

**VALENCIA COUNTY BOARD OF COMMISSIONERS
BUSINESS MEETING
June 2, 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.**

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

4) **Approval of Minutes: May 12, 2010- Public Hearing**

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

May 19, 2010-Business Meeting

Commissioner Medina moved for approval. 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 thanked Chairman Holliday for repairs on the road in Mr. Gostischa's area.

Tierra Grande resident Sue Moran said she read the new county solid waste collection ordinance, stated her concerns and briefly spoke on each issue.

6) **NON-ACTION ITEMS;**

a) **Presentation "FEMA Update" – Bill Borthwick**

Mr. Bill Borthwick updated the commission on the new flood maps that the county will be receiving and explained the process for adopting the flood rate maps by the communities. FEMA (Federal Emergency Management Agency) looked at the State of New Mexico map moderation program and started the digital countywide flood insurance rate maps study process in 2003. The process was a two year process that started in August 1, 2009 for developing new flood hazard data and revising existing data. The effective date for the county to adopt the flood insurance rate maps is August 19, 2010 which would legally endorse the good faith of the community to get involved in the new maps.

b) **Director Reports – Directors**

None.

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

Chairman Holliday thanked Bob Gostischa, Jim Lane, Dee Miramontes, Cyndi Sluder and residents for going out and helping to pick up trash in the Meadow Lake area. Chairman Holliday also stated he made a trip to the Conejo dump grounds and from the time he pulled up to the time he pulled out on a Saturday to dump half a truck load of trash, it took one hour and twenty minutes. So it's very important that the county wide trash collection get moving.

7) **ACTION ITEMS:**

BOARD OF COUNTY COMMISSION CONVENES AS CANVASSING BOARD TO:

a) **Begin Canvass of the 2010 Primary Election – Sally Perea**

Commissioner Medina moved to convene as the Canvassing Board. Seconded by Commissioner Gentry. Motion carried unanimously.

County Clerk Sally Perea stated by state law the commission is ex-officio the canvassing board in each county and shall meet within three days after the primary election to proceed to canvass the returns of the primary election. As per 1-13-12 the canvassing board shall not adjourn until it has canvassed all the returns of the election. The county clerk has ten days from the date of the election to complete and declare the results and is requesting that the board meet on June 9th for the final canvassing. Commissioner Gentry motioned that the commission instruct the county clerk to proceed with the canvass and the final canvassing to be held at the next county commission meeting on June 9, 2010. Seconded by Commissioner Rael. Motion carried unanimously.

Ms. Perea gave a brief update on the election day results; There were 41 Provisional Ballots, 1,239 absentee ballots were requested, 1092 absentee ballot were returned, a little over 100 ballots were not returned, runners were sent out to collect the cartridges from most precincts which made the numbers available by 8:30 PM, and voter turnout was 35%. Ms. Perea said it was a good election, with no problems and staff had done an excellent job.

Commissioner Rael moved to re-convene as the Board of County Commissioners. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

b) Accept Findings of Facts and Conclusions of Law

Consideration of Appeals on an Approved Variance on Side Yard Setbacks in a Suburban Residential (SR) Zoning District to Allow for a 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 Gentry moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. (SEE EXHIBIT A)

c) Consideration of Joint Powers Agreement with the Town of Peralta-Kenneth Griego.

Assistant County Manager Kenny Griego presented the request to extend the joint powers agreement with the Town of Peralta for one more year. The county is currently assisting the Town of Peralta in the nuisance abatement, platting, building inspections, rural addressing functions as well as road maintenance to include but not limited to roads that were maintained by the county prior to Peralta becoming a municipality.

Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Rael.

(SEE EXHIBIT A)

Commissioner Gentry had concerns as to what the costs to the county were in regards to the Joint Powers Agreement and asked Financial Director Wilma Abril which she stated that they really don't know. Commissioner Gentry stated at some point the county needs to know how much the cost is to subsidize the Town of Peralta.

Commissioner Otero-Kirkham stated Section A-1 of the contract reads that functions performed by the county, the sum of \$8,400 would be paid to the county by the Town of Peralta. She asked if the county had received that and Ms. Abril's response was no the county had not.

City Clerk Arturo Saiz from the Town of Peralta stated they appreciate the support that they have received from Valencia County, and in regards to the Joint Powers Agreements the City of Peralta has put aside \$13,200 for animal control for this year's budget. They're willing to pay their part and at this point they're 80% on the third phase of the corporation process. Ms. Abril stated the Town of Peralta pays \$1,100 a month to the county for animal control services.

Chairman Holliday stated 6-A-2 reads "usual and customary maintenance of those roads, culverts and bridges previously dedicated to and previously maintained by the county, Peralta agrees to pay all costs incurred by the county for said maintenance upon prior approval". Whether the county is sending a bill or not, they have agreed to pay for everything. Chairman Holliday agrees with Commissioner Gentry that the county needs to keep track of this and the county needs to send the Town of Peralta a bill.

Commissioner Gentry asked Ms. Abril to research what the costs to the county have been before they do another year.

