

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

May 5, 2010

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| 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, County Attorney | Dave Pato, County Attorney |
| Sally Perea, County Clerk | |
| Press and Public | |

1) The meeting was called to order by Chairman Donald Holliday at 5:00 P.M.

2) Madam Vice-Chair Georgia Otero-Kirkham led the Pledge of Allegiance.

3) Approval of Agenda

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

4) Approval of Minutes- April 14, 2010-Public Hearing

April 21, 2010-Business Meeting

Commissioner Rael moved for approval of the minutes of April 14, 2010 Public Hearing. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

Commissioner Otero-Kirkham moved for approval of the minutes of April 21, 2010 Business Meeting. 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).

Meadow Lake Resident Bob Gostischa expressed concerns with animal abuse with a neighbors dogs. He had called animal control to report the abuse and pups running free without having been vaccinated. Mr. Gostischa was told by animal control that it's Meadow Lake and it doesn't really make any difference.

Alice Kintzler was present to speak on behalf of George Moscona president of the Rio Communities Association who was unable to attend tonight's commission Meeting. Ms. Kintzler read a letter from Mr. Moscona in which he expressed his concerns on the cancellation of the traffic control signal at the intersection of Hwy 47 and Hwy 304. This is a dangerous intersection which has resulted in numerous traffic accidents and a number of deaths. Mr. Moscona asked that the commission reconsider placing a traffic control signal at the intersection of Hwy 47 and Hwy 304 as the lives of the community depend on it.

6) NON-ACTION ITEMS:

a) Presentation of Traditional "Horno" Casa Colorada Community Board – Ramon Baca.

Ramon Baca, representing the Casa Colorada Community Board, was before the commission requesting permission to use the Community Center for the purpose of teaching and making adobes to build a traditional horno at the Casa Colorada Community Center. The first session will begin on May 22, 2010 and will be constructed on the south side of the building.

County Manager Eric Zamora stated this is an item which the county would be willing to sponsor as part of a county sponsored function. The intent is to build a horno on site which would be a nice amenity for the facility and will be covered under building and parks activity.

b) Presentation of "County Infrastructure" Gross Receipts Tax-Eric Zamora/Adren Nance.

County Manager Eric Zamora stated there are different enactments available to the county from the State Department of Taxation and Revenue. The items on the request are for informational reasons only, as a result from conversations with Commissioner Otero-Kirkham and Commissioner Holliday and their inquiry on the road situation in the county.

This is an option in which the county can enact two sixteens which is available and expected to generate about \$900,000.00 per year even in the current economic situation. County Attorney Adren Nance stated the actual statute states what is can be used for and there are quite a few and can be used for roads. The process for enacting this ordinance indicated in 720-E-19 states the county needs to have an election to impose this particular ordinance. The process for doing the election is, the commission needs to request to be on the agenda, the county commission has to move that it be published, two weeks later the commission can have a public hearing and pass it, publish notice and then go through the rest of the process. One important factor is there a fairly tight time line as far as when the election needs to be held, which Mr. Nance believes its three months. He would like time it so that it can be in the November General Election. Certainly a special election can be held but that would cost the county \$50,000.00.

Mr. Zamora said the tax that expired was the county correctional tax. This would be a new tax and is not currently being collected.

Chairman Holliday wanted to let the public know that the state is cutting county money for road improvements. The state is broke, so it's up to the people of the county if we want our roads to be improved we're going to have to have tax ourselves and do it. This money will go to roads in each district which has a certain amount of roads and every district is different.

Commissioner Gentry suggested the commission sit down in a discussion group and see what they are expected to do with the tax if it were passed, how much it would generate on an annual basis, how the distribution would be and look at all of those details. Attorney Nance suggested that a workshop should be set up in July or even early June. Once the ordinance is passed, the election would have to be held within seventy five days, so it would need to be timed somewhere within the middle of August to do the ordinance in order to have it for the November General Election.

c) Director Reports-Directors

County Manager Eric Zamora stated there was no verbal reports for tonight's meeting but a building permit report was included in the commissioner's packets.

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

Commissioner Otero-Kirkham reported that as an appointee to the Valencia Health Commons Board she had met with Mr. Davey and the board will have their first meeting in May.

7) ACTION ITEMS:

a) Accept Findings of Fact and Conclusions of Law

i) Consideration for an Amendment to an Approved Master Plan (La Vida Suerte) in a Planned Development (PD) Zoning District; Section 2 & 11 T6N R2E NMPM; La Vida Suerte Country Estates Lots 14-23 and Lots 30-39; Zoned Planned Development; Filed in Book 360 Page 5739 of the Valencia County Clerk/Kenny Trujillo – Jacobo Martinez

Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Rael. Motion carried unanimously. (See Exhibit A)

ii) 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 #ZC10-00/Mark Snapp – Jacobo Martinez.

