

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR BUSINESS MEETING

November 3, 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	
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: October 20, 2010- Business Meeting.

Commissioner Rael moved for approval of the minutes of October 20, 2010 Public 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 Robert Gostischa who worked as an election official said the general election had a bigger turnout than the national elections and wished the newcomers luck and will be sorry to see the outgoing officials leave.

Valencia County resident Clarke Metcalf stated that Attorney James Sanchez is planning to appeal the decision made by Judge Eichwald at the October 29th 2010 meeting. According to Eric Zamora the taxpayer's so far have had to shell out over \$38,000.00 to defend the commission. In spite of Mr. Sanchez's expertise, he has never asked the judge to order the return of the mill money to the taxpayer's. In fact he has chosen to ignore the New Mexico Constitution Article 9 Section 9 which states any money borrowed by any county shall be applied to the purpose for which it was obtained and no other purpose whatsoever. The mill levy money cannot be used for anything that is not a hospital.

Valencia County resident Brian Benoit stated he would like everyone to consider what an election is about and there is a constitution in this country that states that everyone has a right to speak, it doesn't say they have to beg for it. They have the right and are demanding it.

Valencia County resident Mary Wood said the ballot is the way to make things happen. It has been regretful that a commissioner in the past four years did not respect the fact that the majority of the vote by the voters must always be complied with. Hopefully they will never again experience frivolous lawsuits like the county has experienced in the last four years. When frivolous lawsuits are filed against the commission and the commissioners do nothing to protect the interest of the people, it reflects that the commissioners have failed to serve the people in line with their fiduciary responsibilities.

Valencia County resident Sue Moran said she felt bad that some of the bond issues did not pass, preliminary the jail and the new administration building. Her impression was that there was not enough public awareness regarding the issue and if there is anything she can do to inform her Tierra Grande residents about the issue, she would be glad to help.

Valencia County resident Mike Wood stated today the Valencia County News Bulletin states that a District Court Judge granted the motion to dismiss the most recent litigation

involving the potential county hospital and shared his concerns that one of the commissioners was working with the plaintiff's attorney.

6) DISCUSSION (Non-Action) ITEM(S)

a) Directors Reports – Directors

None.

b) Reports from Manager, Commissions, Boards & Committees – County Manager/Commission.

County Manager Eric Zamora gave an update on the deconstruction of the YDI building in anticipation of the expansion of the adult detention center.

Warden Joe Chavez has taken steps to address some of the overtime issues. In switching from eight to twelve hour shifts, it seems that employee morale at the detention center has increased and it's having a direct affect on the overtime which has come down. The advertisement for the deputy warden's position has been published. Interviews should begin soon and hopefully have someone on board by the end of the year.

In regard to the animal control department they are currently working with the New Mexico Corrections Department to establish some sort of working partnership in order to be able to assist the animal control by building kennels, performing typing of services the county cannot do given the number of staff members the county has. This is a developing partnership and looks very promising at this point. It'll give the inmates something productive to do as well as benefit the animal shelter.

Numbers are in from the Pit Bull Rumble which raised \$1,900.00 and those funds go back into the shelter. They did have a proposed project which was for improvements to the feline section of the shelter and through a generous donation the shelter doesn't have to spend the money they raised because some came forward and donated \$1,900.00 to cover those expenses. That was a welcome donation and will allow the shelter to do other things with the money raised.

The county is kicking off its 2010 United Way Campaign with the IT Director Lawrence Esquibel and staff taking the lead on this. Each employee has the opportunity to select who they want to donate to so a lot of these funds are going to local organizations and charities.

Mr. Zamora is currently working with the Juvenile Justice Board in developing the board and one project that they are trying to implement is the use of ankle bracelets. In the past some of the local judges were reluctant to use the program, but now they have full support and are hoping to immediately take five juveniles out of detention at \$140.00 a day verses \$7.00 a day for the ankle bracelet monitoring program. Monitoring will be done by State Parole Officials and believe they will see a resulting cost saving.

Mr. Zamora attended a statewide infrastructure conference last week. One of the meetings consisted of a grant writing session for the upcoming congressional budget. Senator Udall's office sent out their new forms for the 2010 requests which are due in February. The conference was held in Las Cruces, there were about 500 to 700 attendee's plus vendors and contractors. Since Valencia County is centrally located, we should consider trying to attract some of those types of conferences locally and Valencia County would certainly benefit from the economic impact of a conference of that type. The Isleta Pueblo Governor is sponsoring his quarterly Intergovernmental Meeting next Monday and any commissioners planning to attend please contact Marilyn Silva.

Commissioner Otero-Kirkham congratulated Commissioner Rael and Commissioner Medina for their behavior during their campaign. They conducted themselves with class and honor, did not use mud slinging, were respectful of their opponents and therefore feel they did a good job.

Commissioner Medina thanked his fellow commissioners and said he had enjoyed working with them; they had their ups and downs but overall feel the entire commission did well for the county. His hope is the new commissioners coming in will also do well for the county. Commissioner Medina also thanked county staff and the public.

Commissioner Rael stated one thing is very clear, since the economy has been in a very serious recession for the last couple of years; Valencia County stands alone as an example that the people are able to tighten their belts when it's necessary and it was done by the whole commission. It was not done by him or any one commissioner, they immediately took to task on that issue, and with the help of all the county staff they were able to keep the county going. The staff has been very kind, very responsive, very helpful

and the one singular thing he takes away is that he came here with a law degree and knew the statutory setup of government and the relationships but it was an eye opening experience for him to see the detail internal mechanisms of the departments of county government and that is a precious thing he takes with him that has tremendously added to his knowledge and will make him a more effective attorney. Commissioner Rael also thanked the commissioners.

