

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

September 2, 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 Medina moved for approval. Seconded by Commissioner Holliday. Motion carried unanimously.
4. **Approval of Minutes – August 19, 2009 Regular Business Meeting**
Commissioner Holliday moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.
5. **Public Requests – At the discretion of Chair (For Information Only – limited to two minutes per person on subjects not on this published agenda)**
Mary Anderson president of Habitat for Humanity of Valencia County extended an invitation to the Board of Commissioners to participate or sponsor a rider at their second annual fundraiser "Ride The Bosque Trail" on September 26, 2009.
- Bob Gostischa resident of Meadow Lake was requesting funding for Tierra Bonita.
- Sue Moran expressed concerns on possible liability issues in regards to a bid awarded to a local firm that was not the true winner of the bid.
- Alice Kintzler thanked the commission for their service. She had concerns on weeds in front of the senior center in Rio Communities. She also expressed her support for the hospital.
- William Dean resident of Los Chavez has been collecting signatures from people who want to have the right to vote.
6. **Non-Action Items**
a) Reports from Boards, Commissions & Committees – County Commission
Larry Trussel Budget Analyst for Valencia County gave a brief report on the financial status of the county. He stated the final results through August 31, 2009 have been reviewed. The results were compared from last year to this year. Property taxes are up \$57,228 over what they were a year ago. The county equalization is the same because it won't be received until September or October. Gross Receipt Tax Revenues were being intercepted by New Mexico Finance Authority for loan repayment. Motor Vehicle fees and mileage receipts appear to be up from last year at this time. General county reimbursements are \$61,000 higher than last year but most other miscellaneous expenses are down from the previous year. The county seems to be holding its own.
7. **Action Items**
a) Consideration of Proclamation "Literacy Day"- Jill Oglesaby
Commissioner Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit A)

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b) Consideration of Resolution 2009-36A, Relating To Delinquent Property Tax, Waiving The Extra Penalty On Delinquent Taxes For The 2009 Tax Year – Dorothy Lovato

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

County Clerk Sally Perea announced Resolution 2009-36A.

c) Consideration of Endorsement of the Valencia Community Partnership Roster – Sandra Chavez

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

d) Consideration of Professional Services For Renewal "Psychiatrist" Agreement – Derek Williams

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

e) Consideration of Two (2) New Labor Positions For The Public Works Department - Eric Zamora

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

f) Consideration Of Approval Resolution 2009-37, Affirming Permissibility of Board Members to Participate in Meeting of Board of County Commissioners by Means of Conference Telephone or Other Similar Communications Equipment – County Commission

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

County Clerk Sally Perea announced Resolution 2009-37.

g) Consideration of Resolution 2009-, Affirming Distribution of Hospital Mill Levy – Ron Gentry

Commissioner Gentry stated this resolution simply defines exactly what we have presently with the Health Commons Board. A valid question was brought up last week and what this resolution does is re-affirm our commitment. It's not the fault of the commission or the Valencia Commons Board that's taking so long in the courts, we have no control over the courts. This resolution merely says we still support them and they'll have plenty of time to do it in the long haul.

Commissioner Kirkham said that at the last meeting Mr. Davey informed us that Stern Brothers was willing to move forward with the financing efforts but the project is not going to move forward until the Court of Appeals renders a decision and how the plaintiffs are going to react to that decision. How does this solve the problem of moving forward, she asked Commissioner Gentry?

Commissioner Gentry's response was, It doesn't solve the problem of moving forward what it does is assures them that we're not running the clock out on them. They have a legitimate extension of time to do the job which we contracted with them to do.

Commissioner Kirkham asked Commissioner Gentry if it's going to be thirteen more months before they render a decision, are you asking for thirteen more months? Commissioner Gentry said, a thirteen month extension. Commissioner Kirkham's intent is to move forward and start building a hospital instead of waiting for the Court of Appeals.

Commissioner Gentry suggested that counsel draw up some commitment that says we will go ahead and commit those funds allowing them to go ahead, acquire the funds and build the hospital.

Commissioner Kirkham stated that doesn't solve the problem for Mr. Davey is saying the financing won't come until the Court of Appeals renders a decision. She believes that Health Commons has full jurisdiction of the money, the contract hasn't run out. They have twenty three months. Commissioner Kirkham said she is willing to try to settle the lawsuit and bring conclusion so that we can move forward. Valencia Health Commons has every opportunity to build the hospital right now and she understands why they can't. Solve the litigation and build the hospital.

Chairman Rael said Mr. Davey's admitted at the last meeting that he is not a hospital and he has no contract with any hospital. We can't take the chance that it will take another number of months whatever it may be to get the litigation over and then have been ruled against the position of the county. The lawsuit also takes the power out of the commission's hand to terminate the contract after three years. That's clearly contrary to the hospital funding act, it is also a pledge of the mill levy proceeds for non existence service, which is very problematic. It's been advertised, in a flyer, as being money that was available to build the hospital and it clearly said that the hospital was going to be built with the mill levy. That is wrong and not even in contention, the mill levy cannot be used, which leads to another problem. Is it the mill levy money people are waiting for so they can use that to leverage some other loan to build the hospital? It requires that we contract with an existing hospital in New Mexico, not with somebody who may or not build a hospital. The amendment that is proposed tonight has no end in sight, it just says we are to extend it. The civil legalities under the hospital funding act are far more then sufficient not to touch the proposed resolution and so Chairman Rael said he would be voting no on the resolution. The contract needs to be terminated if we hope to see this mill levy money ever used in a proper way.

