

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR BUSINESS MEETING

JULY 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) Vice-Chairman 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: June 9, 2010-Public Hearing Meeting

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

Peralta Mayor Brian Olguin wanted to clarify, for the record that the nuisance abatement agreement had been paid to the county prior to the end of the 2009/2010 fiscal year. Mayor Olguin also thanked the commission for turning over the fire department to the Town of Peralta, rather than as Commissioner Gentry stated, they gave the Town of Peralta the fire department. Mayor Olguin feels that the taxpayers paid for it and deserved it. Anytime a question needs to be addressed please call the town hall rather than bringing it up in a public meeting.

Commissioner Otero-Kirkham asked if this was the \$8,400.00 that was discussed at the last meeting. That's correct was Ms. Abrils response.

Commissioner Gentry just had concerns of the county taking care of the city and was glad the \$8,400.00 for those services has been paid. He asked if the Town of Peralta had been billed for road services that had been completed. Ms. Abril stated to date she has not received a cost analysis on road maintenance from the Public Works Department.

Meadow Lake resident Bob Gostischa stated he was glad to see that a possible continuation of the pre-trial services is on the agenda but is disappointed that Tierra Bonita is not being considered and would like to see this reinstated.

Valencia County resident Mary Wood started to speak on the possibility of a commissioner being perceived as having an in-house corruption going on within the commission but Chairman Holliday stated they don't need to go there anymore as that horse has already been beaten to death and they need to move on.

6) **NON-ACTION ITEMS:**

a) **Update FEMA Maps-Eric Zamora**

The intent of tonight's presentation is to clarify a lot of the misunderstanding that's out there as to what's happening with the new mapping and what the impact will be.

Representatives present from the Federal Emergency Management Agency were Jack Graham from Region Six of Denton, Texas, Susan Walker with the New Mexico Department of Homeland Security and Emergency Management, Bill Borthwick with New Mexico Department of Homeland Security who is the state flood plains coordinator for the State of New Mexico, Mark Lujan, Regional Manager for the National Flood Insurance Program Region Six Office, Jim Orwatt mapping program engineer Region Six and Rigel Rucker project manager. Mr. Graham stated representatives from the agency provided some input on the adoption of the flood insurance rate maps on participating

communities, which Valencia County is a participating community in the National Flood Insurance Program. What this covers is the creation of the National Flood Insurance Program and the study shows how much the flood plain has changed. The previous map is ten years old and a lot of development has occurred since then, so the risks have changed in those ten years and the Federal Emergency Management Agency has identified those risks on a new map. The intent is to map the community and if you don't map a community, the community doesn't know what the risks are.

Mr. Graham also stated if the county opted not to participate in the program, the commission could adopt a resolution removing the county from the program. This is a voluntary program, but there are implications. Per the 1973 Flood Protection Disaster Act, it's a public law 93-234; flood insurance is required for federally backed loans for property located in special flood hazard areas. What the federal government is saying, is if an individual wants a federal backed loan, FDIC (Federal Deposit Insurance Corporation), Farm Home Administration or Veterans Administration home loan and if you're in a special flood hazard area and the community doesn't participate, they will not loan you money to buy that home. Property owners will not be able to purchase flood insurance and existing policies will not be renewed. So a new person coming in to build a home in a special flood hazard area could not purchase flood insurance and at the end of the person's policy, when it's renewal time, it would not be able to be renewed. Lenders may also require homeowners to pay off existing loans if insurance is not available. Lenders could call the mortgage due if they so choose. Federally backed flood insurance will not be available, no homeowner or residence, business or public building would be able to buy a federal insurance policy. Over the decade the flood plain has changed, that's why the special flood hazard areas have increased.

Mark Lujan Regional Manager of the National Flood Insurance Program stated property owners whose homes were built prior to the adoption of the previous flood maps on July 2, 1991, can purchase a flood insurance policy now, before the new flood maps go into effect on August 19th and be grandfathered in and lock in your zone or base flood elevation, not the rate.

Commissioner Otero-Kirkham asked Mr. Lujan, who actually establishes the flood insurance rates, is it the agent or the Flood Emergency Management Agency? Mr. Lujan said the rates are set by the Flood Emergency Management Agency and are the same nationwide. Commissioner Otero-Kirkham also said every insurance agent has a rate sheet indicating what the premium should be according to the price of the home and if these rates are set by the Flood Emergency Management Agency why is there a discrepancy in rates from one agent to another. Shouldn't the quote be the same? That's what we're trying to get them to correct and what they're doing is inputting data into the system incorrectly.

Commissioner Otero-Kirkham said it's her understanding that everyone that's in a flood zone has to buy flood insurance and if your elevation shows that you're above the flood line then you're a lesser risk so your premium is less. If you're below the flood line then your premium is more, is that correct.

