

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR BUSINESS MEETING

September 15, 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	
Theresa Sanchez, Chief Deputy	Sally Perea, County Clerk
Press and Public	

- 1) The meeting was called to order by Chairman Donald Holliday at 5:00 P.M.
- 2) Chairman Holliday led the Pledge of Allegiance.
- 3) Approval of Agenda
Commissioner Rael moved for approval of the agenda. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.
- 4) Approval of Minutes: September 1, 2010 Regular Business Meeting
September 8, 2010 Public Hearing Meeting
Commissioner Otero-Kirkham moved for approval of the minutes of September 1, 2010 Regular Business Meeting. Seconded by Commissioner Medina. Motion carried unanimously.

Commissioner Medina moved for approval of the September 8, 2010 Public Hearing Meeting. 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).
Meadow Lake resident Bob Gosticha said it's his understanding that the grant for the abatement program recently ended and requested that the county apply for it again in December. This grant did a lot of good and there's still a lot of work that needs to be done.

Valencia County Resident Clark Metcalf expressed concerns in regards to the traffic light that was never installed on Hwy 304 and Hwy 47. The street lights have also been out for some time and he would like to see the county address these two issues.

Commissioner Gentry said the county had worked on it for three years doing all the engineering and working with the State Highway Department. It went to contract and construction was to start on a Monday morning and Legislature pulled the funding out on Friday afternoon. It was a \$300,000.00 project.

County Manager Eric Zamora said he has been working with the Department of Transportation to address that project. They have an active project on Hwy 47 and River Road and he has unofficially been told that they believe they have funds to include the work on Hwy 304 and Hwy 47. He hasn't received that in writing but they are still working on it.

Valencia County Resident Frank Barr said he is concerned with the disrepair of Avenida de Conãda Road near Desert View School and is requesting that the some of the money for roads be allocated to fix that road before something terrible happens in that area. He would also like to see more school caution lights added on the poles at each end of the school zone so traffic is warned that the school zone is active.

Judy Hummel said she and Dr.Gail Goodman are on the advisory board for the county and the concern they have is that Ruben Chavez has the authority to change animal ordinances and fee's that are charged and the procedures that are followed in getting those done. She's concerned because she's asked Mr. Chavez questions and he's told her, he's not going to allow her to ask him any more questions, that's why they've come

before the commission. Also when did the procedure change as to who makes the decisions pertaining to the animal ordinances other than the county commissioners?

Commissioner Otero-Kirkham said Ruben doesn't make the decision, whatever Ruben presents to the commission as far as an ordinance is concerned, the commission makes that decision. That includes the commission making decisions on fees as well.

Code Enforcement Director Ruben Chavez said he wants to make it very clear that he does not have the authority to change an ordinance and he has not changed an ordinance. He also does not have the authority to change fees that's done by resolution by the commission. What he does do is implement policy, procedure and enforcement.

Dr. Gail Goodman said the reason they are here today is that the category of hobby kennel was eliminated about a year or two ago without even running it by the board and everyone now has to go before Planning and Zoning and it now costs a hundred dollars to do that. A poll was taken and everyone on the advisory board wanted it reversed to the way it was. Commissioner Otero-Kirkham suggested they all get together, meet with Ruben and try to sort this out because more time is needed than can be allowed today.

6) NON-ACTION ITEMS:

a) Los Lunas School Board of Education Quarterly Update- Los Lunas Representatives.
NONE.

b) Directors Report-Directors
None.

c) Reports from Manager, Commissions, Boards & Committees-County Manager/Commission.
County Manager Eric Zamora said he had a meeting with Tasha Young, the counties representative from the Association of Counties. The concern in Santa Fe is that the State Legislature this session may be looking at the county's Indigent Funds statewide. It's being discussed and there has not been any formal action at this point but there are pending discussions regarding the county's balances in their indigent accounts. At the next meeting he'll be presenting the first quarterly financial update for the fiscal year.

