



February 2, 2011
Agenda
9:30 a.m. Business Meeting
Valencia County Commission Chambers
444 Luna Avenue
Los Lunas, NM 87031

Board of County Commissioners

Georgia Otero-Kirkham, Chair	District II
Mary J. Andersen, Vice-Chair	District I
Lawrence R. Romero	District III
Ron Gentry	District IV
Donald E. Holliday	District V

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes: January 12, 2011-Public Hearing

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; Moya vs. Valencia County 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.

DISCUSSION (Non-Action) ITEM(S)

- 5) Department of Homeland Security: **Andrew Phelps**
- 6) Update on Los Lunas Corridor Study (MRCOG): **Loretta Tollefson**
- 7) Reports from Manager, Commissions, Boards & Committees: **County Manager/ Commission**

ACTION ITEM(S)

- 8) **Accept Findings of Fact and Conclusions of Law: Eric Zamora/Jacobo Martínez**
Consideration of Quasi-Judicial Zone District Change; Amend the Zoning Map from RR-1 to C-1 with a Conditional Use on the Subject property defined as; T7N, R3E, Section 26, NMPM; Lands of Jess & Marietta Mestas; Tract A-1-C-4-A; Zoned RR-1; Filed in Book 288 Page 2513 of the Office of the Valencia County Clerk; AKA 449 Meadow Lake Road, Los Lunas, NM /Dennis Haynes
- 9) Consideration of (EECBG) Energy Efficiency Retrofit Project of Judicial Complex: **Eric Zamora**
- 10) Consideration of Children, Youth and Families Department Agreement; Juvenile Justice: **Eric Zamora**
- 11) Consideration of New Mexico Department of Homeland Security & Emergency Management Sub-Grant Agreement: **Sheriff Louis Burkhard**
- 12) Consideration to procure five (5) Sheriff's Office Vehicles: **Sheriff Louis Burkhard**
- 13) Consideration of *Resolution 2011-__*, Local Government Road Fund Financial Hardship:

Eric Zamora

- 14) Consideration of Bid #663/Base Course Materials: **Eric Zamora**
- 15) Consideration of Contracts for Bid #663/Base Course Materials: **Eric Zamora**
- 16) Consideration of *Resolution 2011-___*, Authorizing the Issuance and Sale of the Valencia County New Mexico, General Obligation Refunding Bonds: **Eric Zamora**
- 17) Consideration of appointments to Boards and Committees: **County Commission**

FINANCIAL MATTERS:

- 18) Consideration of Approval: Payroll /Warrants: **Kenny Griego/Wilma Abril**

PUBLIC COMMENT:

Please sign up on the sheet located just outside the Commission chambers. The Board will allow each member of the public wishing to address the Board a full and complete opportunity to address the Commission.

NEXT COMMISSION MEETING:

- ♦ **February 9, 2011- Public Hearing @ 5:00P.M.**
Valencia County Commission Board Room 444 Luna Ave. LL, NM

ADJOURN:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Manager's Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2014 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR BUSINESS MEETING

FEBRUARY 2, 2011

PRESENT	
Georgia Otero-Kirkham, Chair	
Mary J. Andersen, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Donaid E. Holliday, 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 Madam Chair Otero-Kirkham at 9:30 A.M.

2) Madam Chair led the Pledge of Allegiance.

3) Approval of Agenda

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

4) Approval of Minutes: January 12, 2011-Public Hearing

Commissioner Gentry moved for approval of the Public Hearing Minutes of January 12, 2011. Seconded by Commissioner Andersen. Motion carried unanimously.

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; Moya vs. Valencia County c. other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Andersen moved to go into Executive Session. Seconded by Commissioner Romero. Motion carried 5-0.

Commissioner Andersen moved to go back into regular session. Seconded by Commissioner Gentry. Motion carried unanimously.

County Attorney Adren Nance stated pursuant to section 10-15-1 the matters discussed in Executive Session were limited to Moya vs. Valencia County and a report on a personnel issue.

Commissioner Gentry moved for approval of the summary as stated by counsel. Seconded by Commissioner Holliday. Roll call vote. Commissioner Romero voted yes. Commissioner Andersen voted yes. Commissioner Holliday voted yes. Commissioner Gentry voted yes. Madam Chair Otero-Kirkham voted yes. Motion carried 5-0.

