

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Regular Business Meeting

**March 4, 2009**

PRESENT	ABSENT
Pedro G Rael, Chairman	
Donald E. Holliday, Vice-Chairman(Arrived 5:08 P.M)	
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**

Due to a request from Bonita Land & Livestock Inc/Sun Ranch Development LTD Max Kienhe, County Manager Eric Zamora requested that item (7a1) be tabled due to a typographical error of names and the commission's voting record. By consensus the Facts and Findings were to be amended (not tabled) to correct the spelling of the name and to read 5-0 as the commission voted.

Commissioner Medina moved to approve the amended agenda. Seconded by Commissioner Kirkham. Motion carried unanimously.

### **4. Approval of Minutes – February 18, 2009 Regular Business Meeting**

After correcting 2 items (d iv) to read motion was "Seconded by Commissioner Medina" not Commissioner Gentry and (item h) spelling to read "Sheriff Rene Rivera", Commissioner Medina moved to approve the minutes. 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 subjects not on this published agenda)**

Bob Gostischa resident of Meadow Lake asked the commission to explain the Facts and Findings and also asked if these were public records. Chairman Rael explained the Findings and Facts purpose is to refine the record of what the Commission has decided at a prior business meeting. Staff and county attorney review the printed record and make a written decision and present this to the commission for approval and it becomes public record once approved by the commission.

Bill LeBrechet, Joseph Rizzo, Clark Metcalf, Susan Harsher, Alice Trivet, Shirley Wood, and Allen Hancock, residents of Valencia County, opposed replacing a hospital for urgent care. Concerns discussed were; serious cases being transferred to a hospital, urgent care considered as high priced clinic, litigation of the lawsuit and that the hospital would provide jobs.

William Dean a resident of Los Chavez read paragraphs from the Comprehensive Plan.

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

#### **a) CDM Update Water/ Waste Water System – Kelly Collins**

Ms. Collins gave a brief history on producing a Water/Waste Water Master Plan that was funded through a Legislative Appropriation and was to essentially be a demonstration project for regionalization of Water/Waste Water infrastructural. Important conclusions were that population in the county would increase by 40% to 50% in 40 years. She recommended the implementation of the plan immediately and that a county wide entity is formed that takes over the implementation of the plan. It will be organized by a Memorandum of Agreement or possibly a Joint Power Agreement and that these include the technical capacity and the organizational structure to review the projects, re-prioritize projects over a 40 year period and also seek funding to implement the projects over the forty year period.

The commission discussed the following; the lack of service for the southern part of Valencia County, a financial plan to proceed with this plan, the advisory board, new development, and communities input.

**b) Presentation on new program located in Juvenile Detention Center –  
Jarmaine Mcchriston**

Mr. Mcchriston, Rick Lamarbert and Kevin Calcaster representatives of the New Life of New Mexico Rehabilitation Center addressed the commission on their interest of leasing the Juvenile Detention Center and are willing to do the renovation to the building. Mr. Mcchriston requested, if approved, that one of the commissioners be part of their advisory board. Potential programs for the center were discussed in detail along with providing a safe environment. This could be subject to the Village of Los Lunas Ordinance and New Life will have to present this matter to the Village of Los Lunas.

**c) Report; Budget Analysis Update – Larry Trussell**

Budget Analysis Mr. Trussell reported the January results of the operations and revenues. General Fund Actual & Projected Revenues -YTD Actual total is \$9,021,611.00. General Fund Expenses-(by Department Budget) amount is 9,605,371.00, savings amount \$435,013.

**d) Reports from Directors – Directors**

None.

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

Commissioner Kirkham reported meeting with the county manager, business manager, and code enforcement director to implement a short term plan for immediate clean-up on the illegal dumping of dead animals on Monterey Blvd. The road department will participate with man power and equipment and the adult detention director will allow prisoners to participate. Commissioner Kirkham informed the public that the county is listening and working to keep the county clean. She gave her appreciation to all county department staff for their participation.

By consensus the commission called for a five minute break.

