

✦ Board of County Commissioners ✦

Donald E. Holliday, Chair  
District V

Georgia Otero-Kirkham, Vice-Chair  
Vice-Chair, District II

Pedro G. Rael  
District I

David R. Medina  
District III

Ron Gentry  
District IV



**BUSINESS MEETING**

A handwritten signature of David R. Medina, with a small graphic of a tree and leaves below it.

**December 1, 2010 5:00PM**

**AGENDA**

Valencia County Commission Board Room  
444 Luna Avenue, Los Lunas, NM 87031

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes: November 10, 2010-Public Hearing/Business Meeting  
November 17, 2010-Business Meeting

**AMENDED**  
**11/30/2010**

- 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]

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

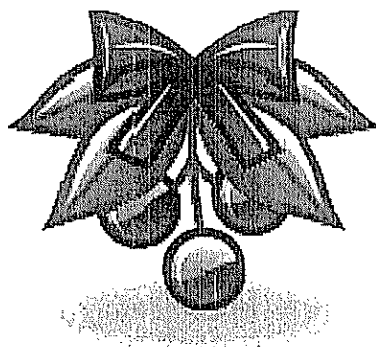
- a) Reports from Manager, Commissions, Boards & Committees.....County Manager/ Commission

7) **ACTION ITEM(S)**

a)	Consideration of <i>Resolution 2010-___</i> , Authorizing and Approving Submission of a completed Application for Financial Assistance and Refunding Project Approval to the New Mexico Finance Authority.....	Kenny Griego
b)	<b>Accept Findings of Fact and Conclusions of Law:</b>	
i)	Consideration of an Appeal of a denied summary Plat; T6N, R2E, Section 11, MRGCD Map 83, NMPM; Vicenta Martinez Tracts D-1 and E-1; Zoned RR-2; Plat Book J 479; filed in Book 337 Page 6826 of the Office of Valencia County Clerk/Bernie Martinez.....	County Commission
c)	<b>FINANCIAL MATTER(S):</b>	
i)	Consideration of <i>Resolution 2010-___</i> , Increase Expenditures "Adult Detention Facility Expansion".....	Wilma Abril
ii)	Consideration of Payroll & Warrants.....	Wilma Abril

- 8) **EXECUTIVE SESSION**- Pursuant to Section 10-15-1(H) (2)(6) & (7) NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; b. pending or threatened litigation; c. competitive sealed proposals-Discussion of Contents of Competitive Sealed Proposals for Solid Waste Services & Proposed Settlement with New Mexico Environment Department ; d. other specific limited topics that are allowed or authorized under the statute.

- ♦ Motion and roll call vote to go into Executive Session for the stated reasons
  - ♦ Board meets in closed session
  - ♦ Motion and vote to go back into regular session
  - ♦ Summary of items discussed in closed session
  - ♦ Motion and roll call vote that matters discussed in closed session were limited to those specified in motion For closure, and that no final action was taken, pursuant to the authority in §10-15-1 NMSA 1978.
- 9) **ACTION ITEM(S) ON EXECUTIVE SESSION DISCUSSIONS:**
- a) Solid Waste (RFP)
- 10) **NEXT COMMISSION MEETINGS**
- ♦ **December 8, 2010, Public Hearing Meeting@ 5:00 P.M - Valencia County Commission Board Room 444**  
Los Lunas, NM 87031
- 11) **ADJOURNMENT**



# VALENCIA COUNTY BOARD OF COMMISSIONERS

## REGULAR BUSINESS MEETING

December 1, 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 agenda as amended. Seconded by Commissioner Otero-Kirkham.

Commissioner Gentry asked if it was an Executive Session matter to consider competitive sealed proposals, discussion of contents of competitive sealed proposals for solid waste services and is that an issue that goes under the Executive Session being the fact that they are not sealed bids, they've already been opened and the commissioners have all the information in their packets, as he believes this is already public information.

County Attorney Dave Pato stated that is not public information at this point, it is still a competitive sealed bid which is provided to the commission until the commission makes their decision. There's an exception in the Open Meetings Act to provide for discussion of the contents of competitive sealed proposals and that will be done in Executive Session and that's what this commission will be dealing with. Once the contract is awarded all the information then becomes public.

County Attorney Adren Nance stated the commission can just delegate to staff and doesn't have to go into Executive Session to discuss this at all. You are not required to go into Executive Session; it's an option that it's open to you. You can just direct staff to come back with the most advantageous process. You have the right, if the commission so chooses to go in and discuss the contents of the proposals then come and direct staff to continue everything and bring back to the commission a contract or several contracts, then the commission gets to make the final decision, then everything becomes open or the commission may decide they don't want any of this and cancel it.

Chairman Holliday asked for the vote. Motion carried 4-1 with Commissioner Gentry voting no.

