



February 16, 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 21, 2011-Business Meeting
February 2, 2011-Business Meeting
February 9, 2011-Public Hearing

Georgia Otero

DISCUSSION (Non-Action) ITEM(S)

- 5) Funding option Administrative Building: **Eric Zamora/Zack Dillenback**
- 6) Reports from Manager, Commissions, Boards & Committees: **County Manager/ Commission**

ACTION ITEM(S)

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

- 7) Consideration of Indigent Report.....**Kenny Griego/Barbara Baker**

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

- 8) Consideration of **Resolution 2011-___**, "Authorizing and Approving submission of a Completed application for Financial assistance and Project approval to the New Mexico Finance Authority" Regional Emergency Communication Center Equipment; **Eric Zamora/Shirley Valdez**
- 9) Consideration of **Resolution 2011-___**, "Authorizing and approving submission of a complete Application for Financial Assistance and Project approval to the New Mexico Finance Authority" Purchase and Equip (3) Fire/EMS Response vehicles: **Charles Eaton**
- 10) **Final Action on Public Hearing: February 9, 2011**
Consideration of Quasi-Judicial District Change; Amend the Zoning Map RR-2-to C-2 on the subject property defined as: T6N, R2E, Section, NMPM; Lands of Lands of Telesfor and Martha Sedillo; Tracts B & D; Zoned RR-2; filed in Book 364, Page 10480 of the Office of the Valencia County Clerk. *(Leslie Gibson)* **Eric Zamora/ Jacobo Martinez**
- 11) Consideration of Administrative Advisory Professional Service Agreement: **Sheriff Louis Burkhard**
- 12) Consideration of Bid#662/Remodel of the Del Rio Center: **Kenny Griego/Rebecca Nevarez**
- 13) Consideration of Contract award to Ambysis PC, DBA Claudio Vigil Architects for the design of a new Administration Building and District Attorney's Office: **Eric Zamora**

FINANCIAL MATTERS:

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- 14) Consideration of **Resolution 2011-___**, "Relating to the proper accounting for capital assets, the adoption of the State statutory capitalization limit; and, the proper disposal of those assets in accordance with applicable statutes"; **Kenny Griego/Larry Trussell**
- 15) Consideration of **Resolution 2011-___**, "Increase Expenditures": **Kenny Griego/Wilma Abril**

- 16) Consideration of *Resolution 2011-___*, "2010/2011 Budget-Inter & Intra Budget Transfer": **Kenny Griego/Wilma Abril**
17) 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:

- ♦ **March 2, 2011- Business Meeting @ 9:30A.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.

Please Silence All Electronic Devices – Thank You!

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VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR BUSINESS MEETING

February 16, 2011

| PRESENT | ABSENT |
|---|------------------------------|
| | Georgia Otero-Kirkham, Chair |
| Mary J. Andersen, Vice-Chair | |
| Lawrence R. Romero, Member | |
| Ron Gentry, Member | |
| Donald 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 Vice-Chair Andersen at 9:30 A.M.

2) Madam Vice-Chair led the Pledge of Allegiance.

Madam Vice-Chair Andersen stated that because of the death of Commissioner Kirkham's husband Rex, she was not present at today's meeting. On behalf of Commissioner Otero-Kirkham, Madam Vice-Chair thanked everyone for their caring and attention and asks that everyone keep the Kirkham family in their prayers.

3) Approval of Agenda

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

4) Approval of Minutes: January 21, 2011 Business Meeting

February 2, 2011 Business Meeting

February 9, 2011 Public Hearing

Commissioner Holliday motioned for approval of the minutes. Seconded by Commissioner Romero. Motion carried unanimously.

DISCUSSION (Non-Action) ITEM(S)

5) Funding Option Administrative Building: Eric Zamora/Zack Dillenback.

