

March 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
Ran Gentry District IV
Donald E. Holliday District V

Georgia Otero-Kirkham

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes: February 16, 2011-Business Meeting

5) **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; Sheriff's Office Claims; Methola, Johnson, Bogue, Garley, Duran, Seals, 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)

- 6) Directors Reports: **Lawrence Esquibel, IT**
- 7) Reports from Manager, Commissions, Boards & Committees

ACTION ITEM(S)

- 8) **Accept Findings of Fact and Conclusions of Law: Eric Zamora/Jacobo Martinez**
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**
- 9) Consideration of a request for a road vacation petition for portions of Metcalf St. From Alame Loop to end of the Street; Schlup St.; Shifani St.; and Savole St. from Houston Blvd. to the end of said streets; (Michael Eaves):
Eric Zamora/Jacobo Martinez
- 10) 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**
- 11) Consideration of Resolution 2011-___, 2011/2012 County Road Improvement Program with the New Mexico Department of Transportation; *Cooperative State Funds(COOP)SP-3-12(935)* School Bus Route Funds; SB-7712(967)*County Arterial Program Funds(CAP)3-12(441): **Eric Zamora/Lina Benavidez**

- 12) Consideration of Agreement between Valencia County and NMDOT for the purpose of Planning, design And Construction of Manzano Expressway from Monterrey Blvd. to NM Hwy. 47: **Eric Zamora/DOT**
- 13) Consideration of *Resolution 2011-___*, Setting forth process for debarment or suspension of Contractors: **County Commission/Dave Pato**
- 14) Consideration of GIS Addressing and GIS E-911 Agreement: **Ruben Chavez/Richard Chavez**
- 15) Consideration of Land Exchange of Lot 10 for Lot 1 of Unit 8 in the Meadow Lake Subdivision: **Ruben Chavez**

FINANCIAL MATTERS:

- 16) 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 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.

Please Silence All Electronic Devices – Thank You!

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VALENCIA COUNTY BOARD OF COMMISSIONERS
BUSINESS MEETING

MARCH 2, 2011

PRESENT	
Georgia Otero-Kirkham, Chair	
Mary 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 Chair Otero-Kirkham at 9:35 A.M.

2) Commissioner Holliday led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Andersen requested item (13) Consideration of Resolution 2011-___, Setting Forth Process for Debarment or Suspension of Contractors be removed and motioned for approval of the agenda as amended. Seconded by Commissioner Holliday. Motion carried unanimously.

4) Approval of Minutes: February 16, 2011 Business Meeting

Commissioner Holliday moved for approval of the minutes of February 16, 2011 Business Meeting. Seconded by Commissioner Andersen. Motion carried unanimously.

5) 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; Sheriff's Office Claims, Methola, Johnson, Bogue, Garley, Duran, Seals; c.) Other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Holliday motioned to go into Executive Session. Seconded by Commissioner Andersen. Roll call vote. Commissioner Romero voted yes. Commissioner Andersen voted yes. Madam Chair voted yes. Commissioner Gentry voted yes. Commissioner Holliday voted yes. Motion 5-0.

Commissioner Romero moved to go back into Regular Session. Seconded by Commissioner Andersen. Motion carried unanimously.

County Attorney Dave Pato stated the matters that were discussed in Executive Session pursuant to Section 10-15-1 were limited to the items listed on the agenda which included the Sheriffs Office Claims: Methola, Johnson Bogue, Garley, Duran and Seals and no final action was taken.

Commissioner Andersen moved to approve the summary as stated by counsel. Seconded by Commissioner Romero. Roll call vote. Commissioner Romero voted yes. Commissioner Andersen voted yes. Commissioner Gentry voted yes. Commissioner Holliday voted yes. Madam Chair voted yes. Motion carried 5-0.

DISCUSSION (Non-Action) ITEMS(S)

6) Directors Reports: Lawrence Esquibel, IT

IT Director Lawrence Esquibel gave a report on the activities of the county's IT Department which consisted of the county's new phone system implementation, on the week of February 8th there was a major network issue which caused an outage at the detention center and Mr. Esquibel thanked Warden Chavez and his staff for their patience while this issue was being resolved. County Manager Eric Zamora and Mr. Esquibel made a trip to Chavez County in Roswell and met with the finance director, his staff, as well as some county officials to discuss their conversion to Tyler Software Program.

Also included in the report was staff development and projects which included the United Way Campaign, printer analysis, developing a network scanning implementation, desktop virtualization, and an internet service renewal, daily meeting of the users needs for

computer and network operations. IT staff is attending continuing education through the University of New Mexico for web development, networking and A-Plus hardware training.

