

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

March 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

Commissioner Gentry asked County Attorneys if the issue pertaining to the Apodaca case in executive session be discussed in public setting. Attorney Dave Pato said the Board can decide whether or not to discuss what is on the agenda but the pending litigation item; he does not feel the need for public discussion. He informed Commissioner Gentry to discuss the matter in executive meeting by placing this item on the agenda for the next meeting or he could meet with him after the meeting and they can discuss it. Commissioner Gentry said he would put this item on the agenda.

Commissioner Kirkham made a motion to approve the agenda. Seconded by Commissioner Medina. Motion carried unanimously.

4. Approval of Minutes - March 4, 2009 Regular Business Meeting

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

March 6, 2009 Emergency Meeting

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

Jacqueline Guilbault, Toby Lyon, John Clemmons and Martin Romero with Valley Improvement Association reported attending a meeting with Sheriff Rivera, Under Sheriff Garcia, Commissioner Kirkham and several Tome residents to discuss the illegal activities such as; off road vehicles, shootings, dumping and the need to improve the response from law enforcement (around the fenced and posted areas bounded by Tome Hill, Tome Hill Park to Tome Elementary). VIA requested that the Sheriff's Department enforce the Nuisance Abatement Ordinance, No. 2005-7. A written authorization letter was presented to the Commission and Sheriff's department to go on to VIA's property or VIA's members property to enforce the Nuisance Ordinance.

Chairman Rael informed the public that a published meeting was held at the Governor's Office with Allen Oliver for the stimulus package. Commissioner Kirkham, Commissioner Holliday and himself had attended. The commission's request was for two compactor trucks with four staff each to clean up the county, to widen and improve Manzano Expressway, possible funds for software, increase deputies and the issue of a new administrative building. The Commissioners received pointers on ways in which to present these items.

Commissioner Holliday filled in on other issues that were discussed: the Transfer Station, making it more convenient for the public and to stay with the projects. Commissioner Kirkham added that Eric Griego, Don Tripp and Allen Oliver were represented and said they did have support from their legislators.

The commission is aware of these issues that have impacted all districts and hope to get help on this matter through the stimulus package.

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Dic Klapper, George Moscona, Liz Sagrestano, Chris Torwirt, Clarke Metcalf, Shirley Wood, Sue Moran, residents of Valencia County shared their concerns about the News-Bulletin article regarding the following: the hospital appeal, Roberts Rules of Order, a request for the commission to be proactive to begin construction of the hospital, keeping medical revenue in Valencia County, offering hospital services for (mental health) patients in Valencia County, mill levy purpose, hospital generating gross receipts tax and employment opportunities.

Ben Zambrano resident of Lakeview Acres shared his concern with a neighbor blocking an easement, manufacturing trailers and the loud noise. Commissioner Kirkham recommended that Mr. Zambrano meet with her, Commissioner Holliday and County Manager to resolve this issue.

Mike Wood's, member of Valencia County Advisory Board and Chairman Valencia County Action Community, concerns were that the tax payer money is not being spent as it was voted for. The efforts in contacting the realtors and title companies will continue and that the growth will come when the hospital is built in the sixty-five acres donated by VIA.

Bob Gostischa resident of Meadow Lake shared his concerns of illegal dumping in Meadow Lake and asked that Meadow Lake be included in any clean up projects that the county had.

Jim Lane questioned the sign in sheet's purpose. He commended county manager's idea of the white goods at Conejos Transfer Station. He also commended Chairman Rael's idea of hiring more staff and receiving trucks to pick up trash and suggested organizing a cleaning detail by using low risk prisoners to clean the county.

County Clerk Sally Perea stated the sign in sheet was solely for the purpose of getting the correct spelling on the public speakers names.

Mary Wood resident of Valencia County presented the commission with a proposed site map for the hospital with attached property descriptions. Ms. Wood stated the properties equal the sixty acres.

Chairman Rael said he was furnished with a list of "frequently asked questions" regarding the hospital; this was presented for the people to vote in favor of the mill levy. Chairman Rael read one of the questions - "how would the hospital be paid for"? Chairman Rael read the list's answer - "The debt from the construction of the facility would be paid for with the proposed mill levy". Chairman Rael said this statement is absolutely false it is illegal and cannot be done. The mill levy that the tax payers are paying for; not one dollar can be used for the construction of a hospital. He further stated that the county has no other funds to construct a hospital.

Commissioner Gentry said he does not believe anybody thinks that the mill levy is to construct a hospital. The mill levy that three Commissioners voted for has stipulation in the contract that the mill levy money would be used for operation and maintenance for a hospital. Commissioner Gentry said the construction will be from private industrial bonds which are tax free bonds - that Stern Brothers have indicated they will finance this hospital to construct by the 501 C-3.

Commissioner Medina has seen staff make positive changes within the last two years and are working hard. He further stated that for people to say that Code Enforcement employees are not working, he disagrees. As a Commissioner of District III, he has called Code Enforcement several times and staff has handled the problems effectively and he appreciated their hard work and continued efforts.

