

VALENCIA COUNTY BOARD OF COMMISSIONERS

**Regular Business Meeting
February 17, 2010**

PRESENT	ABSENT
Donald E. Holliday, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R. Medina, Member	
Ron Gentry, Member	
Pedro Rael, 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 Donald Holliday at 5:00 P.M.

2) County Clerk Sally Perea led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Otero-Kirkham motion for approval of the agenda as amended.
Seconded by Commissioner Gentry. Motion carried unanimously.

4) Approval of Minutes

Commissioner Medina moved for the approval of February 3, 2010 Regular Business Meeting. Seconded by Commissioner Gentry. Motion carried unanimously.

Commissioner Rael stated he had received a sheet of paper that he considers it to be a personal attack and would like to make it part of the record. (See Exhibit A)

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

Meadow Lake resident Bob Gostischa asked for an update on covered vehicles transporting waste to Conejo Landfill. County Manager Eric Zamora stated staff at Conejo has been educated on proper procedure and as far as the recent inspection, staff has been following procedure.

Mary Wood said she was pleased the commission had a new commission chairman and hopes Chairman Holliday brings a new perception and outlook for the people of Valencia County. She also hopes the commission will be for all the people in Valencia County, not just for a select group, as it is a commissioner's responsibility to govern for the benefit of the entire county, not just the district each commission represents.

Sue Moran spoke to the commission on loyalty and determination which she feels are admirable traits. There has been a change in atmosphere of the commission over the past several weeks; there is a confidence that most everyone will be able to see the forest before the trees.

Clark Metcalf stated the county commission has been forced to pay a great deal of taxpayer's money to defend itself. Whether or not the Supreme Court agrees to hear the case, he advises the commission to initiate a lawsuit against Sanchez and the plaintiffs to recover the damages that the plaintiffs have already cost the county. This capricious litigation has gone on long enough. The hospital contract is legal and vast majority of voters want the hospital and there's no reason for this travesty to continue.

Valencia County resident Mike Wood thanked Chairman Holliday for taking on the responsibility as chairman and for displaying a very positive attitude by his fairness and willing to work with not only the commissioners but all the people.

Chairman Holliday stated many times they had to wait for the outcome of the lawsuit in order for the commission to be allowed to move forward in accordance with the law in regards to this particular issue.

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Rio Communities resident Joe Rizzo expressed his concerns in regards to the commission somehow managing to derail the appeals court decision on the hospital project and diverting the funds to give them to Presbyterian for a simple improvement for service in this county, in which the result will be disastrous.

William Dean expressed his support for a full fledged hospital in Valencia County.

6) NON-ACTION ITEMS:

a) Presentation of Solid Waste Curbside Service – Pedro Rael/Phil Jaramillo. Commissioner Rael stated they've been working on a plan for curb side service and one of the issues they've had is whether it should be contracted out or the county manage it itself in order to provide jobs for some of the residents of the county. He spoke with Phil Jaramillo who is the former manager for the Village of Los Lunas, who was manager for over twenty years and was instrumental in establishing the curb side solid waste service for the Village of Los Lunas which was successful.

Mr. Jaramillo said he has come before the commission as a retired administrator and does not represent the Village of Los Lunas or the current standing as far as how they would operate their solid waste. What he'll provide the commission is information on how their solid waste curb side service got started. When he first started, the village had a small service that was already fifty thousand dollars in the hole. His thought was, as a public entity, they could provide the service and get it to solid ground and get it out of the red and at the same time retain the employees. When he got started there was very little equipment, so they had to work on getting new equipment, deal with the issue of income because if you're setting up a solid waste department, it's an enterprise fund under city ordinances, so you have to run it as a business and hopefully get it to run on it's own so that it doesn't depend on the general fund or any other funds to operate. His goal was to get it out of the hole in five years but they did it in three years and started operating the system on their own. There was a twenty year plan and part of that plan was to determine where the revenue was coming from, what the expenditures were and project that out into a twenty year period so they could show the council that this is where they would start even in the hole, they could continue to build up the program until they got to a point where they were out of debt, continue to operate and provide the service. They went from fifty thousand in the hole to having a reserve of over one million dollars. It is possible for a public entity to provide this service. For equipment a lease purchase is the best way to go, keeping your costs low will help to start bringing in revenue and get the program going. The program is totally self-sustaining and has never had to go back to the general fund.