October 2nd is the animal's shelter "Pit Bull Rumble" and encourages everyone to come out and support the shelter.

The county auditors will be present next week to perform the counties annual audit. When the next cycle of property tax bills go out, on the back of the tax bill there will be some instructions to help property owners make their payments on line. Mr. Esquibel is working with the Treasurer's Office to evaluate that process and see if it results in a net increase in property taxes and shows a positive result.

The dirt work is complete at the old Valencia County Landfill, the fence has been installed and as of today a final survey is being completed and will be going back to the consulting engineer for preparation of a final grading and drainage report as part of the final closeout package. He will be meeting with the New Mexico Environmental director next week to discuss the project.

Presently the fuel usage for county vehicles is extreme and is a lot higher than was anticipated in the county budget. They are looking into it and will have more information at the quarterly update.

There was a citizen's report made on misuse of a county vehicle and possibility someone stealing fuel from county vehicles. This is currently under investigation.

Commissioner Otero-Kirkham gave an update on the activities of the hospital committee. There will be a meeting held on September 22, 2010 in which one or more providers will be selected. They may select a provider that will provide the administration staff, one that will provide the staffing or a provider that will supply the services. It will be a lengthy meeting and will hold a press conference to inform everyone as to who was selected.

7) ACTION ITEMS:

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD.

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

a) Indigent Report/Indigent Mammogram Report Indigent Appeal-Barbara Baker/Kenny Griego.

Kenny Griego presented the indigent Claims from August 6, 2010 to September 1, 2010. The total amount submitted was \$365,350.82. Mr. Griego requested approval of \$56,575.18.

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

Kenny Griego presented the invoice from Assured Imaging for the three applicants who had mammograms on July 14, 2010. The amount for each mammogram was \$100.00 each and requested approval of \$300.00.

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

Kenny Griego presented an appeal for Sean Moore which was denied by Presbyterian Medical Group on August 18, 2010 in the amount of \$107.00. If approved the amount being paid would be \$31.57 to Presbyterian Medical Group.

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

(SEE EXHIBIT A)

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

b) Consideration of Resolution 2010-42, Creating the Valencia County Juvenile Justice Board- Eric Zamora.

Juvenile Probation Supervisor Carlton Liggins stated House Bill #121 is a continuing grant fund through Children's Youth and Family Department and the only way to access those funds through CYFD is to have a sanction board through the county. The chairperson of the Valencia County Juvenile Justice Board will be Judge John W. Pope and Judge Tina R. Gallegos will be appointed co-chairperson. The boards shall consist of no fewer than 11 and no more than 40 members from the community, CYFD, local governments, school districts, youth service community, government organizations, the faith community, the business community and other entities whose purpose is to assist children and families. There were a reported 894 referrals to the Valencia County Juvenile Probation and Parole Office (JPPO) and 59% of reported juvenile offenses were children between the ages of 11 and 15 for the fiscal year 2010. The intent of this program is to place juveniles that have broken the law and are in trouble in a program that will steer and guide them from getting into further trouble. By setting up and financing the program will keep juveniles out trouble and out of jail. County Attorney Adren Nance stated the resolution requests that the commission appoint the chairperson, a co-chairperson and include a year. The commission can delegate that authority or do it at a later time.

Commissioner Rael moved for approval with the implementation of the board for one year and the recommendation of Judge Pope as chairperson and Judge Tina Gallegos as vice-chairman of the Juvenile Justice Board. Seconded by Commissioner Gentry. Motion carried unanimously.

Chief Deputy Theresa Sanchez announced Resolution 2010-42. (SEE EXHIBIT B)

c) Consideration of Voice over IP (VOIP) proposal with INX- Lawrence Esquibel. IT Director Lawrence Esquibel presented the above proposal for consideration and approval from the commission to enter into an agreement with INX for a Voice over IP phone installation to replace the county existing phone system.

