleted.

g) Approval of Award of Bid #66/ Notice of Valuation to Ink Impressions d/b/a Automated Election Services – Rebecca Nevarez

Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. (See Exhibit J)

h) Consideration of School Resource Officer MOU between County and Board of Education for the Los Lunas Public Schools (tabled January 21, 2009) – Sheriff Rene Rivera

Commissioner Gentry moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. (See Exhibit K)

i) Consideration of Out-of State Travel Reno, NV – Western States Sheriff Association – Sheriff Rene Rivera

Commissioner Kirkham moved to approve sending (one person) Sheriff Rivera. Seconded by Chairman Rael. Motion failed 3-2. Commissioner Gentry voted no. Commissioner Medina voted no. Commissioner Holliday voted no.

j) Consideration for Approval of Grant Application for 2009 State Fire Marshal's Fire Protection Grant for Highland Meadows – Charles Eaton

Commissioner Medina moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit L)

k) Consideration for Approval Joint Powers Agreement between Valencia County & NM Energy, Minerals & Natural Resources Department (State Forestry Division) – Charles Eaton

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

l) Consideration for Approval of Grant Agreement for 08-L-G-1125 & 08-L-G-1127 (2008 Special Appropriations) – Kenneth Griego

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

m) Consideration for Approval of Nutrition's Service Incentive Program (NSIP) Contract Amendment #1 – Kenneth Griego

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

n) Resolution 2009-10, Adopting the 2009-2010 Long Range Transportation Plan – Eric Zamora

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

County Clerk Sally Perea announced Resolution 2009-10.

o) Resolution 2009-11, Adopting the 2009-2010 County Road Improvement Program – Eric Zamora

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

County Clerk Sally Perea announced Resolution 2009-11

p) Financial Matters

i) Resolution 2009-12, Approving Increase in Salaries and Benefits for Chief Deputies – Wilma Abril

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

County Clerk Sally Perea announced Resolution 2009-12.

ii) Resolution 2009-13; Approval Increase in Expenditures for Equipment for Rio Grande Estates Fire Department to purchase bunker gear – Wilma Abril

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

County Clerk Sally Perea announced Resolution 2009-13.

iii) Consideration and Approval of Payroll/ Warrants – Wilma Abril

Ms. Abril presented the computer printout list of all checks issued by the Manager's Office on February 13, 2009 covering payroll process. Direct Deposit Check #9703 thru direct deposit check #9878 inclusive. Deduction Check #97883 thru deduction check #97919 inclusive. Payroll Check #84068 thru payroll check #84155 inclusive. Listing total \$360,633.34. **(See Exhibit T)**

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

Ms. Abril presented the computer printout list of all checks issued by the Manager's Office on February 13, 2009 covering vendor bills processed. Check #97881 thru check #98040 inclusive for the total of \$177,698.81.

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

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, and c. other specific limited topics that are allowed or authorized under the stated statute.

Not required.

9. Action Item(s) on Executive Session Discussions

None.

10. County Manager's Report

County Manager reported the following: Judicial District Complex, minor work order problems to be addressed to the architect and contractor for completion, a meeting was held with individual State Legislators for specific projects, and update with Senator Sanchez and representatives with on going projects.

11. The next Regular Meeting of the Valencia County Board of County Commission will be held on March 4, 2009 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

12. Adjournment

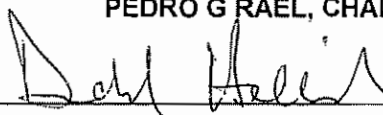
Commissioner Kirkham moved to adjourn. Seconded by Commissioner Holliday. Motion carried unanimously. Time 7:56:06 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 18, 2009, 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




DONALD E. HOLLIDAY, VICE-CHAIRMAN



GEROGIA OTERO-KIRKHAM, MEMBER

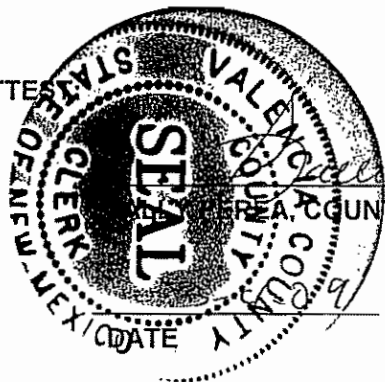


RON GENTRY, MEMBER



DAVID MEDINA, MEMBER

ATTEST





COUNTY CLERK

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