

Board of County Commissioners

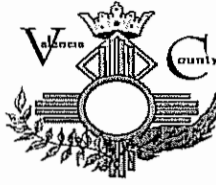
Mary J. Andersen
District I

Georgia Otero-Kirkham
District II

Lawrence R. Romero
District III

Ron Gentry
District IV

Donald E. Holliday
District V



January 5, 2011

AGENDA

Organization/BUSINESS MEETING

5:00 P.M.

Valencia County Commission Board Room
444 Luna Ave., Los Lunas, NM

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda/*Agenda Format*
- 4) Approval of Minutes: December 8, 2010-Public Hearing/Solid Waste Workshop
December 15, 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) Introduction of Commissioners
- 7) **ACTION ITEM(S):**
 - a) *Resolution 2011-___*, Appointment of Chairperson & Vice-Chairperson
 - b) *Resolution 2011-___*, Adoption of 2011 Open Meetings Act
 - c) *Resolution 2011-___*, Adoption of Parliamentary Procedures and Robert's Rules of Order
 - d) *Resolution 2011-___*, Inspection of Public Records Act
 - e) *Resolution 2011-___*, Establish Holidays & Work Hours
 - f) *Resolution 2011-___*, Establish Depositories
 - g) *Resolution 2011-___*, Signature Authority on Checks
 - h) Appointments Boards, Commissions & Committees
 - i) County Organization Chart
 - j) Initiatives Discussion for 2011
 - k) Other Organizational Issues/Discussions/Retreat

8) ACTION ITEM(S)-Business Meeting

| | | |
|----|--|---------------|
| a) | Consideration of <i>Resolution 2011-___</i> , Authorizing and Approving Submission of a Completed application for Financial Assistance and Project Approval to the New Mexico Finance Authority-EECBG..... | Audrey George |
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BOOK 070

PAGE 482

Please Silence All Electronic Devices – Thank You!

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|----|--|---------------|
| b) | Consideration of EECBG Performance Contract with Johnson Controls..... | Audrey George |
| c) | FINANICAL MATTERS: | |
| i) | Consideration of Approval: Payroll /Warrants..... | Wilma Abril |

9) **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; c. other specific limited topics that are allowed or authorized under the stated 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.

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

11) **NEXT COMMISSION MEETING**

- ◆ January 12, 2011- Public Hearing/Business Meeting (*January 19, 2011*)
Valencia County Commission Board Room 444 Luna Ave. LL,NM

12) **ADJOURNMENT**

VALENCIA COUNTY BOARD OF COMMISSIONERS

ORGANIZATION / BUSINESS MEETING

January 5, 2011

| | |
|---|--|
| PRESENT | |
| Donald E. Holliday, Chairman | |
| Georgia Otero-Kirkham, Vice-Chair | |
| Mary J. Andersen, Member | |
| Ron Gentry, Member | |
| Lawrence Romero, 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/Agenda Format

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

4) Approval of Minutes: December 8, 2010 Public Hearing/Solid Waste Workshop
December 15, 2010 Business Meeting

Commissioner Gentry moved for approval of the minutes of December 3, 2010 Public Hearing/Solid Waste Workshop. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

Commissioner Gentry moved for approval of the minutes of December 15, 2010 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).**

Rio Communities Association President George C. Moscona welcomed the new incoming commissioners and thanked the present commissioners for their service to Valencia County. Mr. Moscona also thanked the Valencia County administrative staff for attending the association meetings, many things have been accomplished by these visitations and hope to see this continue through the New Year.

Meadow Lake resident Bob Gosticha hopes that the new sheriff will now get someone to man the substation in Meadow Lake.

Tierra Grande resident Sue Moran offered a quote and a thought for the new year as follows, principal is not bound by precedence, and every moment is a new opportunity to create a new experience, no matter what has happened in the past. Positive thoughts and blessings to each of the commissioners and staff as they begin 2011 together.

Valencia County resident James Crawford stated he's been observing the Valencia County Commission and believes the county is seriously lacking in procedures for citizen participation and making the county business open and transparent to the citizens of the county. Mr. Crawford sincerely hopes the new commission will seriously consider letting more sunshine in.