Commissioner Gentry said, the purpose of putting this forward was to try to give everybody the working time they need to do what's right. He asked the commission to consider it, let's find a way to legally say we'll use this not to construct a hospital but to support the hospital in it's operational costs or startup. If the commission doesn't want to do that, then let's give the money back to the taxpayers.

Commissioner Medina stated that it seems like the commission is not supporting the hospital so should the Appellate Court rule in the commission's favor and he or someone else bring this resolution to the commission again asking for an extension, would we get that approval from this commission?

Chairman Rael said he would like to see this matter settled and take what ever direction it takes at that time. It's not against the hospital, it's in favor of using the twenty two million dollars in the way that the taxpayers voted. It's for us to get a hospital or a 24-hour emergency care facility. He is totally in favor of that. We need to take action, we were elected to do a job, to make decisions regarding the use of taxpayer's money but we have to make those decisions in such a way that we use the money effectively.

Commissioner Gentry moved for approval to extend the time to the Health Commons Board that is being depleted by the court action. Seconded by Commissioner Medina. Commissioner Medina voted yes. Commissioner Holliday voted no. Commissioner Gentry voted yes. Commissioner Kirkham voted no. Chairman Rael voted no. Motion failed 3-2.

h) Consideration to Direct Staff to Develop and Publish for Adoption an "Anti-Rave" Ordinance – County Commission

Commissioner Gentry stated this was a request based on the comments brought before the commission 2-3 weeks ago. This would be an ordinance to prohibit the rave type parties taking place in Valencia County. His intention is to have staff develop an ordinance that is legal and bring it before the commission for consideration.

Chairman Rael stated, the law we have now may restrict some of it, maybe we need to make the laws more restrictive.

County Attorney Dave Pato stated, that in order to have criminal penalties, there would have to be an ordinance passed. When the commission asked us to look into the matter, we knew a lot of the activities that were cause for concern were already outlawed by New Mexico Statute, but that is not to say that the county can't track all those statutes under one ordinance. We can't get more restrictive without likely running foul constitutional prohibition by the virtue of the First Amendment. They have a right to gather and they have a right to lawfully gather. They don't have a right to engage in inappropriate conduct. That is the concern of the sheriff and other law enforcement whether or not they are engaging in disorderly conduct...

County Sheriff Rene Rivera stated it doesn't become a crime until the participants of the rave start drinking alcohol or consuming narcotics. Most of the time during the rave parties they either rent the land or have the permission of the property owner. We can't go in there and throw them out. These rave parties are pretty well set up. They have their attorneys and they know what they are doing. These rave parties bring in \$10,000 to \$60,000.

Chairman Rael said if we can have counsel look at it and figure out a way that we can increase safety for the community, in regards to drug and alcohol use. The reason why there are no rave ordinances, that we can find, is probably because there have been legal problems with the First Amendment.

Commission Gentry motioned to direct staff to develop for publication a consideration for adoption of an anti-rave ordinance for Valencia County. Seconded by Commissioner Kirkham. Motion carried unanimously.

Fire Chief Charles Eaton stated they have a fire code that requires any tent placement in the county is subject to fire inspection approval. We do have ordinances and restrictions in place that governs this and if we are informed in advance, we'll do what we can to enforce it.

i) FINANCIAL MATTERS:

1) Consideration of Resolution 2009-38, Adjustment/OA Program, State, Federal, Project Income & Local Contribution in Revenues/Expenditures FY 2010 Budget – Wilma Abril

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

County Clerk Sally Perea announced Resolution 2009-38.

2) Consideration of Resolution 2009-39, Increase Expenditures/all Fire Departments. State Fire Fund FY 2010 More Allotments – Wilma Abril

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

County Clerk Sally Perea announced Resolution 2009-39.

3) Consideration of Resolution 2009-40, Increase Expenditure Fire Administrative Fund & Manzano Vista – Wilma Abril

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

County Clerk Sally Perea announced Resolution 2009-40.

4) Consideration of Resolution 2009-41, Transfer of State Fire Fund to Town of Peralta - Wilma Abril

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

County Clerk Sally Perea announced Resolution 2009-41.

5) Consideration of Resolution 2009-42, Increase Expenditures FY 2009 Expend Balances – Wilma Abril

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

County Clerk Sally Perea announced Resolution 2009-42.

6) Consideration of Resolution 2009-43, Increase Expenditures Road Construction Unencumbered Balances of FY 2009 – Wilma Abril

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

County Clerk Sally Perea announced Resolution 2009-43.

7) Consideration of Approval Payroll/Warrants – Wilma Abril

Wilma Abril presented the attached computer printout list of all checks issued by the Manager's Office on August 28, 2009 covering payroll process on that date. Direct Deposit Check #12161 thru Direct Deposit Check #12332 inclusive. Deduction Check #100415 thru Deduction Check #100449 inclusive. Payroll Check #85429 thru Payroll Check #85511 inclusive. Listing total \$358,222.27. Wilma Abril presented the attached computer printout list of all the checks issued by the Manager's Office on August 28, 2009 covering

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vendor bills processed on that date. Check #100402 thru Check #100542 inclusive, for a total of \$203,632.40. Commissioner Medina moved for approval. Seconded by Commissioner Holliday. Motion carried unanimously. **(See Exhibit M)**

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.

