

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

April 7, 2010

PRESENT	
Donald E. Holliday, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R. Medina, Member	
Ron Gentry, Member	
Pedro G. 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) Commissioner Medina led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Otero-Kirkham moved for approval of the agenda. Seconded by Commissioner Rael. Motion carried unanimously.

4) Approval of Minutes: March 10, 2010 Public Hearing Meeting
March 17, 2010 Business Meeting

Chairman Holliday moved for approval of the minutes of March 10, 2010 Public Hearing Meeting. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

Commissioner Rael moved for approval of the minutes of March 17, 2010 Business Meeting. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

5) **PUBLIC COMMENTS – At the Discretion of the Chair. (For Information Only- limited to two minutes per person on subjects not on this published agenda).**

Ron Romero 12 Sunset Road spoke on the dog problems in his neighborhood that has been going on since 2002. The problem stems from 14 Sunset Road. These dogs have caused significant property damage, pose a safety issue for all residents of Sunset Road and are requesting that the Valencia County Animal Control get some assistance in permanently correcting this problem. Mr. Romero is prepared to provide evidence that proves that these dogs run at large and in a pack mode of three.

Sue Moran spoke on the commissions approval of extending the taxpayer indigent funds to cover healthcare for Valencia county prisoners and as a taxpayer she would like to know what the impact is going to be. The taxpayers trust that the commission has a plan to track the impact of that decision over the course of the next few years. Now that the prisoners are being covered, it might be helpful to the commission to have this information in order to plan for the future and the indigent funds are not depleted beyond a certain point.

Las Maravillas resident Mike Wood thanked Chairman Holliday for the way he's conducting the meetings.

Meadow Lake resident Jim Lane reported on his clean-up project in Meadow Lake and since this area has been secured and monitored, it's now moving to the outside of the fence and down Fence Line Road. Mr. Lane was requesting and would appreciate any help from the commission, not on the property that they are trying to cleanup but on the properties outside of the fence and down Fence Line Road. There is a lot of illegal stuff going on behind the water tank and he would appreciate any help he can get from the county.

James Gabriel Sanchez wanted to let the commissioners know that he is a veteran's advocate working on his own to help veterans apply for and get their benefits. The commissioners are associated with a lot of people and if they have a friend, relative or constituent that needs help applying for their benefits, have them call him 24/7 and he will help them. There is not a veteran that he's helped that applied for benefits that hasn't received their benefits.

Los Lunas Resident Brian Benoit informed the commission that the New Mexico Foundation for Government would be coming to Valencia County on the 21st.

6) NON-ACTION ITEMS:

a) Presentation of Adopt County Road "Tierra Bonita" – Cyndi Sluder

Cyndi Sluder program coordinator for Tierra Bonita was here to recognize three groups that had adopted some roads in Valencia County. In 2006 the commission and the county manager at that time had signed a resolution to help Tierra Bonita and to help keep Valencia County roads clean. She recognized Boy Scout Troop 864 who had adopted Mesa Road on the out skirts of Belen, Claudine Montano who adopted Hillandale Avenue in Rio Communities District 4 and Brenda Dickson from Dickson Travel who adopted a section on Van Camp Road in District 3. This brings the total to five, with four more considering adopting roads within the county. Certificates were presented by Chairman Holliday. (SEE EXHIBIT A)

b) Director Reports – Directors

Assistant County Manager Kenny Griego updated the commission on the 2009 audit finding summary which was prepared with the help of Mr. Larry Trussell and Ms. Wilma Abril. In the fiscal year ending June 30, 2009, there were thirteen audit findings, of these, five were clerical errors and have been resolved and one of the most concerning ones was a cash appropriation in excess available of cash balances. This has been resolved by insuring that all final resolutions involving budget increases or decreases are provided to the treasurer's office where they are appropriately recorded in the revenue budget. A financial analyst is working with treasurer's office and Triadic to resolve two long standing findings. The manager's office, IT and finance are defining the essential functions and preparing a contingency plan for operations in the event of a compromising event. What this means is what they are trying to formulate right now is if something were to happen that was catastrophic and we could not be in this building, they are listing what would need to be in place or to identify the function the county would need to continue or resume serving the residents of Valencia County. Of the four remaining findings, two require the compilation publishing and implementation of documented comprehensive county wide internal control structure. Portions of this structure are currently in place but need to formalize and other portions need to be developed and documented. This is an ongoing process and will be addressed as time allows. The two remaining findings are comprised of preparation of the financial statements complete with notes, supporting schedules, management discussion, analysis and a capital asset inventory complete with proper county for additions and deletions, depreciations expense and accumulated depreciation. The capital assets will be the major portion of this. Since the capital asset inventory is an integral part of the financial statements and this finding needs to be addressed first. They plan to comply with the auditor's recommendation and hire a part time individual, knowledgeable in compiling and maintaining capital assets to assist the finance staff and reconciling and verifying the inventory to address this first. Elimination of this finding is extremely important in that it is causing the county to have a qualified opinion rather than an unqualified opinion.