Mr. Lujan said yes and the reason they're here is to make sure everyone gets the facts. They're trying to get the message out, if you're in that X zone and you haven't had any flood losses, there's really no reason why you shouldn't be getting that preferred risk policy.

Mr. Walker who represents map six presented an exhibit on how the FEMA (Flood Emergency Management Agency) maps changed indicating where the old flood plains were and where the new flood plains are now and also identifying the areas in the county where the flood zone has grown receded, or stayed the same using a color code. The maps will become effective August 19, 2010.

County Manager Eric Zamora recognized Zack from U. S. Representative Teague's Office, who is working to schedule a town hall meeting on this subject as well.

County Manager Eric Zamora said he and Jim Orwatt attended a meeting of the Middle Rio Grande Levy Task Force and asked Mr. Orwatt to give a brief update on this issue.

Mr. Orwatt stated the Middle Rio Grande Levy Task Force is looking at the possibility of rebuilding the levees and if the levees are rebuilt, then the areas that are now shown as flood hazard A zone and if the levees are certified then the flood plain will be reduced within the levies for all that area along the Rio Grande once the community certifies the Middle Rio Grande Conservancy District to be the owner of those levies.

Commissioner Otero-Kirkham asked how realistic is that project with funds in the federal government being cut? Mr. Orwatt said the Corp of Engineers is doing this project and

the person to talk to at the Corp of Engineers is Ms. Deb Foley. She has the details on this project and she seems to think that there's a strong likelihood that the funding would become available to rebuild the levies from Sandoval County to beyond Socorro to Sierra County.

Mr. Zamora said the current estimates were in the order of a hundred and twenty million dollars for Valencia County and one advantage is that it's on the federal list as approved projects. It means Valencia County is first in line for funding if something were to become available.

Chairman Holliday thanked the FEMA (Federal Emergency Management Agency) group for providing all the pertinent information at tonight's meeting.

b) Discussion Merit Pay Resolution – Adren Nance/Kenny Griego-

County Attorney Adren Nance said this is just basically a conceptual idea at this point. Many organizations have merit increases and in order to do this, the commission would have to do this by resolution or even amend the county personnel policy to incorporate it. What Adren Nance, Ken Griego and Eric Zamora have envisioned at this point by working together is just preliminary and would be to divide the county into classifications just like the military has an E-1, E-2, E-3 classification. They would divide this up into a county classification and maybe call it a C-1, C-2, or C-3. There has not been any discussion as to who would be in what classification but in 2006 the University of New Mexico did a very extensive study for the county that divided the county up into a classification system. You may be able to move up to a different level with more experience and in some categories you wouldn't have an extension in which there wouldn't be much upward movement when there is only one or two employees in that department. As far as the merit goes, there'd be an increment possible in each of these categories, such as the C-1, C-2 etc. These would be whatever increments the commission determines and on a bi-annual or annual basis the employee would be evaluated by their supervisor, county manager and the system of evaluation and then would be eligible for a merit increase and the merit increase would be based on performance, education and seniority. These sorts of merit increases would be independent of across the board increases. Based on the University Of New Mexico study and other studies each department will have to be placed in a different category, each department will have to be looked at and each department will have to further set goals for positions and for individuals. It's going to take a lot of work and will be a big step for the county to decide if this is where they want to go and at this point is up for discussion. It's going to take a fair amount of administration, a lot of budgeting; the budget will have to be increased to account for the possible increases.

Commissioner Otero-Kirkham said her intention was to let each department have their own system and decide what employee's have gone above and beyond and should receive a merit raise and be recognized for that work by either a merit pay or some kind of incentive pay. The intent was to get the departments to establish how they wanted to conduct the merit raises, but maybe statute doesn't allow for that in county government.

Mr. Nance said that is certainly something counsel can look into as well.

Commissioner Otero-Kirkham said she appreciates the amount work that has been put into this but feels this needs to be looked into further and maybe get together with some department heads and ask for suggestions.

Commissioner Rael said if it's been done in Sierra County and other places, how has this system worked with tiers of pay, has it drawn litigation because one employee claimed discrimination against him because he or she feels they are as good of a worker as the worker that received the raise.

County Attorney Dave Pato stated it depends on the department head, each department head fills out the employee evaluation form. Some department heads want to give everyone "exceeds expectation" so everyone gets their merit increase. They're not limited with the amount of merit increases they can recommend. It does raise the issue in respect to an employee claiming that his supervisor doesn't like him and files a grievance because he or she didn't get their merit increase. It has its own set of issues, but feels it's positive in a sense that it rewards employee's for doing a good job. The way it works in practices that on every employees anniversary date that employee is evaluated by their supervisor on different criteria's, they sit down, go through the form, speak with the employee about the manner in which they were evaluated and explain what they gave and then it goes to the board for final approval and they get the raise. When it's implemented properly by department heads, it's effective, resulting in a better workout rate.

c) Update Road Funding – Adren Nance

Chairman Holliday said the update road funding will be tabled until the commission receives the additional information that they did not receive for tonight's meeting and will be discussed at the next meeting.

d) Update Budget Report-Directors

Assistant County Manager Kenny Griego presented the budget revenues as of June 30, 2010. Year to date actual property taxes came in at \$9,796,964.00 with the total revenue at slightly over \$13,000,000.00 for the county. The difference from last year to this year is \$1,467,553.00. There were some unforeseen budget expenses, but the county will still be in good shape when the new starts with a starting balance of over \$600,000.00.

