

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR BUSINESS MEETING

JULY 21, 2010

PRESENT	ABSENT
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 amended agenda. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.
- 4) Approval of Minutes: June 16, 2010 Business Meeting
Commissioner Medina moved for approval of the minutes of June 16, 2010 Business Meeting. Seconded by Commissioner Gentry. 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 Gosticha asked the commission to please clear their calendars and be available to attend an open house at the Meadow Lake Park area which is the old lake. This will take place on August 21, 2010 from 10:00 A.M – 2:00 P.M. Jim Lane will provide more detailed information on this at a later time.

Tierra Grande Resident Sue Moran thanked Commissioner Gentry for directing Captain Donges to look into her concerns regarding the rave that took place on South Navajo Loop on the east side of Hwy 47 on July 3rd and 4th. She asked if any of the commissioners had heard back from Captain Donges or had any feedback. According to Captain Donges there was a musical festival held on Hwy 6 which is a distance from Navajo Loop and Hwy 47. Captain Donges had emailed Shirley Valdez, the person in charge of the Valencia County Dispatch and to date had not received a response from Ms. Valdez. So based on that conversation this is the second time that dispatch has been blamed for the non-response to a rave by the sheriff's department. Ms. Moran went on to say, they are taxpaying law abiding citizens, they're tired of excuses and finger pointing, they deserve better from their elected officials and if something is broken the commission has the power, the duty and the purse strings to fix it. There were hundreds of gallons of trash that resulted from the rave, needles, liquor bottles and clothing now blowing throughout the county. This is a prime example why she will not support the mandatory garbage ordinance or any more tax increases because the people who follow the rules now will continue to follow the rules and those who defy the law have no consequences.

Commissioner Gentry said this is his district and they had this rave problem last year. He and Commissioner Otero-Kirkham had pushed for an ordinance to address the rave issue which had gone through a lengthy process legislatively. Code enforcement and planning and zoning had no knowledge of it, there was no negligence. The sheriff and his people often remind the commission, that the commission has no authority because he's an elected official and runs that department. The only authority the commission has is to regulate the budget, which goes to the sheriffs department. In the last few years the commission has raised the sheriff budget by two to three million. This commission has passed every legislative method so they can control it and turned it over to the sheriffs department to regulate. It's his understanding that over seven people from Tierra Grande called law enforcement and if that's true, he would like to see that documented and put before the sheriff's department, our county law enforcement and see who is at fault.

Minutes of July 21, 2010 Regular Business Meeting

Commissioner Gentry asked Captain Donges if he could explain where they are with this issue.

Captain Donges stated the best that they can figure is that it was the party over on Hwy 6 and he believes Ms. Moran; there is no doubt in his mind. He was told that the Bernalillo County Sheriff's Department called our on-duty supervisor and told him that's where it was at. As far as seven calls received by dispatch, Ms. Wadley (Valdez) did get back to him and she could only find two calls and if the commission would like to hear those calls he will gladly produce them for the commission.

Commissioner Gentry asked Captain Donges what was the response to those two calls. To his knowledge they were never given to the sheriff's personnel, was Captain Donges response.

Commissioner Gentry said so people call in to dispatch with a violation of the law or a public nuisance or any other matter and our sheriffs department may not even be notified of it. Captain Donges said that is correct.

Commissioner Otero-Kirkham asked what a party on Hwy 6 has to do with a party in Tierra Grande. Ones on one side of the county and the other are on the other side of the county. Captain Donges said absolutely and I can't tell you. That's the information they received from Bernalillo County. No one was ever dispatched, they did go out there and there was nothing found at that time, if that makes sense. He has recently been appointed to the 911 board to represent the sheriff. There have been problems that he would prefer not to go into in public concerning missed calls but unfortunately that happens.

Commissioner Gentry asked Captain Donges if he would find out what's going wrong over there and report back to the commission and also if the sheriffs department could provide the commission with a list of phone numbers that county citizens can contact, to get to our elected sheriff, rather than call a place where no one is going to pass the information on.

Chairman Holliday suggested the commission meet with the 911 Board members to find out what's causing these issues to occur. Commissioner Otero-Kirkham suggested the commission attend one of their meetings. Commissioner Medina said that follows under the jurisdiction of the village, they took it upon themselves, so maybe the commission needs to get a hold of the mayor and the city manager and address this with them.

Sue Moran stated for the record she wanted to clarify that she did specify that this rave was on south Navajo Loop, off Hwy 47. This didn't have anything to do with Hwy 6. The other property owners that made calls will also be speaking to the commission.

