

✦ Board of County Commissioners ✦

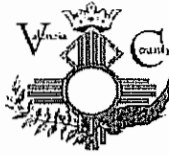
Donald E. Holliday, Chair
District V

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



**December 15, 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: December 1, 2010-Business Meeting

- 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) Directors Report.....Directors
- b) Reports from Manager, Commissions, Boards & Committees.....County Manager/ Commission

7) **ACTION ITEM(S)**

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

- a) Consideration of Indigent Report/Appeal.....Barbara Baker
BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

b)	Consideration of RFP Professional Services performed at no charge by contractor Agreement for Solid Waste	Georgia Otero-Kirkham
c)	Consideration of Performance Based Energy Efficiency Project with Johnson Controls.	Robert Martinez
d)	Consideration of Lease of Public Airport Facility and Operation Agreement.....	Pedro Rael
e)	Consideration of Lease Agreement for two (2) Caterpillar Motor Graders Equipment Co.....	Eric Zamora
f)	Consideration of Newly Elected Official Salary.....	Kenny Griego
g)	FINANCIAL MATTER(S):	
i)	Update 2010/2011 Budget.....	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. other specific limited topics that are allowed or authorized under the stated statute. d. other specific limited topics that are allowed or authorized under the statute.

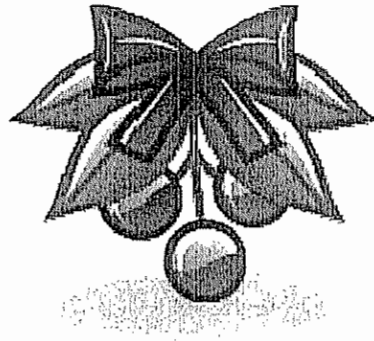
- ♦ Motion and roll call vote to go into Executive Session for the stated reasons
- ♦ Board meets in closed session
- ♦ Motion and vote to go back into regular session
- ♦ Summary of items discussed in closed session
- ♦ Motion and roll call vote that matters discussed in closed session were limited 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:**

10) **NEXT COMMISSION MEETINGS**

- ♦ **January 5, 2011, Organization/ Business Meeting@ 5:00 P.M - Valencia County Commission Board Room**
444 Los Lunas, NM 87031

11) **ADJOURNMENT**



MERRY CHRISTMAS

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR BUSINESS MEETING

December 15, 2010

PRESENT	
Donald E. Holliday, Chairman	
Georgia Otero-Kirkham, Vice-Chair	
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 Otero-Kirkham motioned to move Item 6(b) Reports from Manager, Commissions, Boards & Committees place it prior to item 5) Public Comments. Seconded by Chairman Holliday. Motion carried unanimously.

Commissioner Otero-Kirkham moved for approval of the agenda as amended. Seconded by Commissioner Rael. Motion carried unanimously.

4) Approval of Minutes: December 1, 2010 Business Meeting

Commissioner Otero-Kirkham moved for approval of the minutes of December 1, 2010 Regular Business Meeting. Seconded by Commissioner Gentry. Motion carried unanimously.

Chairman Holliday presented plaques to the outgoing officials, Sheriff Rene Rivera, Probate Judge Reyna Aragon, Commissioner Pedro Rael and Commissioner David Medina in appreciation for their dedication and service to Valencia County from 2007- 2010 and their devoted commitment in being a true public servant.

6-(b) Reports from Manager, Commissioners, Boards & Committees – County Manager/Commission.