Commissioner Rael asked how many years did it take to get it from the pink to the black, is totally self sustaining where it doesn't cost any extra taxes or general funds the entire time and in the beginning, was outside help required to set it up or did you do it yourselves? Mr. Jaramillo said they did it within a three year period; the program is self sustaining and has never had to go back to the general fund. They set it up themselves because they didn't have much money to hire someone else to do it. They did have some personnel and he himself created the financial plans. Between some of the other departments and employees and him, they were able to do it in house.

Commissioner Otero-Kirkham asked Mr. Jaramillo if the village owned their own landfill. They did originally; when he first started they actually ran the landfill and the solid waste department but they don't own it anymore. The state wanted to do regional facilities so they formed the Regional Authority and that got rid of a lot of the landfills and it landed up being only one landfill. Right now everyone uses the same landfill which is privately owned and that's Waste Management.

Commissioner Gentry asked Mr. Jaramillo if they're charging fees and rates for the service just like a private contractor, it's not free pickup, Mr. Jaramillo answered yes. Also, when they compare the getting out of it and how they came ahead, did they ever consider about the logistical difference from a county to a municipality when the city is within a three mile limit and the county has a fifty mile travel back and forth. Would this apply or should the county look at a higher cost? Mr. Jaramillo answered there was a cost of \$18.52 for residential pickup. The village logistics is a lot different then the county would have, public entities are better able to serve and certainly it increases the cost.

Chairman Holliday asked, as far as staff, how many people were employed and how large was the yard where they kept the equipment?

Mr. Jaramillo said about twenty employees' which included a mechanic, supervisor, waste assistant, and transfer station drivers. This was seven days a week for businesses and five days a week for residents. The site was maybe about an acre.

b) Update of Rio Metro "Public Transit" – David Rankin

David Rankin of the Mid Region Council of Governments stated they have been working on a proposed enhanced public transportation service for Valencia County. The service will operate Monday thru Friday and hope to begin this summer. They are currently in the process of ordering buses. This service will not only serve Belen, but Rio Communities, Jarales, Bosque and Veguita. The purpose of the service will be two fold. One purpose will be to offer transit to and from the Rail Runner in order for people to commute to and from Albuquerque and a reverse commute where people need to come from Albuquerque to work down in the Belen area. The second will be a shopping circulator to get to different shopping locations within the area. There will also be a link to University of New Mexico Valencia Campus. They are working on establishing some park and ride locations for people to park their vehicles and be able to ride up to the train. The areas Mr. Rankin needs help with are the Bosque Post Office, Jarales Community Center, the Valley Community Center and possibly the Tierra Grande Fire Station. These are places he feels people would be able to park and he hopes to get approval from the board so they can in fact use these places as park and ride locations. Public meetings were with held in 2009 with residents in the southern park of the county.

Commissioner Otero-Kirkham asked how is this going to be paid for and will the county have to provide some security for parking?

The quarter percent transportation tax that was passed is going to cover it and as far as security that probably is an issue that needs to be discussed was Mr. Rankin's response.

Eric Zamora said what they're looking for tonight is some feed back from the commission on these proposed sites. The commission has requested police presence at Del Rio and Jarales. As the project moves forward there will be issues that will have to be dealt with.

Chairman Holliday asked why there isn't anything for the Meadow Lake area. Mr. Rankin said there are plans for Meadow Lake and the Los Lunas area but that will follow later in the future. It's in the plans and it'll be off the Los Lunas transit.

c) Update of Los Lunas Corridor Study (MRCOG) –Loretta Tollefson

Loretta Tollefson special projects manager with the Mid Regions Council of Governments stated they are working with the Village of Los Lunas on a corridor study that is designed to provide relief to New Mexico Hwy. 6 through the village. The purpose of the study is to evaluate the transportation problems affecting Main Street through Los Lunas and to identify possible solutions to relieve the congestion and to improve mobility. They are considering access to areas that are planned and approved for growth and are assessing the affects of new roadways alternatives in the community and the environment.