Valencia County resident Clarke Metcalf said Luna Mansion, Staples, University of New Mexico Valencia Campus all serve a fraction of the county and Socorro hospital, which is not located in the center of town, serves a fraction of the city residents. Hospitals draw patients no matter where they are located and if you believe the hospital will fail just as the previous one did, keep in mind where that one was located.

Valencia County resident Alice Torwirt gave tribute to Bob Davey who has been the prime energy source for the county's new hospital. Ms. Torwirt asks that the commission give Mr. Davey the respect that he has given the commission and please help Mr. Davey and all the citizens by supporting the hospital.

Bosque Farms resident Tony Armijo is not a protestor and does not believe in personal attacks but does believe in facts. The hospital in Socorro was built on a site that was very difficult to access and was going under. The hospital was moved, thanks to the hard work of a lot of people. The people of Escondido, Lemitar, Polvadera, San Antonio and Magdalena now have access to that hospital via I-25 and Magdalena Hwy 60. He wanted to clarify the fact when this hospital was moved to a site that was clearly accessible, it thrived. Mr. Armijo hopes the commission in their wise and wisdom service take another look at the other sites and be more objective and in the end cast the final vote.

Attorney Tibo Chavez expressed his concerns relating to the Valencia County Hospital in which he was asked along with other property owners along I-25 to submit for consideration a site that his family owned which they offered to donate up to fifteen acres next to Interstate 25 in Belen and Sosimo Padilla. Other sites were offered by the City of Belen and property owners on the North Interchange. When they submitted their sites they expected their sites would be fairly, openly and objectively considered. They were not, the reason being they were never told what the criteria would be, how many acres were needed, what infrastructure was necessary, what access was being considered, and what the various objective standards would be. Nothing was ever put out in the way of a notice to the public with a request for proposal and specifics for them to address. They were asked to show up at a meeting in Los Lunas at a closed door site at the CYFD Office where nobody could go in except those making a fifteen minute presentations to be followed later on with much more data. They made their presentations and were not allowed to see what anyone else presented at that time and nothing was ever asked of them after that. They never had an opportunity to address the particulars and the vote was taken at the request of the chairman who has a huge glaring conflict. He worked his whole career as the director, the CEO of the Valley Improvement Association and is still affiliated with them. The Valley Improvement Association was one of the five presenters. How can the chairman of a committee that's making a decision on a site selection be involved in the process and he was involved thoroughly in the whole process even though he abstained at the last second from a vote. They were not allowed to present any information that was then objectively considered and there was no objective scoring done, there were no scoring sheet, there was no tabulation, there was simply a vote being taken and Mr. Chavez was told by the Amerius representative that it was critical for the viability of this hospital to have a site close to Interstate 25 and he expected to be back in January when the decision was to be made. Unbeknownst to the Amerius representative a quick meeting was called by Chairman Davey and a vote was taken and the hospital was relocated without any study, even though in April of 2010 the commission was promised there would be an updated study. No updated study was ever done. Mr. Chavez detailed more of the reasons in his letter to the commission and he asked the commission to place this on the agenda for an upcoming meeting and take action on this to withdraw the funding from the Health Commons and to revoke the twenty month extension because it was not supported by any consideration and the commission was not truthfully told as to what would happen as far as the site selection process.

6) Introduction of Commissioners

Chairman Holliday introduced the incoming commissioners:

Commissioner Mary Andersen, Commissioner for District I.

Commissioner Lawrence R. Romero, Commissioner for District III.

7) ACTION ITEM(S):

a) Resolution 2011-01, Appointment of Chairperson & Vice-Chairman

Chairman Holliday asked for nomination to appoint the Chairperson and Vice-Chair for 2011.

Commissioner Andersen nominated Commissioner Otero-Kirkham for the Chair. Seconded by Chairman Holliday. Chairman Holliday called for a vote on the nomination of Commissioner Otero-Kirkham for the chair. Commissioner Romero voted yes. Commissioner Andersen voted yes. Commissioner Otero-Kirkham voted yes. Commissioner Gentry voted yes. Chairman Holliday voted. Motion carried unanimously.