Commissioner Gentry said when they have this meeting he would like for Ms. Moran to organize the group of people that called and be present at this meeting to give testimony.

Tierra Grande resident Allen Hancock stated a neighbor called him to alert him that there was going to be a rave. On July 3rd he was out in his yard about 9:00 P.M. and he could hear the music starting up. About 10:00 P.M. he called the Valencia County Dispatch and was asked where it was being held and he told the dispatcher it was Hwy 47, south of Belen on the county road that went to the old Kennedy Camp grounds. The dispatcher said they hadn't received any calls on that and Mr. Hancock said "well I'm calling about it." She told him they would send someone out there. Still at midnight the music was still going so he called the Valencia County Sheriff's Department and he was told the only party they new about was the one out on Hwy 6 and he was told no one else had reported anything from Tierra Grande. He knew this was a falsehood because he had talked to many of his neighbors. So he proceeded to call the state police in Albuquerque and he gave the lady all the information and asked if they could send an officer that was assigned to this area. He was put on hold while she made a phone call to the Valencia County Sheriffs Department and she said the Valencia County Sheriff's Department has notified her that those people have a permit from the county and Valencia County Sheriff's deputies are providing security. That's what he was told. Before coming to tonight's meeting he again called the State Police and was told they did have several calls on this but since talking to the Valencia County's Sheriff's Department and they had provided that information to them, their calls were not logged on the entry sheet, so he has no proof except for his word. Is there no communication in the dispatch office, are they being told to ignore certain calls or are they in with the people throwing the raves. Nobody seems to want to address the problem, period!

Chairman Holliday said the commission is very concerned with this and they're going to meet with the board of directors to see what's going on.

Commissioner Gentry would like to know if any of our officers that work for this county were out there privately, in uniform, out of uniform, in any shape or form working as security for those people. Captain Donges said as far as he knows the answer is no. He will keep the commission informed.

Valencia County resident Jim Crawford expressed his concerns on transparencies and openness in government and informed the commission on an editorial that was published in the Albuquerque Journal on a non-profit group called Sunshine Review that rates all the government entities throughout the country and the Los Lunas School District was on the higher end with a B- and all New Mexico Counties received F's for transparency, which brought the states ranking down to 44th place. The ratings show that New Mexico has a lot of homework to do.

Chris Dubiel said he was probably the first one to call in on the rave on July 3rd at about 4:15-4:30 P.M. He called the non emergency dispatch number to report a rave and the lady he spoke to asked how did he know it's a rave. He said it's down Hwy 47, between mile marker 13 and 14, about a 1 ½ mile off Navajo Loop and he's a 1 ½ miles away from it and can hear the music. Mr. Dubiel said he was concerned that kids were getting drunk and hitting the highways. She said they would send someone out. If you have a group of dispatchers that are making their own judgment call as to what's important in the county for the health of your children and the peace of your citizens, then it seems to him they're making their own laws as they're flying. This is the third or fourth time that this community has seen this and this issue needs to be resolved.

Meadow Lake resident Jim Lane said in regards to public comments it would be nice to have instructions to sign the list if you want to speak. The no littering sign that the county placed at the end of Meadow Lake Road was blown down by the winds. He had picked it and placed it against the fence and it ripped from the bolts because the wind was so strong. Now, someone has stolen the posts. The signs have been leaning against the fence for about two weeks and he doesn't understand why the county code enforcement or the representative that goes out into this area doesn't report this so it can be fixed. Mr. Lane also said the problem with the dispatch isn't only with the Tierra Grande area, it's also happening in Meadow Lake. There was a shooting that occurred in the Meadow Lake area in which dispatch and the sheriffs department were called. Mr. Lane was told by a state police officer that was in the area but had no knowledge of a shooting, and in his own words, "there is a disconnection between the Valencia County Sheriff's Department and the State Police that get the dispatch".

6) NON-ACTION ITEMS:

a) Update on Affordable Housing Tax Credits Priority – Charlotte Back Removed.

b) Reports from Boards, Commissions & Committees - County Commission County Manager's Report (informational only)

Chairman Holliday said at the request of a constituent, he is requesting to move item (10) County Manager's Report and include it under 6(b) Reports from Boards, Commissions & Committee's, as some people like to hear what the manager has to say but it being at the end of the meeting, it could run late with a long agenda.