Commissioner Kirkham said that the moment she became aware of the situation in El Cerro Mission she had notified Code Enforcement and the County Manager and within a week, the area was being cleaned and she thanked both for their consistent efforts.

Commissioner Gentry had received a call regarding the roads in Tierra Grande deteriorating from grading on a regular basis. Commissioner Gentry asked the caller to talk to his neighbors and then send him a letter that states Tierra Grande does not want the roads graded. He would be happy to accommodate them because there are people in line that would appreciate this service. Commissioner Gentry shared another concern on a safety issue on Hwy 304 in front of the Vista Rio Senior Park, in Rio Communities. The

street lights have been out of service, PNM is supposed to be maintaining this problem, and the County Manager and staff are working with the highway department. It would take about \$19,000.00 to fix the street lights. He said he received a letter from investigative newsperson, Melisa Vega at Channel 7 who said that they are going to investigate the street lights. He further stated he knows the staff has been working on this for three months and are a few weeks of having this resolved.

Chairman Rael stated he was accused of making a mis-statement to the media and wanted to correct this, Chairman Rael was presented an overview site-map and property description stating ownership of VIA of the proposed hospital area. Chairman Rael wants to make clear, that this does not show where the hospital site is, as presented to him by the person who stated such. He further stated this only shows a portion of the proposed property. The hospital site that was represented is to start on Alley Mae Loop (goes to the west and does not go to the east). He said this is not appropriate representation of the hospital site and VIA does not own the sufficient required acreage, west of Alley Mae Loop to put this hospital there. That this has to be acquired by other people such as Import Ink, Dan DeBaca, FCC and others that are there. Commissioner Rael stated he has the documentation and has reviewed it very carefully and there is no question that VIA does not own that property. He further stated he has not seen a deed transferring the property to the Valencia Health Commons to show in good faith, that in fact, that there will be a hospital there.

6. Non- Action Items

a) Director(s) Report – Directors

County Manager Eric Zamora presented Code Enforcement report of resolved abatement properties in Meadow Lake. He also reported he had the opportunity to meet with Senator Eric Griego in Santa Fe to discuss illegal dumping. It was suggested that Valencia County meet with the City of Albuquerque, Pete Unale, who developed and operated the abatement program for Bernalillo County. Mr. Zamora said the county is following this process. New ideas discussed were legal counsel and what new approach to take to resolve some of these issues. They received several good ideas and are willing to pursue them. Mr. Zamora stated he would keep the Commission updated with the new format.

b) Reports from Boards, Commissions & Committees – County Commission

Commissioner Kirkham received a letter from Mayor Huning saying he will be resigning as the Mayor of Los Lunas effective April 9, 2009. She stated Mayor Huning has been a great support to the county (in building the Judicial Complex). He will truly be missed. The Commission wished Mayor Huning well on his retirement.

Commissioner Gentry said he and Commissioner Kirkham had had a very productive luncheon meeting with Congressman Martin Heinrich. The issue of the Manzano Expressway was discussed at length. The stimulus request for this project was on time and this was two weeks ago. Commissioner Gentry stated Congressman Heinrich reported back to him and wanted to see the stimulus package application done on the hospital. The application request for approximately thirty million dollars was completed and Congressman Heinrich did put in the request on time.

Commissioner Kirkham recognized Crystal Romero a staff member of Congressman Heinrich. Crystal Romero stated she represents Valencia County and will work hard to bring support to Valencia County. Feel free to contact her at 505-346-6781.

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 Medina. Motion carried unanimously.

a) Indigent Report – Barbara Baker

Ms. Baker presented the Indigent Claims from January 30, 2009 to March 5, 2009. The total amount of claims submitted is \$595,632.89. Ms. Baker requested approval \$96,770.00 and deny \$798,862.89.

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

Commissioner Medina moved to reconvene as the Board of Commissioners. Seconded by Commissioner Kirkham. Motion carried unanimously.

b) Requesting to Amend the Zoning Map from OD to MR zoning designation on the subject property; T6N, R4E, Sections 9, 10, 11 & 12, NMPM; the

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Northwest ¼ & Lots 1 & 2 of Section 11, the North ¼ & Lots 3 & 4 of Section 12; Consisting of 1,726.81 acres; Zoned OD; Valencia County, NM/Bonita Land & Livestock, Inc./ Sun Ranch Development, LTD Max Kienhe/Emil Kiehne & Sons – James Aranda

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

c) Reconsideration of (3) three New Deputy Positions – Rene Rivera/Rick Garcia

After a lengthy discussion, the commission discussed the cost, grant(s) available, to add this request at the next budget.