Dave Pennington representing the project team that's working with the local governments and the Mid Region Council of Governments provides the commission with a packet of the summary as to where the project study as been over the last several months for the commission to review. The packet consists of background information as to why the study is being conducted. Included in the packet were aerial photographs which included the seven different alignments and options for those alignments and also information on a public involvement meeting held on January 26th, at the Los Lunas Transportation Center. It was an open house format and was very well attended, with about 275 people walking through the open house.

Once we have dwindled down the seven alternatives, in terms of alignments, to a couple, then they begin to look at these in more detail. They began to put together more detail engineering analysis, sent team of biologists, archeologists, other environmental specialists, and all the expertise that is required to put the information in for a final recommendation.

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Commissioner Otero-Kirkham said it's her understanding that the transportation department has not committed any funds for this project, there's no commitment from any one.

Mr. Rankin said this project is funded through a study in engineering. There's no money identified right now for the construction of the project. 1) They identify where it should be, what it should look like and have some details, then, they'll have a good idea as to what the price tag should be. Then that's when the process of going out looking for money can begin.

d) Directors Reports -Directors

County Manager Eric Zamora gave a brief update on the counties 2009-2010 mid year's financial status report. Seventy percent of the county's income comes from property taxes and other sources like county equalization tax, county gross receipt tax, motor vehicle fee's, permit fee's and things of that nature. We have cut and cut and the county departments have cut some more and it's showing with the county operating efficiently. Projected revenues through the end of the year are 1.18 million. That's increased revenue and as well as cost savings from departmental budgets. In short Mr. Zamora is pleased to report the financial status of the county is very stable.

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

Commissioner Otero-Kirkham informed the commission she, County Manager Eric Zamora, County Attorney Adren Nance and Finance Officer Kenny Griego were called to Santa Fe to speak to the Department of Finance in regards to the transfer of the Tome Community Center to the Tome Land Grant Committee. It was approved. Representative Barrera's was there and he made the presentation. Mr. Lewis made the motion to approve, it was unanimous. The approval to transfer the community center was done yesterday.

Chairman Holliday asked for donations for Jimmy Cooke, Manzano Vista Fire Chief who was diagnosed with cancer and has no insurance.

f) Update on Hospital Law Suit Decision – Modrall Sperling

Dwayne Brown with Modrall Sperling Law firm presented a brief update to the commission on the Court of Appeals decision that was handed down last Thursday February 11th. This matter was appealed to the Court of Appeals almost two years ago and the issue presented to the Court of Appeals was whether or not the county had exceeded it's authority in entering into the contract with Valencia Health Commons and in some way had violated or gone contrary to the provisions of the Hospital Funding Act. District Court Judge Olguin found that the county had not and the contract was valid and appropriate as entered into. The plaintiffs appealed that decision as is their right to the Court of Appeals. The Court of Appeals reviewed the contract, the pleadings from the plaintiff's attorney, the pleadings from his office, motions and briefs and determined as well, that the contract was valid and the county had not exceeded it's authority in entering into the contract and affirmed completely that the decision that was rendered by Judge Olguin with respect to the contract itself. So where does it leave the commission, procedurally clearly, you've had two courts look at the contract and said it's okay. The plaintiffs have another opportunity to do a couple of things 1.) Ask for a rehearing from the Court of Appeals or alternately apply to the Supreme Court of the State of New Mexico for a review of this particular decision by the Court of Appeals. In general that would have to be within the next few weeks, the Supreme Court would then decide whether or not they want to review the Court of Appeals decision and may take a few months to determine whether or not they want to review this particular matter. This was the update on the Court of Appeals decision and where the litigation stands now.

Commissioner Gentry asked if the Supreme Court decides they don't want to hear the issue what's next. Mr. Brown said once that decision is made and the Supreme Court says they're finished looking at this matter, that's the end with respect to New Mexico Courts. There's an end in site with this issue, Commissioner Gentry asked? Yes, was Mr. Brown's reply.