Commission Rael moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. (See Exhibit B)

iii) 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 Block 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 – Jacobo Martinez.

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

b) Consideration of Contract for Bid #655 Valencia County Land-Fill Closure-Final Phase-Eric Zamora.

Mr. Zamora stated the commission accepted a low bid by Romero Excavating but had not formally approved a contract at the same time. He requested approval of the contract for

Bid #655. Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit D)

c) Consideration of Contract for Souder & Miller Inc. under Procurement Code for Best Negotiated Price – Eric Zamora.

County Manager Eric Zamora stated as they were in the midst of construction, an area of the landfill that was not previously identified to contain trash cells became exposed and loose material was removed. In order to fall into compliance with NMED Regulations (New Mexico Environmental Department) the county is required to hire a certified landfill professional to assess the situation, make recommendation and get final approval on the final action plan. The contract with a final estimate of \$23,000.00 to do that work is in accordance with NMED requirement and Mr. Zamora requested the commission's consideration on this item.

Commissioner Gentry moved for approval. Discussion. Commissioner Otero-Kirkham asked if this was not to exceed thirty thousand dollars. Not to exceed was Mr. Zamora's response. Commissioner Otero-Kirkham seconded the motion. Motion carried unanimously. (See Exhibit E)

d) Consideration of the Architect Contract Between John Kirkpatrick and Valencia County for Del Rio Senior Center Renovation – Kenny Griego.

Assistant County Manager stated this is a legislative appropriation for the Older American Program in the amount of \$450,000.00 for the renovation of the Del Rio Senior Center. The improvements include but are not limited to enlarging the central meeting area, creating larger work rooms, along with some improvements to the kitchen area.

Commissioner Gentry moved approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. (See Exhibit F)

e) FINANCIAL MATTER;

i) Consideration of Resolution 2010-24, Revenue Expenditure Transfer – Wilma Abril.

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

County Clerk Sally Perea announced Resolution 2010-24. (See Exhibit G)

ii) Consideration of Approval Payroll/Warrants – Wilma Abril

Ms. Abril presented the attached computer printout list of all the checks issued by the Manager's Office on April 30, 2010 covering vendor bills processed on the above date. Check #103048 thru check #103153 inclusive, for the total of \$215,505.98.

(See Exhibit H)

Ms. Abril presented the attached computer printout list of all checks issued by the Manager's Office on 04/23/2010 covering payroll process on the above date. Direct deposit check #15181 thru direct deposit #15362 inclusive. Deduction check #103012 thru deduction check #103048 inclusive. Payroll check #87369 thru payroll check #87458 inclusive. Listing total \$373,684.91. (See Exhibit I)

Commissioner Rael moved for approval of payroll/warrants. Seconded by Commissioner Medina. 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.
No Executive Session.

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

10) COUNTY MANAGER'S REPORT (Informational Only)

County Manager Eric Zamora informed the commission that on May 13, 2010 at 11:30 A.M in the County Commission Board Room the county will be hosting the Regional Intergovernmental Meeting.

Minutes of May 5, 2010 Regular Business Meeting

Also with the retirement of Mr. Contreras from the transfer station, it was the county's intent not to fill that position, as they have a new person on board to cover those responsibilities, however they're on a seven day work schedule and they have one day a week where there are only three people on site. Tuesdays are the slowest days and Mr. Zamora would like the commission to consider closing the transfer station one day a week. This will be discussed at a future meeting. If possible Commissioner Gentry would like to see the transfer station stay open seven days a week.

On May 19, 2010 at 5:00 P.M. the Board of County Commissioner's will hold it's Regular Business Meeting at the Los Lunas Schools Administration Building Board Room due to the fact that the commission room will be used for early voting.

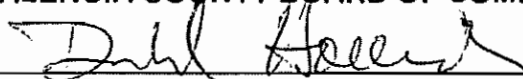



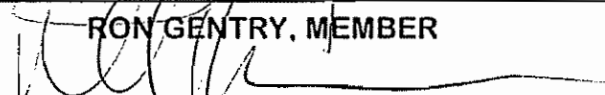
11) The next Regular Meeting of the Valencia County Board of County Commission will be held on May 12, 2010 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

12) Adjournment

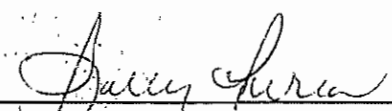
Commissioner Rael moved for adjournment. Seconded by Commissioner Medina. Motion carried unanimously. 5:42 PM

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the May 5, 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

5-19-2010
DATE