Commissioner Otero-Kirkham stated this will be her last report as member of the Valencia Health Commons Board. She is resigning from the board due to her husband's health issues, the demands of her office, other businesses and because she feels she has not been a productive board member. In January the commission will be going through the county organization chart and she encourages that one of the commissioners volunteer to sit on this board, having a commissioner on the board is paramount. As everyone knows by now on Monday the 13th the entire board of the Valencia Health Commons met to select a site for the hospital. Each member was given an opportunity to state what site they preferred and to give their reasons for that preference. She used that opportunity to try to convince her fellow board members that the site on the west mesa off the freeway would allow a larger number of Valencia County citizens to access the hospital, especially in time of an emergency. There were sparks flying, name calling and yelling. The vote was 4-2 with the four original Valencia Health Common Board Members voting for the VIA (Valley Improvement Association) site and the other two voting for the west mesa site. There were six voting members; Kathy Chavez, Vice-Chair, Bill Johnson, Dr. David Schneider, Bill Silva, Mary Merrill and herself. Her preference to choose a site on the west mesa was because she believed that it would not only serve a large number of the citizens but also help Belen. Each site on the west mesa was within the city limits of Belen and the gross receipts alone would help Belen get back on their feet financially, not to mention the increase in the housing market. Another reason is her fear of the impact of emergency vehicles traveling down Highway 47, a farm to market road and El Cerro Road, both of which are in her district. These roads are already impacted by new housing development and school traffic. To add emergency vehicles to the mix is an accident waiting to happen. Her district runs from Tome to Peralta and many of her constituents have voiced their dissatisfaction for the Rio Communities site. Residents of Peralta have

indicated that in the event of an emergency, they will travel to Albuquerque. The residents of Tome fear the disruption of rural life style and continued loss of the greenbelt to commercial companies, who provide services to the hospital. Her constituents in Valencia will opt to make the trip to Albuquerque rather than to fight their way down Highway 47, especially during peak hours. Though her constituents from El Cerro Mission and the university will have a straight shot to the hospital by way of Manzano Expressway, this is a plus. However three quarters of her district, District 2 will be disenfranchised by this decision. She thanked her fellow commissioners for allowing her to serve on the board, for their confidence and support and urged the new commissioners to volunteer for this position which is important that a commissioner sit on this board.

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).

Bosque Farms resident Tony Armijo expressed his concerns on the hospital issue and in order for the commission to understand his concerns shared three instances involving life and death (father & wife) situations in which a seriously ill individual (son) needed to get to a hospital. His son that was hit by two vehicles, survived and is now mentally handicapped and needs medical care. It was his understanding the hospital would be centralized where it would service the most people. Rio Communities is not the desired site for people that live in the northern part of the county.

He is a true believer that everyone is entitled to their opinion but nobody is entitled to their set of the facts. Mr. Armijo lives on the corner of Trinity Drive and Mitchell in Bosque Farms, so in order to visualize using this hospital one morning he set out to measure the distance from his home to the proposed hospital site in Rio Communities. The distance was 18.5 miles and then also measured the distance from his home to Presbyterian Hospital in Albuquerque and the distance was 16.6 miles, less mileage, four lane road, turns into the Interstate and was there in a matter of minutes. When the residents in Bosque Farms read the headlines in the local paper, there was uproar. It was their understanding the hospital would be centralized, which would benefit the majority of people in Valencia County. There are people that don't want to pay their share of the tax levy that is connected with the hospital and want to initiate a repeal of the tax levy. Seventy percent voted for this hospital and feel they would probably get that vote again on the concept, but don't feel they would get a majority of people voting for a site that services so few. The people of Bosque Farms are for the hospital, but not for the site. Mr. Armijo asked the Board of County Commissioners to consider suspending the mill levy and call for a special meeting so the commission can take another look at when the vote was taken to extend the contract and see if the terms were such that the commission believes they were told the facts and if they weren't that they take a public vote on rescinding the agreement. Mr. Armijo has three daughters that are nurses and a son that is a medical doctor. His son asked him if there was a study completed? Hospitals are run by really smart individuals, if they thought a hospital was really feasible in the county, Presbyterian Hospital would be building it, just like they're building the second hospital in Rio Rancho.