7) ACTION ITEMS:

Board of County Commissioners Convenes as Indigent Claims Board.

Commissioner Otero-Kirkham motioned to convene as the Indigent Board. Seconded by Commissioner Medina. Motion carried unanimously.

a) Indigent Report/Appeal – Barbara Baker

Barbara Baker presented the Indigent Claims Appeal from January 3, 2010 to February 5, 2010. The total amount of claims submitted is \$640,317.37. Ms. Baker requested approval of \$50,548.88.

Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Rael. Motion carried 4-0 with Commissioner Medina absent for the vote.

(See Exhibit A-1)

Ms. Baker presented the Indigent Claims Appeal for Gerald Garcia and requested approval to pay Presbyterian Hospital the amount of \$211.75.

Commissioner Gentry moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried 4-0 with Commissioner Medina absent for the vote. (See Exhibit B)

Commissioner Rael motioned to reconvene as the Board of County Commissioner. Seconded by Commissioner Otero-Kirkham. Seconded by Commissioner Gentry. Motion carried unanimously.

b) Consideration to Invest 2.1 Million Dollars in Certificates of Deposit With the Banking Institution Providing the Highest Interest Rate - Dorothy Lovato

Commissioner Otero-Kirkham motioned to convene as the Board of Finance. Seconded by Commissioner Medina. Motion carried unanimously. (See Exhibit C)

County Treasurer Dorothy Lovato stated the highest interest rate came from My Bank at .95 for six months and it is collateralized at 102 percent. This is for three certificates of deposits at \$500,000.00 each and two for \$300,000.00 each. She recommended approval.

Commissioner Medina motioned to accept Ms. Lovato's recommendation to approve through My Bank. Seconded by Commissioner Rael. Motion carried unanimously.

Ms. Lovato stated that because the commission was concerned about the three twelve's, she had gone ahead and included and had asked for interest on money market account because that's where the three twelve account was at and the highest interest received was from New Mexico Bank and Trust at 1.24% and 102% collateralized.

Commissioner Otero-Kirkham asked Ms. Lovato, how long will the three twelve's be kept with New Mexico Bank and Trust and how long are they committed to the present rate? Ms. Lovato said the rates can go up or down and right now they have Premier Money Market Account with New Mexico Bank and Trust with the money the commission allowed her to transfer from the New Mexico State Treasurer. It's almost 2.5 million at 1.24 percent. Commissioner Otero-Kirkham asked that Ms. Lovato bring this back to the commission if the interest rate changes. Ms. Lovato said then you're comfortable with the three twelve's, where they're at for now? Commissioner Otero-Kirkham answered, no, I guess you need to move it to the higher rate, but she'd like for her to bring it back if the interest goes down, maybe they can get a better rate somewhere else.

Commissioner Gentry said what you're saying is that on the three twelve's, we have the possibility of getting a premium interest right now and we currently have it at .90 per cent. We have an option to place it at 1.24 percent. Would it be appropriate to take action on this today as the Board of Finance even though it could be a financial loss to the county? County Attorney Dave Pato stated the commission can take action on this matter in the terms it be an emergency or would cause a potential loss to the county. Commissioner Gentry said over the next year or so, 2.5 million dollars was a lot of interest to be losing. That's about a third interest loss the county would have and the commission should consider doing something on this.

Commissioner Rael said the commission needs a determination that it's caused a substantial financial injury to county first. That does infringe, counsel said. Commissioner Rael feels that he's heard enough from the questions and answers to satisfy himself that losing .35 points will cause substantial injury to the county and he moves for a determination by his fellow commissioners that is substantial

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financial injury to the county and the commission should vote on this today. Seconded by Commissioner Gentry. Motion carried unanimously.

Commissioner Rael motioned to authorize the Valencia County Treasurer to go ahead and change that account to the highest interest paying account as she has described it to the commission today. Seconded by Commissioner Gentry. Motion carried unanimously.