Madam Chair Otero-Kirkham took over the meeting and called for nominations for Vice-Chair. Commissioner Romero nominated Commissioner Andersen. Seconded by Madam Chair Otero-Kirkham. Commissioner Romero voted yes. Madam Chair Otero-Kirkham voted yes. Commissioner Andersen voted yes. Commissioner Gentry voted yes. Commissioner Holliday voted yes. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2011—01. (See Exhibit A)

Minutes of January 5, 2011 Regular Business Meeting

b) Resolution 2011-02, Adoption of 2011 Open Meetings Act

Commissioner Holliday asked if there were any changes to the above item from previous years. County Attorney Dave Pato stated this is the same resolution except for a provision providing participation in a meeting by means of a conference telephone.

Commissioner Andersen moved to change the wording in paragraph two to read at least forty eight hours prior to the meeting and in paragraph three at least forty eight hours prior to any special meeting.

Commissioner Andersen motioned to include holding Business Meetings at 9:30 A.M. on the first and third Wednesdays of each month, Public Hearing Meeting as needed at 5:00 P.M. on the second Wednesday of each month and all agendas will be published and available to the public at least forty eight hours before any meeting. Seconded by Commissioner Romero. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2011-02. (See Exhibit B)

c) Adoption of Parliamentary Procedures and Robert's Rules of Order.

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

County Clerk Sally Perea Resolution 2011-03. (See Exhibit C)

d) Inspection of Public Records Act.

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

County Clerk Sally Perea announced Resolution 2011-04. (See Exhibit D)

e) Establish Holidays and Work Hours.

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

County Clerk Sally Perea announced Resolution 2011-05. (See Exhibit E)

f) Establish Depositories

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

County Clerk Sally Perea announced Resolution 2011-06. (See Exhibit F)

g) Signature Authority on Checks

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

County Clerk Sally Perea announced Resolution 2011-07. (See Exhibit G)

h) Appointments Boards, Commissions & Committees

Board of County Commissioners: Commissioner Georgia Otero-Kirkham - Chair
Commissioner Mary Anderson – Vice Chair

Planning and Zoning Commission:

Commissioner Mary Andersen District I appoints Gregory Gaudette.
Madam Chair Georgia Otero-Kirkham District II will retain Steven Otero.
Commissioner Lawrence Romero District III appoints Rudy Sachs.
Commissioner Ron Gentry District IV will retain Mike McCartney.
Commissioner Donald E. Holliday District V will retain Jim Lane.

Indigent Board: District I Victoria Flores, District II Leona Herrell, District III Pastor Boyd Morerod, District IV Frank Barr and District V Laura Simmons.

Emergency Medical Services Board: Tony Villalovos-Meadow Lake #4, Jason Gonzales-Rio Grande Estates #1, Justin Reeser-Bosque Farms #5, Jack Dickey-Tome Adelino #2, Tim Martinez-Valencia-El Cerro #3, Casey Davis-Fire Marshal, John Gabaldon-Los Lunas #6, Becky Culp-Los Chavez #7, Manny Garcia-Belen #8, Andrew Molina-Jarales-Pueblitos, Charles Eaton-County Representative, Brian Culp-County Representative. Commissioner Lawrence Romero accepted the appointment and will serve as a member on the Emergency Medical Services Board.

Regional Dispatch Board: Sheriff Louis Burkhard will replace Rene Rivera.

County Board of Registration: County Clerk Sally Perea stated the Chairperson for each political party will submit the list of names, if there is a change.

Employee Unclassified Positions: Eric Zamora-County Manager, Kenneth S. Griego-Business Manager, Joe Chavez-Detention Director, Ruben Chavez-Code Enforcement Director and Eric Zamora Public-Works Director.

District Fire Chiefs: Jason Gonzales- District #1 Rio Grande Estates, Jack Dickey-District #2 Tome-Adelino, Tim Martinez-District #3 Valencia-El Cerro, Tony Villalovos-District #4 Meadow Lake, Becky Culp-District #7 Los Chavez, John M. Cherry Jr.-District #9 Jarales-Pueblitos, Nicholas Moya-District #10-Manzano Vista and Robert Sindicich-District #12-Highland Meadows. Commissioner Otero-Kirkham will replace Pedro R. Rael as Ex Officio.

Mid-Region Council of Governments-Commissioners Mary Andersen and Lawrence Romero will replace Commissioner Ron Gentry and David Medina.

Executive Board: Commissioner Andersen will replace Commissioner Gentry.