Finance Director Wilma Abril said the cash balance estimated at this point, with general entries still in process is about \$892,000.00 or less.

County Manager Eric Zamora provided an update on the preliminary budget which was approved by the Department of Finance. However, not incorporated in that approval which was discussed was the addition of four jail guards for the detention center, so that will be added in. Also with the renovations at the detention center, asbestos was detected, which the potential of increasing the demolition has cost significantly.

Mr. Zamora also said they are trying to avoid demolition of the old Youth Development Incorporation building but because of the foot print that is needed for the expansion project that will most likely have to come down and the cost has increased to possibly an additional \$200,000.00 to fund that expansion project. Mr. Zamora will be meeting on Tuesday with another contractor to see if they can come in closer to budget without having to dip into the general fund. The final budget presentation is scheduled for the 21st, once the Treasurer gets through her year end reports and does her final reporting, as well as the county financial office, and then the final budget can be presented.

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

Assistant Manager Kenny Griego said there has been discussion on getting social security for the county. Mr. Griego met with Ms. Mary Fredrick's on June 14th and discussed the eligibility of the county to get into the social security program and basically what is needed is the county needs to have an election. The employees that choose to have social security deducted from their checks would be in and those that do not want the additional deduction would not be forced to participate. There is no specific number or percentage of employee's that have to join. The employee and the employer contributions would be 6.2 % if the entire county employee's chose to go on social security and would cost the county approximately half a million dollars. Once the county commits to social security, the employees that voted to participate are in and any new employee to the county would be included also. The new employee's will not have the option or choice to participate or not. There will be another meeting with Jackie Mirabal on July 22nd to get more details on the process and answer some outstanding questions. If the county chooses to move forward with social security, then Ms. Mirabal will meet with each of the departments and explain exactly what the benefits are and what the employee /employer responsibilities are.

Commissioner Gentry asked if this social security request came from the commission. I don't know if it did or not was Mr. Griego's response.

Commissioner Gentry said his concern is that the commission just went through the county budget and is probably the only entity in the county that is solvent of some sort, the county is the only entity that gave a stipend of a fifty cent raise, didn't layoff any employee's, curtailed a lot of programs and basically the county only has a \$600,000.00 cash balance for six months and if they take out the jail construction, which will have to be done, then that's \$400,000.00 left for six months. Commissioner Gentry doesn't see the logic of pursuing something like this especially in this economy with the budget the county has. He understands that some of the employee's would like to see their social security benefits go up which he doesn't have a problem with that but at this time the commission is just trying to keep them employed and feels the county would be going out on a limb to try to put together another half a million dollar annual endowment when the county doesn't even have a half a million to operate on.

Commissioner Medina asked where did this come from, was it the employee's that took it upon themselves. I think there was an interest from the employees to at least investigate it and then present it to the commission, was Mr. Griego's response.

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Commissioner Otero-Kirkham asked what would then happen to PERA? Mr. Griego said PERA would still be part of the program, in fact the county would have to be part of PERA in order to participate in the social security program and the county would be paying contributions to both. Commissioner Otero-Kirkham said so the county would be matching both programs and was that taken into consideration on the \$500,000.00. Mr. Griego said that's what it would cost the county above and beyond what the county is contributing to PERA. It would cost \$500,000.00 if every employee were to participate.

Mr. Griego informed the commission that in June at the New Mexico Association of Counties Conference held in Farmington, Valencia County was presented with a plaque for the 2009 RAP (Risk Awareness Program) for successfully completing the New Mexico Association of Counties Awareness Program in reducing workman's compensation claims by 23.6%. Every county department is participating and showing results. The county has to do this for three years in a row before it starts materializing in the reduction of the county premiums. It's starting to show that the county employee's are working safe, are working smart and the county claims are decreasing.