Commissioner Gentry moved to defer this item to the budget hearing. Seconded by Commissioner Medina. Motion carried unanimously. **(See Exhibit C)**

d) Approval of Application for Law Enforcement Protection Fund – Rene Rivera

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

e) Approval of MOU with Los Lunas Summer Recreation Program – Kenneth Griego

Commissioner Gentry moved to approve the MOU with \$3,000 - to Los Lunas; \$3,000 - to Belen; \$1,000 for Peralta; \$1,000 for Bosque Farms. Seconded by Commissioner Kirkham. Motion carried unanimously. **(See Exhibit E)**

f) Approval of Transfer of Ownership of Land to County – Eric Zamora

Commissioner Kirkham moved for approval. Seconded by Chairman Rael. Discussion followed. There is no financial impact to the county. Motion carried unanimously. **(See Exhibit F)**

g) Resolution 2009-16; Adopt the 2009 Annual Certified Maintained Road Mileage – Eric Zamora

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

County Clerk Sally Perea announced Resolution 2009-16.

h) Approval of 2008 PERA Reports for Valencia County Fire Departments' Volunteer Personnel – Charles Eaton

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

i) Financial Matters

I) Resolution 2009-17; Inter and Intra- Budget Transfer – Wilma Abril

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

County Clerk Sally Perea announced Resolution 2009-17

II) Resolution 2009-18; Budget Increase – Wilma Abril

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

County Clerk Sally Perea announced Resolution 2009-18.

III) Consideration of Approval Payroll/Warrants – Wilma Abril

Ms. Abril presented the attached computer printout list of all the checks issued by the County Manager's Office on 03/13/2009 covering payroll process. Direct Deposit Check #10056 thru direct deposit check #10232 inclusive. Deduction Check #98233 thru deduction check #98269 inclusive. Payroll Check #84245 thru payroll check #84337 inclusive. Listing total \$370,018.96.

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

Ms. Abril presented the attached computer printout lists of all the checks issued by the County Manager's Office on March 12, 2009 covering vendor bills process. Check #98226 thru check #98356 inclusive for the total of \$442,539.42.

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

- 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, Discussion and Update on Judicial Complex Issues, Proposed Settlement Agreement in Bizzell Case (Board of County Commission of Valencia County vs. Bizzell Living Trust and Messer Construction; Settlement Agreement and c. other specific limited topics that are allowed or authorized under the stated statute.**

Commissioner Kirkham moved to go into executive session. Seconded by Commissioner Holliday. Roll call vote. Commissioner Kirkham voted yes. Commissioner Holliday voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Chairman Rael voted yes. Motion carried 5-0.

Commissioner Kirkham moved to go back into regular session. Seconded by Commissioner Medina. Motion carried unanimously.

County Attorney Adren Nance stated the matters discussed in executive session; update of Judicial Complex issues and proposed settlement agreement in the Bizzell Case (Board of County Commissioners of Valencia County vs. Bizzell Living Trust and Messer Construction; Settle Agreement). No further action was taken.

Commissioner Holliday moved to approve the summary. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Kirkham voted yes. Commissioner Holliday voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Chairman Rael voted yes. Motion carried 5-0.

9. Action Item(s) on Executive Session Discussion

- a) Approval of Settlement Agreement in *Board of County Commissioners of Valencia vs. Bizzell and Messer Construction***

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

10. County Manager's Report (Information)

County Manager Eric Zamora reported on a few items – 1. A request was received from the Deputies Association to renegotiate their contract. This will be scheduled this week. 2. Request proposal of 181 to provide architect services for the new administrative services building- this funding is a \$100,000.00 legislative appropriation to include a district attorney office. There is an evaluation committee to review this proposal. There is a closing date which is tomorrow for the detention facility. 3. The Conejo Transport Station – to improve the customer service by selling a pass at local convenience stores and will be presenting this item to the commission once all information is obtained.

- 11. The next Regular Meeting of the Valencia County Board of County Commission will be held on April 1, 2009 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.**

12. Adjournment

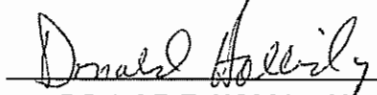
Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. Time 7:44:35. P.M.

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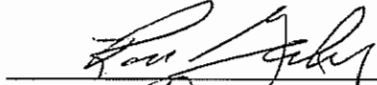
NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, March 18, 2009, Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS


PEDRO G RAEI, CHAIRMAN

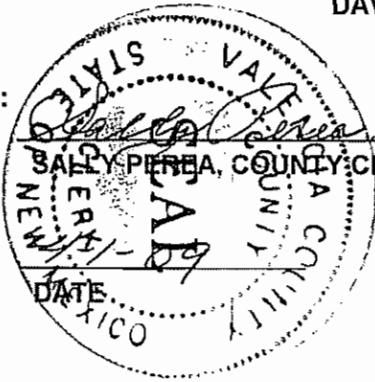

DONALD E. HOLLIDAY, VICE-CHAIRMAN


GEORGIA OTERO-KIRKHAM, MEMBER


RON GENTRY, MEMBER


DAVID MEDINA, MEMBER

ATTEST:




SALLY PERERA, COUNTY CLERK