Commissioner Otero-Kirkham said that hiring a part time individual to monitor the inventory was something that showed up in the previous audit.

Mr. Griego stated this has been an ongoing issue even before he came on board with the county. It's important that we get someone that can concentrate on this, gets it done right the first time and then after that be able to maintain it.

Commissioner Otero-Kirkham said the county doesn't buy items everyday and it would seem that once you get it done and then on a quarterly basis you update it, so is this something that the county needs a part time person to do. Can't this be an added duty to someone? Mr. Griego said the easiest way is to hire a temporary person, have them complete it and then someone can be assigned to maintain it.

Commissioner Gentry requested to have the summary and the brief together in writing. He would like to keep track of what they're doing to clear this up and also requested including the second and third report in writing.

Adult Detention Administrator Derek Williams gave an updated report on ongoing projects. RFP (Request for Proposal) has been completed for the demolition of the juvenile facility and was submitted last Saturday through advertisement and a pre-bid meeting will be held Monday at 10:00 A.M and will open bids on April 22, 2010 at 2:00 P.M.

He has also put together a RFP (Request for Proposal) for pharmacy and there is one local vendor that has submitted an interest. Tomorrow at 2:00 P.M. the pharmaceutical bids will open. Finding a local pharmacy in the county will help to provide better service and will save the county a great deal of money.

Two weeks ago, Steve Kopelman, Grace Phillips and Manuel Romero from the Association of Counties conducted an onsite assessment at our county detention facility specifically aimed at

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staffing and Thursday at 9:00 A.M. will have a meeting with the county manager to go over that assessment report.

Mr. Williams also gave a brief update on converting the outdoor recreation yard into a dormitory. It's Mr. Williams's intention to present to the commission a request to approve a professional services contract for a local architect to do this project under the county procurements. Included in the update was a power point presentation by County Manager Eric Zamora which showed some alternatives to the detention expansion which included a hard format, barracks type format and a portable or temporary jail format. The cost they're looking at ranges from \$900,000.00 to \$1,200,000.00 which would house an additional fifty occupants. From the three concepts, the hard construction permanent addition to the building is an expensive option, the barracks option they have had very little success in getting information from the manufacturer and if the commission is interested in the cell type arrangement he can get more accurate figures to the commission, was Mr. Zamora's response.

Commissioner Gentry asked if ten of the nicer units would be dedicated for the women. Mr. Williams said 'yes.'

Commissioner Otero-Kirkham asked that Mr. Zamora assure the public that 1.6 million was money that was left over from the old mill levy and this where the funds will come from for the expansion of the existing detention center. Mr. Zamora said several years ago there was an excess of gross receipts that came in above estimates and the county ended up with this surplus and it was not general funded. These are correctional gross receipts tax funds that can only be spent for expansion.

Commissioner Rael requested that an estimation of cost for added personnel and utilities for the expansion be provided to the commission.

c) Reports from Boards, Commissions & Committees- County Commission

Commission Rael and Commissioner Medina had attended a meeting with the City of Los Lunas officials. This was an update regarding the crossing possibilities for a new off ramp location and building a bridge across the river from the interstate all the way across to Highway 47. It is clear that they are focusing on the Morris to Miller crossing area. What the City of Los Lunas is asking of the commission is to enter into a joint resolution with them supporting their views on where they think the crossing should be and what possibilities should continue to be considered. Once the City of Los Lunas has signed their resolution, they have requested that the commission support their effort in terms of a resolution to show support for whatever options remain.

Commissioner Medina stated the commission should have the resolution by April 15th for review.

County Manager Eric Zamora said the film crew is back filming on site doing a re-shoot, one of the actors was pulled from the project so they have to re-film a couple of the scenes upstairs. They will be on site Thursday to do the prep work and filming on Friday.