Commissioner Gentry is concerned about Rave gatherings taking place without permits. The county developed a Rave Ordinance to permit and to control rave gatherings. There was a pretty clear mandate established that the commission came up with and passed. Its Commissioner Gentry's understanding that this Rave took place on the southeast side of the county in Tierra Grande. There was also a Rave that took place this weekend at the same place and Commissioner Gentry received several phone calls on this. The county has an ordinance that prohibits Raves unless it's permitted, licensed and inspected. After receiving these phone calls Commissioner Gentry called Code Enforcement and Ruben Chavez informed him that they had not issued a permit and Planning and Zoning also had not issued a permit. It was reported to him that at least seven different citizens called the sheriffs department, with no response or no consideration. One citizen finally called the state police and while they were on the phone the state police called the Valencia County Sheriff's Department and were told they had a permit, it's legal and they are monitoring the situation. The Rave went on until 5:30 A.M. Commissioner Gentry received a call from a citizen accusing Commissioner Gentry and the rest of the Commission of ignoring this issue and not doing their job. Commissioner Gentry would like the sheriff's department to tell the commission if they were aware of the Rave, if they had police cars down there, if they did put this information out or if they did ignore it and he would like to see what's documented with the sheriffs department and who is the county enforcement officer.

Operations Commander Donges for the sheriffs department said he is shocked with what Commissioner Gentry just said. This is the first time he's heard about this, but he will look into it and guarantee's the commission by the close of business day tomorrow he will have an answer in writing or will speak directly to Commissioner Gentry by phone. As far as the citizens saying they called the sheriffs department, the dispatch center is not a part of the sheriffs department, it's its own separate entity. Commander Donges will have the sergeant of the squad that was on duty on the 3rd in his office to explain what or what did not happen. He will also send an email to Shirley Valdez who is head of the dispatch center to find out what did or did not transpire.

Commissioner Gentry asked that Commander Donges contact Sue Moran President of the Tierra Grande Association to verify the information she has.

7) ACTION ITEMS:

a) Consideration of Permission to Publish an Amendment to the Flood Plain Ordinance-Ruben Chavez.

Code Enforcement Director Ruben Chavez stated the request to publish is the actual legal notice that will be published and the publication date will be July 10th, 24th and August 7th, the public comment period will be August 6th, followed by a public hearing on August 11th and the final discussion will be on August 18th which would be inside the window period from FEMA (Federal Emergency Management Agency).

Commissioner Otero-Kirkham motioned for approval. Seconded by Commissioner Rael. Motion carried 4-1. Commissioner Gentry voted no.

b) Consideration of Funding for Pre-Trial Services – Pedro Rael

Commissioner Rael said the Pre-Trial Services Program has been heard several times before, but the general idea is to keep the jail population down in such a manner that the county will be saving money and he realizes that the state had been funding this program which keeps people out of jail and also saves the county money. Due to budgetary

reasons the state decided to discontinue the funding and a request has been made of the commission to supplement that funding. What was discussed in prior meetings was that the number of inmate days that the county would be saving by continuing and funding the program would be \$50,000.00 per year. The reason Commissioner Rael believes in this program is besides the social benefit, there's an actual cost saving to the county.

District Court Executive Director Greg Ireland spoke in support of the Pre-Trial Services and stated he feels from the information that has been provided to the commission on this program, they have an understanding of the program and the savings connected to that in terms of dollars but also on the level of community protection that comes with people waiting trial being supervised, being drug tested, making sure they show up to work, if they don't have work, making sure they're looking for work, making sure the children are being cared for, all of that comes with supervision.

District Court Judge Pope was present to show his endorsement of the Pre-Trial Program. Judge Pope said as a judge you face some very tough decisions on a daily basis and one of the decisions is to decide who you lock up and how you treat various criminals that come before you. You have to make decisions as to who bails out and who doesn't bail out. Some people will bail out because they don't have the kind of criminal history that would make them people that you would detain, so those people you don't worry about. Then there's the people that aren't going to bail out because the nature of their crimes or the fact that they've committed so many crimes, that you're going to have to detain them. So you don't worry about those ones because they're going to be the ones that the warden is going to have to worry about and you're not going to let them out on the street regardless of whatever program is around. Then you have the middle set that you have to make decisions about and those are the ones that Hance William's program is designed to help the courts with. He decides whether to detain them or is there some kind of program available that he can feel good enough about, then he could let them walk the streets while their cases are being decided but he wouldn't know that unless he has somebody out there who's going to be checking on them on a periodic basis, taking their drug samples, checking on their job situation and their home situation. If he knew that there was somebody checking, then he could allow them to be out in the community and at the same time saving the county money because they're not incarcerated.

Los Lunas Magistrate Judge Tina Gallegos endorses what Judge Pope stated and the only other thing that she would add to it is that although it was brought in by the state and handled with funding that came from them, Mr. Hance Williams approached the magistrate court judges with the idea to do this at arraignment. She doesn't know if Mr. Hance expected for the judges to jump on board as heavily as they did. She knows the numbers that he had were because of the magistrate court judges because they see the benefit in it at the time of release and the time of arraignment. Judge Gallegos feels that because it came in at the state level, it's most beneficial at the county level and as county commissioners it affects you everyday and it does definitely affect the jails bottom line. This is a positive program and it speaks for itself.

