

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

April 21, 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) Chairman Holliday led the Pledge of Allegiance.

3) Approval of Agenda.

Chairman Holliday made a motion to move item a) Presentation of Award Ceremony Employee Retirement Recognition listed under NON-ACTION ITEMS and place it before PUBLIC COMMENTS. Seconded by Commissioner Medina. Motion carried unanimously.

4) Approval of Minutes: April 7, 2010 Business Meeting.

Commissioner Medina moved to approve the minutes of April 7, 2010 Business Meeting. Seconded by Commissioner Rael. Motion carried unanimously.

a) Presentation of Award Ceremony Employee Retirement Recognition –Jacque Chavira
Valencia County Human Resources Director Jacque Chavira recognized Mark Lujan from the Valencia County Sheriffs Department for seventeen years of service and Lawrence “Country” Contreras from the Valencia County Public Works Department for twenty five years of outstanding service and dedication to the county, both will be retiring.

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).

Meadow Lake Resident Bob Gostischa made his annual appeal to the commission and the public who are not yet organ donors to please sign-up and become an organ donor. His wife was fortunate enough to receive a liver transplant four years ago. Without it they would not have been able to celebrate their 50th wedding anniversary this year. There are seventeen or more people that a donor is able to help if that person is an organ donor.

Valencia County Resident Mary Wood stated life sometimes emulates a book of rules to be played by which she referred to as “according to Hoyle.” Then someone enters the game after it starts and wants to rewrite the playing rules for their benefit. The other players have two choices, their can either adopt the new players rules or they can stay true to the original rules that the game started with. Ms. Wood thanked Chairman Holliday and the commissioners and asked that they do what’s right.

6) NON-ACTION ITEMS:

b) Presentation on the “Open Meeting Act” Followed by Discussion of Specific Issues Relevant – Sarah Welsh/Mary Smith

Mary Smith from the Attorney Generals Office and Sarah Welsh from the New Mexico Foundation for Open Government were here at the request of the commission. Ms. Smith focused on the spirit and the purpose behind the Open Meetings Act. The purpose of the Open Meetings Act is to provide the greatest possible information about the activities of government official to members of the public so essentially they know what the commission is doing. The act states in furtherance of this purpose that no action and no policy making will be conducted behind closed doors, it will all take place in the open. She presented the commission with the Open Meetings Act Compliance Guide and addressed some key notes.

Sarah Welsh of the New Mexico Foundation for Open Government gave a summary on the Sunshine Laws which fundamentally is about trust and the bottom line is which course of action is most likely to build the public trust. How can we move forward trusting each other instead of constantly butting heads? The policy is pretty clear; the public is entitled

to the greatest possible information. Foundation for Open Government is an educational independent non-profit and is not associated with any government.

c) Director Reports – Directors

None

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

Commissioner Rael deferred his report until the next scheduled commission meeting.

e) Hospital Update – Valencia Health Commons

Bob Davey from the Valencia Health Common introduced the Valencia Health Common Board Members which included vice-chair Kathy Chavez of YDI, Member and Physician David Schnieder, Bill Silva Executive Director of the Midwest Community Action Program, member Mary Merrill CEO of Amber Care and member Bill Johnson a former CEO of University of New Mexico Hospital and past Secretary of Health for the State of New Mexico, Robin Hun Healthcare Consultant who has been working with the Valencia Health Commons since 2006 and Arlen Dohrmann of Stern Brothers firm that specializes in hospital and healthcare projects and is the investment banker for the Valencia Health Commons. Mr. Davey went on to state the commissioners appointed them to the county's healthcare planning board in November 2006 and they worked with Covenant Health Care on the \$600,000.00 strategic planning effort for the Valencia Health Commons and the commission approved that plan in June of 2007. In September of 2007 after the first round was filed to stop the project, the commission asked the Health Commons to reorganize as an independent board of the non profit Valencia Health Commons and to obtain the proper designation from the Internal Revenue Service, they did so. They are designated by the Internal Revenue Service as a 501C3 non profit organization, with the purpose of developing a hospital for Valencia County. A three year contract was executed by the Modrall Law Firm in July of 2008. They have worked for and with the commission since 2006 as the county hospital planning board and then as the Valencia Health Commons to carry out the charges from the commission to the Valencia Health Commons without compensation of any kind and without any financial support for their board or their members either from the commission or Valencia county taxpayers.