Chairman Holliday asked if the commission approves this and the GEO Bond passes and this system will be transferred over to the new administration building. Mr. Esquibel stated they can be moved to a new building if that is the desire of the commission. They'll be plugged in and users will be on the same network. There will be no configuration changes to any switches. the phones will be moved from the existing building to the new building and the phone system will be up and running.

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

(SEE EXHIBIT C)

d) Consideration of vacation of Portions of El Cielo Blvd. and Avenida Alegre in Sausalito Estates, West Belen-Jacobo Martinez/PNM.
County Planner Jacobo Martinez said PNM (Public Service Company of New Mexico) is requesting the vacation of portions of El Cielo Blvd. and Avenida Alegre in Sausalito Estates west of Belen. The road viewers have gone out and have made their report.

Valencia County resident Frank Barr a road viewer appointed by the commission and in accordance with statute 6754 reviewed the road in question to determine whether it should be vacated or maintained. They went out and reviewed the roads on September 7, 2010. After reviewing the roads under consideration for closure or vacation, the road review finds that it's still needed as a public road and its benefits from the road outweigh the repair are the same. Of the three available findings on the document that they use, no finding category appears to fit the scenario. Ingress and egress to and from the areas in question are what appear to be private roads which are Washi Road and Concha Road. The county roads requested to be vacated, however, are not improved and appear to be grass covered open areas. They appear to have never been maintained since platted or in the recent past. Vacation of these roads will land lock an estimated forty parcels of privately owned real-estate, while improvements to the power structure of Valencia County by PNM is desirable, access to primary lands must be primary consideration, therefore the undersign recommend that El Cielo Road and Avenida Alegre Road not be vacated. If in the near future provisions are made which allow landowners access to their parcels, they maintain that the road is impassable except by four wheel drive as freeholders would reconsider of these areas. On Friday the 10th they talked with PNM and had other documents that they had not seen at the time they reviewed the roads. According to different documents there is some confusion as to the names of the roads and how they ran. That is the confusion the road viewers had and they maintain that the road is now impassable except by four wheel drive. To get to the land at the top of the mesa they would have to use other access and that's where the land is that would be vacated and if vacated there would be not access to it except four wheel drive or the county maintain it. They as road viewers are in a quandary and that's why they brought it back to the commission and that's why PNM is here to try and come to some type of a resolution.

Valencia County resident Joan Artiaga said there are a few misconceptions. Sausalito Estates is a nine hundred acres subdivision with over six hundred lots. There's only one way there which is Cannon Road which then becomes James Street and according to the map El Cielo goes up to the top but somehow when the petitions were made for the county to accept maintenance of the road, they thought that El Cielo went to the north and so then changed the name of El Cielo to James Street. James Street is maintained up to the corner. She owns some bluff lots and if the road is closed she won't have any access to her lots. This is the only access to her lots and if they tell you anything else, that's not true. All these roads were dedicated to Sausalito Estate and she opposed to the closing of the road.

Commissioner Otero- Kirkam asked do you go through PNM land to get to your road. Ms. Artiaga said no, this road is a right-a-way. And said she didn't know anything about this at all until she attended the planning and zoning meeting. She can get people here to say don't close our roads, that's their access and the only road in and out.

Commissioner Gentry said whether the county maintains the road or not, the plat is approved and that is an approved road that goes down that access to about thirty or forty lots and whether it's developed or not it's still platted on paper.

Commissioner Rael said as of now those properties are undeveloped, but are platted and approved by the commission. Yes and they're all on the bluff Ms. Artiaga replied.

PNM representative Ken Maestas said they are requesting vacation of portions of El Cielo and Avenida Alegre roads in order to keep their facility under one fence line for safety reasons. The met with Mr. Barr and offered an easement dedication to connect the two roads. They offered to dedicate a portion of tract C as a road right-a-way for road easement.

Commissioner Medina said he feels things were moved a little too prematurely and would motion to table this item for a future meeting until the parties involved can get together and work out the details as to access. Seconded by Commissioner Gentry.
Commissioner Otero-Kirkham suggested that Mr. Maestas and Ms. Artiaga get together and share their information with each other. She can't imagine that PNM would want to

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vacate an easement that's an access to people. They need to get together to work this out.