Chairman Holliday thanked the maintenance department for the great job in cleaning up the courthouse grounds.

Commissioner Gentry stated the New Mexico Supreme Court on April 1st rule denied the plaintiff's request for the writ of certiorari and that would indicate that the county lawsuit concerning the hospital has been settled and final. The courts clearly defined the fact that the county has a contract with the Health Commons Group. Now that the lawsuit is over and the county has won in every level of the lawsuit, the commission should have the Health Commons Board appear at the next commission meeting and give them and the public a status report on what their intentions are. Chairman Holliday directed staff to invite the Health Commons Board to attend the April 21st, 2010 commission meeting.

Commissioner Rael said the lease is coming up again for the District Attorneys Office and the county is paying a \$150,000.00 a year. There have been some discussions about the possibility of getting something closer to the courthouse. A county facility or building a facility or buying our own facility in order to have the District Attorneys office here and the monies paid in rentals will go to our own county building. Commissioner Rael checked with New Mexico Finance Authority to see what could be financed with the amount the county is paying in rentals, the county may be able to do something that's more cost effective for the taxpayers. The interest rates right now with the New Mexico Finance Authority are subject to fluctuation at 4.01 percent and that would finance a purchase or construction. This would not be hard to approve, the commission just needs to apply for a loan with New Mexico Finance Authority which finances up to \$1,750,000.00 towards the purchase or construction of a District Attorneys office. The county is required by law to house the District attorney. The county owns land right to the west of the old courthouse, there's state property right next to the courthouse building which property control is willing to make available and there's the old Los Lunas Hospital and Training School, these are options for the commission

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to consider. Commissioner Rael will be formally presenting this to the commission at one of the meetings for formal consideration of acquiring a loan.

Chairman Holliday said he believes that USDA also loans money for things like this at two percent interest. So this might be another outlet resource.

Commissioner Otero-Kirkham asked Mr. Zamora if the county is allowed to borrow as much money as the county has a revenue source from the New Mexico Finance Authority or does the county have a credit limit. Mr. Zamora said as long as the county has a revenue source available the county can borrow additional funds.

Commissioner Otero-Kirkham said the reason why she's asking is because she had recently asked the county manager to look into possibly placing a gross receipt on the ballot in November that could be used for road repairs. With \$76,000.00 for each district the county isn't getting anywhere on the roads. Mr. Zamora stated the state allows counties to enact a certain amount of gross receipts tax for specific items. Currently on the county's table of enactments, there are 2/16's available for county infrastructure. Those 16's based at current rate will generate about \$900,000.00 a year and if it's placed on the ballot for road repair, it can only be used for road repairs.

Commissioner Gentry said back to the District Attorney's Office, he would suggest that staff develop a RFP (Request for Proposal) for the facility right now and start pursuing it for maybe a lease purchase facility. Right now the construction market is really low and it may change and the economy may turn around and the county won't get as much for their money. If the county waits a year, we might be in trouble as far as the market is concerned.

Commissioner Rael suggested that the commission establish a set of priorities, there's six or seven things that the county is always doing at one time or another that they need to get on with and have a committee of one. Then have a couple of the commissioners on each one of the projects in charge of one specific thing after it's been discussed at the meeting. That would include the help of staff.

Commissioner Otero-Kirkham said having a committee to do this would allow other individuals including the public to bring in information and then have staff finalize the issue.

7) ACTION ITEMS:

a) Consideration of Adopt April as "Child Abuse Prevention Month" via Proclamation –Arlene Lucero/Antoniette Torrez.

Arelene Lucero from CYFD Protected Services (Children's Youth and Family Department) presented and requested that the commission adopt a proclamation for child abuse prevention month in Valencia County. Ms. Lucero read the proclamation to the commission and those present at the meeting.