Mr. Zack Dillenback of the New Mexico Finance Authority was present for any questions the commission might have. He stated the funded program they offer is the Public Project Revolving Loan Fund which funds everything from equipment to buildings, infrastructure, land and airports. In the case of a General Obligation Bond which is the Ad-Valorem property tax and other instances this would be in the form of a gross receipts tax or an enterprise fund. They would have very flexible structuring options to meet the county's needs in terms of the duration of the bonds length in order to meet the needs and also the amount the county would need. Estimates to date would range anywhere from \$8,000,000.00 to \$10,000,000.00. The example they most recently looked at is about \$9,000,000.00 for about twenty eight years and in doing so under current interest rates you're looking at an annual cost \$692,000.00. The interest rate over a twenty eight year term would be estimated under current interest rates about 4.85%.

Commissioner Holliday said first a design of the building is needed and do we know the amount that is actually needed. Madam Vice-Chair said the building being contemplated will include housing for the District Attorneys Office and getting the District Attorneys Office back near the government center of the county has a lot of benefits.

Commissioner Gentry asked Mr. Dillenback if the commission were to go forward with this request, what would be the time frame for the bond. Also when in this application process is the Mortgage Finance Authority going to say you have to have this revenue stream you've pledged in place legally.

Mr. Dillenback said he would start preparing and underwriting the project itself to either be approved by his board during the March or April cycle with the intent that the sale of the bonds would occur in May and expects it would be the end of May that the bonds would actually close. The revenue stream would have to be in place by the time of the application otherwise financing can't be approved. In regards to when the application should be in, it's contingent on how quickly the county wants to move. He recommends the end of March.

Commissioner Gentry asked Mr. Dillenback to prepare a schedule by increments of \$1,000,000.00 starting at \$5,000,000.00 showing exactly what the cost to the county is going to be and get it back to the commission as soon as possible for review.

County Manager Eric Zamora stated there are two critical components; one of which is the lease the county pays for the District Attorney's building and the implementation of the county's solid waste program, by developing that as an enterprise fund, the county can free up as much as \$400,000.00 to \$500,000.00 on an annual basis which would go back into the General Fund for use in other areas.

6) Reports from Manager, Commissions, Boards & Committees: County Manager/Commission.

Warden Joe Chavez gave a brief update on the Adult Detention Center. He has moved all his detention officers to twelve hour shifts in order to cut down on overtime. Detention officer turnover is currently down, a fire and safety sanitation officer has been assigned to the facility which has dramatically improved the safety and cleanliness to the facility, evacuation routes are in place and fire drills are now ongoing for all areas, are in the process of updating all policies, has now trained certified instructors in lethal ammunitions giving the facility it's own instructors to train their own detention officers, detention officers are being sent to the Central New Mexico Correctional Facility for accredited training at no cost to the county. Moral is very high at the Detention Center and Warden Chavez is in excellent communications with all the municipalities, law enforcement, judges and are all working well as a team. Also inmate numbers in the jail are down. Currently Cibola County requires that inmates pay for their booking fees, medical and commissary expenses and Ward Chavez will be making a trip to Cibola County to see how this is done. Construction is moving along, they are having meetings every week to stay on track and if any issues come up on either side, they are being addressed immediately. The process of building a jail is new to Warden Chavez so he will be assisted by the County Manager and Robert Martinez on this issue.

Commissioner Gentry asked where they were at with the issue of the cash balance differences and also asked that the county attorney look into this issue further.

Warden Chavez said an audit has been completed, there is money missing and it has been reported to the Treasurer and the District Attorney. At this time it's been sent to an outside agency for further investigation. The person discovered with the money issue has been terminated through the county policy and procedures of the disciplinary process. The dollar amount is over \$80,000.00.

County Attorney Dave Pato stated he would be glad to send a letter to the District Attorney inquiring about the status of the investigation of the discrepancy of the financial matters. Manager Zamora stated that Sheriff Burkhard has taken the lead on the investigation and has assigned an officer to that investigation.