Commissioner Otero-Kirkham asked Mr. Ireland if there's a way to identify how many people in this year period would have gone back to jail if this program wasn't available, so the commission could know that the county really has a cost savings. Commissioner Otero-Kirkham would like to see some definite numbers or verification that it's really a cost savings should the commission decide to fund this program.

Judge Gallegos said they would be able to submit a report yearly or quarterly from Mr. Williams with numbers if that's the commission's request.

Commissioner Otero-Kirkham said as far as the budget for the county, this again is output of money and eventually the county will make its money back. With the numbers available it shows that placing ten prisoners in jail for a hundred and eighty days is going to cost the county \$54,000.00.

Commissioner Medina asked Judge Gallegos a lot of these individuals are coming out of magistrate court, are they being sent from the different municipalities?

Judge Gallegos said the Los Lunas Magistrate Court gets criminal complaints from Bosque Farms, Isleta, and the state police, from the county and from Los Lunas. All five law enforcement agencies send their criminal complaints to the Los Lunas Magistrate Court.

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Commissioner Rael asked Judge Gallegos in addressing Commissioner Otero-Kirkham's concern about data, what has been the minimum number of people that she and the other judges have deviated from sending to jail because the Pre-Trial Services program existed, have there been at least 10 minimum. Also this question is directed to Warden Derek Williams, is \$30.00 cost figure per day for detainee's a dream or is it to low?

Warden Derek Williams stated that's definitely at the lower end.

Judge Gallegos said she does several arraignments a week and several of those arraignments would be defendants that are a definite consideration for the program. There are people that are in custody right now that were set with high bonds because she doesn't want them out of custody and she didn't consider the program. She can definitely say there are ten.

Commissioner Rael also asked if the commission approves funds for this program, subject to the commission being given quarterly reports, would Mr. Ireland be the person responsible for that or with whom would the responsibility lie for compiling the data for submittal to the commission?

Mr. Ireland said he would absolutely be that person and he only ask that he work closely together with the warden in order to give the commission a consolidated picture of what they are representing.

Commissioner Gentry asked if Mr. Hance Williams was on a one year term position.

Mr. Ireland said it's not even a term position; it's an independent vendor contract.

Commissioner Gentry said so it's a personal services contract, does it come with benefits and will this be District Courts contractor and if it's under District Court, you're the bosses and the county is not responsible and he's not responsible to the county.

Mr. Ireland said there are no benefits and he would advise the commission that this should be a District Court contractor, with District Court being the boss and as far as the accountability, if the judges are going to take the initiative to accept a recommendation for release which this is the touchy part of the program, eventually one of these persons that is released will go bad and when that person goes bad, Mr. Ireland believes that District Court should have the accountability for making those recommendations and setting the conditions.

Warden Derek Williams stated he was concerned and was under the impression that these four officers would be able to be hired August 1st. The commission is putting him in a compromising position, setting him back in hiring those four officers. With the extra transports they have and the overcrowding in the jail, he was depending on those four extra positions; it's placing him in a tough position in trying to maintain the facility with the staff he has. He needs the extra help and even with the four the facility would still be understaffed.

Commissioner Gentry said he thought they were funding those four officers because of the jail expansion.

Warden Williams said that's how it came up and with the expansion; they'd actually need about eight.

Commissioner Otero-Kirkham said she thinks it would only take two officers, so could Warden Williams live with hiring two new ones?

Warden Williams said whatever the commission gives him, he'll do what he can but it's going to be difficult.

Commissioner Rael said it look's like there would be a couple of positions that would be temporarily suspended and again he wouldn't mind amending his motion to include that that's the funding source and at the same time to direct staff, in addition, to try and get help from the cities then maybe the county will get enough to hire those people back, because the county will have some additional funds from the cities to compensate the county for the \$50,000.00. Commissioner Rael would like to move in the same fashion to allocate \$50,000.00 to continue the Pre-Trial services Program subject to the commission receiving quarterly data indicating that the county will have a savings in the jail expenditures and directing staff to look and see if the county can get some support from the villages and also the amendment would be to identify the funding source as being two employee's for as short of time as possible until the county can get some funding to increase those officers to four. Seconded by Commissioner Otero-Kirkham.

Chairman Holliday asked when will this contract start and when does it end.

This contract ended June 30th and District Court does not have a contract with Mr. Williams yet and will make it effective on the earliest possible date and it'll go through next June 30th, it's for a year.

County Attorney Nance stated the commission would have to come back at the next meeting to do a budget adjustment resolution and to enter into a contract with either the

AO (Administrative office of the Courts) or the Thirteenth Judicial District, however they want to see it through their administration. Motion carried unanimously.

c) Consideration of Resolution 2010-29 Finding Public Nuisance Requiring Renovation or Removal by County of 14 Emilia Lane Los Lunas NM, Lot 45 Monterey Park Unit 2, a subdivision in Valencia County NM, the Plat of Which was Filed in the Office of the County Clerk of Valencia County NM, on May 6, 1987-Anthony Savilla.

