

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

July 1, 2009

PRESENT	ABSENT
Pedro G Rael, Chairman	
Donald E. Holliday, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Georgia Otero-Kirkham, Member –via telephone	
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 Holliday moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.
4. **Approval of Minutes – July 17, 2009 Regular Business Meeting**
Commissioner Holliday 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 person on subjects not on this published agenda)**
Susan Moran resident of Valencia County requested a traffic signal at the intersection of highway 47 and highway 304.

Bob Gostischa resident of Meadow Lake thanked and congratulated Tierra Bonita on their 20th anniversary and asked if the El Cerro Mission Community Center has been considered for the CAP program instead of using the Senior Center in Meadow Lake.

Clark Metcalf shared his concerns of the alcohol and drug abuse center that is being considered and said that taxpayers cannot afford the center. He suggested using the monies to expand Valencia Health Commons already in place.

Mike Wood a member of the Hospital Advisory Board said public expects the commission to stay clear of any financial conflicts of interest and to support the majority of voters who voted for the hospital.

6. **Non-Action Items**
- a) **Reports from Boards, Commissions & Committees – County Commission**
County Manager Eric Zamora reported attending a Rio Grande Task Force meeting to evaluate constructional capabilities of levies along the Rio Grande and to develop a long term plan project to enforce the levies. The long term goal is to work with FEMA to provide a safer environment and will continue reporting progress to the board.

7. **Action Items**
- a) **Consideration of Extension of Community Service Monitoring contract between Belen Magistrate Court – Kenny S. Griego**
Commissioner Gentry moved for approval. Seconded by Commissioner Holliday. Motion carried unanimously. (See Exhibit A)
- b) **Consideration of Extension of Community Service Monitoring contract between Los Lunas Magistrate Court – Kenny S. Griego**
Commissioner Holliday moved for approval. Seconded by Commissioner Gentry. Roll call vote. Commissioner Medina voted yes. Commissioner Holliday voted yes. Commissioner Gentry voted yes. Chairman Rael voted yes. Commissioner Kirkham voted yes. Motion carried 5-0. (See Exhibit B)

Board convenes as the Board of Finance

Minutes of July 1, 2009 Regular Business Meeting

Commissioner Holliday moved to convene as the Board of Finance. Seconded by Commissioner Medina. Motion carried unanimously.

c) Consideration of Re-Investing opportunities "Treasurers Office" – Dorothy Lovato

County Treasurer Dorothy Lovato requested and recommended awarding First Community Bank two Certificates of Deposit in the amount of \$500,000 each at 1.45% with a seven month term and 102% collateralization.

Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried 3-2. Chairman Rael voted no. Commissioner Kirkham voted no.

Board Re-Convenes as the Board of County Commissioners

Commissioner Medina moved to re-convene as the Board of Commissioners. Seconded by Commissioner Gentry. Motion carried unanimously.

d) Consideration of Request to Continue Hearing for Roadrunner Metal Recycling Appeal – Dave Pato

County Attorney Dave Pato said this request was approved by Planning and Zoning for Roadrunner Metal Recycling to continue the process with set conditions. Alice Torwirt and Joseph Rizzo did not agree with Planning and Zoning's decision and Mr. Torwit had submitted an appeal scheduled for tonight's meeting. Mr. Rizzo's letter requested amending the date of the appeal hearing being that he would not be available until after August 13, 2009.

Alice Torwirt who lives further than 1.2 miles from the proposed site and Rhonda Law also said Mr. Rizzo is knowledgeable and it would be beneficial to hear what he has to say and requested that the commission wait for Mr. Rizzo's availability.

Attorney Larry Guggino representing the Roadrunner Recycling had three concerns; one is that the zoning is I-3 and is appropriate for this recycling center according to the ordinance, two; is with two commissioners who may have appearance of conflict of interest and three; is that the appellants live further than 1.2 miles from the proposed site.

Commissioner Kirkham said she will recuse herself from voting to avoid any conflicts.

Commissioner Gentry said, for the record, he was sent a registered letter from Planning and Zoning notifying him of the hearing, therefore giving him standing rights as a property owner and citizen and this item on the agenda is for consideration whether to continue at Mr. Rizzo's request.

Chairman Rael said it is apparent that the persons who filed the appeal live several miles away from the proposed project and have no standing which means they have no right to object in quasi-zone proceeding.

Chairman Rael moved to deny the request to postpone the hearing. Seconded by Commissioner Holliday. Roll call vote. Chairman Rael voted yes. Commissioner Holliday voted yes. Commissioner Medina voted yes. Commissioner Gentry voted no. Commissioner Kirkham recused. Motion carried 3-1 and 1 recusal.

e) Consideration of Capital Cooperative agreement for 06/07 Legislative Appropriations (tabled: June 17, 2009) – Eric Zamora/Nancy Perea NMDOT

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

f) Consideration of 2009-2010 Animal Control Shelter Agreement(s) between Village of Los Lunas and the Pueblo of Isleta – Ruben Chavez

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

g) Consideration of Equitable Sharing Agreement "Sheriff's Office" – Pedro Rael/ Rene Rivera

Sheriff Rene Rivera requested approval and explained that the last year's affidavit was out of compliance due to submitting the wrong signed affidavit form. This affidavit needs to be signed and sent to the U.S. Department of Treasury to be in compliance with the National Code of Professional Conduct for Asset Forfeiture.