Commissioner Holliday said the intersection of Manzano Expressway and Meadow Lake Road needs more signs. Also because of an accident at North Rio del Oro and Manzano he thought a traffic light would have to be installed there.

County Manager Eric Zamora briefed the commission on some of the bills that are pending with the legislature in Santa Fe. These included House Bill 251 which proposes changes to the public employee retirement program, Senate Bill 452 which is referred to as the hold harmless bill and the other bill introduced was a feasibility study to fund an investigation whether or not a fund could be established to reduce the cost of spay and neuter fees.

Mr. Zamora gave an update on the Juvenile Justice Board. Recently the agreement was approved to fund the coordinator position and the job description is presently being prepared in order to get the position advertised which would be within the next week.

Mr. Zamora also commended staff for their positive response and hard work for developing the scenario on the emergency response exercise during the cold weather.

Mr. Zamora said with the finance issues in the City of Belen, it seems to be having more of an impact on county fire resources. It looks like the county may be asked to assist in more of an upfront role with the City of Belen but will continue to evaluate as situations come up.

ACTION ITEM(S)**BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD**

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

7) Consideration of Indigent Report – Kenny Griego/Barbara Baker

Ms. Baker presented the Indigent Claims from January 7, 2011 to February 11, 2011. The amount of claims submitted was \$618,593.79. Ms. Baker requests approval of \$58,464.21.

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

Ms Baker presented an appeal for Mark Vargas in the amount of \$4,662.00. Ms. Baker requests approval of \$3,000.00.

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

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

Commissioner Holliday Moved to re-convene as the Board of County Commissioners. Seconded by Commissioner Romero. Motion carried unanimously.

8) Consideration of Resolution 2011-13, "Authorizing and Approving submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance authority "Regional Emergency Communication Center Equipment; Eric Zamora / Shirley Valdez.

County Manager Eric Zamora said in November 2010 voters approved a bond to provide for upgrades at the 911 Call Center. The upgrades will include replacement and installation of the consoles the 911 operators use.

Commissioner Gentry said there is software and application program called a Power Phone System which he would like to see implemented within all the fire districts in Valencia County. What this system does is relieve the pressure on responding to everything on a red code, assign the level of emergency whatever it may be, that way it doesn't have all the emergency units responding. This program costs about \$60,000.00 and he would like to send a message to Ms. Valdez that when this long term funding gets approved he would like to see this implemented and would want all the fire districts within the county to support this system.

Mr. Zamora said he was able to work with Ms. Valdez to acquire about \$5,000.00 in software upgrades for the county rural addresser. Ms Valdez has been receptive in providing these types of upgrades and he will work with her to investigate this opportunity.

Commissioner Gentry moved for approval of the resolution authorizing the submission of the application for assistance program for the Regional Emergency with a caveat that this program also be considered within this. Seconded by Commissioner Romero. Motion carried unanimously. (See Exhibit C)

County Clerk Sally Perea announced Resolution 2011-13.

9) Consideration of Resolution 2011-14, "Authorizing and Approving Submission of a Complete Application for Financial Assistance and Project Approval to the New Mexico Finance Authority" Purchase and Equip (3) Fire / EMS Response Vehicles: Charles Eaton. This resolution is for the purchase of (3) response vehicles. The \$259,815.00 comes from the Fire Excise Tax.

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

Commissioner Gentry requested that because there are no response vehicles like this in Jarales that one of the used trucks be assigned to the Jarales Fire Department. Chief Eaton said he would look at relocating one to Jarales.

Commissioner Romero said he would meet with the County Manager and the sheriff the next day at 6:30 P.M. in Jarales in regards to improving the county's image in order to attract people to Valencia County by making it safer and he extended an invitation to Chief Eaton.

Madam Vice-Chair said another area that also desperately needs to be looked at is Highland Meadows.

Commissioner Holliday moved for approval. Seconded by Commissioner Romero. Motion carried unanimously. (See Exhibit D)

County Clerk Sally Perea announced Resolution 2011-14.