**7. Action Items**

**a) Accept Findings of Fact and Conclusions & Committees – County Commission**

- i) **Requesting to Amend the Zoning Map from OD to MR with a Conditional Use to allow for the establishment of a sand & gravel mining operation on the subject property; T6N, R4E, Sections 9, 10, 11 & 12 NMPM; the Northwest ¼ & Lots 1 & 2 of Section 11, the North ¼ & Lots 2 of Section 12 the North ¼ & Lot 3 & 4 of Section 12 of consisting of 1,726.81 acres; Zoned OD; Valencia County, NM/ Bonito Land & Livestock, Inc./ San Ranch Development, LTD Max Kiehne- Agent – County Commission**

Commissioner Holliday moved to approve the amended Facts and Findings. Seconded by Commissioner Kirkham. Motion carried unanimously. (See Exhibit A)

- ii) **Requesting to construct a Wireless Communication Facility (WFC) at the Tome-Adelino Fire Station. Pursuant to Section 154.151 (5)(a), Approval for Placement of a WCF outside of the WCF Overlay Zone is subject to Section 154.061 for quasi-judicial zone changes; T6N, R2E, Section 28, NMPM; MRGCD Map 89, a portion of Tracts 102-A-2 & 102-C-2; zoned C-1; Valencia County, NM/Verizon Wireless-Les Gutierrez, Agent – County Commission**

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

- iii) **Requesting to Amend the Zoning Map from RR-1 to C-1 with a Conditional Use to allow for the operation of an existing auto and truck repair garage on the subject property; T7N, R3E, Section 26, NMPM; Mesa Estates Subdivision; Tract A-1-C-4-A; consisting of 2.12 acres; zoned RR-1; Valencia County, NM/ Jess & Marietta Mestas – County Commission**

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

Regular Business Meeting, March 4, 2009

- iv) **Requesting to Amend Zoning Map from C-2 to PD to allow for future single family residential development on the subject property; T5N, R2E, Sections 15 & 16, NMPM; Rio Del Oro, Unit 64, Blocks 22, 23 & 24, Lots 23-1,24-1,22-1,22-2; Zoned C-2; Valencia County, NM/Valley Improvement Assoc. Mike McCartney – County Commission**

Commissioner Gentry moved for approval. Seconded by Commissioner Kirkham. Motion carried 4-1. Chairman Rael voted no. (See Exhibit D)

- v) **Requesting an Amendment to the Zoning Map from RR-2 to RR-1 to allow for the subdivision of the 11.55 acre subject property into 4 (four) one-acre lots and 1(one) -seven-acre lot; T4N, R2E, Sections 5 & 6, NMPM; Land of Ladis & Leova Romero, Tract 5-A-1; consisting of 11.55 acres; Zoned RR-2; Valencia County, NM/Ladis R. Romero –County Commission**

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

- vi) **Requesting an Amendment to the Zoning Map from AP to RR-2 to allow the subdivision of the 40-acre subject property into a 15-acre lot residential subdivision; T6N, R2E, Projected Section 30, NMPM; Land Division of Franklin & Whisenant, Tracts A & B; MRGCD Map 90; consisting of 17.98 acres & 11.36 acres respectively; Zoned AP; and Land of Dale Jones, Tract C-2; MRGCD Map 90; consisting of 10.31 acres; Zoned AP; Valencia County, NM/ John Whisenant & Elias Barela, Consensus Planning- Agent – County Commission**

Commissioner Gentry moved for approval. Seconded by Commissioner Kirkham. Motion carried 3-2. Commissioner Medina voted no. Commissioner Holliday voted no. (See Exhibit F)

- vii) **Requesting an Amendment to the Zoning Map from RR-2 to RR-1 to allow for the subdivision of he 2.97 acre subject property into 1 (one) seven-acre lot; T4N, R1E, Section 12, NMPM; 9AP 109, Tract 56-B; consisting of 2.97 acres; Zoned RR-2; Filed in Book 359, Page 16094 of the Office of the Valencia County Clerk; AKA 1164 South Hwy 116, Belen, Valencia County, NM/ Rogelio Rodriguez**

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

- b) **Award Bid #645, "Sale of White Goods and Scrap Metal," to Ed's Recycling Center Inc- Eric Zamora**

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

- c) **Award RFP 180, "Engineering Services-Old County Landfill," to ABQ Engineering, Inc. – Eric Zamora**

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

- d) **Resolution 2009-14; Supersedes Resolution 2009-05 Establishing Holidays and Work Hours – Eric Zamora**

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

County Clerk Sally Perea announced Resolution 2009-14.

- e) **Discussion of Property Donations to the County – Eric Zamora**

Mr. Zamora gave the commission a list of all properties donated to the county and said some of it could potentially be a source of income for the county and suggested the county have a public auction. He also requested some sort of action/policy on how to handle donated properties from this point on. The commission discussed the background of property owners donating various sizes of property, possible environmental hazards, value, and the cost to manage these properties and how the county will accept responsibility.