Motion carried 4-1. Commissioner Gentry voted no. (SEE EXHIBIT B)

d) Consideration of Resolution 2010-26, Prohibiting County Officials from Placing Their Names on County Vehicles-Kenneth Griego.

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Commissioner Otero-Kirkham stated this was as a result of the sheriff having his name on the sheriff's vehicles. So is he going to be grandfathered in, is he going to be asked to remove his name or is it that from now on, a name cannot be placed on a vehicle? Commissioner Holliday said he was not sure how to answer and this is why it was up for discussion.

Commissioner Rael said the county can have a policy that county elected officials cannot place their names on cars, signs or anything. What concerns Commissioner Rael is that the county already has names on county vehicles and are we going to compel payment for the names to be removed, is that an ex post facto law, do we have a problem with that principle?

County Attorney Dave Pato had prepared this resolution based on the terms of the last commission meeting and for that very reason he included "effective prospectively", which means for the future.

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

County Clerk Sally Perea announced Resolution 2010-26. (SEE EXHIBIT C)

e) Consideration of Revised 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 moved for approval. Seconded by Commissioner Rael. Motion carried unanimously. (SEE EXHIBIT D)

f) Consideration of revised North Central New Mexico Economic Development District Non-Metro Area Agency on Aging Vendor Agreement-Kenny Griego.

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

g) FINANCIAL MATTERS:

i) Consideration of Resolution 2010-27, Increase Expenditures for "100 Days & Nights of Summer" Overtime for Traffic Safety & Enforcement –Wilma Abril.

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

County Clerk Sally Perea announced Resolution 2010-27. (SEE EXHIBIT F)

ii) Consideration of Resolution 2010-28, Increase Expenditures in ARRA Funds C1 & C2 Supplies-Wilma Abril.

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

County Clerk Sally Perea announced Resolution 2010-28. (SEE EXHIBIT G)

iii) 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 May 28, 2010 covering vendor bills processed on the above date. Check #103417 thru check #103569 inclusive, for the total of \$572,258.38. (SEE EXHIBIT H)

Ms. Wima Abril presented the attached computer printout list of all checks issued by the County Manager's Office on 05/21/2010 covering payroll process on the above date. Direct deposit check #15541 thru direct deposit check #15717 inclusive. Deduction checks #103381 thru deduction check #103416 inclusive. Payroll checks #87551 thru payroll check #87640 inclusive. Listing total \$386,798.83. (SEE EXHIBIT I)

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

8) EXECUTIVE SESSION- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a.) limited personnel matters; *Wardens Contract, Detention Center* b). Pending or threatened litigation 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 Rael. Roll call vote. Commissioner Medina voted yes. Commissioner Rael

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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 Adren Nance stated the matters that were discussed in Executive Session were limited to the discussion of Warden Derek Williams under personnel and no final action was taken.

Commissioner Rael moved to approve the summary as stated by counsel. Seconded by Commissioner Gentry. 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.

9) ACTION ITEMS(S) ON EXECUTIVE SESSION DISCUSSION

None.

10) COUNTY MANAGER'S REPORT (Informational Only)

None.

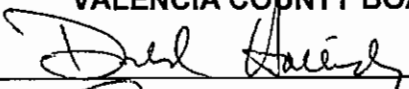
The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on June 9, 2010 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

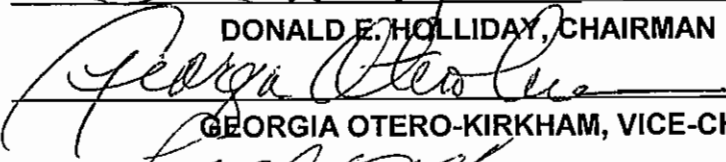
Commissioner Kirkham moved for adjournment. Seconded by Commissioner Medina. Motion carried unanimously. Time 7:12 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the June 2, 2010 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

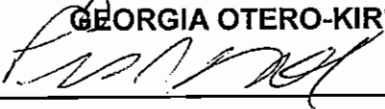
VALENCIA COUNTY BOARD OF COMMISSIONERS



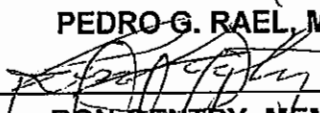
DONALD E. HOLLIDAY, CHAIRMAN



GEORGIA OTERO-KIRKHAM, VICE-CHAIR



PEDRO G. RAEI, MEMBER

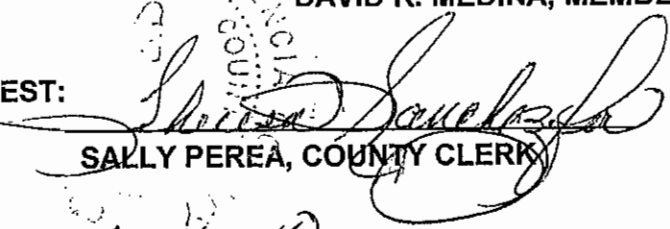


RON GENTRY, MEMBER



DAVID R. MEDINA, MEMBER

ATTEST:



SALLY PEREA, COUNTY CLERK

4-16-10
DATE