County Attorney Dave Pato said just for additional direction that whatever agreement is reached that it be presented to the road viewers and that the road viewers bring back any revised finding they might have. Motion carried unanimously. (SEE EXHIBIT D)

e) Consideration Quasi-Judicial District Change to Amend the Zoning Map From RR-2 to RR-1 on the Subject Property Defined as: T5N R2E Section 20, NMPM; Tract 19-A-1, Zoned RR-2 AKA 79 Jaramillo Road, Belen, NM-Pat Baca Jr./Jacob Martinez. Commissioner Gentry moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

f) Consideration Quasi-Judicial District Change to Amend the Zoning Map From RR-2 to RR-1 on the Subject Property Defined as T7N, R4E, Lots 1,2,3,4; the South ½ of the North ½ of the South ½ In Section 26; Lots 1,2,3,4; the south ½ of the North ½ of the South ½ in Sec in Section 27; Lots 1,2,3; in Section 28; Lands of Bonita Land & Livestock Inc; Zoned OD; filed in Book 344 Page 4217 of the Office of the Valencia County Clerk- Manzano Energy Park/Jacob Martinez.

County Attorney Dave Pato suggested that they place the burden on the applicant to provide the County and Planning and Zoning proof of financing and the preliminary site preparation plans within that five year period and if they fail to provide that proof to Planning and Zoning then it automatically reverts back. Also to include that the applicant recognizes and agrees if this ceases to be used as a Photo Voltaic Solar Array then it automatically and without action from the county will revert back to an OD (Outland District) and also that the applicant further recognizes and agrees in the Findings of Fact that this property will not be utilized for any other purpose permitted in a I-3 Zone except for the Photo Voltaic Array, just as a supplementary part to that second condition. This is his proposal and is this fine with the applicant? Yes, was Ms. Faust's response.

Commissioner Otero-Kirkham motioned to give the applicant five years and with the specific use for the solar plant and should that not come to fruition then it will revert back to the OD (Outland District) and also that the applicant submit annual reports to the commission. Seconded by Chairman Holliday. Motion carried unanimously.

g) Consideration to Purchase Vehicles and Equipment for the Animal Control Departments – Ruben Chavez

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

h) Consideration of Resolution 2010-43, Adopting a Multi-Year Infrastructure Capital Improvements Plan for 2012-2017 – Jacobo Martinez

Commissioner Gentry moved for approval. Seconded by Commissioner Medina.

Commissioner Rael stated he feels that the new hospital planning funds should not be listed on this because we do not have a county hospital and there is no county hospital being planned and if they are going to give planning funds to anybody it's going to be a violation of the anti-donation clause, further more he has asked the Valencia Health Commons where they're at and what they intend to do with the mill levy in the sum of \$18 - \$20 million dollars and he has been told it's a secret, that it's not going to be disclosed and has specifically requested this several times and still doesn't know what the extent of this hospital is. He feels this is something that should not be a part of any long term plan unless they place the word "new" county hospital planning funds otherwise he objects to having anything in there to give to any hospital planning funds when it's a private enterprise. His objection is not that it's in the county or not, his objection is that it is not owned, operated or run by the county. This should actually be stricken from the list because the county has no business funding anything that's private.

Commissioner Gentry suggests that they strike the word "new" and put Community Hospital Planning Funds.

Chairman Holliday said he still has a problem identifying what the money is for. This looks incomplete to him and he may be wrong.

Mr. Martinez said under brief project description it says "to plan and design or design and construct" as well as what the project is, such as a multipurpose center. That's what the basic definition is.

Commissioner Otero-Kirkham said in the meetings that she's had with the Valencia Health Commons; it's never been discussed that the county would contribute a kind of funds for construction. The plan is under bonds that will be sold to construct the hospital.