By consensus, direction was given to the county manager to seek the value of the properties, present the board with a color coded map of the location of the donated properties and to give the commission an estimate cost to manage the tracking of the donated properties. (See Exhibit K)

**f) Consideration of Grant Submittal for Illegal Tire Dump Removal (Tabled 2-18-2009) – Ruben Chavez**

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

**g) Approval of Franchise Agreement Socorro Electric Franchise – Adren Nance**

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

**h) Valencia County Lobbying effort in Washington D.C – Eric Zamora**

County Manager Eric Zamora gave a brief outline of the benefits for Valencia County to travel to Washington DC and the goals of lobbying in hopes of receiving money from the stimulus package. After a lengthy discussion, the commission by consensus called for an emergency meeting on Friday, March 6, 2009 at 8:00 A.M.

**i) Financial Matters**

**i) Consideration of Request to Increase Payments for E911 Operation – County Commission/ Shirley Valdez**

Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Discussion. Ms. Valdez stated that after evaluating the situation of her budget and cutting down on many items the commission's final payment would be \$86,000.00, which was half of the original amount of \$176,000.00. This will be considered paid in full through June 30, 2009. Commissioner Gentry removed his motion and Commissioner Medina removed his second to the motion. Commissioner Gentry then moved to approve the payment of \$86,000.00 to be paid in full. Seconded by Commissioner Holliday. Motion carried unanimously.

**ii) Consideration of Approval of FY 07-08 Financial – Audit – Wilma Abril**

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

**iii) Resolution 200-15; Increase Expenditures for Supplies & Professional Services – Wilma Abril**

Commissioner Kirkham moved for approval. Seconded by Commissioner Holliday. Motion carried unanimously. (See Exhibit O)  
County Clerk Sally Perea announced Resolution 2009-15.

**iv) Consideration of Approval Payroll/ Warrants – Wilma Abril**

Ms. Abril presented the attached computer printout list of all the checks issued by the Manager's Office on February 27, 2009 covering vendor bills process. Check #98041 thru check #98225 inclusive for the total of \$362,570.68.

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

Ms. Abril presented the attached computer printout list of all the checks issued by the Manager's Office on February 27, 2009 covering payroll process. Direct Deposit Check #9879 thru direct deposit check #10055 inclusive. Deduction Check #98107 thru deduction check #98142 inclusive. Payroll Check # 84156 thru payroll check #84244 inclusive. Listing total \$ 363,123.26.

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

**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.**

None.

**9. Action Item(s) on Executive Session Discussions**

None.

**10. County Manager's Report**

Mr. Zamora will be attending the Mid Regional Council of Government meeting on March 6, 2009 at 9:30 A.M. to discuss the inter-change of I-40 near highway 6.

**11. The next Regular Meeting of the Valencia County Board of County Commission will be held on March 11, 2009 Public Hearing at 5:00 PM –has been cancelled,**

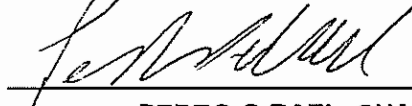
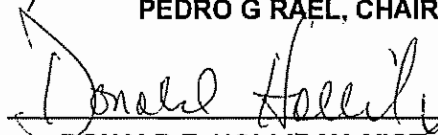
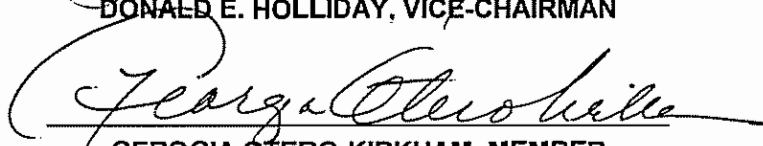
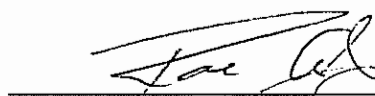
Regular Business Meeting, March 4, 2009

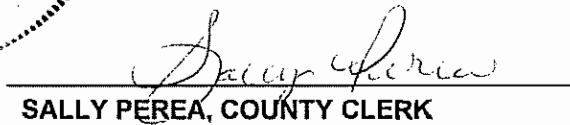
**the next Regular Business Meeting will be held on March 18, 2009 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.**

**12. Adjournment**

Commissioner Kirkham moved to adjourn. Seconded by Commissioner Holliday. Motion carried unanimously. Time 8:54:01P.M.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, March 4, 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 RAE, CHAIRMAN**

**DONALD E. HOLLIDAY, VICE-CHAIRMAN**

**GEROGIA OTERO-KIRKHAM, MEMBER**

**RON GENTRY, MEMBER**

**DAVID MEDINA, MEMBER**

**SALLY PEREA, COUNTY CLERK**
3.18.09
**DATE**