10) Final Action on Public Hearing: February 9, 2011.

Consideration of Quasi-Judicial District Change; Amend the Zoning Map RR-2 to C-2 on the Subject Property Defined as: T6N, R2E, Section, NMPM; Lands of Telesfor and Martha Sedillo; Tracts B & D; Zoned RR-2; Filed in Book 364 Page 10480 of the Office of the Valencia County Clerk. (Leslie Gibson) Eric Zamora / Jacobo

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

County Manager Eric Zamora said this will require an upgrade or a new permit from a residential driveway to a commercial driveway permit and was asked to make this part of the record on behalf of the DOT (Department of Transportation).

11) Consideration of Administrative Advisory Professional Service Agreement: Sheriff Louis Burkhard.

Sheriff Louis Burkhard requested approval of a ninety day contract for a professional service person for the Sheriff's Department and said this contract would allow him to bring someone as an interim to assist him in putting together a new policy manual.

Commissioner Romero moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit E)

12) Consideration of Bid #662 / Remodel of the Del Rio Center: Kenny Griego / Rebecca Nevarez.

Mr. Griego said funds are available from the New Mexico Legislative Appropriations in the amount of \$445,500.00 and CC Constructions bid was \$257,500.00. This company is from Belen and owned by Chris Chavez.

Commissioner Gentry suggested looking further as this was the same company the county had all the problems with in regards to the Rio Grande Fire Department and the difference in the bids were only about \$800.00.

Madam Vice-Chair asked about Home Pro which seems to be the next lower bidder.

Mr. Zamora said they have had success with Home Pro which has been in business for several years. In discussing this bid with the county's building maintenance administrator Mr. Robert Martinez he has confidence in Home Pro to perform the duties that were requested in the contract and he also expressed concerns about the quality of work the county has received in the past from CC Construction.

Madam Vice-Chair moved to award the bid to Home Pro Inc. Seconded by Commissioner Romero. Motion carried 3-1. Commissioner Holliday voted no.

Madam Vice-Chair suggested that the next time something like this happens that they have a bid and a contract in the same motion. Whether someone wants to file a protest afterwards, the commission will have to take that chance but let's start getting some things done in this county. This business of taking six or seven weeks to issue a small contract to do something is ridiculous.

Tony Rivera project manager with John Kirkpatrick Architect said in respect to concern to a potential dispute being filed by CC Construction on the basis of awarding the contract to the next lowest bidder Home Pro, it's his understanding that unless the contract has been disqualified for any number of technical improprieties with their bid or not in good standing with the Department of Labor that according to the procurement code of the state that for a public bid of this nature the contracting agencies is obligated to award to the lowest qualified bidder.

Madam Vice-Chair withdrew her motion to approve this bid and Commissioner Romero withdrew his second. She asked does the county have a list of vendors that are barred from doing business with the county because of past poor performance.

Mr. Pato said if the commission is inclined to bar a vendor it has to provide them an opportunity for due process and a hearing to disqualify them.

Madam Vice-Chair said "then let's get them here and get that done." She would prefer to table this bid until that has been done. Commissioner Gentry moved to reject all bids and reconsider. If we do that, we have to go through reissuing all the bids and getting them out again, Madam Vice-Chair said. What the commission needs to do is get a formal declaration that CC Construction has not proven to do the kind of job the county wants them to do and the commission will not allow them to bid again for whatever time the commission agrees on but they need to be placed on that list and then go ahead with this instead of stalling for another six weeks.

Commission Holliday said do we also want to look at all the contractors that have done unacceptable work for the county in past and place them on the list that way the commission doesn't have to go through this again.

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Absolutely, the county should have that list and they should not ever get a request to submit a bid was Madam Vice-Chair's response.

Commissioner Holliday motioned to postpone the bid. Seconded by Commissioner Gentry. Motion carried unanimously.