Commissioner Medina said you've already done that, right Dorothy. Ms. Lovato said no I have not moved the money; she just called for interest rates. Commissioner Medina said on the 2.5 million. On the 2.5 million, at New Mexico Bank and Trust she only has one account. That was the money that was transferred from the State Treasurer's Department. She opened the account at New Mexico Bank and Trust which was almost 2.5 million and right now what she has in the three twelve's is at First Community and would she like to move that from First Community to New Mexico Bank and Trust.

Commissioner Otero-Kirkham said she's still confused with Ms. Lovato's answer. Is the 1.24 percent good for six months from New Mexico Bank and Trust? Ms. Lovato said she didn't ask for a monthly rate, she just asked for current rates on a Money Market Account. Everyone that her bookkeeper spoke with and the letters she has, the banking industry can't guarantee that the rates are going to stay the same especially on a money market. Rhonda Davis at New Mexico Bank and Trust said she doesn't feel they'll drop any lower but she doesn't know that for sure. Commissioner Otero-Kirkham said her concern is that Ms. Lovato brings this back later should it drop unless they can commit to the six months. Commissioner Gentry said they don't guarantee money markets for six months, but that is a substantial interest rate.

Commissioner Rael stated the motion that he made was to authorize the treasurer to switch it over and perhaps he should amend that, if the commission allows him, to make a motion to authorize Ms. Lovato to switch it and monitor it and keep that one moving because she needs that authority because it needs to be fluid since there's no commitment, it can switch from one week to the next. He would like to amend his motion to authorize Ms. Lovato to monitor it and keep it in the highest interest paying account until the commission sees Ms. Lovato again. Seconded by Chairman Holliday. Motion carried unanimously.

c) Consideration of Resolution 2010- , Finding Public Nuisance Requiring Renovation of Removal By County; 05 Primero Rd., Los Lunas NM 87031; Lot 3-A-1, Replat of Mesa Ridge Estates, as the Same is Shown and Designated on the Plat Thereof, Filed in the Office of the County clerk of Valencia County, NM- Anthony Savilla
Removed.

d) Consideration of Resolution 2010-10, Finding Public Nuisance Requiring Renovation or Removal by County; 26 Manzano Lane, Los Lunas, NM 87031; Lot 11, Blk 5, Unit 6 in Meadow Lake, a Subdivision in Valencia County NM as the Same is Shown and Designated on the Plat of Subdivision, Filed in the Office of the County Clerk of Valencia County NM on November 9, 1970. Commissioner Gentry moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2010-10. (See Exhibit D)

e) Consideration of Resolution 2010-11, Finding Public Nuisance Requiring Renovation or Removal by County; 22 Manzano LN., Los Lunas, NM; Lot 10 Blk 5 Unit 6 Meadow Lake, a Subdivision in Valencia County NM as the Same is Shown and Designated on the Plat Thereof, Filed in the Office of the County Clerk of Valencia County NM on November 9, 1970. Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2010-11. (See Exhibit E)

f) Consideration of Resolution 2010-12, Finding Public Nuisance Requiring Renovation or Removal by County; 2 Moschetti Ct., Los Lunas, NM; Lot 8-B-4 Unit 2 El Cerro Mission Ranchettes, as the Same is Shown and Designated on the Plat

Thereof Filed in the Office of the County Clerk of Valencia County NM on June 17, 1992 in Book H Page 68.

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

County Clerk Sally Perea announced Resolution 2010-12. (See Exhibit F)

g) Consideration of Resolution 2010-13, Finding Public Nuisance Requiring Renovation or Removal by County; 2 Semilla Rd., Los Lunas, NM; Lot 51-B Unit 3 El Cerro Mission Ranchettes, as the Same is Shown and Designated on the Plat Filed in the Office of the Valencia County Clerk on March 24, 1980 in Book C Page 142. Commissioner Otero-Kirkham motioned for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2010-13. (See Exhibit G)

h) Consideration of Resolution 2010-14, Finding Public Nuisance Requiring Renovation or Removal by County; 139 Bonita Lp., Los Lunas, NM; Lot 56 Unit 4 Meadow Lake as the Same is Shown and Designated on the Plat of Subdivision filed in the Office of the Valencia County Clerk on May 1, 1968 in Book 69-B. Commissioner Rael moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2010-14. (See Exhibit H)