County Manager Eric Zamora gave a brief update on the Citizens Advisory Committee Meeting for the corridor study that was held on Monday evening at the Transportation Center, items discussed were two primary corridors or a possible interchange, a potential river crossing, the no build option is still under consideration, the possibility of widening Hwy 6 and the areas that would be affected by the right-a-way, and the two alignments with regard to Miller Road and Morris Road.

Mr. Zamora said this week the county will begin mosquito spraying. Employee's from the road department will be out at 3:30 A.M. and will hit selected areas based on work orders, calls and input received from the public.

The closure of the landfill is still ongoing. He is working with NMAD on a few grant applications. Mr. Martinez is looking into a possible grant opportunity for total reconstruction of the Conejo Transfer Station. If there's a grant opportunity out there they are going to pull with the thirty three other counties and municipalities.

The septic tank program, low income assistance program was a \$275,000.00 statewide grant funded by the New Mexico Environment Department. The county was successful in getting thirty five applications in. Valencia County had thirty applications in before

anyone else and is hoping to have fifteen to twenty septic tanks replaced at no cost to the home owner. This is an Indigent program. The applications are being reviewed at this time and are hoping to find out within the next four weeks as to how many qualified.

The auditors are on site to begin their annual audit.

Next week Mr. Zamora will be on a week's vacation and assistant County Manager Kenny Griego will be filling in.

7) ACTION ITEMS:

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

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

a) Indigent Report – Barbara Baker

Ms. Baker presented the Indigent Claims for July 4, 2010 to July 9, 2010. The amount of claims submitted was \$804,871.55. Ms. Baker is requesting approval of \$61,009.78. Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit A)

Ms. Baker gave a short update on the mammograms in which three individual applied and did qualify for the July 14th and 15th exams. There's a conflicting price as the family clinic quoted \$67.41 and the person billing for the mobile mammogram gave her a higher price of \$100.00 and she will argue the lower price because that should be the Medicaid amount.

Commissioner Gentry said he doesn't think the commission intended for this to be a one shot thing; they just approved it for this one because of the short time frame for the July exams. What they wanted was for Ms. Baker's department to come up with a plan and a policy for the commission to pass so they can appropriate x-amount of dollars ongoing and give people the opportunity to apply for this.

BOARD OF RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

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

a) Consideration of Resolution 2010-34, Finding Public Nuisance Requiring Renovation or Removal by County of 39 Cuervo Rd., Los Lunas, NM Unit 3 Lot 109 of Meadow Lake Subdivision as the Same is Shown and Designated on the Plat of Said Subdivision, Filed in the Office of the County Clerk of Valencia County, NM on October 6, 1969 in Folio 48-B _ Anthony Savilla.

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

Chief Deputy Theresa Sanchez announced Resolution 2010-34. (See Exhibit B)

b) Consideration to Appoint Freeholders to Evaluate Marble Quarry Road – Eric Zamora

County Manager Eric Zamora stated Mike Mechenbier and the Pueblo of Isleta have come to terms with a settlement in regard to an access issue that's been discussed for many years.

Mr. Mechenbier said there was a dispute going back over four years ago when Governor Alvino Lucero was Governor of Isleta Pueblo. The dispute was over the access which Isleta Pueblo purchased the Comanche Ranch from Jack Huning. The commission supported Mr. Mechenbier's point of view that it was a county road but they needed to work out the dispute. By the time this was in district court Governor Lucero was voted out and Robert Benavidez was voted in as Governor. Governor Benavidez has been very congenial and wanted to work this out. They now have a road agreement which the council of Isleta has accepted. The road serves the Four Daughters Ranch, Comanche Ranch and New Mexico Travertine. In the agreement that all three parties came up with, if the county abandons the road, Isleta Pueblo and Four Daughters Ranch will have an undivided interest in the road and he granted New Mexico Travertine an easement for their portion. The next step was to come before the county and ask that the county abandon an interest in Marble Quarry Road. The limits of the road would be from the westerly portion of the Rio Puerco Bridge all the way to the Marble Quarry and Mr. Mechenbier's ranch, which lies directly west of Comanche Ranch.

County Manager Eric Zamora said by state statute the county is required to appoint freeholders to evaluate the road and make a report to the commission.

County Attorney Adren Nance stated the county has a standard form they use, if the commission believes from the initial information they've heard is true, then they appoint the Freeholders and they'll come back with a report to make a recommendation to the commission.

County Manager Eric Zamora said the county road inventory ends far in advance of this section of road so technically if there's any legal issues with it the county is not claiming any right to that section of road and if they do, they are abandoning interest but according to the county road inventory the county doesn't maintain roads that far down.