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

Commissioner Kirkham voted to go back into Regular Session. Seconded by Commissioner Gentry. Motion carried unanimously

County Attorney Adren Nance stated the matters discussed in executive session were Tierra Bonita vs. Valencia County and no final action taken.

Commissioner Kirkham moved to approve the summary stated by counsel. Seconded by Commissioner Holliday. Roll Call Vote. Commissioner Medina voted yes. Commissioner Holliday voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Motion carried 5-0

9) Action Items(s) on Executive Session Discussions

None

10) County Manager's Report (Informational Only)

County Manager Eric Zamora reported, the Federal Government through FEMA (Federal Emergency Management Agency) have been up and down the Rio Grande Valley re-evaluating what they determine flood hazard areas. They have completed their preliminary study and are currently at the phase of the project where their final report is open for public review. They are bringing in more flood hazard areas, which means more people are going to have to pay flood hazard insurance. All the flood insurance paid will go into the national pool. The national pool was created by the events of Katrina. We will see the brunt of this by the end of the year in which hundreds of people will be brought into the flood zone area. The comment period runs through the end of this month. He hopes to draft a response soon and will submit that to the commission for review. This is a comment period and not a protest period.

Commissioner Gentry stated we need to make it very clear that it's a done deal and we have no regulation or input on it because he guarantees the commission will get the blame for it. He was under the impression that there was a protest period. The public needs to know that they need to contact their congressional representatives instead of us. We also need to make sure the media understands this.

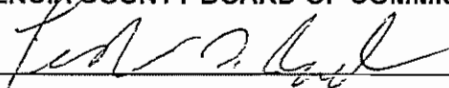
11) The next Regular Meeting of the Valencia County Board of County Commission will be held on September 16, 2009 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

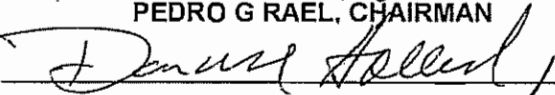
12) Adjournment

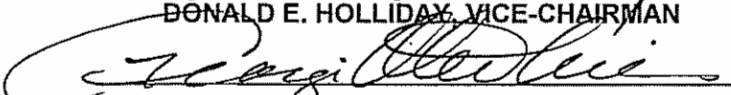
Commissioner Gentry moved for approval to adjourn. Seconded by Commissioner Medina. Motion carried unanimously. Time 7:41 PM.

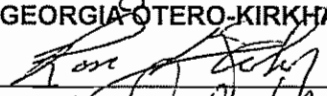
NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, September 2, 2009 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

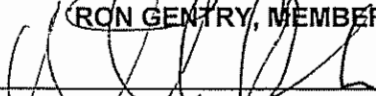
VALENCIA COUNTY BOARD OF COMMISSIONERS


PEDRO G RAEI, CHAIRMAN



DONALD E. HOLLIDAY, VICE-CHAIRMAN


GEORGIA OTERO-KIRKHAM, MEMBER


RON GENTRY, MEMBER


DAVID MEDINA, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

DATE 09-16-09

September 2, 2009

Regular Business Meeting

Exhibits

A - M



Valencia County PROCLAMATION

WHEREAS, the ability to read is essential to personal freedom and to the functioning of a democratic society; and

WHEREAS, our society is dependent on an informed citizenry, and the ability to read is necessary to be informed; and

WHEREAS, as our culture becomes ever more technologically complex, literacy becomes ever more basic to survival and the achievement of one's potential; and

WHEREAS, literacy is an integral element in the broader goal of economic opportunity and security for all; and

WHEREAS, in the United States, literacy in and the ability to speak English are essential to economic viability and personal opportunity.

NOW, THEREFORE be it Resolved, that the governing body of the Board of County Commissioners does hereby proclaims the week of *September 7th -11th, 2009* as Literacy Week in Valencia County and further proclaim our support for literacy efforts throughout Valencia County.

"LITERACY DAY"

PASSED, APPROVED and ADOPTED this 2nd day of September, 2009

Pedro G. Rael, Chairman

Board of County Commissioners

Donald E. Holliday, Vice Chair

Georgia Otero-Kirkham, Commissioner

David R. Medina, Commissioner

Ron Gentry, Commissioner

Attest By:
Teresa, County Clerk

Teresa, County Clerk

EXHIBIT A

VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION 2009- 36A

**A RESOLUTION
RELATING TO DELINQUENT PROPERTY TAX, WAIVING THE EXTRA
PENALTY ON DELINQUENT TAXES FOR THE 2009 TAX YEAR**

WHEREAS, the Board of County Commissioners met in a regularly scheduled meeting on Wednesday, September 2, 2009 at 5:00 p.m. in the Los Lunas County Courthouse, 444 Luna Ave, Los Lunas, New Mexico 87031; and,


WHEREAS, NMSA 1978 § 7-38-50 (1982) provides in part that, "a county may suspend for a particular tax year application of the minimum penalty requirements of this subsection by resolution of its county commissioners adopted not later than September 1 of that tax year. A copy of any such resolution shall be forwarded to the County Treasurer;" and,

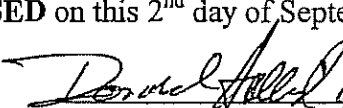
WHEREAS, the Valencia County Treasurer has recommended that the minimum penalty should be suspended for the current tax year because the Treasurer has determined that the minimum penalty is not equitable and that the simple imposition of a one percent (1%) penalty as provided for in the statute is more fair to the small taxpayers of the County; and,

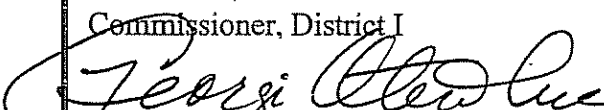
WHEREAS, the Board of County Commissioners of Valencia County supports the recommendation of the County Treasurer.