Today Valencia County is the most populated county in the state without an acute care hospital that can provide twenty four hour service. The Valencia Heath Commons is ready to move forward on their top priority, the financing and the development of an acute care hospital with a twenty four hour emergency service. The hospital will not exceed the bed size contemplated in the original study which was thirty beds, but it may be configured with fewer beds depending on the partner they choose to work with. Concurrently they will begin working with First Choice Community Healthcare on the development of a clinic that will provide primary care, behavioral health and dental service. As they develop resources they plan to add clinics and outreach programs in other parts of the county. This is all consistent with the plan the commission asked them to implement in 2007. They need three things from the commission 1) an extension of the original July 16, 2008 contract between the commission and the Valencia Health Commons. This will account for the time lost because of the failed litigation. The contract prepared by the Modrall Firm will expire on July 15, 2011. Almost three years have been lost because of litigation. The time lapse and the uncertainty caused by that litigation has cost the project dearly in terms of lost momentum and partners who have simply moved on to other projects. In order to update the assumptions, financial projections, analysis of needs and the best ways of addressing them in order to regroup with old partners and hear out the proposals of potential new partners they need the contract extension. 2) They need the commission's pledge of support in their efforts to take advantage of various funding programs and hospital designations for under served populations. This most likely will take the form of letters of support and it may extend to the commissions participation in presentations to congressional delegations and federal agencies. 3) They need funding support for a review and update of financial projections and costs. They want to revisit and review all the critical components of the plan including the site that the commission choose in 2007 to assure that circumstances have not materially changed. They expect that the cost of this review will be shared with partners, but they are asking that the county contribute \$30,000.00 an amount allowed for healthcare planning from the indigent fund. Mr. Davey restated that since 2006 they have not received any financial support from the county whatsoever and they have served and will continue to serve without compensation of any kind.

If the commission complies with these requests they can begin work on three tracts immediately. First, reviewing and retesting the key elements of that strategic plan. Secondly, evaluating proposals from defining the role of key providers and partners and finally analyzing and choosing the best financing methods from a broader ray of

opportunities than they had in 2007. The two critical elements to the plan are providers and their financing options. The strategic plan that the commission approved included a thirty bed hospital, a primary care clinic, a heart clinic, a cancer clinic and a nursing home with all components operated in a clinical setting in conjunction with the University Of New Mexico Medical School. At the presentation in May of 2007 the chief executive officers and high ranking officials of five healthcare providers and the University of New Mexico Medical School announced publicly their intent to work with the commission and Valencia Health Commons. The plan projected the creation of more than two hundred jobs. Many of which would be filled by Valencia county residents and many of them would be trained at the University of New Mexico Valencia Campus. Representatives from the Workforce Connection of Central New Mexico which oversees federal job training efforts pledged funding assistance for that training. The litigation and the time required to deal with it caused many of those provider partners to move on. The Valencia Health Commons has had to scale down some of their hopes for now and spent a lot of time regrouping, recruiting, renewing interest in this critical project for Valencia County. Throughout the two years of court action they have met with providers both in state and out of state and now that the supreme court has ruled in favor of the commission and the Commons and some of those providers have contacted the Valencia Health Commons to express interest in both the management and operations of the Commons and in a joint venture with the Commons. They responded by letter to the University of New Mexico and Presbyterian Healthcare after the announcement of their meetings with two commissioners and the report that they were exploring a hospital with twenty four hour emergency care in Valencia county. If the commission grants the Valencia Health Commons request tonight they expect to finalize a partnership agreement or a management agreement with a provider by the end of August. Mr. Davey concluded his portion of the presentation by handing out a three page exhibit consisting of the projected time table for developing the hospital.