Valencia County resident Mary Wood spoke on the issue of serving in a public position, such as a county commissioner, that has jurisdiction over one area of responsibility that may often require a vote to resolve an issue. The voting individual that may have a conflict of interest on an issue up for a vote should always recuse themselves from that vote. A recent possible conflict of interest took place with Bob Davey on the site to construct a new hospital. Mr. Davey's quote from the news bulletin "because of a perceive conflict of interest I wasn't in the meeting when they voted, I took part in the discussion and when the board seemed to close to a vote I left". The definition of recuse and what a recusal is intended to do is to withdraw from the position of judging so as to avoid any appearance of partiality or basis. Ms. Wood asked Chairman Holliday to remind Commissioner Rael in order to avoid any partiality or basis on the part of the commission that Commissioner Rael recuse himself from the vote on the proposed lease with the airpark. Commissioner Rael as an owner of Airpark properties and facilities has a vested interest in the private airports financial support.

Valencia County resident Mike Wood had the deepest sympathy for all the tragedy Mr. Armijo has gone through but wanted to comment that Presbyterian didn't want a hospital in Valencia County in the first place, they've got the money driving out of Valencia County plus the fact that for four years there's been lawsuits involved. There are people that have died that could possibly be alive today if Valencia County had a hospital. The studies completed were done properly and they made a good choice. Mr. Wood thanked Commissioner Medina for his support on the hospital who has continually said he wanted it somewhere in Belen and he got it.

Valencia County resident Rita Padilla Gutierrez stated that she was very happy to pay her property tax bill but had informed the County Treasurer she had excluded the hospital tax portion from that payment. She has also encouraged other people to do so. Ms. Gutierrez was also glad that Ms. Wood brought up the subject of conflict of interest because you have Bob Davey that's running the Health Commons and also runs the Valley Improvement Association where the land for the hospital site is located. You talk about a huge conflict of interest, that's moral corruptness in her opinion. Valley Improvement Association who wants to build a hospital on their property and can't even pay their tax bill for the past twenty to thirty years amounting to hundreds of thousands of dollars that is owed to the county. Ms. Gutierrez hopes there will be no retribution on the part of the commission or anyone for the individuals that want to exercise their right not to pay a tax that they do not believe in. This is a disaster in the making, building a hospital in which only a portion of the county is going to benefit. She also sat on the board of the Health Commons and she withdrew from the board very early on after she discovered and saw very clearly the back stabbing, the fraudulence, the farce and everything that occurred. As far as conflict of interest there's one commissioner on the board that will gain from this because he owns adjacent land to the hospital site and come January when the new commissioner comes on, he owns land there also. So there's going to be a huge conflict of interest there as well.

Mid-Valley Airpark Manager Kurt Winker stated he had the insurance quote for the county as well as for the Airpark that would insure the county and the Airpark under the Mid-Valley Airpark cost.

Valencia County resident Clarke Metcalf said in spite of all the griping about the hospital location the residents are now going to have a hospital in the county. This is good news and everyone should be rejoicing that the money can stay in the county.

Ken Cable came before the commission to discuss the county enforcement for public nuisances. Mr. Cable filed a complaint regarding nine vehicles parked in his neighbor's front yard. Two vehicles are being used and the remaining seven are never used. The neighbor drives them until they no longer run and then they become classics and they get parked in his yard. The county enforcement officer conducted an investigation and took pictures from the front yard but could not enter the premises because of the two pit bull dogs in the yard. This has been brought to court on nine different occasions and has never come to trial. The judge involved in this case is a friend of the neighbor. The judge has postponed the case eight or nine times so his suggestion to the commission is to bypass the magistrate court and file in district court where they may get the case heard and also institute a proper inspection of the facilities with the code enforcement officer for both public nuisances and building construction. Mr. Cable as a taxpayer and citizen of Valencia County requests the cooperation of the commission in helping to solve this problem.

Chairman Holliday said there will be a hearing on that issue on Monday and will follow up on the advice of the county attorney.

Meadow Lake resident Jim Lane thanked Commissioner Rael and Commissioner Medina for their service to the county.

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

- a) Directors Report – Directors
NONE.

7) ACTION ITEMS:

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

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

- a) Consideration of Indigent Report/Appeal – Barbara Baker

Ms. Baker presented the Indigent Claims from November 5th to December 3, 2010. The total amount submitted was \$905,805.58. Ms. Baker requests approval of \$71,112.43.