4) Approval of Minutes: November 10, 2010- Public Hearing/ Business Meeting  
November 17, 2010 -Business Meeting

Commissioner Medina moved for approval of the minutes of November 10, 2010 Public Hearing/Business Meeting. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

Chairman Holliday moved for approval of the minutes of November 17, 2010 with a correction made of Riverside Funeral Home and not Romero Funeral Home. Seconded by Commissioner Medina. 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).

Valencia County resident Mike Wood expressed his concerns that one of the commissioners is not abiding by the code of ethics and is considered to be a miscarriage of justice and it concerns him that the majority of commissioners doesn't require that anyone with a conflict of interest not be allowed to vote when they vote on issues.

Valencia County resident Clarke Metcalf is concerned that the public is often left out of things when it comes to far reaching policy changes in the county. The commissioner's need to realize that their actions have a huge impact on the citizens and there is a need for more transparency and for the residents to have a chance to voice their opinions. He feels whenever there are countywide issues to be considered that a town hall meeting be held which can provide the people a voice.

Mary Wood stated with only two commission meetings left it is most important that the commission pay attention to what a defeated commissioner might possibly want to place on the agenda and hopefully he won't close his term in office as a commissioner by attempting to block free speech as he did when he was the commission chairman.

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

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

County Manager Eric Zamora stated the county is currently undergoing its telephone conversion. The phone system may be down for a short period of time if everything goes well and if there are any issues it's possible that it may be down for the rest of the day.

In regards to the corridor study it looks like the alternatives are being reviewed on a more detailed level and are now at the point in which specific corridor alignments and specific impacts to the Bosque are being evaluated. The process is proceeding and there should be some information in the upcoming weeks to present to the commission.

Mr. Zamora has been working with Ms. Valdez over at the 911 call center to acquire some information and also working with the State Departments Technology in order to evaluate the system needs since the bond issue did pass. They want to make sure that the equipment that they purchase and upgrades are going to be compliant with whatever the state is doing and are coordinating with the state on that. Mr. Zamora will have more information to report after the first of the year.

Mr. Zamora has been asked by the New Mexico Association of Counties to sit on the Adult Detention Committee to evaluate the issues related to the detention centers around the state. The first meeting was held and the main issues were the bed spaces for the daily counts and how to reduce those in an attempt to reduce costs. The other specific issue that they are seeing statewide is the quality of care. There have been several issues in several larger counties in which the quality of care has been questioned and has been quite a burden on those counties when it came time to providing that care. They are working with the Association of Counties in addressing that issue.

The county United Way Campaign started a few of weeks ago, a goal of \$13,000.00 was set and that goal has been met.

Mr. Zamora said they've been waiting for the county equalization funds to come in. These funds have been on the decrease over the last three years. Three years ago they were up \$2,000,000.00 in receipts and this is a one time shot that the county gets from the state on an annual basis. Last year the county budgeted \$1.25 million in anticipated revenue and the county actually came in at \$1.35 million. So the county came in just over \$100, 00.000 from what was budgeted.

The county is looking on doing some upgrades on the county fleet and will submit a written proposal to the commission on that.

Commissioner Medina requested that staff provide an update on the county budget before he leaves office in order to see where the county stands financially.

Mr. Zamora stated they will provide an update at the December 15, 2010 commission meeting since the deadline for receiving taxes is December 10, 2010.

Chairman Holliday thanked Vice-Chair Otero-Kirkham for filling in for him at the last commission meeting and also thanked Commissioners Rael and Medina for their support as chairman for the last year. He looks forward to working with the new commissioners.

#### **7) ACTION ITEM(S)**

a) Consideration of Resolution 2010-49, Authorizing and Approving Submission of a completed Application for financial Assistance and Refunding Project Approval to the New Mexico Finance Authority –Kenny Griego/Eric Zamora.

County Manager Eric Zamora stated this is a request for consideration for refinancing the bond issue the county had on the judicial complex when the county took out the loan. The county had a fixed interest rate on the balance. If the commission considers refinancing there would be a net savings of about \$74,000.00 over the return on the remainder of the loan.

Commissioner Otero-Kirkham asked by refinancing does that extend the county loan, is there is a fee for this and if so what is the fee?

Bond Counsel Duane Brown of Modal Spelling said it does not extend, they match the current maturity schedule when they refinance the bond issue so the county is not extending the principal payments, and the county is just taking advantage of lower interest rates that are available in today's financial market place and is currently attached to the bond issue. There are fee's that are paid. Mr. John Archuleta from George K. Baum & Company charges a financial advisory fee and the Finance Authority has an origination fee that they charge. Those fees are approximately \$90,000.00. The \$74,000.00 that Mr. Zamora mentioned is the first year's savings. Over the entire life of the transaction the county is looking at a savings of approximately \$400,000.00. He would like to present this to the Finance Authority at their meeting on December 16<sup>th</sup> in order to lock in exactly what that interest rate would be.

