

## VALENCIA COUNTY BOARD OF COMMISSIONERS

## REGULAR BUSINESS MEETING

August 4, 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 amended agenda. Seconded by Commissioner Otero-Kirkham.

County Manager Eric Zamora requested under Executive Session discussion listed as Larry Trussell, Budget Analyst Services Contract, this is not a personnel matter and should be listed as an Action Item as 7(i).

Commissioner Rael amended his motion to include the change as stated. Commissioner Otero-Kirkham amended her second. Motion carried unanimously.

**4) Approval of Minutes: July 7, 2010- Business Meeting  
July 21, 2010- Business Meeting**

Commissioner Otero-Kirkham moved for approval of the minutes of July 7, 2010 Business Meeting. Seconded by Commissioner Medina. Motion carried unanimously.

Commissioner Rael moved for approval of the minutes of July 21, 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 Gosticha was concerned that delivery of the local paper to the Meadow Lake was going to be discontinued and because of that the signs located in this area have become ever more important in keeping the community informed. The small sign as you first come into Meadow Lake has been hit by vandals with graffiti and would appreciate whatever the county could do in the cleanup of that.

Meadow Lake Resident Jim Lane invited the commission to the first Meadow Lake open house which will be held on August 21, 2010. He encourages them and the public to attend. There will be lots of activities and it'll be set up so everyone can walk the project. There's no water in the ponds as of yet but a lot has been accomplished and it's 99.9% cleaned up

Valencia County Resident Mike Wood stated that a New Mexico Court has re-affirmed that individuals have the right to criticize their elected officials on issues of public importance during the public comments section of the commission meetings. Non disruptive public comments cannot be suppressed simply because the commissioner's do not like what is being said. Local governments created this comment section precisely so that the citizens can speak their minds. Censoring or suppressing their speech is not only unconstitutional but also defeats the purpose of giving the public a chance to comment during the commission meetings. Mr. Wood asks that the commission reconsider what they are allowing and that the commission chairman stop the silencing of the contents of a persons speech simply because the comments are not accepted. Please understand and comply with the right of free speech.

Chairman Holliday said Sarah Walsh had said the commission didn't have to have public comments and wondered why they even had it. That's something the commission should take into consideration.

Frank Wright said he was concerned with all the illegal dumping that was going on west of Belen and he feels most of it is occurring because of the lack of alternatives as far as where you can go dump your trash. The Conejo Transfer Station is very inconvenient for people that live in Belen. There are refrigerators, dead animals and other trash being dumped out near the Rio Puerco. Mr. Wright would like to see more options available to the citizens for trash disposal and also include extended hours for those individuals that work.

County Manager Eric Zamora stated staff, Commissioner Gentry and Commissioner Medina met with the City of Belen to discuss a possibility of partnering on opening up the Belen Transfer Station to county residents. Within the last week the county has received a positive response from Belen and it's just a matter of working out the details. Also, on a positive note within the last few days, Mr. Zamora received a positive response on opening up the solid waste recycling facility in Belen to county residents as well. The work is continuing on the final version of the RFP (Request for Proposal) for the mandatory solid waste which will mandate solid waste curbside collection for all residents of Valencia County.

Belen Resident Earl Gleason said he doesn't agree with the two minute limit to speak which was copied from the Albuquerque Commission. He has several things to talk about and he doesn't feel the two minute time limit will allow him to do that. He said he doesn't trust government and has changed his affiliate because of it. He also does not agree that anyone should be getting raises now when the economy is so suppressed.

Chairman Holliday said he inherited the two minute limit when he became commissioner and as far as Mr. Gleason not being able to get all his points out within that time frame, all the commissioners have numbers that Mr. Gleason can contact them on if he needs more discussion on issues or he can meet one on one instead of coming to the commission meeting and battering the commission.

Valencia County Sheriff Rene Rivera said at the last meeting of July 21, 2010 in executive session there was some discussion involving the sheriff's department in regards to the three vehicles that were purchased by his office. At that time he was not available to introduce the documentation and the paperwork that was given to the county in the purchasing of these vehicles that were purchased in Dallas, Texas and the information Mr. Zamora provided them was totally wrong to the point where he was advised that on the three trucks that he purchased only two were going to be paid by the county and the third vehicle was going to be paid by him or by the budget of the sheriff's department. He was concerned that the county manager can speak for the sheriff; make decisions for the sheriff to the point where it jeopardizes the public of Valencia County. He believes that if there's anything that involves the sheriff's department, he should be the one to present and represent the County sheriff's Department.

County Manager Eric Zamora wanted to clarify that the discussion he had with the commission at that executive session was on behalf of administrative and not on behalf of the sheriff's department. He was not speaking for the sheriff's department, only presenting facts as presented and revealed by administration.

## **6) NON-ACTION ITEMS;**

### **a) New Mexico State University Extension Annual Update – Kyle Tator**

Valencia County Extension Agriculture Agent Kyle Tator presented the agencies annual update to the commission. Mr. Tator gave brief summaries on the extension master gardeners program, agronomic crops, high value crops and irrigated pasture management, agricultural bio-security and county emergency preparedness, livestock program, youth development, community and economic development and community outreach and communications.