Water Resources Board: No Change.

Regional Planning Authority: Commissioner Holliday will replace Commissioner Otero-Kirkham.

Valencia County Steering Committee: Commissioner Holliday will replace Commissioner Otero-Kirkham.

Regional Transit District Board: No Change.

Workforce Investment Board: Ron Gentry will replace David Medina.

Mid-West CAP Board: Commissioner Holliday

New Mexico Association of Counties: This will be voted on at a later date.

Multi-Line/Risk Management Board: Kenny Griego and Barbara Baker.

Law Enforcement & Detention Advisory Committee: Sheriff Burkhard will replace Rene Rivera.

Workers' Compensation Board: Kenneth S. Griego and Jacque Chavira.

Animal Control Advisory Board: Commissioner Andersen District I will reserve that appointment for a couple of weeks.

Madam Chair Otero-Kirkham District II will retain Mark Rosenbium.

Commissioner Romero District III will reserve that appointment for a later time.

Commissioner Gentry District IV will retain Jim Shaw.

Commissioner Holliday District V appointed Judy Babcock.

Older American Advisory Council: Helen Abeyta, Ramona McKee, Linda Haverty, Barbara Hinojos, Norbert Gostischa, Judith D. White, Frank Cox, Wes Theuer, Mavis Moyers, Lillie McNabb, Wayne Gallegos, Kenneth Griego and Michael Jaramillo.

Hospital Board:

Commissioner Holliday moved for dissolution of the Hospital Board.

Seconded by Commissioner Andersen. Motion carried 3-2. Commissioners Gentry and Romero voted no.

Safety Committee: Barbara Marquez, Brenda Archuleta, Brian Culp, Emily Carrillo, Gerald Chavez, Jackie Chavira, Jody Skelton, Kenneth Griego, Michele Romero, Patricia Armijo, Robert Iverson, Robert Martinez and David Pacheco. County Manager Eric Zamora said this is an internal committee that is appointed by the department heads at staff level. Commissioner Romero moved to approve all the new appointees. Seconded by Commissioner Holliday. Motion carried unanimously.

i) **County Organization Chart-** County Manager said the items to be removed from the organizational chart are Juvenile Justice, Vector Control, Juvenile Detention, Farm & Range, County Public Health, Tierra Bonita, Medical Division, and Solid Waste Division. Commissioner Holliday motioned for approval of the Organizational Chart as amended by County Manager Eric Zamora. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit H)

j) **Initiatives Discussion for 2011-**

County Manager Eric Zamora stated this would be better discussed under item k) other organizational Issues/Discussion Retreat.

k) **Other Organizational Issues/Discussions/Retreat**

Commissioner Andersen moved to combine item j) Initiatives Discussion for 2011 and Item k) Other Organizational Issues/Discussion Retreat and initiate and schedule a retreat to be held as soon as possible.

8) ACTION ITEMS(S)-Business Meeting

a) Consideration of Resolution 2011-08, Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority-EECBG-Audrey George.

Audrey George of Johnson Controls presented a brief update of the EECBG performance contracting project that was developed for Valencia County and Zach Fillenback with New Mexico Finance Authority was also present to answer questions on the financial aspect of the project.

Commissioner Andersen asked how does this impact the county's annual budget, is there money that's going to have to come out of the budget to go to NMFA (New Mexico Finance Authority) or Johnson Controls?

County Manager Eric Zamora said it should have no impact on the budget. The county is going to pay a fixed amount for utilities on an annual basis and reduce what the county is paying through energy efficiency, then take those savings and pay back the loan. So in the end it's a wash. There will be a dollar figure to the budget but will be substantially reduced. The general fund will pay for utilities or for the loan.

Commission Andersen asked we're doing a resolution to submit a completed application for financial assistance and project approval, then what, where does this go and what happens next?

New Mexico Finance Authority Representative Zach Dillenback said if the board was to pass the resolution it basically allows the county to submit an application to New Mexico Finance Authority for consideration of funding of this project and gives him the okay to go ahead and underwrite the transaction and present it to the New Mexico Finance Authority Board for approval for funding the project. Once approved by the board, it is not binding by any means. The county can choose to walk away at anytime.

Mr. Zamora said the commission is not approving a performance contract.