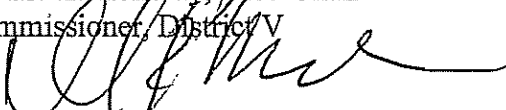
NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Valencia County hereby suspends the five dollar (\$5.00) minimum property tax penalty for the current tax year.

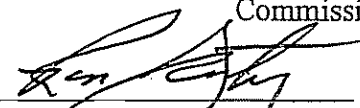
APPROVED, ADOPTED, AND PASSED on this 2nd day of September, 2009.


Pedro Rael, Chair
Commissioner, District I


Donald E. Holliday, Vice-Chair
Commissioner, District V


Georgia Otero-Kirkham
Commissioner, District II


David R. Medina
Commissioner, District III


Ron Gentry
Commissioner, District IV

ATTEST BY:

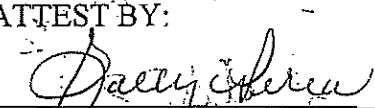

Sally Perera, County Clerk

EXHIBIT B

EXAMPLE:

Taxpayer "A" is late by one day paying a tax bill of \$100.00 and taxpayer "B" is also late by one day in paying a tax bill of \$500.00.

\$5.00 MINIMUM PENALTY METHOD

TAXPAYER "A"
Tax: \$100.00
Pen: 5.00
Total \$105.00

TAXPAYER "B"
Tax: \$500.00
Pen: 5.00
Total \$505.00

OR SUGGESTED 1% PENALTY METHOD

TAXPAYER "A"
Tax: \$100.00
Pen: 1.00
Total \$101.00

TAXPAYER "B"
Tax: \$500.00
Pen: 5.00
Total \$505.00

COMMUNITY HEALTH IMPROVEMENT COUNCIL ROSTER

NAME	TOWN OR AREA OF RESIDENCE	ETHNICITY	CATEGORY OF INTEREST	TERM EXPIRE
Kathy Chavez, Fiscal/Contract Manager (ex-officio) YDI-Valencia	Bosque Farms, New Mexico	Hispanic	Community-Based Programs	June 30, 2010
Sandra Chavez, Coordinator (ex-officio) YDI-Valencia	Los Lunas, New Mexico	Other	Comprehensive Community Health Improvement	June 30, 2010
Michael Timbang, Health Promotion Specialist (ex-officio) NM DOH Public Health Region 1	Los Lunas, New Mexico	Asian	Comprehensive Community Health Improvement	June 30, 2010
Hilary Maez, VCP Leadership Secretary	Peralta, New Mexico	Hispanic	Programs/Services for Youth and the Elderly, Health Coverage/Services, Environmental Issues	June 30, 2010
Peggy Gutjahr, VCP Leadership Chair Community Member	Belen, New Mexico	Caucasian	Programs/Services for the Elderly, Transportation, Substance Abuse, Homelessness, Environmental Issues, Health Coverage/Health Services	June 30, 2010
Ginny AdameVillage of Los Lunas/Valencia County DWI Program	Los Lunas, New Mexico	Caucasian	Programs/Services for Youth, Substance Abuse, Teen Pregnancy, Violence/Crime, Environmental Issues	June 30, 2010
Peggy Chavez, Leadership Member Belen Schools Wellness Programs	Belen, New Mexico	Caucasian	Programs/Services for Youth, Health Coverage/Health Services	June 30, 2010
Jacque Chavira, Leadership Member Valencia County Government	Los Lunas, New Mexico	Hispanic	Programs/Services for the Elderly, Violence/Crime, Homelessness	June 30, 2010

EXHIBIT C

Scot Booth Los Lunas Community Program	Los Lunas, New Mexico	Caucasian	Developmental Disabilities	June 30, 2010
Melinda Chernev Families First	Belen, New Mexico	Caucasian	Health Coverage/Health Services, Early Childhood	June 30, 2010
Joseph Dorn Valencia County Juvenile Justice Services	Los Lunas, New Mexico	Caucasian	Programs/Services for Youth, Teen Pregnancy	June 30, 2010
Beverly Bien/Kimberly Diaz La Vida Felicidad	Los Lunas, New Mexico	Caucasian	Programs/Services for the Elderly, Early Childhood	June 30, 2010
Deborah Carpenter NM Environment Dept/Environmental Health Div.	Los Lunas, New Mexico	Caucasian	Environmental Issues	June 30, 2010
Laura Reeves Belen Public Health WIC	Belen, New Mexico	Caucasian	Teen Pregnancy, Early Childhood, Breastfeeding Advocacy & Support, Maternal/Child Nutrition	June 30, 2010
Dubra Karnes-Padilla UNM-Valencia, Fitness & Wellness Education Center	Los Lunas, New Mexico		Fitness/Wellness	June 30, 2010
Cindy Clark Greater Belen Chamber of Commerce	Belen, New Mexico		Community Outreach	June 30, 2010
Bart Regelbrugge Albuquerque Kiwanis	Los Lunas, New Mexico	Caucasian	Health Coverage/Health Services, Substance Abuse, Teen Pregnancy, Early Childhood, Violence/Crime, Environmental Issues	June 30, 2010
Wendy C. Martinez HSD, Child Support Enforcement Div.	Rio Rancho, New Mexico	Hispanic	Health Coverage/Health Services, Teen Pregnancy, Child Support, Medical Support, Paternity Establishment	June 30, 2010
Jennifer Cross	Los Lunas, New Mexico	Caucasian	Teen Pregnancy, Early Childhood	June 30, 2010