Commissioner Gentry moved to authorize the Chairman to sign the agreement for approval with the condition that the Sheriff's department provide monthly bank statements within

thirty days for accounting purpose. Seconded by Commissioner Holliday. Motion carried unanimously. (See Exhibit E)

h) Resolution 2009-29, Transfer of Fire Equipment, Fire Services Vehicles and other Tangible Personal Property to Town of Peralta and approval of Conveyance of Document – Charles Eaton

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

County Clerk Sally Perea announced *Resolution 2009-29*.

i) Re-Consider of Land Exchange agreement between City of Belen – Eric Zamora

County Manager Eric Zamora summarized that at the June 3, 2009 Regular Business meeting this agreement had been approved with requested corrections on Section A to correctly read "Containing a calculated area 17.85 acres". Also modified language in section C 6. "Survey and Title Insurance" and section D. "Title Insurance Policy" in the Land Exchange Agreement.

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

j) Consideration of Correctional Tax for Jail Facility – Derek Williams/Pedro Rael

Adult Detention Director Derek Williams presented, for discussion, the Correctional Tax for the expansion of the jail facility.

Board of Commissioners directed staff to publish the ordinance for the Public Hearing meeting and have the public decide whether to proceed with a petition or go forth with the ordinance.

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

Commissioner Kirkham closed conference via telephone and stated for the record her personal cell phone was being used for the conference call.

k) Consideration of Vehicle Use Policy – Kenneth Griego

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

l) Consideration of the Senior Employment Program Contract – Kenneth Griego

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

m) Financial Matters

i) Consideration of Approval Payroll/Warrants – Wilma Abril

Ms. Abril presented the attached computer printout list of all checks issued by County Manager's Office on June 19, 2009 covering payroll.

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

Ms. Abril presented the attached computer printout list of all stipend checks issued by County Manager's Office on June 26, 2009 covering payroll.

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

Ms. Abril presented the attached computer printout list of all checks issued by County Manager's Office on June 26, 2009 covering vendor bills.

Commissioner Gentry 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; San Clemente Neighborhood Assoc. vs. Valencia County, Obstruction of Lorraine Drive and c. other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Gentry moved to go into executive session. Seconded by Commissioner Holliday. Roll call vote. Commissioner Median voted yes. Commissioner Holliday voted yes. Commissioner Gentry voted yes. Chairman Rael voted yes. Motion carried 4-0.

Board Re-Convenes as Board of County Commissioners

Minutes of July 1, 2009 Regular Business Meeting

Commissioner Medina moved to re-convene as the Board of County Commissioners. By consensus the Board re-convenes as the Board of County Commissioners.

County Attorney Adren Nance stated the matters discussed in executive session; update on the Plains Marketing from District Court and threatened litigations; San Clemente Neighborhood Association vs. Valencia County, Obstruction of Lorraine Drive with the direction to discuss with the land owner. No action was taken.

Commissioner Holliday moved to approve the summary. Seconded by Commissioner Medina. Roll call vote. Commissioner Medina voted yes. Commissioner Holliday voted yes. Commissioner Gentry voted yes. Chairman Rael voted yes. Motion carried 4-0.

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

None.

10. County Manager's Report (Informational only)

County Manager Eric Zamora reported the following item for consideration, the importance of interaction with local government and municipalities to help increase the chances to receive monies from the federal stimulus monies for regional projects and would want this to be placed on the table for discussion.

Chairman Rael directed staff to place a letter of request for a copy of the Memo of Understanding (MOU) from Valencia Health Commons to insure public policy and plans for the twenty-two millions dollars.

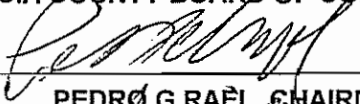
11. The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on July 8, 2009 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

12. Adjournment

Commissioner Gentry moved for approval. Seconded by Chairman Rael. Motion carried unanimously. Time 8:10:53 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, July 1, 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 RAEL, CHAIRMAN



DONALD E. HOLLIDAY, VICE-CHAIRMAN



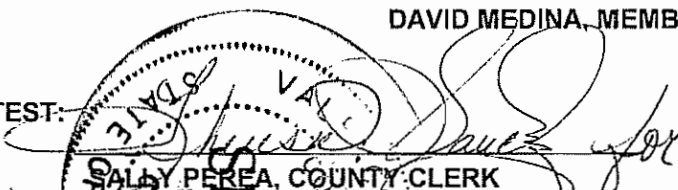
GEORGIA OTERO-KIRKHAM, MEMBER



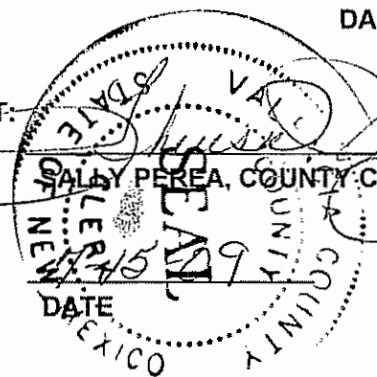
RON GENTRY, MEMBER

DAVID MEDINA, MEMBER

ATTEST:



SALLY PEREA, COUNTY CLERK


The seal is circular with "VALLE" at the top, "CLERK" on the left, "COUNTY" on the right, and "MEXICO" at the bottom. The date "JUL 1 2009" is stamped in the center.