

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## Public Hearing/Regular Business Meeting October 6, 2010

PRESENT	ABSENT
Donald E. Holliday, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R. Medina, Member	
Ron Gentry, Member	
Pedro 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 Georgia 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) PUBLIC COMMENTS – At the discretion of the Chair.

(For Information Only-limited to two minutes per person on subjects not on this published agenda).

Valencia County resident Sue Moran thanked County Manager Eric Zamora and Lena Benavidez for taking the time to meet with her twice regarding the roads in Tierra Grande. Ms. Moran is concerned that somewhere between 2007 and 2008 one half of the roads in Tierra Grande that were on the county maintenance list were decommissioned. No one contacted her office or provided notice to the landowners. They had no opportunity to voice their opinion in the decision. She recommends in the future that they be contacted for their input, comment and review.

Valencia County Resident Santiago Montoya feels that his constitutional & civil rights had been violated by the Valencia County Sheriffs Office and the District Attorneys Office by refusing to contact him in regards to a burglary that occurred at his home. He has been treated in a rude and unprofessional manner by both the sheriffs and the District Attorneys staff. Mr. Montoya would like for the County Commission to address this issue.

Meadow Lake resident Bob Gostischa asked for an update on the hospital and the solid waste issue.

Commissioner Otero-Kirkham stated the board had met last month. They are moving forward with the hospital and will be announcing who the provider is that has been chosen and by the end of December they will know where the hospital is going to be and when the target date is for opening the hospital.

County Manager Eric Zamora stated the county is currently in RFP (Request for Proposals) requesting proposals for the solid waste services. Those proposals are due on October 15th and once they have those proposals they will set up a committee to evaluate them and bring that information to the commission.

Valencia County resident Mike Wood stated that on Friday at 9:30 A.M. at the Sandoval County Courthouse Judge Eichwald will likely rule on the latest lawsuit on an issue related to the proposed hospital that seventy six percent of the voter's voted for. One of the plaintiff is the wife of one of the commissioner's. Mr. Wood is concerned that one of the commissioners is definitely in non-compliance of their judiciary responsibilities which has impacted on the reputation of the entire commission. This commissioner continues to not support what the majority of the voter's voted for.

Valencia County resident Mary Wood read an excerpt by Portisha Nelson called "There's A Hole in My Sidewalk".

Valencia County resident Clark Metcalf said he takes issue with one of the county commissioners stating he objected giving any money to any project that was run by a private enterprise as it's a misleading characterization. The project is not a private one and never was and he would like to remind everyone that the Valencia Health Commons was formed at the request of the Board of County Commissioners and the contract between them and the Health Commons is for the expressed purpose of providing a hospital that would benefit the whole county. The Health Commons therefore is a direct offspring of the Commission.

#### 5) DISCUSSION (Non-Action) ITEM(S)

##### a) Update Pre-Trial Services –Greg Ireland

Greg Ireland of the Thirteenth District Court gave a brief update on the joint venture between the County and Thirteenth District Court for Pre-Trial Services. There are currently seventy-seven individuals under supervision, (9) are being monitored by electronic means, (24) are second or subsequent DWI's (11) child abuse cases, (18) crimes against a person, (8) drug related cases and (2) sex crimes. Sixty of those seventy-seven cases are major felonies. In terms as to how the program is going they are actively seeking a new officer as they could not come to terms with the officer they had. With a shoe string budget they could not meet the terms of the agreement that he was working for. They are managing and supervising all of the defendants with a combination of probation officers from around the entire district.

Commissioner Otero-Kirkham asked what happened to Mr. Hans Williams, the individual they selected to manage this program, is he no longer there? The reason she had supported this was because Mr. Ireland was anxious to have this man. Was the money that the commission approved not enough?

Mr. Ireland response was yes that's correct, it wasn't close. They thought they had an agreement, but they clearly did not. They interviewed and had several good candidates and will have a good person in that position probably late next week.

Chairman Holliday asked if the cases that Mr. Williams had have been turned over to some one else and things are running smoothly?