Managing Director of Stern Brothers Arlen Dohrmann elaborated on the issue of hospital finance. His firm provides investment banking services in the State of New Mexico. The stimulus bill has provided some additional low cost financing which wasn't in the mix when they were looking at this before. So in addition to the bond which is what they typically would look at, there are other several available sources of financing for this project.

Valencia Health Commons Member Dr. David Schnieder spoke as a physician involved with primary care of patients and the challenges of healthcare delivery to rural and economically disadvantaged Valencia county citizens. They look at what the needs are in Valencia County for healthcare and the citizens have spoken very clearly with their 70% votes. They would like a facility or a group of facilities for the citizens of Valencia County that focuses on the needs of our citizens. At the present time the financial situation is good, the partnering with operations managers is good, the development and support from the Valencia Health Commons is good and what they need is the support of the Valencia County Commission.

Commissioner Rael asked Mr. Davey if he was asking for a thirty two month extension. The extension would actually extend the contract to 2013 so it's a two year extension was Mr. Davey's response.

Commissioner Rael said so a total of five years under the original contract of three years and extension of the contract as it reads, no differences other than just more time is that correct? Mr. Davey said correct.

Commissioner Rael said he read the contract and he has questions on the delay that everyone is blaming on the lawsuit and he asked if the contract was signed after the appeal was already under way and the litigation was already full blown?

Mr. Davey said he believes the contract was signed in July of 2008.

Commissioner Rael said he just wants to know if he knew that there was an appeal underway at the time. Mr. Davey said he believes you requested them to execute the contract in July and they complied with your request.

Commissioner Rael said you're talking about the majority of the commission because he did not ask him to sign a contract that was in litigation. Did I sir, personally?

Mr. Davey said he had no idea, the request came from the commission, the contract came from the commission's attorneys and he assumes the commission was behind the action.

Commissioner Rael said the point was that you were signing a contract with full knowledge that there was litigation on this contract.

Mr. Davey said obviously we knew the litigation was underway but did not believe the litigation would last as long as it did.

Commissioner Rael said you agreed nevertheless to have a hospital up and running, substantial completion is what he believes the term is, by July 16, 2011 regardless of the litigation. Was that your understanding of the contract?

Mr. Davey said the intent of the contract was to pass your responsibilities as a commission over to an independent board which undertook the commission's responsibilities. The plan was to implement the strategic plan for the Health Commons which the commission approved and what the commission asked them to execute. They did so under the contract that the commission gave them.

Commissioner Rael said he was just asking a very simple question, did he agree to build a hospital within thirty six months of July 2008 with knowledge that the contract that he was signing on behalf of Valencia Health Commons, at whoever's request was in litigation and on appeal at the time?

Mr. Davey said he believes he answered that question, they signed the contract in July of 2008 and the issue was clearly in litigation at that time.

Commissioner Rael said are you saying today that it is not possible for you to fulfill the terms of that contract as it is written by July of 2011.

What we said was if you extend the contract to 2013, we will comply with your wishes, we will carry out your charge, we will conclude construction of the hospital and open it by July of 2013.

Commissioner Rael asked if the contract is not extended what happens. Mr. Davey said we will consider what happens.

Commissioner Rael stated the contract does state that they were to deliver a certificate of substantial completion within thirty six months from July 16, 2008. Are you able to do this under this contract?

Mr. Davey said if you read the contract, is there anything in there about the commissions ability to extend the contract under extenuating circumstances, I think there is.

Chairman Holliday said this sounds like a trial, let's keep it simple move on.

Commissioner Rael asked, can you tell us where you intend to build if there is an extension of the contract?

