

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Regular Business Meeting

May 19, 2010

<b>PRESENT</b>	
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

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

### 4) Approval of Minutes – May 5, 2010-Business Meeting

Commissioner Rael moved for approval of the minutes of May 5, 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).

Meadow Lake resident Bob Gostischa expressed concerns on Teen Court being cut. Mr. Gostischa feels there's a lot of good being accomplished through the Teen Court Program in preventing possible long term felons. This is a worth while cause and would like to see the county continue the funding for this program.

County Manager Eric Zamora explained that the county has been working with the state in order to identify some of the deficiencies within Valencia County. The state is going to take over the program, as they have access to additional funding, which the county does not. With the development of the states version the Juvenile Justice Program could be eligible for up to \$90,000.00. They may see a pause or delay in teen court, but it will come back. It will be overseen by a board, chaired most likely by Judge Pope and members of the commission as well as members of the state juvenile justice programs.

Chairman Holliday thanked the Los Lunas School Board for the use of their facility for tonight's commission meeting.

Valencia County resident Sue Moran said residents from Rio Communities will meet twice a month starting on the 25<sup>th</sup> and invited any one of the counties representatives to meet with them.

Valencia County resident Mary Wood recommends that a person think twice when a commissioner invites you to meet with him and never do it without witnesses.

Belen resident Clarke Metcalf reminded everyone that there are more people east of the river than on the west side. If a hospital is going to be built, it needs to be built east of the river and far enough away from Albuquerque to apply for federal funding and have enough land to support a Valencia Health Commons, not just a hospital.

Lynette Pinkston, member of the Teen Court Association, stated she also was disappointed that the whole department of the Juvenile Justice Program had been eliminated. Mr. Doran started some amazing programs, not just Teen Court, but also a Youth Awareness Program in which the kids go and tour the Central New Mexico Prison, a Youth Advisory Board which is very strong with members from all over Valencia County and there were also some community service programs that included the law enforcement carwash and appreciation day which was held at the Trans Lux movie

theater. Ms. Pinkston stated she met with Judge Gallegos and they will continue the Teen Court Program, along with other volunteers that attend on a weekly basis. This will be continued through the non-profit agency.

**6) NON-ACTION ITEMS:**

**a) Proclamation "Age Strong! Live Long" – Jose Campos**

Director of the Older Americans Program Jose Campos presented a proclamation and thanked the commission for their continued support which is helping the program provide about 105,000 meals. They're also transporting seniors to Albuquerque for medical appointments, to the hospital and transporting them around town. Mrs. Helen Abeyta, who started the domestic violence shelter twenty years ago and whom the shelter was named after, read the proclamation to the commission and public.

Commissioner Gentry in respect to the request for the proclamation requested the commission give them a vote of consensus and move forward with this proclamation. Commissioner Gentry moved to accept the proclamation in honor of the Older Americans. Chairman Holliday stated; therefore the Board of County Commissioners do hereby proclaim the month of May 2010 be Older American month. Seconded by Commissioner Rael. Motion carried unanimously. (SEE EXHIBIT A)

**b) Directors Reports – Directors**

County Manager Eric Zamora will present his report when they get to the budget.

**c) Reports from Boards, Commissions & Committees – County Commission**

None

**7) ACTION ITEMS:**

**Board of County Commissioners Convenes as Indigent Claims Board**

**a) Indigent Report/Appeal- Barbara Baker**

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

Ms Baker presented the Indigent Claims from April 9, 2010 to May 7, 2010. The amount of claims submitted is \$444,643.91. Ms. Baker requested approval of \$39,296.84

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

Ms. Baker presented the Indigent Claims Appeal for a county inmate, there were two bills that were received and requested approval to pay University of New Mexico Health Sciences Center bill in the amount of \$1,773.31 and the University of New Mexico Medical Group bill in the amount of \$369.98. (See Exhibit C)

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

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

**b) Final Action on Public Hearing: May 12, 2010**

**i) Consideration of Appeal on an Approved Variance on a Side Yard Setbacks in a Suburban Residential (SR) Zoning District to Allow for Five (5) Foot Side Yard Setbacks; Section 7N T3E NMPM; Lots 55B1 thru 71B1, Lots 117B1 thru 121B1, Lots 162C1 thru 199B1, Lots 203A1 thru 208A1, Lot 209B1, Lot 210B1 and Lots 211C1 thru 217C1 Eastland Hills Subdivision Survey Plat M-112 of the Office of the Valencia County Clerk, NM APL# 10-004/Cypress Estates Limited Partnership – Jacobo Martinez**

Commissioner Otero-Kirkham moved to deny the appeal. Seconded by Commissioner Gentry. Motion carried unanimously.