Los Lunas Public Health WIC					
Christine S Robison First Choice Community Healthcare	Los Lunas, New Mexico	Caucasian	Programs/Services for Youth and the Elderly, Transportation, Environmental Issues, Emergency Preparedness	June 30, 2010	
Carol Claus UNM Valencia	Los Lunas, New Mexico		Teen Pregnancy, Environmental Issues	June 30, 2010	
Lupe Reynoso, RN Belen Public Health	Belen, New Mexico	Hispanic	Programs/Services for the Elderly, Health Coverage/Health Services, Teen Pregnancy	June 30, 2010	
Bob & Tammie Allen Horsewhispering Violence Prevention Fund	Belen, New Mexico	Caucasian & Native American	Programs/Services for Youth, Violence/Crime, Environmental Issues	June 30, 2010	
Sam Vigil Valencia Counseling Service, Inc.	Los Lunas, New Mexico	Hispanic	Transportation Issues, Health Coverage/Health Services, Substance Abuse, Homelessness	June 30, 2010	
Susan Garcia Hogares	Los Lunas, New Mexico	Hispanic	Programs/Services for Youth, Substance Abuse, Teen Pregnancy, Early Childhood, Violence/Crime	June 30, 2010	
Michele Coleman Sharp Attachment Healing Center/Inner Guidance, L.C.	Albuquerque, New Mexico (working in Valencia County)	African American	Programs/Services for Youth		
Joseph Byers Los Lunas Schools Resource Officer	Los Lunas, New Mexico	Hispanic	Substance Abuse, Violence/Crime	June 30, 2010	
Robert D. Annett, PhD National Children's Study	Albuquerque, New Mexico (working in Valencia County)		Teen Pregnancy, Early Childhood	June 30, 2010	
Ambar Chavez Youth Development, Inc.	Los Lunas, New Mexico	Hispanic	Programs/Services for Youth, Substance Abuse, Environmental Issues	June 30, 2010	

Leslie Wirts LC13 (Valencia Chapter)	Belen, NM	Caucasian	Health Coverage/Health Services	June 30, 2010
Richard Romero, Ed.D Belen Consolidated Schools	Belen, NM	Hispanic	Violence/Crime, Homelessness	June 30, 2010
Becky Culp UNM-Valencia	Los Lunas, NM	Caucasian	Health Coverage/Health Services	June 30, 2010
Stephanie Ingram & Katrina Vigil NMSU-NM Works (Valencia)	Los Lunas	Caucasian	Teen Pregnancy, Economic Disparities	June 30, 2010
Edwina Moya (ex-officio) YDI-Valencia	Los Lunas, NM	Hispanic	Programs/Services for Youth, Health Coverage/Health Services	June 30, 2010
Liz Giddings (ex-officio) YDI-Valencia	Los Lunas, NM	Mexican American	Substance Abuse, Violence/Crime, Homelessness	June 30, 2010
Victoria Flores (ex-officio) YDI-Valencia	Los Lunas, NM	Hispanic	Teen Pregnancy	June 30, 2010

Approved by  County Board of Commissioners

Date of Approval 9.2.09.

PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (hereinafter referred to as "Agreement") is made and entered into this 1st day of November, 2009. The parties hereto are the Valencia County, represented by The Board of County Commissioners of Valencia County (hereinafter referred to as "County"), and Blanca Badillo Castro, M.D., licensed Psychiatrist by the State of New Mexico (hereinafter referred to as "Contractor").

WITNESSETH:

WHEREAS the County is authorized by the laws of the State of New Mexico to contract for Mental Health Services in matters concerning Valencia County; and in accordance with Valencia County Procurement policy, Resolution 2005-68, section 16.3, Small Purchases of Professional Services, which states, "The purchasing office may procure professional services: having a value not exceeding \$30,000; for the services of architects and engineers having a value not exceeding \$25,000; and for landscape architects and surveyors having a value not exceeding \$5,000, in accordance with the following subsections. In the case of architects, engineers, landscape architects and surveyors the value shall not include applicable state and local gross receipts."

WHEREAS the County is desirous of employing Blanca Badillo Castro, M.D.; and

WHEREAS Contractor's employment with the County will be as a "Contractor" subject to all reasonable directives of the Board of County Commissioners; and

WHEREAS Contractor, in consideration of being granted contractual status, is willing to

accept as compensation the amount as set out in this agreement plus applicable gross receipts tax per month as compensation, except as is otherwise set out vide infra,

NOW, THEREFORE, in consideration of the foregoing and of the compensation to be paid as hereinafter set forth and subject to the following terms, covenants and conditions as set out below.

IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

ARTICLE I—SCOPE OF WORK

The Contractor's duties will consist of:

1. Contractor will provide, on a routine basis, with a schedule to be mutually agreed upon, on-site professional psychiatric services for County inmates following admission to the facility,
2. Psychiatric services include the services of a New Mexico licensed psychiatrist or psychiatric nurse practitioner on a routine, periodic basis to be mutually agreed upon, with the goal of services on-site (in person) on a weekly basis for approximately four (4) hours, depending on justified workload,
3. Contractor shall provide on-call services between the hours of 8:00 a.m. and 8:00 p.m., Monday through Friday each week. County staff may contact provider's office as needs arise,
4. The County will be responsible for the costs of hospitalization, outpatient hospital treatment or diagnostic services, or other off-site care, specialty care rendered outside the facility,

5. The County will be responsible for the cost of prescription medications. Prescription medications will be provided to inmates through services arranged by the County and in accordance with the County's established formulary. Pharmacy charges will be billed directly to the County,
6. In order to provide services, Contractor may engage certain psychiatric professionals as independent contractors rather than as employees, and County expressly consents to such subcontracting or delegation.

ARTICLE II—COMPENSATION

The County will pay Blanca Badillo Castro for Mental Health Services at the Valencia County Adult Detention Center the sum of two thousand dollars (\$2000), plus applicable gross receipts taxes, per month commencing on the date of this agreement and concluding with the expiration of this agreement pursuant to its terms. Contractor shall submit statements for Psychiatric Services on or before the first of each month, for the amount of \$2000, plus applicable gross receipts taxes.

ARTICLE III—APPROPRIATIONS

The terms of this Contract are contingent upon sufficient appropriations and authorization being made by the governing body for the performance of this Contract. If sufficient appropriations are not made by the governing body, this Contract shall terminate upon written notice being given by the County to the Contractor. The County's determination as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

ARTICLE IV—STATUS OF CONTRACTOR

The Contractor and its agents and employees are independent contractors performing professional services for the County and are not employees of Valencia County or the State of New Mexico. The Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of state vehicles, or any other benefits afforded to employees of Valencia County or the State of New Mexico as a result of this Agreement. The Contractor acknowledges that all sums received hereunder are personally reportable by it for income tax purposes as self-employment or business income and are reportable for self-employment tax.

ARTICLE V—TERM

This Agreement shall terminate on [one year from date of execution], unless terminated pursuant to paragraph V, infra. In accordance with Section 13-1-150 NMSA 1978, no contract term, including extensions and renewals, shall exceed four years, except as set forth in Section 13-1-150 NMSA 1978.

ARTICLE VI—RECORDS AND AUDIT

The Contractor shall maintain, for three (3) years, detailed time records which indicate the date, time and nature of services rendered. These records shall be subject to inspection by the County and the State Auditor. The County shall have a right to audit billings both before and after payment; payment under this Agreement shall not foreclose the right of the County to recover excessive and/or illegal payments.

ARTICLE VII—CONFLICT OF INTEREST

Contractor will use best efforts to not acquire any interest, direct or indirect, which

would conflict in any manner or degree with the performance of services required or permitted under this Agreement. There may be other conflicts of interest that arise, of which Contractor is not presently aware. Once a conflict becomes apparent, Contractor will immediately inform the County or and advise as to whether the conflict can be waived or not, and work with the County on the appropriate action in response.

ARTICLE VIII—TERMINATION

This Agreement may be terminated by either party upon the giving of sixty (60) days written notice to the other party, at the addresses set forth at the end of this contract, for any reason, whatsoever.

ARTICLE IX—TERMINATION MANAGEMENT

Immediately upon receipt by either the County or the Contractor of notice of termination of this Agreement, the Contractor shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the County and 2) comply with all directives issued by the County in the notice of termination as to the performance of work under this Agreement.

ARTICLE X—NOTICES

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the County: County Manager, P. O. Box 1119, Los Lunas, NM 87031

To the Contractor: Blanca Badillo Castro, 535 Sagebrush Drive, Corrales, NM 87048

ARTICLE XI—MERGER

This Agreement incorporates all the agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreement or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

ARTICLE XII—RELEASE

The Contractor's acceptance of final payment of the amount due under this Agreement shall operate as a release of the County, its officers and employees, and the State of New Mexico from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the County of Valencia or the State of New Mexico unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

ARTICLE XIII—CONFIDENTIALITY

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the County.

ARTICLE XIV—ASSIGNMENT

The Contractor shall not assign any claims for money due or to become due under this Agreement without the prior written consent of the County.

ARTICLE VX—SUBCONTRACTORS

Contractor shall not subcontract any portion of the services to be performed under this Agreement unless expressly approved by the County. Payment for any services subcontracted shall be the responsibility of the Contractor who shall indemnify and hold harmless the County for any expenses incurred as a result thereof.

ARTICLE XVI—DISCLAIMER

Contractor hereby disclaims and relinquishes any benefits it might otherwise be entitled to as a full time county employee, including but no limited to, PERA, health insurance and workmen's compensation which are hereby expressly waived.

ARTICLE XVII—PRODUCT OF SERVICE

All materials, procedures or other matters in which a proprietary interest may exist or which may be developed or acquired by the Contractor under this Agreement shall become the property of Valencia County and shall be delivered to the County Managers Office not later than forty-eight (48) hours after the termination of this Agreement. Nothing produced in whole or in part by the Contractor under this Agreement shall be subject to an application for copyright by or on behalf of the Contractor.