Mr. Davey said the location where the commission chose was on the east side of the river, east of Belen. He believes that the first thing they will do is review, revisit and test every element of strategic planning, including that location to be sure that nothing that has happened in the past three years while this issue has been in litigation has materially changed the circumstances that influenced the commissions decision. That is the best place to build a hospital and if they find that this is not the best place, they will move it. The location sited in the plan that the commission approved is in Rio Communities, but he's not going to guarantee that they build it there because they are going to review the commission's decision. The plan that the commission asked the Valencia Health Commons to carry out called for the development of clinics, satellite centers throughout the county. The main facility was going to be on the site east of Belen.

Commissioner Rael wanted it understood that he personally does not agree that a hospital in Rio Communities would work and to this day he doesn't agree with that.

He asked if Mr. Davey was willing to allow the county commission to take control of the mill levy and approve expenditures as the Health commons goes along depending on what they find and say yes or no to different things that may come up.

Mr. Davey said the contract calls for the commission to pledge if we conform with all of other stipulations in the contract for the mill levy to be used for operation and management of the hospital facility. So if you are asking me if we're going to allow the commission to actively manage the day to day operation of the hospital, he would probably say that would be something that the commission would want to do. Are you going to sign the bond issue, are you going to become responsible for the repayment of the bond issue. What we are dealing with is a series of business decisions not political decisions and as the entity we were asked to take on this project and they will make business decisions.

Commissioner Rael asked do they still want exclusive jurisdiction and control over the project and the money.

Mr. Davey stated If this commission deems it in its interest to take back the contract and that responsibility they will consider giving it up.

Commissioner Rael asked what is the interest rate on a thirty million dollar loan.

Mr. Dohrmann stated depending on the format it takes, it will be less than five percent. He believes that this project would qualify for some government direct loans at 4.8%. Those direct loan programs are available for rural areas such as in Valencia County. Interest rates are much lower than the six percent that was in the regional financial format that Covenant had put together along with the market study. Even though they do not have a new study, now they are looking at thirty five million and something less than six percent, so it's more viable from a financing standpoint.

Commissioner Rael asked that if the county becomes involved in or an indirect way in this that funding can be acquired for 2.1% and asked Mr. Dohrmann if he could confirm this.

Mr. Dohrmann stated if they are borrowing as a county that would be one type of financing, where the county owns the building, the hospital, is liable for all the operations of the entity, yes you can get very low cost financing. On a lease it becomes more of an issue from a standpoint on how the lease is going to work. Mr. Dohrmann has seen some very low cost funding under the Build America Bond Program. However, when you have a lease there are issues that relate to the Build America Program that preclude it benefiting private parties and that could include a 501C3.

Commissioner Medina stated it's his understanding that no money would be released until they received a certificate of occupancy. There's no money going out until that hospital is officially opened. Mr. Davey said that is correct.

Commissioner Gentry thanked Mr. Dohrmann for hanging on for the last two to three years and doing the financing on the hospital. This is not financing it for the county, is not costing the county taxpayers any money, the county is not borrowing any money at any percentage rate from the taxpayer's of Valencia County, is that correct? Mr. Dohrmann said that's correct.

Commissioner Gentry said the process that Mr. Dohrmann is going through on private financing will be the liability of the bond holders, not the liability of the county or the county citizens. Mr. Dohrmann said that's correct; there are no tax revenues pledged to back the bond issue in any form.

Commissioner Gentry said if you sell bonds for the county and this hospital is successful, it hasn't cost the taxpayers a dime other than the mill levy. Mr. Dohrmann said the mill levy is, as he understands it, for operations. Commissioner Gentry said if the county does the other thing that might be proposed by getting into grants and government bonds and all the government process, it seems to him that they are putting the county and the taxpayers in debt for thirty million dollars. That wasn't the process that Commissioner Gentry and the commission signed on for 4-5 years ago. He's not concerned with the interest rates because the bond buyers are paying that. The only way the county can save on interest rates is for this county to get into the hospital business and borrow thirty-million dollars at 2% and have the county and the taxpayers in debt. The proposal that Mr. Dohrmann and the Health Commons are here with is not going to cost the county or the taxpayers a dime to build this hospital.