Commissioner Gentry moved for approval. Commissioner Otero-Kirkham stated this is in her district and Mr. Savilla has done an excellent job. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2010-29. (See Exhibit A)

d) Consideration of Resolution 2010-30, Finding Public Nuisance Requiring Renovation or Removal by County of 11 Bonita Loop, Los Lunas NM, Lot 20, Unit 4 of Meadow Lake Subdivision - Anthony Savilla.

Chairman Holliday motioned for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2010-30. (See Exhibit B)

e) Consideration of Resolution 2010-31, Finding Public Nuisance Requiring Renovation or Removal by County of 19 Cereza Circle, Los Lunas, NM, Unit 12, Block 1, Lot 1 of Meadow Lake Subdivision, as the Same is Shown and designated on the Plat of Subdivision Filed in the Office of the County Clerk of Valencia County, New Mexico – Anthony Savilla.

Chairman Holliday motioned for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2010-31. (See Exhibit C)

f) Consideration of Facts of Findings and Conclusion of Law for a Quasi-Judicial Zone District Change to Amend the Zoning Map from RR-2 to C-2 on the Subject Property Defined as: T7N, R2E, Section 26 NMPM, Tract 74-A2B1; Zoned RR2, Filed in Book 364 Page 156 of the Office of the Valencia County Clerk; AKA 21 El Cerro Road, Los Lunas, NM/Robert Becker-Jacobo Martinez.

Commissioner Otero-Kirkham motioned for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit D)

g) Consideration of Contract with Melinda Cherney for Mental Health Services Inside the Detention Center- Derek Williams.

Adult Detention Administrator Derek Williams requests consideration of contract with Melinda Cherney for Mental Health Services for the term of one year. Commissioner Otero-Kirkham stated her concerns regarding who is going to be Ms. Cherney's backup in the event that she is out of town and the fact that Ms. Cherney also has a full time job with the University of New Mexico Hospital concerns her. Commissioner Otero-Kirkham would also like to see an all encompassing contract or the group that the commission hires would be able to provide medical health as well as mental health, like a package deal if possible.

Mr. Williams said the concept makes sense but he doesn't think it's possible only because there's not anyone that's local that can provide that service; no one has a mental health psychiatrist nurse practitioner on staff. They basically go out, find that person for the detention center and the county would pay them and they'd end up making commission off that rather than the county paying the \$45.00 per hour directly. Warden Williams is hoping to publish advertisement for RFP (Request for Proposal) next Wednesday on the 14th for the medical services.

Commissioner Otero-Kirkham asked Mr. Williams if he could also include in his RFP (Request For Proposal) someone who could provide mental health as well as medical. So many issues that result in mental start as a medical issue. Commissioner Otero-Kirkham is concerned with just having one person, if she would take a vacation and have a person on suicide watch for two weeks. You'd actually have an officer that has to watch that person for the full two week period. So not only is the county paying Ms. Cherney the \$45.00 but also an officer to sit and baby sit this person.

Warden Williams said Ms. Cherney has agreed to be on call 24 hours a day, seven days a week. She also agreed from the time of being notified she'd be in the facility within 24 hours to conduct an assessment on that inmate. Mr. Williams said he could talk to Ms. Cherney about implementing some language in the contract in regards to an emergency

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clause. Right now he is very pleased with her and what the county is paying is a significant savings. What the contract says she will provide the detention center four hours a week and it's on Saturday that she comes in to provide those services and in Mr. Williams's opinion they are not going to find anyone in this capacity at \$45.00 per hour to be on call around the clock.

Chairman Holliday stated under "scope of work" the agreement states four hours a week outside services and then goes to (b) which states all call services between the hours of 8:00 A.M. and 8:00 P.M. Monday through Friday. So you'll call her and she'll come in for four hours?

They have one consistent day every week that the nurse practitioner comes in to see her patients and they determine what day would be most profitable and systematic, whether it be a Wednesday or a Saturday between these times to see her patient. They allow her up to four hours a week. Chairman Holliday understands as he reads it as only getting four hours a week out of Ms. Cherney.

County Attorney Adren Nance said to clarify that, she's supposed to be here for four hours of clinical duty but she also, for the consideration paid, has to be on call for those times for emergencies. She needs to come in if that's the case and that would be part of the compensation. Mr. Nance understands that her agreement is, if there's an emergency she's going to come down.

Commissioner Otero-Kirkham motioned not to approve this and direct Mr. Williams to see if he can get an all encompassing contract with some group that will provide mental health as well as medical.

County Attorney Dave Pato said she is contractually obligated to be here and she might take leave or whatever other option she has to take off from her full time job.