ARTICLE XVIII—AMMENDMENT

This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto.

ARTICLE XIX—PENALTIES

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

ARTICLE XX—APPLICABLE LAW

The laws of the State of New Mexico shall govern this Agreement and shall be enforceable in the Thirteenth Judicial District Court in Valencia County.

ARTICLE XXI—INDEMNIFICATION

[See, New Mexico Attorney General Opinion, No. 00-04, issued November 1, 2000, prohibiting public entities from agreeing to indemnify a contractor.] The Contractor shall defend, indemnify and hold harmless the County and the State of New Mexico from all actions, proceeding, claims, demands, costs, damages, attorneys' fees and all other liabilities and expenses of any kind from any source which may arise out of the performance of this Agreement, caused by the negligent act or failure to act of the Contractor, its officers, employees, servants, subcontractors or agents, or if caused by the actions of any client of the Contractor resulting in injury or damage to persons or property during the time when the Contractor or any officer, agent, employee, servant or subcontractor thereof has or is performing services pursuant to this Agreement.

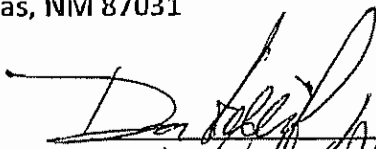
ARTICLE XXII—EFFECTIVE DATE

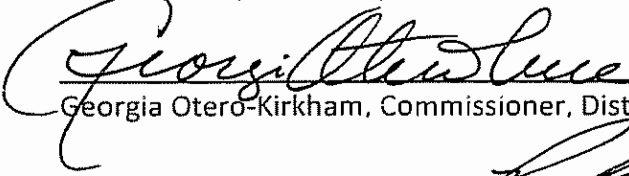
This Agreement is effective as set out in the first paragraph hereof.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first written above.

BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY
P.O. Box 1119 / 444 Luna Ave.
Los Lunas, NM 87031


Pedro G. Rael, Chairman, District I

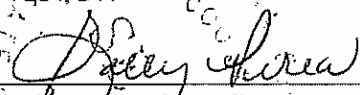

Donald Holliday, Vice-Chair, District V


Georgia Otero-Kirkham, Commissioner, District II


David R. Medina, Commissioner, District III


Ron Gentry, Commissioner, District IV

ATTEST BY:


Sally Perea, County Clerk

By: _____
County Manager

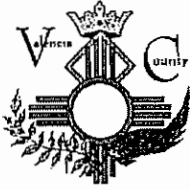
By: _____
Blanca Badillo Castro, MD

STATE OF NEW MEXICO)
)ss.
COUNTY OF VALENCIA)

The foregoing instrument was acknowledged before me this ____th day of _____,
20__ by _____.

Notary Public

My Commission Expires:



VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Eric Zamora
Individual Making Request: Bill Chavez
Presentation at Meeting on: September 2, 2009
Date Submitted: August 27, 2009
Title of Request: Consideration of Public Works Position

Action Requested of Commission:

Request to consider 2 new labor positions for the Road Department, as a replacement for Road Superintendent Position.

Information Background and Rationale: Public Works would like to replace the Road Superintendant Position and hire two (2) new labor positions, giving the Road Department a total of 7 laborers. The county will divide the 3 laborers into the west side and 3 laborers on the east side of the river, the other laborer will be a floater and will be used for both sides depending on the work loads.

What is the Financial Impact of this Request?

The Road Superintendant position was budgeted for \$18.40, in hiring two laborers at \$8.00 an hour, per laborer, that leaves a remaining balance of \$2.40. This allows the department to keep up more with the daily workloads and allow for more patching to done.

Legal: A.N.

Finance: W.A.

Business Manager: K.G.

EXHIBIT E

BOOK 068

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VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION 2009- 37

**RESOLUTION AFFIRMING PERMISSIBILITY OF BOARD MEMBERS TO
PARTICIPATE IN MEETING OF BOARD OF COUNTY COMMISSIONERS BY
MEANS OF CONFERENCE TELEPHONE OR OTHER SIMILAR
COMMUNICATIONS EQUIPMENT**

WHEREAS, the Board of County Commissioners met in a regularly scheduled meeting on Wednesday, September 2, 2009 at 5:00 p.m. at 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, on January 2, 2008, the Board of County Commissioners passed Resolution 2008-01 providing that "[a] member of the Board of County Commissioners or any of its Boards may participate in a meeting by means of a conference telephone or other similar communications equipment when it is difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting;" and

WHEREAS, Resolution 2008-01 has not been repealed by this Board, nor does it have a sunset provision requiring that it expire by its terms; and,

WHEREAS, the Board of County Commissioners believes that permitting telephonic participation in meetings of the Board of County Commissioners in limited circumstances, as provided by Resolution 2008-01, advances the purposes of the Open Meetings Act, and the democratic process in general, by providing a mechanism by which those members who would otherwise find it difficult or impossible to participate in the meeting in person to participate and to ensure a representative government by representing their respective districts and constituents in the decision-making process, and by setting forth certain requirements, such as requiring that each member participating by conference telephone can be identified when speaking, that all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

NOW THEREFORE, BE IT RESOLVED, that the Valencia County Board of County Commissioners hereby affirms that "[a] member of the Board of County Commissioners or any of its Boards may participate in a meeting by means of a conference telephone or other similar communications equipment when it is difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the

EXHIBIT F

meeting are able to hear any member of the public body who speaks during the meeting participate in meetings of the Board of County Commissioners by means of conference telephone[,]” and recognizes the continuing validity of this provision of Resolution 2008-01.