Mr. Dohrmann stated they are not using county money for the bond financing and their plan is not to have any county funds supporting the debt.

Commissioner Gentry said some commissioners were elected after this project started and the commitment the commission had as the original commissioners that started this hospital project was that they were committed to keep the politicians out of it, to keep the money and to keep the decisions out of the political arena and so as a commission and it's in the minutes and it's stated that these folks form themselves into a 501C3. Commissioner Gentry wants to be assured that by going forward with their proposal, they're keeping the politics and the wheeling and dealing out of it and they are not obligating and taxing the citizens. If the commission goes with this process the county is going to land up with a free hospital for Valencia County. If we can update and help fund this, we'll be looking at all the criteria of the statistics to bring it up to date and if that's brought up to date, in the finance package, is there any vehicle in there for acquisition of land.

Mr. Davey stated not in the financial analysis that was done by Covenant in the original plan and if the commission recalls, when they presented the three sites to the commission that were unanimously endorsed by the healthcare planning board and by Covenant, they're all to be donated sites or a site leased from the state by the Judicial Complex.

Commissioner Gentry stated the commission told the Health Commons where the site would be based on analysis and review of ten sites. Is it potential to evaluate acquisition money or is that not really a good thing to be doing?

Mr. Dohrmann said they're trying to look at all the components of the project, land was not part of it at this point but that's not to say that it could not be financed. The other part is in looking at partners with providers, they may opt to contribute equity to the transaction because they want to get this into their system or want to have it as part of their service and may see a land acquisition as being in their interest from the standpoint of what they deliver. Land can be financed using tax exempt bond proceeds but they generally like to have the equity partner, whether it's a non profit or whatever acquires land using cash. Buildings usually have forty years, so they try to do an amortization that's based on the useful life of the brick and mortar.

Commissioner Gentry said he's not opposed at looking at other sites because we want the best, the most functional, the most profit orientated and service orientated for this county. If the commission goes through with your program and your extension, Commissioner Gentry would hope that you would look at the evaluation criteria of all the sites and re-evaluate them and then throw in the caveat if there is another site found to be more beneficial for the facility that they talk about the acquisition cost. Does the criteria and the quality of the criteria that they present have an impact on the potential sale of the bonds and placement of them?

Absolutely, that's why we update those types of studies in order to say that's it's currently been looked at and that's whether it's going through conventional bonds or through one of the government programs, it makes it harder if you can't provide us with current good information was Mr. Dohrmann's response.

Commissioner Otero-Kirkham asked Mr. Davey why there isn't a commissioner on his board.

Mr. Davey said if you remember on the hospital planning board, you did appoint a commissioner and then you asked them to form the Valencia Health Commons, you asked the civilian members of the hospital planning board to re-organize as the Health Commons and somehow Commissioner Pinkston was told that her services were no longer needed and was cut back. They are looking for nominees right now because there are a number of the members who would like to start contemplating retirement from the hospital planning business. They are open to all and any suggestions and thoughts.

7) ACTION ITEMS:

Board of County Commissioner Convenes as Indigent Claims Board

a) Indigent Report/Appeal – Kenny Griego

Commissioner Medina moved to convene as the Indigent Claims Board. Seconded by Commissioner Rael. Motion carried unanimously.

Mr. Griego presented the Indigent Claims for March 5, 2010 to April 9, 2010. The total amount of the claims submitted was \$561,312.36. Mr. Griego requested approval of \$52,467.95 and to deny \$508,844.41.

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

Mr. Griego presented the Indigent Claims Appeal for Ms. Chavez and requested approval to pay University of New Mexico Health Science Center in the amount of \$1,792.56.

Commissioner Medina moved for approval. Seconded by Commissioner Rael. Motion Carried unanimously. (See Exhibit B)

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

b) Consideration of Amendment to Health Commons Contract – Ron Gentry

Commissioner Gentry moved to extend the Health Commons contract for twenty months. Discussion.