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

Minutes of December 15, 2010 Regular Business Meeting

Ms. Baker presented an appeal requested by Eric Zamora for inmate Lucille Crosby for the Living Cross Ambulance which had been received after the ninety day limit. Ms. Baker recommends approval of the Living Cross Ambulance bill in the amount of \$400.00.

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

Ms. Baker presented an appeal for Joshua Peralta and recommends approval of the two University of New Mexico Health Sciences Center bills in the amount of \$989.75 and \$442.80. If approved the amount paid would be \$1,103.07 to University of New Mexico Health Sciences Center.

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

Ms. Baker presented an appeal for Sally Rios and recommended approval of the balance of \$600.00. If approved the amount paid would be \$462.00 to Lovelace Medical Center.

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

Ms. Baker presented an appeal for Sally Saiz and recommended approval of the Presbyterian Hospital bill in the amount of \$28,353.85. If approved the amount paid to Presbyterian Hospital would be \$3,000.00.

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

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

Commissioner Medina moved to reconvene as the Board of County Commissioners. Seconded by Commissioner Gentry. Motion carried unanimously.

b) Consideration of RFP Professional Services Performed at No Charge By Contractor Agreement for Solid Waste -Georgia Otero-Kirkham.

Commissioner Otero-Kirkham moved to remove this from the agenda as recommended by the county attorneys. Seconded by Commissioner Holliday. Motion carried unanimously.

c) Consideration of Performance Based Energy Efficiency Project with Johnson Controls – Robert Martinez.

As a follow-up from a few months back, Ms. Audrey George, Account Executive for Johnson Controls and Charles Steele, Branch Manager presented the findings of the audit and the scope for the projects that they've identified. Commissioner Rael moved to approve the project as presented and move forward based on their word that it is a no loser for the county. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. (SEE EXHIBIT F)

d) Consideration of Lease of Public Airport Facility and Operation Agreement – Pedro Rael.

Chairman Holliday moved to postpone any action on the lease indefinitely. Seconded by Commissioner Otero-Kirkham. Motion carried 4-1 with Commissioner Rael voting no.

e) Consideration of Lease Agreement for Two (2) Caterpillar Motor Graders Equipment Co. – Eric Zamora

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

f) Consideration of Newly Elected Official Salary – Kenny Griego

According to state statute the commission may set the salary for newly elected officials but not to exceed a certain amount. The increase would be about \$1100.00 for each official. Commissioner Gentry made a motion to approve, the elected officials that are eligible, to be allowed the state level of compensation that's allowable. Seconded by Chairman Holliday. Motion carried unanimously.

g) **FINANCIAL MATTERS:**

i) Update 2010/2011 Budget – Wilma Abril

County Manager Eric Zamora presented the financial update as of December 13, 2010. (SEE EXHIBIT H)

Minutes of December 15, 2010 Regular Business Meeting

ii) Consideration of Payroll & Warrants-Wilma Abril

Commissioner Otero-Kirkham moved for approval of payroll & warrants. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit 11)

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; d) other specific limited topics that are allowed or authorized under the statute.

None.

9) ACTION ITEMS(S) ON EXECUTIVE SESSION DISCUSSION

10) COUNTY MANAGER'S REPORT (Informational Only)

None

The next meeting of the Valencia County Board of County Commission will be an Organizational Meeting held on January 5, 2011 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

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

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

Georgia Otero-Kirkham ~~GEORGIA OTERO-KIRKHAM~~, CHAIRMAN

Mary Andersen ~~MARY ANDERSEN~~, VICE-CHAIRMAN

Donald E. Holliday ~~PEDRO G. RIEL~~, MEMBER

Ron Gentry ~~RON GENTRY~~, MEMBER

Lawrence R. Medina ~~DAVID R. MEDINA~~, MEMBER

ATTEST:

Sally Perea
SALLY PEREA, COUNTY CLERK

1-5-2011
DATE