I) Final Action on Public Hearing: February 10, 2010

i) Consideration of Transfer of Liquor License #0168 From Renate Wilder dba Wild Pony to Ruben Baca, Managing Member Flying Colors LLC – Sally Perea. Commissioner Otero-Kirkham motioned for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit I)

ii) Consideration of Appeal on a Denied Variance on Parcel Size in a Suburban Residential (SR) Zoning District to Allow for the Parcel Size of the Subject Properties to be Less Than 6,500 Square Feet; Section 31 T7N R3E NMPM; Lots 55B1-71B1, Lots 117B1-121B1, Lots 162C1-199B1, Lots 203A1-208A1, Lots 209B1 and Lots 211C1-217C1, Eastland Hills Subdivision, Survey Plat M-112 of the Office of the Valencia County Clerk, Valencia County NM – County Commission. Commissioner Gentry moved for approval. Seconded by Commissioner Rael. Motion carried unanimously.

Commissioner Otero-Kirkham stated she thought long and hard about this. After the Public Hearing Meeting she heard a lot of things that were possible issues. She heard the current condition of the roads, there was no water pressure and there were no sidewalks and the issue with the traffic. The one that offended her the most was the type of customers or the type of homeowners that this subdivision would attract. The current roads are not the fault of the current developers. The current roads are the problem of the old developers. The county has refused to accept those roads because they were not brought up to the county standards. You can't make the new developers fix an old problem created by the old developers. Not enough water pressure, again the same thing. The old developers could have solved that problem by installing booster pumps. She's hoping the new developers will do that. No sidewalks again the current homeowners purchased their homes without sidewalks and now they have a problem with it. The traffic, the master plan for Eastland Hills was a development of 745 lots that's over 1,500 cars of a two car families. The developer is not increasing the lot numbers therefore there is not an increase in traffic according to the traffic study that was done at the time that the original plat was approved. The type of homebuyers that this would attract, Commissioner Otero-Kirkham has been in the title business for thirty four years and anyone who buys a home, it doesn't matter what income level, what age level, and they have pride in ownership because it's the biggest investment they're ever going to make. So they have pride in ownership. She can drive any high end development in the county and find people who don't clean their yards, don't cut their weeds, you going to find one in every subdivision regardless whether it's a hundred thousand dollar a lot or a thirty thousand dollars a lot. Mr. Mechneiber and Mr. Goodwin tried to work with the homeowners association and she feels they will continue to do so and they will not be absent owners. The old developers are

gone and have never fixed their problems. She believes it will solve the dust problem which currently has caused loss of landscaping, loss of home values and breathing problems. That's why she's voting yes, because she feels this development is a good one, if they don't do everything they said they can come back and ask the commission to approve things too. So let's watch and pay attention and hope for the best.

iii) Consideration of Quasi-Judicial District Change to Amend the Zoning Map from RR-1 to C-2 on the Subject Property Defined as; Section 9 T4N R1E NMPM, Salomon Country Estates Blk 3 Lots 5C & 5B, Zoned RR-1 Filed in Book 274 Page 8064 of the Office of the Valencia County Clerk, Valencia County NM – Robert Becker/ County Commission.

Commissioner Gentry moved for approval of the use requested as a conditional use granted with a two year construction time and if it doesn't meet this requirement it reverts back to residential. Seconded by Chairman Holliday. Motion carried unanimously.

iv) Consideration of Appeal on Approved Day Care Facility in a Rural Residential-2 Zone; Section 5 T5N R2E NMPM; Tract 40, Tract 42-B, Tract 54, Tract 55, Tract 56 Lands of Pablo B and Judy Sanchez Consisting of 5.53 Acres, Zoned RR-2; Filed in Book 328 Page 9032 of the Office of the Valencia County Clerk aka 20 Sausal Road Valencia County NM- Judy Sanchez/County Commission

Commissioner Rael stated the commission heard all the evidence and the testimony and saw some exhibits that were submitted and the only concern that had been raised was whether or not the Sausal Road was a good access. Listening to the testimony in detail it appeared that there's an alternative entrance that goes right off of Gabaldon Road right into the property of the petitioner Judy Sanchez

Commissioner Rael moved for approval of the daycare facility as requested. Seconded by Commissioner Medina. Motion carried unanimously.

j) Consideration of Resolution 2010-15, Adopting the 2009-2010 County road Improvement Program – Eric Zamora.