DISCUSSION (Non-Action) ITEMS

5) Department of Homeland Security: Andrew Phelps

Andrew Phelps with the New Mexico Department of Homeland Security and Emergency Management spoke on the support his agency could offer the county in terms of funding a full time emergency management position and developing an emergency management program for the county. There are two types of support that his department can provide the county; technical assistance with establishing the emergency management program for the county and some financial assistance to cover salary and benefits for that position. Right now Valencia County doesn't have a dedicated emergency manager. That being said state statute requires that the county is responsible in maintaining emergency management. Valencia County did some type of a drill to cover some sheltering issues and notification issues. Mr. Phelps briefly went through the key points of the New Emergency Manager Resource Manual entitled "First Things First" which included grants, NIMS (National Incident Management System), training, planning and exercise.

Madam Chair asked Mr. Zamora to explain what the county is doing since the county does not have an emergency manager and the emergency of the weather the county is facing.

Mr. Zamora met with staff on Monday afternoon to address the situation the county is facing with sub freezing temperatures and to evaluate their responsiveness. They established some priorities, goals and tasks. A draft plan was established to address it's affect on the homeless persons in the county, infrastructure and also established a plan for the pets. A meeting amongst the fire chiefs with the Village of Los Lunas established a formal receiving area at the Los Lunas Training School with cots, heat, food and water available. With the closure of I-25, they housed one person who would have otherwise been stranded on the road. Everything will be handled through dispatch, law enforcement, fire and EMS will be the primary points of contact and coordination effects at this point will be conducted through the Village of Los Lunas and Mr. Zach Romero. Mr. Zamora has had preliminary discussions with the fire marshal and Mr. Phelps and will be preparing an action item for consideration in the upcoming weeks. Commissioner Gentry would like to have the Sheriff, Fire and EMS Departments present so they can give their opinions. Commissioner Andersen said it would be a good idea to have the different Villages present at that meeting.

6) Update on Los Lunas Corridor Study (MRCOG) Loretta Tollefson.

Ms. Tollefson updated the commission on the details on the two alignments, which are the Morris and Miller Roads and narrowing those potential connections from Morris to New Mexico 47. They are continually working with the Federal Highway Administration, the State Department of Transportation and the Army Corp of Engineers. There has been an issue with the Army Corp of Engineers proposing to cross the river; the Corp of Engineers must be comfortable with and concur with the recommendation that they make and the decision they make in regards to where the crossing is and how they cross. Typically the Corp of Engineers waits until the locally preferred alternative has been identified and then they weigh in with their issues related to whether or not they believe it's viable and is the best option. The result is there will be a delay of about ninety days before they can come back with a recommendation on a locally preferred alternative. They've also had some issues with the Federal Highway Administration not wanting to be a full partner in the process because they've didn't have any federal money for the project. The Department of Transportation has come forward with a small of amount of about \$200,000 in federal dollars that they will be programming in the next couple of months through the State Transportation Improvement process. This is the hook that was needed to get the Federal Highway Administration involved.

Madam Chair asked if they would bring that recommendation to the commission or the general public.

Ms. Tollefson said another public hearing will probably be held about the same time they return to the village and the commission and possibly Belen with a request for concurrence with a recommendation. The public will have another opportunity to comment on that recommendation.

7) Reports from Manager, commissions, Boards & Committees: County Manager/Commission.

County Manager Eric Zamora stated the transfer of the Tome Community Center to the Town of Tome Land Grant has been completed. The Land Grant met its insurance requirements, provided that documentation and the deed has been recorded.

The county received a request from the Belen Schools for assistance with a situation at La Merced Elementary. There are safety concerns in the drop-off area, which has no turn around area and would be a cul-de-sac type area at the end of a two lane road. The school has limited funds and has asked the county to consider helping. Mr. Zamora has met with them and is waiting on additional information to see how much assistance will be required. He feels this is enough of a safety concern for the children and has offered that the county can do some dirt work for them if they can provide the paving. He will assess that and report back to the commission.

The county has been working with Department of Transportation and the railroad on quiet zone projects on Valentin, Molina, Mesa Road, Don Felipe and Lopez Road in Belen. The funding for Valentin and Molina project is 100% and equipment has been ordered. By the end of April the county should see substantial construction at those two intersections. The lead agency is the Council of Governments, as that is a Rail Runner line. On the other three crossings, Mesa, Don Felipe and Lopez, the Department of Transpiration turned over the lead of this projection to the Burlington Northern Santa Fe. The county had originally designed the project, turned it over to the railroad with a cost estimate of about \$650,000.00 which the Department of Transpiration had funding for. Mr. Zamora received

Minutes of February 2, 2011, Regular Business Meeting

new cost estimates from the railroad indicating that this is now a \$2.5 million dollar project. The county doesn't have funding for that and neither do they; they are now looking at another concept that will get the county the back into the \$650,000.00 available budget. If those costs come in higher, Mr. Barela has indicated that he would like to see what those costs are before he commits to re-appropriating those funds from Vaentin and Molina.