Jamie Goldberg said that's correct and the courts right now are probably monitoring them more closely because they have multiple people watching the same amount of clients until they get somebody in there. Right now it's spread out amongst a lot of different probation officers.

b) Presentation of Performance Contracting and ARRA EECBG Grant-Audrey George  
Ms. Audrey George said this is just a follow-up from September 1, 2010 to discuss the energy efficiency project that they are currently working on with Valencia County. Ms. George presented a brief presentation on performance contracting which is a self funded program.

##### c) Presentation of Statewide Code Enforcement Summit-Andrew di Camillo

City of Belen Planning and Economic Development Director Andrew di Camillo stated the City of Belen will host the first ever statewide Code Enforcement Summit on October 13, 2010 and on the 14<sup>th</sup>. They will begin the organization efforts for the launching of the New Mexico Association of Community Preservation. This Code Enforcement Summit came about to Valencia County for a couple of reasons, the fact that Valencia County has the highest foreclosure rate in the State of New Mexico and in the top five in the region was another prevailing factor. In addition to that Valencia County is also number one in delinquency on mortgage payments. Eight out of every ten homes in Valencia County are delinquent. Senator Michael Sanchez will be delivering the keynote speech, thereafter followed by a property tour in and around the City of Belen just to show the industry professionals and agencies some of the successes, the works in progress that are going on in the City of Belen and discuss the others that have gone on and are continuing in Valencia County. Valencia County has the most effective code enforcement program in the county and is one to be modeled and that's why they want the individuals that do that service everyday at the summit and hope they can partner together in the future. The New Mexico Association of Community Preservation in essence is going to focus on preserving the community.

Commissioner Medina said this is a good plan and it's not just going to clean up the Belen area but eventually help clean up all of Valencia County. It's just not a Belen project, it's a community project.

##### d) Presentation of Valencia County "The National Children's Study –Ronnie Goforth

Principal Investigator for the Nation Children's Study Robert Annetta and Community Liaison Ronnie Goforth gave a short presentation on the National Children's Study. This is the largest long term study of children's health and development ever to be conducted in the United States. This is basically the pediatrics equivalent of the Framingham study. The study is going on across one hundred and five counties in the United States and Valencia County was selected as the county in New Mexico in which to conduct the study. The study is basically trying to understand how genes and environment come together to affect pregnancy outcomes and specifically the children's health conditions that are at near epidemic levels within the United States. Specifically things like asthma, diabetes, obesity and behavioral types of problems. This is to help the members of community of Valencia County become aware that they will be coming into the community to begin conducting this study. The study is housed out of the University of New Mexico Valencia Campus.

Commissioner Otero-Kirkham said this study is essential for development and essential for growth of services needed in the community.

**e) Directors Report- Directors**

Valencia County Fire Marshall Charles Eaton gave recognition to EMT (Emergency Medical Technician) of the year Casey Davis and two co-fire fighters of the year Nathan Gonzales and Rob Barr. The nominations consisted of what they had done for the past year, their value to service in terms of responding to emergencies, what they do to support the individual districts and the county as a whole in providing service to the community.

Mr. Eaton also gave a brief overview of the activity within his department. The call volume has increased dramatically over the last two years. They recently acquired a seventy-five foot ladder truck from Bernalillo County who initially was asking \$100,000.00 for it which they paid \$700,000.00 in 1999. They recognized the need Valencia County had for such a vehicle and they felt they should help the neighboring county in extending the use of that truck at no cost. At any given time when they have need for it, Valencia County will respond with that truck to their area when needed. About \$10,000.00 of maintenance work will be needed on the truck.

Also some of the commissioner's have conveyed to him some concerns about weeds on vacant properties throughout the county that are becoming a fire hazard and they are activity going out and assessing properties throughout the counties to take care of that issue. They are also partnering up with a local vendor to provide fifty smoke detectors for senior citizens to place in their homes.

October 16<sup>th</sup> at 2:00 P.M. the community of Jarales is having a dedication of the play ground equipment at the community center and also will be recognizing the late Fire Marshall John Cherry at that same event.