Commissioner Rael moved to approve the proclamation. Seconded by Commissioner Medina. Motion carried unanimously. (SEE EXHIBIT B)

b) Consideration of Resolution 2010-21 for Elaine Rd. safety signals between Valencia County & Mid-Regional Council of Governments (MRCOG) – Eric Zamora

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

County Clerk Sally Perea announced Resolution 2010-21. (SEE EXHIBIT C)

c) Consideration to Request to Publish Solid Waste Ordinance, Which Amends Section 1404.04 of the Solid Waste Ordinance adopted in 2006 – Eric Zamora

Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Discussion. Commissioner Rael stated he has a concern with 50.06 subsection H second sentence that states this ordinance directs the county manager to develop mandatory countywide collection service operated through contract. In his view this says that Mr. Zamora is going to go out and get a contract for curb side pickup and Commissioner Rael doesn't object to the curb side pickup which he feels it's absolutely necessary for this county, but he feels doing it through contract is a mistake. Doing it in house and we keep that option open, it would create more jobs for the county and there's a source of revenue by the fees that will be charged. We should consider this possibility first before hiring a contractor. He knows there is a motion and a second on the floor but as part of the discussion he would like to add the following language; first take out the period and say "or to implement a county operated collection service as the commission may direct by resolution". That way they have the option as a commission to do either one depending on which one of them turns out to be the more viable alternative. Commissioner Rael requested that the motion be amended to include the language he has proposed.

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Mr. Zamora stated the intent was to develop a program not a contract. All contracts will be subject to commission approval. It wasn't the intent to give that authority to the county manager.

Commissioner Gentry stated his concern is that in a county that is as big as it is and as diverse as it is and on the solid waste issue, he would just assume that the county wouldn't go into a solid waste collection for fees and all, if the county were to run it. It's much bigger business then the county has the responsibility to be involved in. What it boils down to is that government can't do this type of operation at a county level as well as a private enterprise. He probably wouldn't support taxing the people and having it mandatory if it were not done by a highly professional business under a very strict contract.

Chairman Holliday said he wants to get this going and the jobs will stay in the county if a local hauler gets the contract and they will have to employ more employees from the county. He tends to agree with Commissioner Gentry who doesn't feel the county is ready to take on a venture of that magnitude at this time. Chairman Holliday said if we want to strike the motion.

County Attorney Dave Pato stated this was Commissioner Gentry's motion so he gets to make that determination.

Commissioner Otero-Kirkham said even if the county went into a contract with an independent hauler, doesn't the county have a release clause in all the contracts that stated if the county isn't happy with it or the county decides to do something differently either one can walk away from it.

Commissioner Rael said all this does is it keeps the option of doing it themselves if they want to. This is just so it can be published; nothing is going to happen on this. This leaves the possibility open of implementing a county operated service if the commission wishes to do so. Let's leave the option open if we want to create more jobs for county residents. Commissioner Rael has more confidence in the county employees and with the right guidance the county can make this work. Commissioner Gentry said this does not say that the commission is relinquishing their authority; it says that the commission has decided to go to a system and is requiring the county manager to develop that system. Commissioner Gentry still stands by the fact that the county is still not big enough, not financially stable enough and not administratively heavy enough to run that big of a commercial enterprise in this county. If the commission puts it out under this ordinance and four, five years down the line we grow we can come back and amend the ordinance, open it up and then design the system. This is not the time, especially in this economy.

Chairman Holliday asked if counsel was on board with this. Mr. Pato again said yes, but again this is Commission Gentry's motion and he understands it was seconded so if Commission Gentry wants to amend his motion to include language he can do so, if not the commission can vote on that.

Chairman Holliday called for the vote. Commissioner Rael stated for the reasons stated he doesn't oppose the service either way but he would like to keep his options opened and Commission Rael voted no only on the specific fact that the commission is limiting themselves to contact. Motion carried 4-1.

d) Consideration of Cooperative Agreement with NMDOT to Provide Real Estate Services for Highway Safety Improvement Program (HSIP) for Meadow lake Rd. from Manzano Expressway to High Mesa Rd. – Eric Zamora

Chairman Holliday motioned for approval. Seconded by Commissioner Rael. Motion carried unanimously. (SEE EXHIBIT D)

e) Consideration of MOU Between Village of Los Lunas to Provide Financial Support for the Summer Recreation Program in the Village of Los Lunas –Kenny Griego.

Commissioner Medina moved for approval. Seconded by Commissioner Rael. Motion carried unanimously. (SEE EXHIBIT E)

f) Consideration of MOU Between the Town of Peralta to Provide Financial Support for the Summer Recreation Program in the Town of Peralta – Kenny Griego.

Commissioner Medina moved for approval. Seconded by Commissioner Otero-Kirkham. Motion Carried unanimously. (SEE EXHIBIT F)

g) Consideration of MOU Between Village of Bosque Farms to Provide Financial Support for the Summer Recreation Program in the Village of Bosque Farms – Kenny Griego.

Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. (SEE EXHIBIT G)

h) Consideration of MOU Between the City of Belen to Provide Financial Support for the Summer Recreation Program in the City of Belen – Kenny Griego.

Commissioner Gentry motioned for approval. Seconded by Commissioner Rael. Motion Carried unanimously. (SEE EXHIBIT H)

i) Consideration to Approve the Purchase of New Vehicles for the Sheriff's Department –Rick Garcia/Don Donges

Mr. Garcia is requesting approval for purchase of (3) 2010-1500 Crew Cab 4x4 Dodge trucks from Dallas Dodge in Texas for a total cost of \$90,885.00, which will be coming out of the Law Enforcement Protection Fund.

Commissioner Rael moved for approval for purchase of vehicles as presented. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

Commissioner Otero-Kirkham stated that the next time the Sheriff appears for a proposal she would like to see a local list as well. (SEE EXHIBIT I)

J) FINANCIAL MATTERS:

i) 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 March 31, 2010 covering vendor bills processed on the above date. Check #102709 thru check #102891 inclusive, for the total of \$498,903.64. (SEE EXHIBIT J)

Wilma Abril presented the attached computer printout list all checks issued by the Manager's Office 3/26/2010 covering payroll process on the above date. Direct Deposit Check #14823 thru direct deposit check #15002 inclusive. Deduction check #102713-102748 thru deduction check #102758-102761 special payroll. Payroll check #87198 thru payroll check #87278 inclusive. Listing total \$360,888.36. (SEE EXHIBIT K)

Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

EXECUTIVE SESSION- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a.) limited personnel matters; Deputy Warden Detention Center b). pending or threatened litigation and c.) other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Rael moved to go into Executive Session. Seconded by Commissioner Otero-Kirkham. Roll call vote. Commissioner Medina voted yes. Commissioner Rael voted yes. Commissioner Gentry voted yes. Commissioner Otero-Kirkham 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 Dave Pato stated the matters that were discussed in Executive Session were pursuant to Section 10-15-1 NMSA 1978 and were limited to personnel matter, pending or threatened litigation and Wood vs. Valencia County and other specific limited topics that are allowed or authorized under the stated statute as stated on the agenda.

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

9) ACTION ITEMS(S) ON EXECUTIVE SESSION DISCUSSION
None.

10) COUNTY MANAGER'S REPORT (Informational Only)

County Manager Eric Zamora stated they are currently going through the budget review process with department officials and would like to schedule the budget workshop with the commission for two afternoons which would be April 28th and 29th. This will be two half day sessions from 1:00 P.M. to 5:00 P.M.

On the janitorial services there will be a net saving to the county of \$16,370.00 to hire employees rather than go to contract, although a contract will be needed for exterior window cleaning and possibly floor cleaning twice a year at about \$10,000.00 a year for those contracts.

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An issue came up on the Tome walk which has become a carnival atmosphere. The community has expressed its concern that it's getting away from the spirit of the event.

Although the county can't get involved in church/state issues (Good Friday) this has an impact to the county and it is becoming evident that there needs to be more coordination for this event. It creates health and public issues. We might want to look at whether the county needs to develop a committee to address this issue.

Mr. Zamora updated the commission on the old landfill and the film crew will be back on site on Thursday to do some prep work for Friday to re-shoot some scenes.

Thursday morning Mr. Zamora will be meeting with the Association of Counties to discuss detention issues.

Mr. Zamora will also be a meeting with the Valencia County Regional Emergency Call Center Board on Thursday for budget reviews and may be coming to the county for additional funds to supplement shortage in their budget.

The county water waste and water project won a reward and on April 16th they will be awarded another for its community development and involvement section.


The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on April 12, 2010 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.


11) Adjournment


Commissioner Medina moved for adjournment. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. 8:24 PM.


NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the April 7, 2010 Regular 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

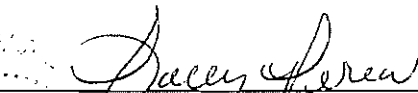

 GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN


 PEDRO G. RAEL, MEMBER


 RON GENTRY, MEMBER


 DAVID MEDINA, MEMBER

ATTEST:


 SALLY PEREA, COUNTY CLERK

4-21-2010
 DATE