Commission Medina stated the commission needs to finalize this and put it out to the public that the county is going to build a hospital. As a commission we owe it to the public to finalize this. If there are concerns, let's discuss this as a commission and put this to an end. Commissioner Medina is for the hospital and wants it in the Belen area and will work hard for it.

The delay that Commissioner Rael sees has been caused by the signing of this contract; this has tied up the commission's ability to move to other sources because nobody knew for sure the out come of the litigation. These people went into this contract with open eyes and now they want an additional two years for a

total of five years under this very same contract that has been so contentious and the reason why it's been so contentious is because this commission is giving twenty million dollars of taxpayers money to Valencia Health Commons that has nothing in terms of the ability to build or do a hospital, they are looking for other people to try to do it. They have made it very clear that they are going to build in Rio Communities. That will only serve 8 to 9 percent of the county and will fail the next time this comes up to vote on the mill levy. It's not possible or even rational to think about putting this in one of the most remote parts of the county twenty to twenty two million dollars of taxpayer's money. Any effort that should occur needs to go along the freeway, either near Belen or Los Lunas. Commissioner Rael is not willing to extend the contract and they have admitted today that they can not do this project within the agreed time within this contract. If they want to get an extension, the commission needs to take control of the mill levy so that the commission can oversee it, which is the commissions charge. They need to reconsider the size of the project, they need to work with First Choice and that needs to be in writing, and those are the things that he feels that need to occur. Commissioner Rael feels the motion should be denied.

Commissioner Otero-Kirkham stated she would like to see a commissioner on the Valencia Health Common Board; she would like the board to seriously look at another site and report often to the commission as to where they are at in their project. If they will do those things she can support the extension.

Chairman Holliday stated he was not part of the original commission that voted to approve or even look at a hospital. As chairman of this commission, he has to take into consideration that 70% of the people in this county did vote for Mill Levy in order to find the funding for the operations of a hospital. Chairman Holliday would like the Health Commons Board to look for a centralized location for all the good of the people of this county. Morris Road would be good if possible.

Mr. Davey stated that the commission has his word that they will evaluate sites and see if they can find a site that is better then the one in Rio Communities.

Chairman Holliday said he needs something to assure the people that Mr. Davey will do everything in his power and Chairman Holliday knows that Morris Road was approved as the best site location to begin with on his findings, how it ended up in Belen, he doesn't know but it did. He would like for Mr. Davey to reconsider Morris as his choice for the hospital. With that Chairman Holliday doesn't have a problem supporting Commissioner Gentry's motion. Chairman Holliday seconded the motion.

County Attorney Dave Pato stated you can request to add any conditions the board would like on that contract. They can consider it and come back, make that proposal for an amendment to the contract along with time.

Commissioner Rael said the contract itself states that it may be amended only by a written instrument executed by the county and by Valencia Health Commons. So anything that the commission asks them that is not in writing doesn't have to be done pursuant to the terms of the contract.

Counsel stated that's correct, they have to agree in writing to amend the contract, that is a requirement and if it's not in there, they're not going to be bound to do that.

Commissioner Otero-Kirkham said they've shown that they are willing to work with the commission, that's why she feels they should have a commissioner on the board that way the commissioner can come back and report to the commission if they didn't do what they said they would. Even if the commission can't hold their feet to the fire according to the contract, they'll have to come back and say we thought about it, but we decided against, how are they going to face this audience when they say they were going to do something and then they didn't do it. We've all supported a hospital and she feels that a hospital is possible and she's willing to give them the benefit of the doubt and she's also willing to volunteer to sit on that board and come back and tell the commission if they didn't do it.