Commissioner Gentry asked Mr. Eaton where they were at with the transport certificate. They have sat back on the Transport Certificate until they can see some direction as to where the county is going with the hospital, was Mr. Eaton's response.

Commissioner Gentry said whether the county has a hospital or not, it's a benefit to the citizens to be transported straight into an Albuquerque hospital. His question is when application is going to be made for the certificate.

Mr. Eaton said there are a lot of components that has financial impact on the county that we need to be prepared for if the county takes that step. The PRC (Public Regulations Commission) has advised him if they get the certificate and bid it out, there's probably a good chance, if the county doesn't provide the service and a private sector provides it, they're going to ask for subsidy of the county's service.

Commissioner Gentry said we should go ahead and apply for the certificate or is there a problem with going ahead and getting it anyway?

Mr. Eaton said technical issue develops when they issue that certificate, it pretty much mandates that service to be provided and his concern is that during the day when paid personnel is available he can pretty much assure himself that there is going to be a response to all their emergencies. In the evening hours there's times when they don't have volunteer response and his fear is that if they go out and apply for it, it pretty much sends a message that the county is going to provide that service 24/7 and at times the county cannot do it.

County Manager Eric Zamora said the county overall financially is holding steady. Current property taxes make up 60% of the total revenue budget. The county will start

receiving these in December, until then the budget amount of \$8,524,927 stands. Delinquent property taxes are \$15,997 greater than last year at this same time and 7% ahead of budget. County equalization will be received in October or November. Gross receipts tax revenues are \$46,806 great than last year. Motor vehicle registration fees and mileage receipts are down 6.6% from last year at this time which may be the result of the "cash for clunker" program inflating last year's revenues. Other miscellaneous revenues are down from last year by \$68,552 due to a reimbursement from the Los Lunas Schools during last year, and low interest income because of the interest rates available and a \$3,302 decrease in building permits. Year-to-date general fund expenditures are \$2.02 million this year compared to 2.08 million last year. Expenditures as a percentage of the budget are 23.1% in 2010 and were 23.5% in 2009. Legal expenses were \$38,655 greater last year because of payment for legal services from the Modrall Firm and Brown & German. The County assessor's Office realized a \$29,513 savings due to decreased salaries and benefits. Law enforcement has expended funds for two court settlements this year, whereas, they only had one court settlement last year. Additionally, their salaries and benefits expenditures have increased from last year. Overall when compared to the budget, general fund expenses reflect a 2% year-to-date savings. Overall the county is holding its own and is in a comfortable position.

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

County Manager Eric Zamora stated in regards to the adult detention center, the numbers are down, as today the county picked up the last four inmates housed out of county. The county is holding steady at about 150, but we are still over capacity.

In the IT Department, there are two new employees. Paul Vuchetich is working on the county website as well as the database when it comes to service. Gerald Chavez is the county maintenance technician. IT is currently working with the county's telephone provider INX to developed county protocols for answering the county telephone system. It's possible that the phone system will be up and running in about a month or so but will probably push it back by month until after the General Election in order to avoid any problems with the election process.

In the administration building there were a couple of state inspectors yesterday doing some electrical and plumbing inspections and hope to get positive reports on those and be able to start the sheet rock in the next few days. Installing the tile is set for next week.

Bids opened yesterday for the demolition of the old YDI building and the Juvenile Facility. The contract will be available to the commission next week for consideration. The cost will be \$85,000.00 to demolish both buildings. County staff is currently working on taking down the existing fence and will be relocated to Conejo which will help with security issues there in which a break-in occurred a few days ago.

In accordance with the county procurement policy and the commission's direction, Mr. Zamora reported that he and Mr. Griego procured a small services contract with Claudio Vigil to develop the renderings for the proposed administrative building. This is a one story concept and will tie in with the judicial complex.

Next Wednesday October 13<sup>th</sup> at 10:00 A.M., the state has scheduled a property tax sale.

Conejo was closed today due to issues with some of the equipment, but will be open tomorrow and back to regular schedule.