Commissioner Andersen said item b) Consideration of EECBG Performance Contract should have not been on the agenda.

County Attorney Dave Pato stated Madam Chair can move to amend the agenda to remove item b) Consideration of EECBG Performance Contract.

Commissioner Gentry asked county counsel if they were responsible for drawing up the contract. County Attorney Adren Nance said they did not draw up the resolution but they did review it. It does not bind the county. He reviewed and reads the resolution as they are authorizing administration to go ahead and submit the completed application to New Mexico Finance Authority, have them review it and decide whether or not they will provide financing on it. That determination as to whether or not they are going to provide financing on this project will come back to the commission along with the proposed contract and that will be before the board for its consideration. This resolution does not commit or bind the commission in going forward with this project.

Ms. George said the deadline to have a signed contract turned into the Department of Energy is no later than March 1, 2011. The New Mexico Education Department has told them they are requesting three to four weeks to review the contract as well as the audit. When mean they will need probably a month to go through this in great detail

Madam Chair Otero-Kirkham said the commission is concerned with the county's borrowing power.

County Manager Eric Zamora stated the county's bonding capacity is about \$40,000,000.00. The only debt service the county has out at this time is the Judicial Complex in the amount of just over \$7,000,000.00.

Madam Chair Otero-Kirkham said as long as county counsel assures her this will not bind the commission to this loan, she probably would not have a problem voting for the resolution. It concerns her that the commission will be bound once the resolution is approved.

Attorney Dave Pato said this was not his interpretation of this resolution. Mr. Pato asked Johnson Controls whether or not they would be able or restructuring the proposal to provide a \$290,000.00 proposal in order for the county to take advantage of that grant money without having any additional expenditure of the county funds and if that were possible, there would be no obligation on the part of the county for any funds out of the county budget. Ms. George said yes, they can do that and restructure it. They just need to make sure that on the improvement measures that each year they are cash flow positive.

County Attorney Adren Nance said a statement can be added to the resolution specifically stating this resolution does not bind the county for any further contracts or obligations. That can be added to make it crystal clear.

Minutes of January 5, 2011 Regular Business Meeting

Madam~~e~~ Chair Otero-Kirkham motioned to approve the resolution with the amendment that it does not bind the commission and would allow this to move forward. Seconded by Commissioner Andersen with the stipulation that at the next meeting both options will be available for the commission to look at. Commissioners Gentry voted no. Commissioner Holliday voted no. Motion carried 3-2. (See Exhibit I)

County Clerk Sally Perea announced Resolution 2011-08.

b) Consideration of EECBG Performance Contract with Johnson Controls-Audrey George. Deleted.

c) FINANCIAL MATTERS:

i) Consideration of Approval Payroll/Warrants – Wilma Abril

Commissioner Gentry moved for approval of payroll and warrants. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibit J)

9) 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 Executive Session.

10) ACTION ITEMS(S) ON EXECUTIVE SESSION DISCUSSION

None.

11) The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on, January 12, 2011 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

The next Regular Business Meeting will be held on January 21, 2011 at 9:30 A.M. in the Valencia County Commission Room at the Valencia County Courthouse.

12) Adjournment

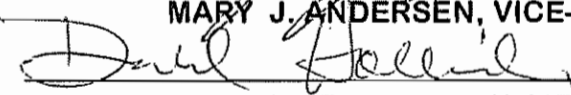
Commissioner Holliday moved for adjournment. Seconded by Commissioner Gentry. Motion carried unanimously. Time 8:03 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the Organizational/Business Meeting on January 5, 2011 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

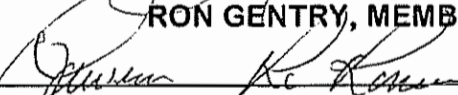
VALENCIA COUNTY BOARD OF COMMISSIONERS


GEORGIA OTERO-KIRKHAM, CHAIR

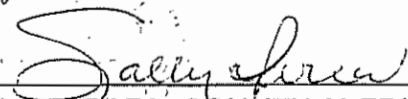

MARY J. ANDERSEN, VICE-CHAIR


DONALD E. HOLLIDAY, MEMBER


RON GENTRY, MEMBER


LAWRENCE R. ROMERO, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

1-21-2011
DATE