Mr. Zamora meets with the Department of Transportation every two months just for coordination effort. The county was awarded the bid for the signal project at Hwy 304 and Hwy 47 and work should be starting soon. The county had lost the High Mesa project which was the intersection realignment on High Mesa and Meadow Lake Road which was a safety project. Mr. Zamora has been working with the Department of Transportation to see if the county can get that one back.

Mr. Zamora commended the road crew for all their diligent efforts in making sure the primary roads were sanded and salted.

Commissioner Holliday thanked Bill Chavez and crew for a wonderful job cleaning up his area, Molina and the Togami Farms area.

Commissioner Romero asked Mr. Zamora if there was a chance of revisiting the Jarales overpass.

Mr. Zamora said yes, they could certainly do that.

ACTION ITEM(S)

8) Accept Findings of Fact and Conclusions of Law: Eric Zamora/Jacobo Martinez Consideration of Quasi-Judicial Zone district change; Amend the Zoning Map from RR-1 to C-1 with a Conditional Use on the Subject Property Defined as; T7N R3E Section 26 NMP; Lands of Jess & Marietta Mestas; Tract A-10C-4-A; Zoned RR-1; Filed in Book 288 Page 2513 of the Office of the Valencia County Clerk; AKA 449 Meadow Lake Road, Los Lunas, NM /Dennis Haynes.

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

9) Consideration of (EECBG) Energy Efficiency Retrofit Project of Judicial Complex: Eric Zamora

Commission Gentry moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibit B)

10) Consideration of Children, Youth and Families Department Agreement; Juvenile Justice: Eric Zamora.

Carlton Liggins of CYFD stated they have about sixty plus board members on the Juvenile Justice Board. Their mission statement is to serve the youth and families in Valencia County by providing comprehensive services for the purpose of empowering families to be successful, productive citizens. They have established four sub-committee's which are education and prevention, health wellness, community and health and juvenile justice case processing. Mr. Liggins is requesting to hire a juvenile justice continuum coordinator which is an essential position for the board. The scope of work for that position is to assist in the development of the infrastructure for the Juvenile Justice Board, coordinate Juvenile Justice Board membership, meetings, presentations and agendas. Also serve as a liaison between the Juvenile Justice Board and their approved programs; assist the co-chairs of the board and county manager with presentations to the commission. They would also assist in preparing grant applications for state and federal grants. By the end of February or the beginning of March there should be RFP's released by CYFD for programming and hope to get that person on board and have the ability to apply for some of those funds.

Commissioner Andersen asked if that person would be an employee of CYFD and not the county. That person would be a contract person through the county, was Mr. Liggins response.

County Manager Eric Zamora stated the county would act as the fiscal agent for the grant but the hiring process would come through the county. The person holding this position would report to the board.

Commissioner Holliday asked where would the \$30,000.00 to pay the contract employee come from and would that is on a yearly basis? Mr. Zamora said from the grant and it will be on a yearly basis. Madam Chair said that person would be hired on the provisions of the grant being funded on an annual basis.

Commissioner Andersen moved for approval. Seconded by Madam Chair. Motion carried unanimously. (See Exhibit C)

11) Consideration of New Mexico Department of Homeland Security & Emergency Management Sub-Grant Agreement; Sheriff Louis Burkhard/Eric Zamora.
Commissioner Holliday motioned for approval. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibit D)

12) Consideration to Procure Five (5) Sheriff's Office Vehicles: Sheriff Louis Burkhard/Eric Zamora
Commissioner Romero moved for approval. Seconded by Commissioner Holliday. Motion carried unanimously. ~~(See Exhibit E)~~

13) Consideration of Resolution 2011-11, Local Government Road Fund Financial Hardship: Eric Zamora
Commissioner Gentry moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2011-11. (See Exhibit ~~E~~)

14) Consideration of Bid #663/Base Course Materials: Eric Zamora
Madam Chair moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit ~~D~~)