County Manager Eric Zamora presented the commission modified agreements showing a twenty five percent reduction in funding and requested approval for submittal to the department of transportation.

Commissioner Otero-Kirkham motioned for approval. Seconded by Commissioner Rael. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2010-15. (See Exhibit J)

k) Consideration of Placing Guide Lines on Appeals and Other Presentations-

Commissioner Rael said people bring matters before the commission and a lot of time people speaking are commenting on the same thing over and over and we end up having meetings that last several hours longer then they need to be. Commissioner Rael feels that they are spending taxpayer's money, sometimes unnecessarily, by keeping staff on overtime. They can streamline it so they can concentrate better after listening to all of the issues by considering a couple of options; have one person represent a group of people. Speaking by representation could be a guideline that could be used instead of having each person come up to speak and saying the say thing over and over again. The other thing that should be considered is the question of standing. There are people that have interest that live in the area but are not right in the area that is affected or within the county guidelines of standing which is a 100 ft. from the subject property. If there's several people that want to speak and they didn't get notice then they wouldn't be entitled to speak but nevertheless let them speak through a representative and that would cut down on a great deal of time and they would still get their impute in through their representative. This is a way to streamline our meeting with those presentations and still not affect the rights of the individual parties that are entitled to speak and they still get all their due process rights and the commission gets all the relevant evidence that really bears on the issue. Makes life for everyone a little easier and the meetings will go a lot smoother then having a random appearance by a number of people that don't even live in the area and wouldn't be entitled to comment otherwise. What Commissioner Rael is asking is to have staff, maybe Mr. Zamora, to indicate what the limits are as to what the guidelines can be and cannot be so that the commission can consider something

that can make the meetings more to the point and a little shorter and the public still gets all the input that they would like to get in.

Commissioner Medina asked does Planning and Zoning have any guidelines that they're following. Counsel stated he doesn't believe they have specific guidelines, they have what is set forth in the zoning ordinance which sets out something not as detailed but it does give an idea. County Planner Jacobo Martinez said the Planning and Zoning Commission allow those for or against the case to speak.

Commissioner Gentry said he agrees in principal with what Commissioner Rael says but what he would caution is if the commission sets a guideline like that, there's always going to be an exception, and there's always going to be somebody offended. What he suggested is take the principal that they're talking about, print them up and put it as a sort of decorum request, that the commission would request if there's several members of a homeowners association to expedite the issue, that they talk about only one issue each and they get a central representative and they look at the guidelines. That way if there's one person out there that doesn't want to have anything to do with this homeowner's association and found out about a zone, the commission doesn't slide him out and have him hit the roof.

Commissioner Otero-Kirkham recommended not loading the agenda so much, maybe spacing them out a bit.

Commissioner Rael requested looking at what the county already has by way of guidelines in the ordinances and give them to staff to check and see if they had this experience in Bernalillo County and then maybe they can put something together to streamline the meetings.

I) FINANCIAL Matters:

i) Consideration of Approval Payroll/Warrants – Wilma Abril

Wilma Abril presented the attached computer list of all checks issued by the Manager's Office on February 12, 2010 covering vendor bills processed on the above date. Check #102232 thru check #102394 inclusive, for a total of \$674,490.61. (See Exhibit k)

Wilma Abril presented the attached computer printout list of all checks issued by the Managers Office on 2/12/2010 covering payroll process on the above date. Direct deposit check #14278 thru direct deposit check #14458 inclusive. Deduction check #102237 thru deduction check #102271 inclusive. Payroll check #86934 thru payroll check #87020 inclusive. Listing total \$366,841.89. (See Exhibit L)

Commissioner Medina moved for approval of payroll/warrants. Seconded by Commissioner Rael. Motion carried unanimously.