**ii) Consideration of Solid Waste Ordinance 2010-01 Solid Waste Collection and Disposal – Eric Zamora**

County Manager Eric Zamora stated in accordance with the commission's direction they published and conducted a public meeting for a revised solid waste ordinance. During the comment period and with some additional staff review, they noted a couple of amendments they would request the commission to consider. These were in Section 50.03A to remove the word "voluntary;" it is a conflict of the mandatory direction of the ordinance. Section 50.05 definition of transfer stations, to insert "or registered" after the word permitted and that clarifies a designation between a registered and permitted type of occupation, there is a distinction between the two at the state level. 50.13 A & B

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change the word residence to "premises", this will provide for a reference to a site rather to a specific residence. The next is section 50.13D "in total", it violates Art.14§9 of the constitution. And the last item is 50.15A remove the words including Tierra Bonita. Commissioner Gentry moved for approval with the addendums. Seconded by Commission Otero-Kirkham. Commission Rael stated he agrees the ordinance needs to be done but his position is that the option be left open to allow the county to run the countywide collection service. With that comment, Commissioner Rael votes yes. Motion carried unanimously.

County Clerk Sally Perea announced Ordinance 2010-01. (See Exhibit D)

County Attorney Adren Nance stated once the ordinance is recorded in the County Clerk's office it goes into effect in thirty days.

**c) Consideration of Resolution 2010-25 for Acceptance of Santuria Way as a County Maintained Road- Eric Zamora**

Chairman Holliday said this road is in his district and is about 120 ft. long. Presently it's a private road and the individuals that reside at the end of this road are disabled and had gone to the USDA (United States Department of Agriculture) for a loan to upgrade to handicap accessibility and did not qualify because it was a private road. Chairman Holliday requested consideration of approval from the commission in order to help these individuals.

Counsel suggested that this particular resolution be adopted contingent upon getting title. Our county ordinance plus state law requires that the county have title to a road before being accepted otherwise the commission wouldn't want this deemed as an unconstitutional taking. So he suggests acceptance be contingent upon retaining satisfactory title.

Chairman Holliday moved for approval contingent upon transfer of title to the county. Seconded by Commissioner Rael. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2010-25. (See Exhibit E)

**d) Consideration MOU with Central New Mexico Corrections Facility-Derek Williams/Joe Chavez**

Adult Detention Assistant Warden Joe Chavez requested consideration of approval of the MOU (Memorandum of Understanding) with Central New Mexico Corrections Facility.

Commissioner Otero-Kirkham moved for approval of the MOU with the amendment of "if available." Seconded by Commissioner Real. Motion carried unanimously.  
(See Exhibit F)

**e) Consideration of Federal Funding for DWI "100 Days of Summer"- Renee Rivera/Captain Don Donges**

Captain Donges stated the New Mexico Traffic Safety Project has authorized a grant of \$4,480.00 for overtime expenditures for DWI enforcement within the county. This project is generally referred to as "The 100 Days of Summer." The Valencia County Sheriff's Department will receive funding for sworn personnel to participate in DWI enforcement within the county.

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

**f) FINANCIAL MATTERS;**

**i) Consideration of Approval Payroll/Warrants-Wilma Abril**

Ms. Abril presented the attached computer printout list of all checks issued by the Manager's Office on May 13, 2010 covering vendor bills processed on the above date. Check #103155 through check #103380 inclusive, for the total of \$719,608.67. (SEE EXHIBIT G)

Ms. Abril presented the attached computer printout list of all checks issued by the Manager's Office on 05/07/2010 covering payroll process on the above date. Direct deposit check #15363 thru direct deposit check #15540 inclusive. Deduction check #103154 thru deduction check #103189 inclusive. Payroll check #87459 thru payroll check #87550 inclusive. Listing total \$368,509.58. (See Exhibit H )

Chairman Holliday moved for approval of payroll/warrants. Seconded by Commissioner Gentry. Motion carried unanimously.