15) Consideration of Contracts for Bid #663/Base Course Materials: Eric Zamora
Commissioner Andersen moved for approval. Seconded by Commissioner Holliday. Motion carried unanimously. (See Exhibit ~~H~~)

16) Consideration of Resolution 2011-12, Authorizing the Issuance and Sale of the Valencia County New Mexico, General Obligation Refunding Bonds: Eric Zamora
Mr. Dwayne Brown said this was a follow-up of what was presented to the commission in December when they had asked for original authorization to approach the New Mexico Finance Authority with the request to refinance the outstanding bonds from 2004. Mr. Zach Dillenbach from the New Mexico Finance Authority was present to answer any questions. Mr. Brown has been in contact with the Finance Authority and has worked through the refinancing proposal. Back in December they estimated the present value saving to the county in doing this transaction would be \$424,000.00. The final result is there's a present value savings of \$415,000.00. Also in working with the County Treasurer's Office they found that there had been an accumulation in the overall debt service fund for paying these general obligation bonds, which is basically over funded. So they were able to take an extra \$500,000.00 from that accumulated debt service account and use that to reduce the principal amount of the new bond issue. In 2018 when the final payment is made, the county will be collecting on average \$130,000.00 less from the taxpayers then what the county otherwise would have if the county hadn't done the refinancing.

Zach Dillenbach said the county will be saving taxpayers dollars and the Finance Authority took that very strongly and was dedicated to doing this refunding to create that saving for the county.

Mr. Brown said today's request was for the commission to approve the adoption of the resolution which has the final numbers and interest rates and the second document is a bond purchase agreement between the county and the New Mexico Finance Authority where they agree to buy the new refunding bonds. Commissioner Holliday moved to adopt the resolution. Seconded by Commission Andersen. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2011-12. (See Exhibit ~~H~~)

17) Consideration of Appointments to Boards and Committee: County Commission
Commissioner Andersen recalled eliminating the hospital board committee on the above appointments but it was still showing up. Madam Chair asked that it be removed.

County Clerk Sally Perea presented the nominations from the County Party Chairs for the Board of Registration according to statute. The nominations submitted from the Democratic Party were Michelle Mares, Lillie McNabb, and Bill Pratt and from the Republican Party were Belinda Chavez, Amelia Baca and Phil Martinez.

Commissioner Holliday moved for approval of the appointments of Lillie McNabb, Amelia Baca and Bill Pratt. Seconded by Gentry. Motion carried 4-1. Commissioner Andersen voted no.

Minutes of February 2, 2011, Regular Business Meeting

FINANCIAL MATTERS:

18) Consideration of Approval: Payroll/Warrants-Kenny Griego/Wilma Abril
Commissioner Holliday moved for approval of Payroll/Warrants. Seconded by Madam Chair Otero-Kirkham. Motion carried unanimously. (See Exhibit *DI*)

PUBLIC COMMENTS:

Meadow Lake resident Bob Gostischa questioned the refinancing and what the previous interest rate the county had and what was it getting it for now? Mr. Brown said it went from 3.76% to 2.12%.

Mr. Gostischa also expressed his concerns on the Energy Efficiency Retrofit Project and said it was not a very good move going from what was going to cost the county absolutely nothing, having all the saving totally guaranteed by the person doing all of the retrofitting, to go into something that is not guaranteed; the county is shelling out \$9,000.00 and getting a very small piece of the pie.

Thomas Stronach who resides on Edeal Road has a vested interest on the proposed bypass from I-25 to Highway 47 because it will go through part of his land. Mr. Stronach believes if this was for the good of the county and the good of the people, he would be more than happy to have it go through his land. But at looking at the maps he and his neighbors asked why this bypass is so close to Highway 6 and who is going to use this bypass. Both Edeal Road and Hwy 47, in which the proposed bypass is to be located, have a very dangerous curve where a little girl was killed several months ago and several children in the area get on and off the buses which will be endangering their lives. Mr. Stronach feels this is the wrong place to put this road; it should be further south and bypass these two dangerous curves.

NEXT COMMISSION MEETING:

The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on February 9, 2011 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

Commissioner Andersen moved for adjournment. Seconded by Commissioner Romero. Motion carried unanimously. Time 12:00 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 2, 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

LAWRENCE R. ROMERO, MEMBER

RON GENTRY, MEMBER

DONALD E. HOLLIDAY, MEMBER

ATTEST:

SALLY PEREA, COUNTY CLERK

DATE