APPROVED, ADOPTED AND PASSED on this 2nd day of September, 2009.

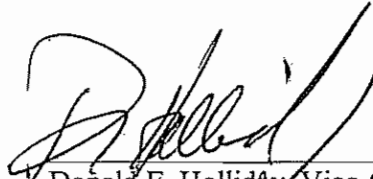
BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY

P.O. Box 1119/ 444 Luna Ave.

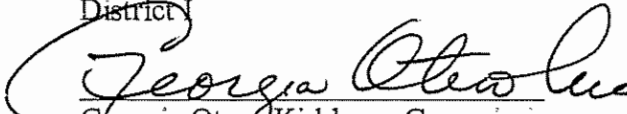
Los Lunas, NM 87031



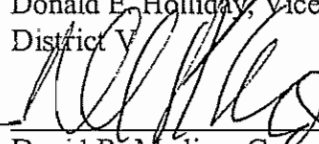
Pedro G. Rael, Chairman
District I



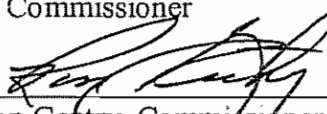
Donald E. Holliday, Vice-Chairman
District V



Georgia Otero-Kirkham, Commissioner
District II

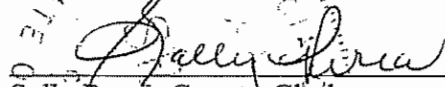


David R. Medina, Commissioner
District III

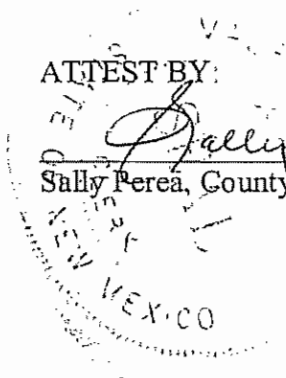


Ron Gentry, Commissioner
District IV

ATTEST BY:



Sally Perea, County Clerk



ENTITY NAME: Valencia
FISCAL YEAR: F.Y. 09-10
DFA Resolution Number:

[illegible]

BOOK	PAGE	1977
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**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION**

The attached computer printout lists all the checks issued by the Manager's Office on August 28, 2009 covering vendor bills processed on the above date. Check # 100402 thru Check # 100542 inclusive, for the total of \$ 203,632.40.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

Recommended:

Wilma Abril
Wilma Abril, Director of Finance

Done this 2nd day of Sept., 2009.

VALENCIA COUNTY BOARD OF COMMISSIONERS

Pedro G. Rael
Pedro G. Rael, Commissioner, Chair

Donald Holliday
Donald Holliday, Commissioner, Vice
Chair

David R. Medina
David R. Medina, Commissioner

Ron Gentry
Ron Gentry, Commissioner

Georgia Otero Kirkham
Georgia Otero Kirkham, Commissioner

ATTEST: Sally Perea
Sally Perea, County Clerk

EXHIBIT M

BOOK 068

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VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
PAYROLL AUTHORIZATION

The attached computer printout lists all checks issued by the Managers Office on
08/28/2009 covering payroll process on the above date.

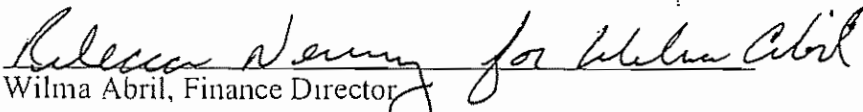
Direct Deposit Check # 12161 thru direct deposit check# 12332 inclusive.
Deduction Check# 100415 thru deduction check# 100449 inclusive.
Payroll Check # 85429 thru payroll check # 85511 inclusive.
Listing total \$ 358,222.27

All have been reviewed for:

1. Appropriate documentation and approvals
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

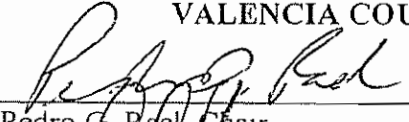
In recognition of the above, the Manager's Office request this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.


Recommended:

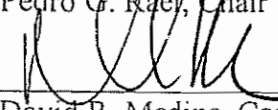

Wilma Abril, Finance Director

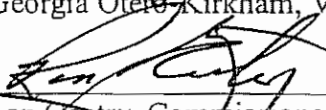
Done this 2nd day of September, 2009

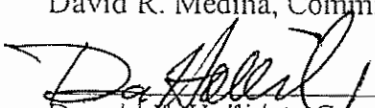
VALENCIA COUNTY BOARD OF COMMISSIONERS


Pedro G. Rael, Chair

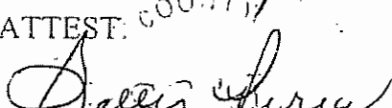

Georgia Otero-Kirkham, Vice-Chair


David R. Medina, Commissioner


Ron Gentry, Commissioner


Donald E. Holliday, Commissioner

ATTEST:


Sally Perea, County Clerk