Commissioner Otero-Kirkham said the commission needs to know if that's the case, whether or not she's going to be able to leave her job. At \$45.00 an hour, it's a savings of \$13,200.00 a year and her contract is at \$10,000.00 a year. How could Ms. Cherney leave her \$45,000.00 - \$65,000.00 a year job to save her \$10,000.00 a year job.

County Attorney Dave Pato stated then Ms. Cherney would be in breach of the county contract and then the county would take action based on her breach of contract.

Commissioner Rael asked who does the physical in the event someone broke a leg or has some other type of illness in which a doctor has to be called in, how is that being done presently?

Mr. Williams said the nurse practitioner would be called to assess that person, and then she would determine whether it was something she could treat or if it was something that needed to go out, she would make that decision. Right now the detention center has a contract with New Mexico Quick Care and has sent notice to terminate that contract. Next Wednesday an RFP (Request for Proposal) will be published in hopes of finding local services. Mr. Williams also said he understands the concept, it makes sense to have one person do several duties, but for \$45.00 an hour, he doesn't see any possible way of meeting that price.

Commissioner Otero-Kirkham said she admires Mr. Williams for doing that but you get what you pay for. If she's charging \$45.00 an hour, she's not going to leave her higher paying job at the University of New Mexico, she's a nurse practitioner, she's almost a doctor, to come and do the work you want her to do. This will probably come before the commission again because she didn't work out.

Mr. Williams said Ms. Cherney signed a contract and they're going to hold her accountable. Ms. Cherney is working with the detention center on an emergency basis and Mr. Williams was just trying to get a legal contract in place to address this.

County Attorney Adren Nance stated the contract, in the form it is now, can be terminated in thirty days at any time.

Warden Williams asked counsel if possible and if the commission approves this, could they still do the RFP (Request for Proposal) and include the language to cover both and depending on the outcome of that, could the agreement be terminated if they found another source the county wanted to contract with?

County Attorney Dave Pato stated he understands this contract to be nonexclusive, the county can enter into this contract with this provider and if it were to go out for RFP (Request for Proposal) to obtain the psychiatric services through another provider, that could be used in conjunction with this, so there will be backup which addresses Commissioner Otero-Kirkham's concerns about having that second person or practice available in the event of an emergency.

Commissioner Otero-Kirkham said would it be necessary if the county had a group that had a staff large enough to act as their own backup.

County Attorney Adren Nance said it might be appropriate at this point and time just to make sure the county has a contract with this person instead of just using her on an emergency basis and maybe limit the contract for maybe two months that can be terminated in a thirty day basis. Right now it's for a year that can be done in thirty days. It can be terminated in thirty days so it might not hurt to enter into the contract and then direct at the same time to go out for RFP (Request for Proposal) and then have the option to terminate or not.

Commissioner Gentry moved for approval to amend the motion and direct staff to put out an RFP (Request For Proposal) to include Sections A) Medical Health and Section B) Mental Health and if someone comes back and says they do Section A and Section B the commission needs to know what price Section B is going to be and see if it's better then Ms. Cherney's. Seconded by Commissioner Medina. Motion carried unanimously. (See Exhibit E)

Commissioner Otero-Kirkham stated just for clarification if it's \$45.00 or less that's the group the commission goes with and this contract is terminated.

h) BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD. Commissioner Otero-Kirkham motioned to convene as the Indigent Board. Seconded by Commissioner Rael. Motion carried unanimously.

Consideration of Resolution 2010-32, Expanding the Health Care Services Covered by the Indigent Fund – Kenny Griego.

Assistant County Manager Kenny Griego requests the commission to consider approval of an addendum to the original resolution to allow indigent to pre-approve mammograms for ineligible Valencia County residents. The implementation of pre-approved examinations would permit residents because of finances, who in the past have neglected their healthcare, this would allow them to get tested.

Commissioner Otero-Kirkham motioned for approval with a cap of \$6,000.00. Commissioner Otero-Kirkham said these women would have to meet the county Indigent Program criteria. Also at some point and time the commission is going to have to place a cap on this in order not to deplete the indigent funds. So Commissioner Otero-Kirkham suggests that for the next mammogram testing the commission set the criteria in order to establish a cap of \$6,000.00 that would probably cover about twenty five women. Seconded by Commissioner Rael. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2010-32. (See Exhibit F)

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

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

i) Consideration of RFQ (Request for Qualifications) #188, Energy Efficiency Block Grant (EECBG) - Eric Zamora.

County Manager Eric Zamora stated this is the county's one and only stimulus project in which the county has received and in order to be in compliance with the terms of the grant, the county is required to hire an energy efficiency consultant. Three applicant proposals were submitted and staff recommends that the commission consider contracting with Johnson Controls. The terms of the contract would be negotiated with the contractor and the amount of funds spent on study and designs would be limited.