Commissioner Rael stated he feels it a good project that they have to go forward to go with the hospital. He would like to see the Valencia Health Commons tied down to more specifics as to what they will in fact look at other sites and this does

not do that and for that reason he votes against the amendment to the contract but not against the hospital project. Motion carried 4-1.

c) Consideration of Funding to Update Hospital Planning – Ron Gentry

Commissioner Gentry stated without good, clear updated information you can always throw good money after bad information and it would be his intention and he knows that it costs to update these things. They're looking at about twenty two million dollars of taxpayer's money and at our finance people selling probably thirty million dollars worth of bonds to other people and they should have the best information, the best research updated to get the project going. Commissioner Gentry moved to direct staff to appropriate the money. Some of it might come out of the Indigent Fund for healthcare planning in the amount of about \$30,000.00 to update all of the information so we can move forward and to have current information.

Commissioner Rael stated because of the fact that his concern has always been the data and whether or not the appropriate decision was made regarding the site, he would support directing staff to look for additional funds. He doesn't know if \$30,000.00 is going to be enough and he wants the data to be correct and accurate and doesn't think they should set a limit on it. He would like to leave it open in the event that additional information is necessary to make certain that they will succeed and the site is the best site for the entire county and on that basis he will support it.

Commissioner Gentry said if they need more money, then they can come back but he would like to cap it at a maximum of \$30,000.00 so they won't get carried away. Seconded by Commissioner Medina. Motion carried unanimously. (See Exhibit C)

d) Consideration of Resolution 2010-22, The County of Valencia, New Mexico In Support of the Continuation of the Los Lunas Corridor Study –Eric Zamora.

Commissioner Otero-Kirkham motioned for continued support of the study. Seconded by Commissioner Medina. Motion Carried 4-0. Commissioner Gentry was not present for the vote.

County Clerk Sally Perea announced Resolution 2010-22. (See Exhibit D)

e) Consideration of Lease Agreement Between TNT Investments LLC and Valencia County for the District Attorneys Office – Kenny Griego

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

f) Final Action on Public Hearing: April 14, 2010

i) Consideration for Quasi-Judicial Change to Amend the Zoning Map from PRO to SR on the Subject Property Defined as Section 15 T5N R2E NMPM; Enchanted Mesa Subdivision Lots B, Zoned Park/Recreation? Outdoor (PRO) Filed in Plat M-142 of the Office of the Valencia County Clerk; Application #ZC10-001 Mark Snapp – Jacobo Martinez.

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

ii) Consideration of Appeal on a Denied Variance for a Side/Back Yard Setback in a Neighborhood Commercial (C-1) Zoning District to Allow a Storage Shed to be Located Within One (1) Foot of the Property Line; Section 17 T6N R2E NMPM; Unit 1 Blk A Lot 5 El Dorado Estates; Zoned C-1 Filed in Book 359 Page 1701 of the Office of the Valencia County Clerk; AKA 110 Mimms and 4879 Hwy 47, Los Lunas NM; Application #APL 10-003 Leonard Lopez –Jacobco Martinez

County Planner Jacobo Martinez stated he and building inspector Jose Madrid went out to look at the site and Mr. Madrid said if approved there are two major things that Mr. Lopez will need in order for the inspector to allow a permit on site; one being since it's on a commercial site, they are going to need a licensed architect to provide drawings and a licensed contractor would also be required. Everything has to be brought up to code before anyone signs off on this.

Commissioner Otero-Kirkham asked Mr. Martinez if Mr. Lopez has agreed to this and what the commission is voting on today does not change his conditional use? Mr. Martinez stated Mr. Lopez has agreed to get a licensed architect and contractor and that's correct it doesn't change his conditional use.

Commissioner Otero-Kirkham moved for approval with the additional requirements. Seconded by Commissioner Medina. Motion carried unanimously.

g) Consideration of MOU with the City of Albuquerque for DNA Identification- Joe Chavez.

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

h) Consideration of State Fire Fund Applications for the (8) Eight County Fire Districts – Charles Eaton

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

i) Consideration of Lighting Agreement between Valencia county and NMDOT for the Purpose of NMDOT to Provide Lighting Improvements to the Intersection of NM 263 and NM 47 – Eric Zamora

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

j) FINANCIAL MATTERS;

i) Consideration of Resolution 2010-23, Revenue Expenditure Transfers - Wilma Abril.