**ii) Consideration of FY 2010/2100 Preliminary Budget- Eric Zamora**

County Manager Eric Zamora presented a preliminary draft budget that will be sent to the State Department of Finance by June 30<sup>th</sup> and is the budget they intend to present. Mr. Zamora gave a brief update on the budget which showed that the county is in an excess of \$1.5 million over the county budgeted revenues.

(See Exhibit I)

Commissioner Gentry moved for approval of consideration of FY2010/2100 Preliminary Budget. Seconded by Commissioner Otero-Kirkham. 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 ; Moya et al. vs. BOCC & Los Chavez Community Assn. vs. BOCC and c.) other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Otero-Kirkham moved to go into Executive Session. Seconded by Commissioner Gentry. Roll call vote. Commissioner Otero-Kirkham voted yes. Commissioner Gentry voted yes. Commissioner Rael voted yes. Commissioner Medina 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 Los Chavez vs. Valencia County and Moya vs. Valencia County and no final action was taken.

Commissioner Rael moved to approve the summary as stated by counsel. 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 unanimously 5-0.

**9) ACTION ITEMS(S) ON EXECUTIVE SESSION DISCUSSION**

None.

**10) COUNTY MANAGER'S REPORT (Informational Only)**

County Manager Eric Zamora stated with the approval of the solid waste ordinance, within the next few weeks they will be re-issuing request for proposal to provide proposals for solid waste. That will go out to the general public.

The first stage of the Juvenile detention center will be the demolition of the building, they've also had some questions from contractors in regards to asbestos and what they may be exposed to during the demolition. So they requested the services of a specialist in evaluating the asbestos. They will be on site next Wednesday to do the evaluation and they should be able to re-issue the request for proposal within thirty days after the final determination from the contractor.

In regards to the expansion project, Mr. Zamora has met with a local contractor, Lone Mountain Contracting to help out with some ideas and it looks like the county may be able to procure them on contract. They are knowledgeable, experienced and Mr. Zamora is very impressed with the quality of staff they have. They have engineers and architects which could lead to a substantial saving on the project. Mr. Zamora will be meeting with them in the next few weeks, will revise some figures and will present those to the commission.

**11) The next Regular Meeting of the Valencia County Board of County Commission will be held on June 2, 2010 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.**

**The next Public Hearing Meeting of the Valencia County Board of County Commission will be held June 9, 2010 at 5:00 PM in the Valencia County Commission Room at the Valencia County Courthouse.**

**The June 16, 2010 Regular Business Meeting of the Valencia County Board of Commission will be held at 5:00 PM in the Valencia County Commission Room at the Valencia County Courthouse.**

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Commissioner Rael stated that after going over the budget and considering the way the economy is, the county budget looks good and asked if a fifty cent raise for the employees was considered. Mr. Zamora stated it's included in the budget.


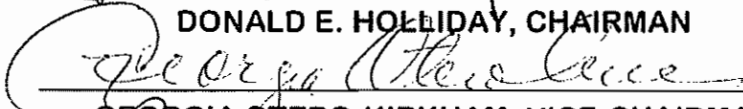



Commissioner Gentry commended Ms. Abril and her staff, Eric Zamora and his staff and Kenny Griego on this being the best budget organization that he has seen in the county since he has been on staff. Commissioner Gentry commended the county staff for keeping the county and the commissioners solvent enough that the county was able for the first time in two to three years to give the county employee's a raise and to move forward with some good programs, develop things that are needed for the county citizens and constituents and still be completely solvent with county reserves in tack and unattached and not endangered. This is the best position he has ever seen this county in. All the departments kicked in took the hits and did a good job of it and would like to thank them all.

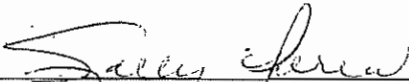
12) Adjournment

Commissioner Rael moved for adjournment. Seconded by Commissioner Gentry. Motion carried unanimously. Time 6:35 PM.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the May 19, 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. RAE, MEMBER  
  
 RON GENTRY, MEMBER  
  
 DAVID R. MEDINA, MEMBER

ATTEST:   
 SALLY PEREA, COUNTY CLERK

6.2.2010  
 DATE