Financial Advisor John Archuleta of George K. Baum & Company stated the interest rate on the average coupons for the existing loan the county has is about 3.74%. The interest that they are presently looking at right now is going to be about 1.78%. The total savings that they are presently looking at and these are the rates that being presented by the New Mexico Finance authority is a savings of an excess of \$465,000.00 and this is net of all the expenses concerning the transaction. The State of New Mexico requires that there be a minimum of 3% net present value savings on a transaction like this and they're looking at 6%. So that's double as far as the minimum required in order to be able to go ahead and refinance a transaction like this. This is a fixed rate for the life of the loan. They have maintained the same debt service payment schedule and the bonds will mature on July 1<sup>st</sup> of 2018. This is strictly an interest rate savings transaction.

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

Commissioner Otero-Kirkham requested a breakdown of all the fees being charged.

County Clerk Sally Perea announced Resolution 2010-49. (SEE EXHIBIT A)

**b) Accept Findings of Fact and conclusions of Law:**

i) Consideration of an Appeal of a Denied summary Plat; T6N R2E Section 11 MRGCD Map 83, NMPM; Vicenta Martinez Tracts D-1 and E-1; Zoned RR-2; Plat Book J Page 479; Filed in Book 337 Page 6826 of the Office of Valencia County Clerk/Bernie Martinez – County Commission.

Commissioner Gentry moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously 4-0. Chairman Holliday recused from voting due to his absence at the last meeting when this item was heard. (SEE EXHIBIT B)

**c) FINANCIAL MATTERS:**

i) Consideration of Resolution 2010-50, Increase Expenditures "Adult Detention Facility Expansion" – Wilma Abril.

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

County Clerk Sally Perea announced Resolution 2010-50.

**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 11/19/2010 covering payroll process on the above date. Direct deposit check #17847 thru direct deposit check #18022 inclusive. Deduction checks #105633 thru deduction check #105767 inclusive. Payroll checks #88915 thru payroll check #89017 inclusive. Listing total \$370,426.33.

Wilma Abril presented the attached computer printout list of all the checks issued by the Manager's Office on November 24, 2010 covering vendor bills processed on the above date. Check #105734 through check #106117 inclusive, for the total of \$355,581.54.

Commissioner Medina moved for approval of payroll and warrants. Seconded by Commissioner Gentry. Motion carried unanimously. (SEE EXHIBIT D)

8) **EXECUTIVE SESSION-** Pursuant to Section 10-15-1 (H) (2) (6) & (7) NMSA 1978, the following matters may be discussed in closed session: a.) limited personnel matters b.) pending or threatened litigation and c.) competitive sealed proposals-discussion of contents of competitive sealed proposals for solid waste services & proposed settlement with New Mexico Environment Department; d.) other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Otero-Kirkham motioned to go into Executive Session. Seconded by Commissioner Rael. 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 Otero-Kirkham moved to go back into Regular Session. Seconded by Commissioner Rael. 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.

County Attorney Adren Nance stated the matters that were discussed in Executive Session were limited to the contents of the competitive sealed proposals for solid waste services and the proposed settlement with the New Mexico Environment Department and direction has been given to discuss further settlement with the Environment Department.

Commissioner Gentry moved for approval of 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) Solid Waste (RFP)

Cancelled pursuant to Section 13-1-131.

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

10) **NEXT COMMISSION MEETING:**

The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on, December 8, 2010 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse. At this time council and staff will be advised to prepare for a workshop on solid waste proposals which will be heard at the meeting of December 8, 2010.

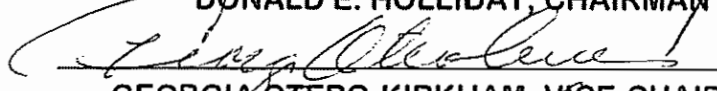
11) **Adjournment**

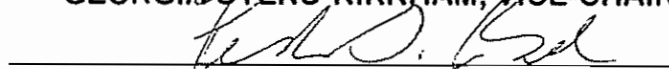
Commissioner Gentry moved for adjournment. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. Time 10:04 P.M.


**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the December 1, 2010 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

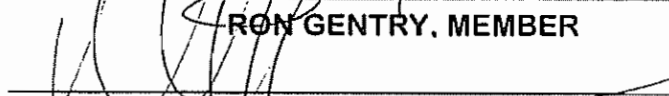
**VALENCIA COUNTY BOARD OF COMMISSIONERS**

  
DONALD E. HOLLIDAY, CHAIRMAN

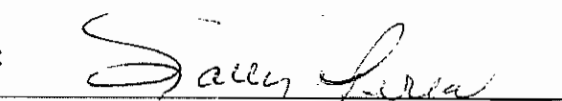
  
GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN

  
PEDRO G. RAEL, MEMBER

  
RON GENTRY, MEMBER

  
DAVID R. MEDINA, MEMBER

ATTEST:

  
SALLY PEREA, COUNTY CLERK