Other staff members present from the agency were Newt McCordy who spoke on the 4-H and Leadership Development Program.

Valencia County Home Economist Laura Bittner gave a brief overview on family and consumer sciences which included ICan Nutrition programs, The Valencia County "Foot in the Door" job seeking skills program and the youth development program.

### **b) Reports from Manager, Commissions, Boards & Committees-County Manager/Commission.**

County Manager Eric Zamora stated the landfill closure is still progressing and it should be completed within a few weeks. They had a surprise visit from NMED (New Mexico Environmental Department) who were pleased with the progress of the landfill closure and with the cleanup efforts at Conejo. There were a couple of comments regarding some cleanup that needed to be addressed which was the stock pile of branches and we will be addressing that immediately. So if anyone needs some wood chips in the upcoming weeks, there will be some available at the Yard on Hwy 314 and also at the Conejo Transfer Station.

## Minutes of August 4, 2010 Regular Business Meeting

Yesterday county staff received training on a new fogger for the county mosquito program. Mosquito spraying will continue on Wednesdays, Thursdays, and Fridays, beginning at 3:30 A.M. If there are any requests for work orders those need to be submitted to Public Works or to the manager's office.

The County has received a positive response from the City of Belen on partnering with opening the transfer station and the recycling facility to county residents. He'll need to schedule a meeting with Commissioners Gentry and Medina to try and work out some details. One of the requests was for assistance for some of the workers to man the facility.

Next Wednesday the 11<sup>th</sup> is Valencia County Night at the Isotopes Baseball Park for reduced cost seating; there are group and business discounts available. Tickets must be purchased by Friday to get the discount rates

He and Mr. Kenny Griego met with Mr. Fernandez from the Village of Los Lunas and Ms. Wadley from the 911 Call Center in response to concerns that were brought to the commission regarding customer response from the 911 Call Center. They conveyed some of the concerns and Ms. Shirley Wadley assured them should anyone feel that they have not received good service or have concerns, she's more than willing to work with anyone and can provide copies of all phone calls as necessary to evaluate those customer service items. If there are any problems with operations of any sort, she would be willing to address or speak to anyone necessary to clarify any issues in regards to the performance of the duties of the 911 operators and call takers. They gave two specific instances that they would like her to follow up on and will be addressing those with the commissioners on an individual basis. What Ms. Wadley asked was if anyone brings a concern to the commission, to please bring it to 911 first, she would like an opportunity to deal with the issue prior to it getting to the elected officials. If a citizen doesn't get satisfaction dealing with her directly, maybe at that point it's appropriate to bring it up to staff.

Commissioner Gentry said the concern that he has is that they had the same problem a year ago. Nobody seems to know anything about it, except the citizens. He doesn't think it's acceptable for them as commissioner's when the people call them and say they didn't get any response and then we say call Shirley. That's passing the buck. The county funds \$156,000.00 for dispatch service and nobody seems to have a record of any dispatch, when the county has an issue. The commission told the people a meeting would be set up with dispatch, a representative from the Sheriff's department and the commission so they could air their problems and he would like to go ahead and set this meeting up.

Commissioner Medina said he agrees with having a meeting and that meeting should involve the municipalities if they have concerns. He would like to see the municipalities and the board that sits on the 911 committee present at this meeting.

Commissioner Rael also agreed to this meeting, that way they can figure out or pin point or at least narrow in on the issue whatever it is, since the public is not getting any response. He would like to see the meeting structured in order to get full participation from all the villages and the different elected officials in county government and also give plenty of notice to the director of the 911 service, Shirley Wadley.

Chairman Holliday said he's noticed in the Valencia County Newspaper for the last couple of issues there's been a vendors list of trash haulers, what is that all about?

County Manager Eric Zamora said that's a list of approved commercial haulers that are registered with Valencia County. They have been some of the county's registered haulers that have brought issues to the county about unauthorized persons operating in the county. This is the county's attempt to get the word out to understand where to go and who to call with some of the illegal dumping issues.

Commissioner Otero-Kirkham said in the month of August the Valencia Health Commons Board will be interviewing the five providers that have responded to the RFP (Response for Proposal). They are set to have a public press conference sometime in September to update everyone as to who actually responded, who was chosen and what the RFP's (Response for Proposal) looked like so they can get everyone caught up to date as to what's going on.

Chairman Holliday said in the last couple of weeks they were able to pave some unpaved roads in his district. Five different roads were completed and High Mesa road should be completed in the near future.

County Clerk Sally Perea thanked Chairman Holliday for paving Orange Circle cul-de-sac which is in her area of residence.

**7) Consideration of Road Viewers to Vacation of Portions of El Cielo Blvd. and Avenida Alegre in Sausalito Estates West Belen-PNM/Ken Maestas**

a) Commissioner Gentry moved for approval to appoint the viewers. Second by Commissioner Otero-Kirkham. Motion carried unanimously.