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, Trigo Canyon, Los Chavez Assoc. vs Valencia County, Exevius Seals, Update State of New Mexico vs. Francisco Apodaca, Wood vs. Valencia County Board of County Commissioners and Update on Hospital Lawsuit and c. other specific limited topics that are allowed or authorized under the stated statute.

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

Commissioner Rael moved to go back into regular session. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

County Attorney Adren Nance stated the matters that were discussed in Executive Session were limited to Trigo Canyon, Los Chavez Association vs. Valencia County Exevius Seales, and State of New Mexico vs. Francisco Apodaca, Woods vs. Valencia County Board of County Commissioners and an update on the Hospital Lawsuit and no final action was taken.

Commissioner Otero-Kirkham moved to approve the summary stated by counsel. Seconded by Chairman Holliday. Roll call vote. Commissioner Medina voted yes.

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Commissioner Rael voted yes. Commissioner Otero-Kirkham voted yes.
Commissioner Gentry voted yes. Chairman Holliday voted yes. Motion carried 5-0.

9) ACTION ITEM(S) ON EXECUTIVE SESSION DISCUSSIONS:

No action taken.

10) COUNTY MANAGER'S REPORT (Informational only)

County Manager Eric Zamora stated there would be an Inter Governmental Task Force Meeting at 11:30 A.M. Tomorrow afternoon at the Los Lunas Transportation Center.

Yesterday was the bid opening on the old landfill and at the next commission meeting he will be presenting a contract for the commission to consider and that will be final closure on that project. The low bidder at this point is Romero Excavating, Steve Romero a local contractor. He's bid was \$272,000.00. Mr. Zamora met with the core of engineers in regards to the levy program with issues going on with the study on the flood remapping.

With regards to the budget which was presented earlier, the county is doing well financially. However there are potentials for unbudgeted expenditures and currently we're looking at housing issues with detention juvenile justice costing the county money that hadn't been budgeted. The county does have excess funds projected but the county is countering some unbudgeted expenditures as well.

The last item he had was they have done some preliminary studies with regards to housing of the District Attorney. Currently the county has a housing contract on that facility coming up May 1st. He has looked at the upstairs of the courthouse to see what it would take to move the District Attorneys Office to this facility. There will be remodeling cost to incur but at this point it's a matter of direction from the commission as to where the commission wants to go with this project. There's a potential of \$154,000 a year in cost savings for not having to pay the lease. There will be some issues that will have to be worked out upstairs in regards to access and security.

Commissioner Medina asked that Mr. Zamora keep the commission informed as to what the cost for renovations would be in order to compare costs.

Commissioner Rael said he would like to see a five year cost comparison on renting verses remodeling and securing the facility.


1) The next Regular Meeting of the Valencia County Board of County Commission will be held on March 3, 2010, Regular Business Meeting at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.


12) Adjournment

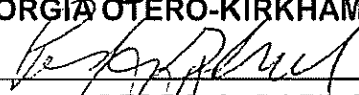
Commissioner Medina moved for adjournment. Commissioner Gentry second. Motion carried unanimously.

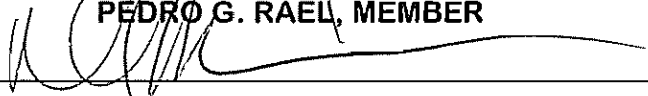
NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 17, 2010 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.


VALENCIA COUNTY BOARD OF COMMISSIONERS


 DONALD E. HOLLIDAY, CHAIRMAN

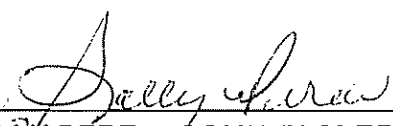

 GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN


 PEDRO G. RAEI, MEMBER


 DAVID R. MEDINA, MEMBER


 RON GENTRY, MEMBER

ATTEST:


 SALLY PEREA, COUNTY CLERK