County Attorney Adren Nance said we not saying we don't claim any right, we're saying if we do, we no longer want to maintain that road because there's been evidence that the county has in the past, we can choose to maintain it which is what we do now and obviously we don't even go that far. So now it would be the more formal step if that's where the commission wants to go.

Commissioner Rael asked if he understands it correctly, there has not been any formal dedication or granting of this road.

Mr. Nance said it's his understanding that it's purely a prescriptive easement, it's from use.

Mr. Mechenbier said they spent about \$200,000.00 exploring that issue. That road was built to the quarry back in the 60's for economic development which was state funded. The state abandoned their interest in that road to the county and at that time Mr. Huning was to survey and document the road and that was never done. There was never any formal acceptance from the state to the county. He has to be very complimentary of the governing body that Isleta has today, it is black and white as compared to what it was. They have a good relationship and are good neighbors. He will provide the county with a copy of the signed agreement they have with Isleta.

Commissioner Rael moved to appoint the Freeholders. Seconded by Commissioner Gentry. Motion carried unanimously.

c) Consideration of Cooperative Agreement Contract With the New Mexico Department of Transportation for FY 10/11 COOP(SP) – Eric Zamora

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

d) Consideration of Cooperative Agreement Contract with the New Mexico Department of Transportation for FY 10/11 County Arterial Program Funds (CAP) – Eric Zamora.

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

e) Consideration of Cooperative Agreement Contract With the New Mexico Department of Transportation for FY 10/22 School Bus Route (SB) - Eric Zamora.

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

f). FINANCIAL MATTERS:

i) Consideration of Resolution 2010-35, Relating to Finance; Adopting the Final 2010/2011 Fiscal Year Budget and Requesting State Approval – Wilma Abril.

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

Chief Deputy Theresa Sanchez announced Resolution 2010-35.

ii) Consideration of Resolution 2010-36, Year End FY 09/10 Budget Increase - Wilma Abril.

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

Chief Deputy Theresa Sanchez announced Resolution 2010-36.

iii) Consideration of Resolution 2010-37, Year End FY 09/10 Inter & Intra Budget Transfers – Wilma Abril.

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

Chief Deputy Theresa Sanchez announced Resolution 2010-37.

iv) 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 July 15, 2010 covering vendor bills processed on the above date. Check #104297 through check #104427 inclusive, for the total of \$207,250.78.

Wilma Abril presented the attached computer printout list all checks issued by the Manager's Office on July 19, 2010 covering vendor bills processed on the above date. Check #104228 through check #104434 inclusive, for the total \$1,241,790.25.

Wilma Abril presented the attached computer printout list of all checks issued by the Manager's Office on July 16, 2010 covering payroll process on the above date. Direct deposit check #16250 thru direct deposit check #16428 inclusive. Deduction checks #104327 thru deduction check #104360 inclusive. Payroll checks #88087 thru payroll check #88183 inclusive. Listing total \$376,359.68.

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

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.

Commissioner Otero-Kirkham moved to go into Executive Session. Seconded by Commissioner Gentry. Roll call vote. Commissioner Medina voted yes. Commissioner Rael voted yes. Commissioner Otero-Kirkham voted yes. Commission Gentry 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 following matters: Kenneth Griego under personnel, pending litigation; Meadow Lake Road Section 42A-1-1, action and the matter of one Dodge Ram pickup and no final action was taken. Commissioner Rael moved to approve the summary as stated by counsel. Attorney Adren Nance informed the commission that instruction was received to purchase two of the vehicles on the purchase order, which would be the two black vehicles. Seconded by Commissioner Gentry. Roll call vote was taken to approve the summary as stated by counsel. 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

a) Consideration of Business Manager Agreement

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

10) COUNTY MANAGER'S REPORT (Informational Only)

Moved to 6(b).

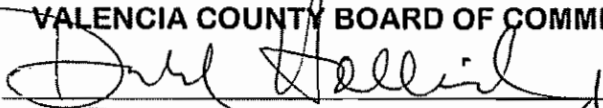
The next Regular Meeting of the Valencia County Board of County Commission will be held on August 4, 2010 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

Commissioner Otero-Kirkham moved for adjournment. Seconded by Commissioner Gentry. Motion carried unanimously. Time 7:33 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the July 21, 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-CHAIRMAN


 PEDRO G. RAEL, MEMBER


 RON GENTRY, MEMBER


 DAVID MEDINA, MEMBER

ATTEST:


 SALLY PEREA, COUNTY CLERK

8-4-2010
 DATE