13) Consideration of Contract award to Ambysis PC, DBA Claudio Vigil Architects for the Design of a New Administration Building and district Attorney's Office: Eric Zamora After concerns about where the revenue and funding stream for the \$7.2 million is identified and also where it's going to be built, decisions needed to be made before the end of March. Commissioner Gentry asked would it harm this contract to make sure we have those ducks in a row before we spend the first \$100,000.00. Manager Zamora said no, it would not set us back.

Madam Vice-Chair recommended that a workshop be held where they can spend the entire time discussing the funding issues, the timing and whatever else is required for the administration building replacement and would like that scheduled before the first meeting in March. She suggested the afternoon of February 28th. Commissioner Gentry moved to table this item. Seconded by Madam Vice-Chair. Motion carried unanimously.

FINANCIAL MATTERS:

14) Consideration of Resolution 2011-15, "Relating to the Proper Accounting for Capital Assets, the Adoption of the State Statutory Capitalization Limit; and the proper disposal of those Assets in Accordance with Applicable Statutes." Kenny Griego / Larry Trussell Commissioner Gentry moved for approval. Seconded by Commissioner Romero. Motion carried unanimously. (See Exhibit F)

County Clerk Sally Perea announced Resolution 2011-15.

15) Consideration of Resolution 2011-16, "Increase Expenditures." Kenny Griego / Wilma Abril

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

County Clerk Sally Perea announced Resolution 2011-16.

16) Consideration of Resolution 2011-17, "2010 / 2011 Budget-Inter & Intra Budget Transfer." Kenny Griego / Wilma Abril

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

County Clerk Sally Perea announced Resolution 2011-17.

17) Consideration of Approval: Payroll / Warrants: Kenny Griego / Wilma Abril

Commissioner Holliday moved for approval. Seconded by Commissioner Romero. Motion carried unanimously. (See Exhibits I, J & K)

PUBLIC COMMENTS:

Valencia County resident James Crawford spoke on transparencies, on the posting of discussion materials and favors the opportunity for the public to comment. The commission needs to have some ground rules on limiting public comments to maybe five minutes for each person wanting to speak. Mr. Crawford also feels the most productive process would be is to have comments at the time of the agenda items which would keep it focused on the business at hand and asked the commission to look at House Bill 284 which grants the county commission the authority to construct and install renewable energy facilities using the garbage collections money which he is not in support of.

Valencia County resident Mike Wood also expressed his comments on the public comments issues and informed the commission and the public on the update in the local paper on the status of the hospital.

NEXT COMMISSION MEETING:

The next Business Meeting of the Valencia County Board of County Commission will be held on, March 2, 2011 at 9:30 A. M. in the County Commission Room at the Valencia County Courthouse. A workshop will also be held on February 28, 2011.

Adjournment


Commissioner Romero moved for adjournment. Seconded by Commissioner Holliday. Motion carried unanimously. Time 11:41 A.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 16, 2011 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

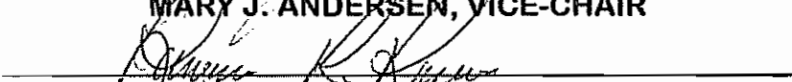
VALENCIA COUNTY BOARD OF COMMISSIONERS




GEORGIA OTERO-KIRKHAM, MADAM CHAIR



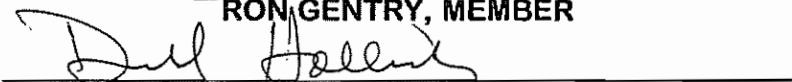
MARY J. ANDERSEN, VICE-CHAIR



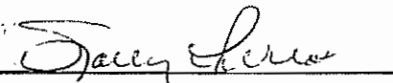
LAWRENCE R. ROMERO, MEMBER



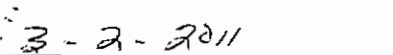
RON GENTRY, MEMBER



DONALD E. HOLLIDAY, MEMBER

ATTEST: 

SALLY PEREA, COUNTY CLERK



DATE