Chairman Holliday asked that everyone keep our County Clerk Sally Perea in their thoughts and prayer on the passing of her mother.

7) ACTION ITEM(S)

BOARD OF COUNTY COMMISSIONERS CONVENES AS CANVASSING BOARD

Commissioner Otero-Kirkham moved to convene as the Canvassing Board. Seconded by Commissioner Gentry. Motion carried unanimously.

a) Open the Canvass and Direct the County Clerk to Canvass the Results of the 2010 General Election-Sally Perea/Peggy Carabajal.

Bureau of Elections Director Peggy Carabajal on behalf of County Clerk Sally Perea, presented a summary of the unofficial results of the General Election. Out of 39,774 registered voters 22,404 voters cast their vote. Early voting in Los Lunas was 3,946, in Belen 1,989, absentee 3553; absentee in person in the Bureau of Elections Office was 1,214 and there were 90 provisional ballots. There were challengers and watchers from both major parties at most precincts.

Ms. Carabajal thanked the commissioners for the use of their room for early voting, the election staff (Carlos Aragon, Edwin Tucson, Heidi DeLeon), Recording and Filing Office staff Theresa Sanchez, Debbie Ridley, Laura Vallejos, Sheryl Salas, Larry Tafoya, Jessica Blanton, Patricia Armijo, Ruben Chavez and his crew, maintenance staff Freddie Villanueva, Robert Martinez, the IT staff Lawrence Esquibel, Paul Vuchetich, Gerald Chavez, administration staff Wilma Abril, Jacque Chavira, Kenny Griego, Marilyn Silva and County Manager Eric Zamora for his support. The state police helped with security and Ms. Carabajal also thanked Commissioner Rael and Commissioner Medina. Like Chairman Holliday said on behalf of Sally Perea, we just had to turn it up and everyone got together in order to make it a successful election. I want staff to get recognition because I'm just one person and couldn't have done it without them, she said. The final canvass will be held on November 10, 2010. Commissioner Gentry moved to instruct the clerk to canvass the election results and report back to the commission for final approval at the November 10, 2010 commission meeting.

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

b) Consideration of Vacation of Portion of El Cielo Blvd. and Avenida Alegre in Sausalito Estates, West Belen – Jacobo Martinez/PNM-Ken Maestas.

Road Review Commission Member Frank Barr presented a summary of the findings regarding El Cielo Blvd and Avenida Alegre in Sausalito Estates, west of Belen. Mr. Barr stated that on September 7, 2010 the road viewers were asked to view that road in order to determine if it should be vacated. At that time the legal description did not quite agree with the information that they were provided with, however ingress and egress to the areas in question are via roads and annotated by other names, Wa Shee and Concha Lane, and for the record, the legal description indicates the roads in question are El Cielo Blvd. and Avenida Alegre, each running east from Harrison Road for approximately a quarter mile and terminating at the fence line, running north and south. At that time they looked at the road situation and determined that the land owned by various landowners east of that location would be landlocked, so they recommended that the commission not vacate those two roads. However in their final findings, which are listed as "previous" on the new document which states that in the near future provisions are made which will allow land owners access to their parcels, they as free holders, would recommend vacation of those areas. With that in mind, they continued with a new document, with the findings and the recommendation by the Road Review Commission Members and concurrence by the County Commission, not to vacate Wa Shee and Concha Roads. Additional meetings were held and as a result of those meetings, additional easements have been obtained, which will allow ingress and egress to and from the land areas involved. An agreement between all parties concerned has been signed and submitted to the Valencia County Commission, Valencia County Planner, et al. The granting of those easements alleviates any and all concerns related to access to those parcels of land. Therefore, the Road Review Commission Members recommend that WA Shee and Concha roads be vacated in support of the agreement.

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

c.) Consideration of Quasi-Judicial District Change to Amend the Zoning from RR-2 to C-1 on the subject Property Defined as: T6N, R2E, Section 28 NMPM; Tract 8-1-1; Zoned RR-2, Filed in Book 361, Page 6259 of the Office of the Valencia County Clerk AKA 2813 Highway 47, Los Lunas, NM/Jason Turner/Andrew Tenorio-Jacabo Martinez. Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit B)

d) FINANCIAL MATTER(S);

i) Consideration of Resolution 2010-47, Increase Expenditures- Wilma Abril
Commissioner Gentry moved for approval. Seconded by Commissioner Rael. Motion carried unanimously.
Chief Deputy Theresa Sanchez announced Resolution 2010-47. (See Exhibit C)

ii) Consideration of Payroll & Warrants –Wilma Abril

Ms. Abril presented the attached computer printout list of all checks issued by the Managers Office on 10/22/2010 covering payroll process on the above date. Direct Deposit check #17487 through direct deposit check #17667 inclusive. Deduction check #105442 through deduction check #105482 inclusive. Payroll check #88724 through payroll check #88813 inclusive. Listing total \$377,741.72.

Ms. Abril presented the attached computer printout list of all checks issued by the Manager's Office on October 29, 2010 covering vendor bills processed on the above date. Check #105483 through check #105592 inclusive, for the total of \$347,975.65.

Commissioner Gentry moved for approval of payroll & warrants. Seconded by Chairman Holliday. Motion carried unanimously. (See Exhibit D)

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.
No items for discussion.

9) ACTION ITEMS(S) ON EXECUTIVE SESSION DISCUSSION.
No Action Items.

10) The next Public Hearing/Regular Business Meeting of the Valencia County Board of County Commission will be held on November 10, 2010 at 5:00 P.M. in the County Commission Board Room at the Valencia County Courthouse, 444 Luna Ave., Los Lunas, NM 87031.

11) Adjournment

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

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 3, 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 R. MEDINA, MEMBER

ATTEST:

SALLY PEREA, COUNTY CLERK

11-3-2010.
DATE