Last week the second meeting of the Juvenile Justice Board was held which included a presentation by Sandoval County's Board chaired by Judge McDonald and County Commissioner Donald Leonard. They were asked if a member of the Board of Commissioners would consider serving on that board.

Tomorrow night at 6:00 P.M there will be public meeting with Commissioner Otero-Kirkham at Ponderosa Farms to address some road issues.

Commissioner Rael stated he was viciously attacked during the Public Comments section by Mr. Mike Wood and would like to address that because people might think that he agrees with his comments as he does not. He wants people to understand that he or his former law partner fit the definition of the word he used and he also wants to make sure that it's understood that he doesn't appreciate that his family is now being dragged into this discussions as he thought this matter had already been settled. As far as the merits of the hospital issue, Mr. Rael has been inquiring over one year in writing about what is going on with regards to the hospital and what Valencia Health Commons is doing. The Health Commons is dealing with as much as \$18,000,000.00 of taxpayer's money. Commissioner Rael feels that's inappropriate and information should have been disclosed

all along under the contract, as the contract itself calls for disclosure. As long as he doesn't know where the hospital is going to be built and there is no disclosure even though taxpayer's money is being spent and yes, to address the concerns of Mr. Woods and anyone else that wishes to hear it, as long as Commissioner Rael doesn't know where that is going to be, he will continue to fight for the taxpayers and he wants full information, full disclosure and full public participation. As long as he doesn't have any information in regards to whom the finance entity is, what the loss projections are and exactly what is being built he will fight to make sure that this becomes a project that will not end up losing all the taxpayer's money.

#### **6) SWEARING IN OF PARTICIPANTS**

County Clerk Sally Perea administered the oath to those individuals wishing to speak at tonight's meeting.

#### **7) PUBLIC HEARING ITEMS:**

a) Consideration of Transfer of Liquor License #807/640611 from J & A Quick Stop-Sally Perea.

County Clerk Sally Perea stated this is a consideration for a transfer of liquor license for a change of ownership. The owner is TT&J Inc. and the applicant is J & A Quick Stop LLC. The publication run for two weeks and all the requirements have been met. This is located in El Cerro Mission.

Commissioner Gentry asked if the applicant has met all the state regulations. Ms. Perea replied yes.

#### **BUSINESS MEETING;**

8) Approval of Minutes: September 15, 2010 Business Meeting  
September 20, 2010-Special Meeting

Commissioner Medina moved for approval of the September 15, 2010 Business Meeting. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

Commissioner Medina moved for approval of the September 20, 2010 Special Meeting. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

#### **10) ACTION ITEMS:**

a) Consideration of Transfer of Liquor License #807/640611 from J & A Quick Stop – Sally Perea.

Commissioner Rael moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried 5-0. (SEE EXHIBIT A)

b) Consideration of Contract with Lone Mountain for the Expansion of the Detention Center-Eric Zamora.

Commissioner Otero-Kirkham motioned for approval to move forward. Seconded by Commission Gentry. Motion carried 5-0.

c) Consideration of Resolution 2010-45, implementing a Uniform Fee schedule for Copying Public Records in the Custody of the County of Valencia-Kenneth Griego.

County Attorney Adren Nance stated this is a chart that will allow staff to know exactly how much to charge for things such as public records request. Under the constitution the county needs to charge for these things, but they want to make sure every department is charging the exact same amount. This does not apply to items that are statutory prices and many of those are in the County Clerks Office. The Inspection of Public Records Act states that there is a maximum of \$1.00 to charge per 11x17 size copy.

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

County Clerk Sally Perea announced Resolution 2010-45.

d) Consideration of Funding for Emergency Code Improvements/Equipment in the amount of \$11,500 for Emergency Purchase and Installation of Equipment Hereinafter Referred to as Equipment for the Belen Senior Center in Valencia County-Kenneth Griego

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

e) Consideration of the Nutrition Service Incentive Program Contract and Notification of Grant Awards-Kenneth Griego.



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

**f) FACTS OF FINDINGS AND CONCLUSION OF LAW:**

i) 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.-Jacobco Martinez.