Mr. Zamora said he assumes that they can use the same road viewers, Mr. Frank Barr and his associates. Also an update on the previous vacation request for Marble Quarry Road, they did contact Mr. Barr and two of the people he usually works with, one had surgery and one had an injury of some sort, so he's working on getting two other people. They should be on board next week and they'll get them going on both.

**b) Consideration of Appointment for Districts; Los Chavez/Meadow Lake Fire Chiefs- Charles Eaton/ Kenny Griego.**

Assistant County Manager Kenny Griego requested approval of appointing Michael Brophy as District Fire Chief of the Los Chavez Fire Department and Anthony Villalovos as District Fire Chief at the Meadow Lake Fire Department.

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

**c) Consideration of MOA between City of Belen for 911 Radio Communications Repeater- Charles Eaton/Kenny Griego.**

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

**d) Consideration of Extension of Community Service Monitoring Contract between Los Lunas Magistrate Court-Kenny Griego.**

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

**e) Consideration of Extension of community service Monitoring Contract between Belen Magistrate Court-Kenny Griego.**

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

**f) Consideration of Midwest CAP Senior Food Program Contract Agreement – Kenny Griego.**

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

**g) Consideration of North Central New Mexico Economic Development District Non-Metro Area Agency on Aging Vendor Agreement #2010-11/60028 – Kenny Griego**

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

**h) Consideration to Remove and Dispose Equipment from Capital Asset List by Public Auction – Eric Zamora**

Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously. (SEE EXHIBIT F)

**i) Consideration of Budget Analyst Services**

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

**FINANCIAL MATTERS;**

**i) Consideration of Extending the Contract With accounting and Consulting Group, LLP – Wilma Abril**

Commissioner Otero-Kirkham moved for approval for one year for the audit services. Seconded by Commissioner Rael. Motion carried unanimously. (See Exhibit H)

**ii) 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 July 30, 2010 covering vendor bills processed on the above date. Check #104435 through check #104543 inclusive, for the total of \$241,032.41. (See Exhibit I)

Commissioner Medina moved for approval. Seconded by Chairman Holliday. Motion carried unanimously.

Minutes of August 4, 2010 Regular Business Meeting

**8) EXECUTIVE SESSION-** Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a.) limited personnel matters; Ruben Chavez, Code Enforcement Agreement & Larry Trussell, Budget Analyst Services Contract b). Pending or threatened litigation; Purchase of Sheriff's Department Vehicles and c.) Other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Medina asked if the commission can request the sheriff to come into Executive Session just for a specific topic for purchase of sheriff's department vehicles. And would it be legal.

County Attorney Dave Pato said they are certainly welcome to invite him in but in doing so they waive any privileges as far as that part of the conversation and he's free to go out and talk about whatever the commission discussed with him. They are free to invite him in for any portion of that session relating to that item.

Chairman Holliday motioned to go into Executive Session. Seconded by Commissioner Otero-Kirkham. Roll call vote. Commissioner Medina voted yes. Commissioner Rael voted yes. Commissioner Otero-Kirkham voted yes. Commissioner Gentry voted yes. Chairman Holliday voted yes. Motion carried 5-0.

Commissioner Otero-Kirkham moved to go back into Regular Session. Seconded by Commissioner Rael. Motion carried unanimously.

County Attorney Adren Nance stated the matters that were discussed in Executive Session were limited to personnel Ruben Chavez Code Enforcement Employment Agreement and pending litigation regarding the purchase of the sheriff's department vehicle. Staff is informed that the sheriff is represented in writing that all the equipment will be on the vehicle and with that the county commission has authorized staff to pay for the vehicle and considers this matter resolved 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 5-0.

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

##### **a) Consideration of Code Enforcement Agreement.**

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

#### **10) NEXT COMMISSION MEETING**

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

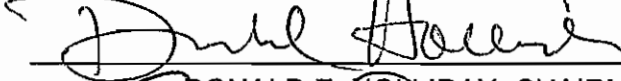
#### **11) ADJOURNMENT**

Commissioner Medina moved for adjournment. Seconded by Commissioner Rael. Motion carried unanimously.

Minutes of August 4, 2010 Regular Business Meeting

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the August 4, 2010 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

  
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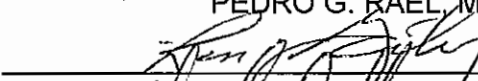
DONALD E. HOLLIDAY, CHAIRMAN

  
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GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN

  
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PEDRO G. RAEI, MEMBER

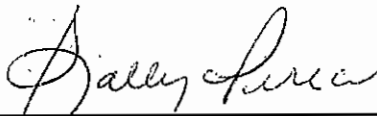
  
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RON GENTRY, MEMBER

  
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DAVID MEDINA, MEMBER

ATTEST:

  
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SALLY PEREA, COUNTY CLERK

9-10-2010

DATE