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

County Clerk Sally Perea announced Resolution 2010-23. (SEE EXHIBIT I)

ii) Consideration of Approval Payroll/Warrants – Wilma Abril

Ms. Wilma Abril presented the attached computer printout list of all checks issued by the Manager's Office on April 16, 2010 covering vendor bills processed on the above date. Check #102925 thru check #103011 inclusive, for the total of \$173,008.17.

(SEE EXHIBIT J)

Ms. Abril presented the attached computer printout list of all checks issued by the Manager's Office on 04/09/2010 covering payroll process on the above date. Direct deposit check #15003 thru direct deposit check #15180 inclusive. Deduction checks #102890 thru deduction check #102924 inclusive. Payroll checks #87279 thru payroll check #87368 inclusive. Listing total \$365,123.13. (SEE EXHIBIT K)

Commissioner Gentry moved for approval of both payroll and warrants. Seconded by Chairman Holliday. 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; Deputy Warden Detention Center b). pending or threatened litigation and c.) other specific limited topics that are allowed or authorized under the stated statute.
None.

9) ACTION ITEMS(S) ON EXECUTIVE SESSION DISCUSSION

None

10) COUNTY MANAGER'S REPORT (Informational Only)

April 23-29, 2010 Commissioners Budget Workshop @ 1:00 PM -5:00 PM Managers Conference Room 444 Luna Ave., Los Lunas, NM 87031.

Primary Election June 1, 2010 – BOE will be using the Commission Room Beginning May 14, 2010 – June 1, 2010.

May 19, 2010 – Business Meeting location will be at the Los Lunas Schools Administration Building Board Room – 119 Luna Ave., Los Lunas, NM 87031.

County Manager Eric Zamora stated in regards to issues with the Belen City layoffs, he had met with some of the directors to discuss the potential impact to the county. There may be some immediate impact to the county for services provided; the fire department which the county has mutual aide agreements with Belen and having laid off two fire fighters, the expectations is that the county may be requested to provide assistance on more calls than the county normally would have. Also having laid off an animal control officer, the county has already seen an increase in calls from Belen. The county will do

what they can and Mr. Zamora suggested that Commissioner Medina and Commissioner Gentry, the two commissioners from that district, perhaps meet with city management and formulate some strategies.

Commissioner Gentry asked Mr. Zamora to set up a meeting with City of Beien's Mayor and Manager and staff to see exactly what area's they are going to be short in and seriously look at what the county can and can't do. Maybe have a working agreement on a temporary basis, even when looking at the county budget.

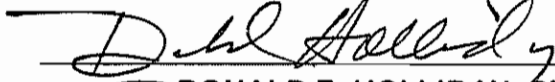
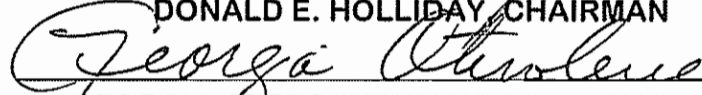


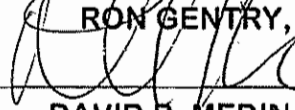
Commissioner Otero-Kirkham gave her support in this matter and suggested that the County Fire Chief Mr. Eaton be included in this.
Commissioner Rael also gave his support in assisting the City of Belen.

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

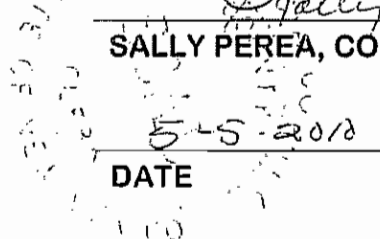
1) Adjournment
Commissioner Kirkham moved for adjournment. Seconded by Commissioner Medina. Motion carried unanimously. Time 8:26 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the April 21, 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. RAEL, MEMBER

RON GENTRY, MEMBER

DAVID R. MEDINA, MEMBER

ATTEST: 
SALLY PEREA, COUNTY CLERK


5-5-2010
DATE