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

ii) Consideration Quasi-Judicial District Change to Amend the Zoning Map from OD to I-3 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 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-Jacobco Martinez.

Chairman Holliday motion for approval. Seconded by Commissioner Otero Kirkham. Motion carried unanimously. (SEE EXHIBIT F)

Commissioner Otero-Kirkham asked County Planner Jacobco Martinez to make sure the approval include the conditions that were discussed at the previous meeting.

**g) FINANCIAL MATTER(S);**

i) Consideration of Resolution 2010-46, Increase Expenditures OA-Title C1 & FY10/11 Legislative Appropriations Equipment/Furnishings Belen Senior Center-Wilma Abril.

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

County Clerk Sally Perea announced Resolution 2010-46.

**ii) Consideration of Approval Payroll/Warrants – Wilma Abril**

Wilma Abril presented the attached computer list of all checks issued by the Manager's Office on October 01, 2010 covering vendor bills processed on the above date. Check #105034 through check #105034 inclusive, for a total of \$518,996.63. (SEE EXHIBIT H)

Wilma Abril presented the attached computer printout list of all checks issued by the Managers Office on 09/24/2010 covering payroll process on the above date. Direct deposit check #17130 thru direct deposit check #17306 inclusive. Deduction check #105035 thru deduction check #105067 inclusive. Payroll check #88548 thru payroll check #88634 inclusive. Listing total \$369,360.33

Commissioner Otero-Kirkham moved for approval payroll/warrants. Seconded by Chairman Holliday. Motion carried unanimously. (SEE EXHIBIT I)

11) Executive Session- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters;

Administrative/Coordinator Settlement b. pending or threatened litigation, c. other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Rael motioned to go into Executive Session. Seconded by Chairman Holliday. 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.

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

County Attorney Adren Nance stated the matters that were discussed in Executive Session were limited to the Administrative Coordinator Settlement 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.

**12) ACTION ITEM(S) ON EXECUTIVE SESSION DISCUSSIONS:**

a) Consideration of Administrative/Coordinator Settlement.

County Attorney Dave Pato recommended to direct County Manager Eric Zamora to authorize a settlement consisting of the terms in discussion.

Minutes of October 6, 2010 Public Hearing/ Regular Business Meeting

Chairman Holliday motioned to direct Mr. Zamora to authorize a settlement with the Administrative Coordinator. Seconded by Commissioner Rael. Motion carried unanimously.

**13) NEXT COMMISSION MEETINGS:**

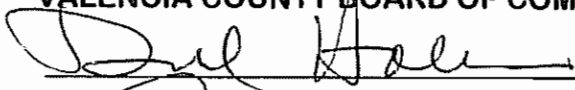
- October 13, 2010 Public Hearing 5:00 P.M.-Valencia County Commission Board Room 444 Luna Ave, Los Lunas, NM.
- October 20, 2010 Business Meeting 5:00 P.M.-Los Lunas School Administration Building 119 Luna Ave., Los Lunas, NM .

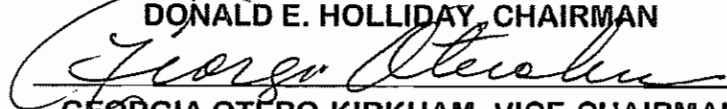
**12) Adjournment**

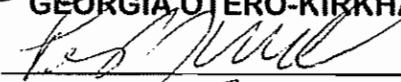
Commissioner Gentry moved for adjournment. Seconded by Chairman Holliday. Motion carried unanimously. Time 7:54 P.M.


**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the October 6, 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

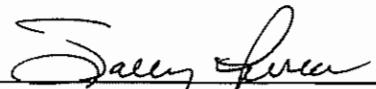
  
 GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN

  
 PEDRO G. RAEL, MEMBER

  
 RON GENTRY, MEMBER

  
 DAVID MEDINA, MEMBER

**ATTEST:**

  
 SALLY PEREA, COUNTY CLERK

10 - 20 - 2010  
 DATE