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Chairman Holliday made a motion that they approve the request striking the New Hospital Planning Funds out. Seconded by Commissioner Rael. Motion failed 3-2.

Commissioner Otero-Kirkham motioned to approve as is. Seconded by Commissioner Gentry. Motion carried 3-2.

Chief Deputy Theresa Sanchez announced Resolution 2010-43. (SEE EXHIBIT E)

I) Consideration of Contract Renewal with McQuay for Roof Top Units at the Judicial Complex-Eric Zamora

County Manager Eric Zamora said McQuay is the only factory authorized dealers who can perform routine maintenance and suggests the contract be considered not to exceed \$10,000.00 per year.

County Attorney Adren Nance stated this contract is slightly different, they made quite a few changes and negotiated with them quite a bit. They wanted something completely different as far as contractual language goes and they had to work with it quite a bit. The only thing in the contract that didn't get changed was under number 20, it should be the State of New Mexico and not Minnesota. That will be changed.

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

J) Consideration of RFP #192/Auction Proposal – Eric Zamora.

County Manager Eric Zamora recommends Bill Johnston Auctioneers for the above proposal given their previous history with the county and their ability to advertise an internet sale.

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

k) Consideration of RFP #192/Auction Proposal Contract with Bill Johnston Auctioneers – Eric Zamora

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

Consideration of Contract with Lone Mountain for Restroom Renovation in the Old Valencia County Courthouse – Kenny Griego

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

(SEE EXHIBIT H)

I) FINANCIAL MATTERS:

i) Board of County Commissioner Convenes as Board of Finance

Commissioner Rael moved to convene as the Board of Finance. Seconded by Chairman Holliday. Motion carried unanimously.

Update County Accounts – Kenny Griego

Business Manager Kenny Griego presented the commission with a list of accounts that the county currently has control over. That means when there is expenditure and when there is revenue, there is a record of it and it can be tracked. There are two accounts that they know of that the county does not have any control of and that is the Toys for Tots and Forfeitures and Seizures. Those two accounts are handled by the Sheriffs Department.

Commissioner Medina asked does the Sheriff's Department perform finger printing.

Deputy Donges said yes and that money goes into the general fund.

Financial Director Wilma Abril stated this finger print money for this service that the Sheriffs Department does, does not get turned in to her to deposit into the general fund. She doesn't know where this money goes; here say it's in the office. Deputy Donges said he knows the girls bring it over.

Ms. Abril said they don't bring it to her unless they deposit it directly with the Treasurer's Office. Deputy Donges said that could be, but he will have an answer for the commission by the next meeting.

Chairman Holliday said if he could have an answer by the October 6th meeting.

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

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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 September 15, 2010 covering vendor bills processed on the above date. Check #104871 through check #105033 inclusive, for the total of \$590,582.01.

(SEE EXHIBIT I)

Wilma Abril presented the attached computer printout list all checks issued by the Manager's Office 09/10/2010 covering payroll process on the above date. Direct deposit checks 16955 thru direct deposit check #17128 inclusive. Deduction checks #104878 thru deduction check #104913 inclusive. Payroll checks #88451 thru payroll check #88547 inclusive. Listing total \$398,120.27. (SEE EXHIBIT J)

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

8) EXECUTIVE SESSION- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a.) limited personnel matters; b). pending or threatened litigation and c.) Other specific limited topics that are allowed or authorized under the stated statute.

None.

9) ACTION ITEMS(S) ON EXECUTIVE SESSION DISCUSSION

None.

10) The next Regular Meeting of the Valencia County Board of County Commission will be held on October 6, 2010 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

Commissioner Gentry moved for adjournment. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. Time 7:08 P.M.


NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 15, 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

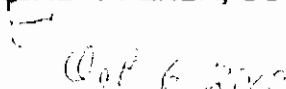

PEDRO G. RAEI, MEMBER


RON GENTRY, MEMBER


DAVID MEDINA, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK


DATE