Commissioner Rael moved to approve the grant as presented by County Manager Eric Zamora. Seconded by Commissioner Otero-Kirkham. Commissioner Otero-Kirkham said she felt the commission would need sufficient input from county staff in working with Johnson Control. Motion carried unanimously.

Minutes of July 7, 2010 Regular Business Meeting

j) FINANCIAL MATTERS;

i) Consideration of Resolution 2010-33, Increase Expenditures Road GRT/Pothole Patcher Truck – Wilma Abril.

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

County Clerk Sally Perea announced Resolution 2010-33. (See Exhibit G)

ii) 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 06/18/2010 covering payroll process on the above date. Direct deposit check #15895 thru direct deposit check #16072 inclusive. Deduction check #103934 thru deduction check #103970 inclusive. Payroll check #87747 thru payroll check #87854 inclusive. Listing total \$378,133.93.

Wilma Abril presented the attached computer printout list of all checks issued by the Managers Office on 06/25/2010 covering payroll process on the above date. Deduction checks #104026 thru deduction check #104027 inclusive. Payroll check #87855 thru payroll check #87995 inclusive. Listing total \$75,899.45 fire fighters stipend.

Wilma Abril presented the attached computer printout list of all checks issued by the Manager's Office on 07/02/2010 covering payroll process on the above date. Direct deposit check #16073 thru direct deposit check #16249 inclusive. Deduction check #104264 thru deduction check #104296 inclusive. Payroll check #87997 thru payroll check 88086 inclusive. Listing total \$369,462.33.

Wilma Abril presented the attached computer printout list of all checks issued by the Manager's Office on June 29, 2010 covering vendor bills processed on the above date. Check #103972 through check #104263 inclusive, for the total of \$839,561.13.

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

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 BOCC vs. Gladys Vigil, FOP vs. BOCC PEBA Arbitration and c.) other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Gentry motioned to go into Executive Session. Seconded by Commissioner Rael. 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 those that were specified in the motion disclosure which were Board of County Commissioners vs. Gladys Vigil and the Fraternal Order of Police vs. Board of County Commissioners Public Employee Bargaining Act Arbitration and no final action was taken and there was no other discussion.

Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Rael. Roll call vote was taken to approve the summary stated by counsel. 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.

9) ACTION ITEMS(S) ON EXECUTIVE SESSION DISCUSSION

a) Consideration of Collective Bargaining Agreement with the Fraternal Order of Police.

Commissioner Rael said the commission reviewed this in Executive Session, It's reasonable therefore he made a motion for approval of the Collective Bargaining Agreement. Seconded by Commissioner Medina. Motion carried unanimously.

10) COUNTY MANAGER'S REPORT (Informational Only)

County Manager Eric Zamora stated he hopes to have a contract for the consideration of the county courthouse bathroom remodel by the next commission meeting.

On the landfill, the county has a contract with Romero Landscaping in the amount of \$275,000.00 to close the landfill and to provide reseeding of the disturbed areas and as previously mentioned they encountered an unmapped cell of trash which resulted in a change order. They initially anticipated a change order in the amount of \$25,000.00 but after getting more figures it ended up being closer to \$85,000.00. Instead of considering that change order, that section of work will be completed with county forces. What will take a contractor 3-4 days to complete, will probably take the county 3-4 weeks to complete but will be money worth saving. Fencing is ongoing and should be completed shortly.

The county will be submitting their first quarterly methane monitoring report. In prior years it was contracted out and is now being done in-house which is a savings for the county.

The county has had an on-call contract with Albuquerque Asphalt to do mostly road work and there has been some concerns raised if the county is getting the best bang for their buck. From time to time the county does comparisons with other contractors and Mr. Zamora just wanted to reiterate to the commission that the county is getting a good deal with this pricing and to reassure the commission they are monitoring and making sure that they are expending funds in an efficient manner.

11) NEXT COMMISSION MEETING

July 14, 2010 – Public Hearing Meeting cancelled due to no items.

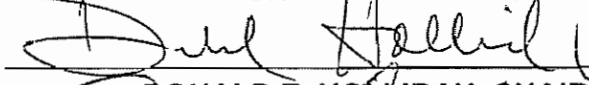
The next Regular Meeting of the Valencia County Board of County Commission will be held on July 21, 2010 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

Commissioner Otero-Kirkham moved for adjournment. Seconded by Commissioner Rael. Motion carried unanimously. Time 10:02 P.M.


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

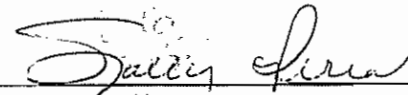

DONALD E. HOLLIDAY, CHAIRMAN


GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN


PEDRO G. RAEL, MEMBER


RON GENTRY, MEMBER


DAVID MEDINA, MEMBER

ATTEST: 
SALLY PEREA, COUNTY CLERK

8-4-10
DATE