7) Reports from Manager, Commissions, Boards & Committees

Valencia County Sheriff Louis Burkhard introduced his new department contract employee Linda Corrizo Barreras.

Commissioner Gentry asked Sheriff Burkhard for the chain of command in the event Sheriff Burkhard was not available. Captain Donges and Captain Hall would take up the responsibility was Sheriff Burkhard's response.

County Manager Eric Zamora said redistricting is coming up; the county should see the census data, which are released in March, in the next few days, and he will keep the commission updated on the requirements for this. The county is entering the first quarter of the calendar year which means the start of the county's budget cycle and will be meeting with the departments and elected officials to begin working on budgets. On Friday Mr. Zamora attended the Detention Reform and Cost Containment Inner Disciplinary Committee at which they are looking at developing some ideas and strategies to reduce the county's costs by reducing the numbers of inmates being processed through the system and improve the efficiency of the processing of those inmates.

Mr. Zamora has requested an update on the Pre-Trial Services to be presented at the next commission meeting. There are two positions available; the Juvenile Justice Coordinator which will be funded by the grant agreement previously approved by the commission and the Financial Administrator position in which the application period is presently open and hopes to have someone on board before the budget cycle starts.

Commissioner Gentry asked for the status of the grant and funding for the Homeland Security issue. Mr. Zamora said he is currently working with them to identify the timing and the funding and they are preparing a draft funding agreement and hope to have it to the commission by the second meeting of April.

Commissioner Holliday said in consideration of item (13), removed from today's agenda, does that mean that the work performance that previously brought the question up, do we go ahead and proceed?

Mr. Zamora said as of now they don't have a final determination and at the last meeting the item was postponed, so no action was taken on it. It's a matter of having some internal discuss with legal to see what the requirements are in evaluating the county procurement policy.

Commissioner Holliday stated he attended his first meeting with the New Mexico Cap in which he was elected vice-chair and looks forward to representing the county on that board.

ACTION ITEM(S)

8) Accept Findings of Fact and Conclusions of Law: Eric Zamora / Jacobo Martinez
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; Tract 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
Commissioner Andersen moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (SEE EXHIBIT A)

9) Consideration of a Request for a Road Vacation Petition for Portions of Metcalf St. From Alame Loop to End of the Street; Schlup St.; Shifani St and Savole St. From Houston Blvd. to the End of Said Street. (Michael Eaves) Eric Zamora / Jacobo Martinez
Commissioner Gentry moved for acceptance of the vacation. Seconded by Commissioner Romero. Motion carried unanimously. (SEE EXHIBIT B)

10) 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
Before taking action on the architects contract and as per the commissions request County Manager Eric Zamora provided a brief presentation based on a workshop held on Monday to show a summary of costs related to improvements at this facility. The renovations to this facility total about \$6.7 million dollars. It's a \$100.00 a sq. ft. on the general renovation but all the environmental issues double the price.

Madam Chair asked Mr. Vigil what happens if the commission signs the contract today, and the county doesn't get the financing?

Mr. Vigil stated there is a provision in the contract which states that either party can cancel the contract with seven days notice to the other party. So you can cancel the

Minutes of March 2, 2011 Regular Business Meeting

contract at any time and you've only spent the money up to the point that you cancel the contract. The beginning of the contract is the important part, that's where they go and interview all the departments and figure out how much square footage is needed. Then they will be able to come with a true estimate of how many square feet are needed and what the projected cost is.

Madam Chair Otero-Kirkham asked how much cost do you estimate that we would have by that time because we've budgeted \$100,000.00 for that. Mr. Vigil said probably in the range of \$15,000.00 - \$20,000.00.

County Attorney Adren Nance stated the way this contract is written; it's slightly different than most architect contracts. Generally there are two phases to any project; Phase I would include all the design, the program and all the drawings. Phase II, the architect oversees the actual construction. This contract is drafted with the thought in mind that the county may not get the money and if we don't get the money what happens is we have purchased Phase I which is all the contracting for a \$100,000.00 and Mr. Vigil will walk out with a lesser amount. If on the other hand the county moves forward at anytime within two years then Mr. Vigil will get paid for the entire amount for the Phase I and then we move on to Phase II.

Commissioner Gentry said if this is going to be done this ought to be binding, if the commission goes into this contract today that the county get the entire Phase I for the \$100,000.00 and no one backs out either way.

Mr. Nance said can clarify that the county doesn't pay until the first part is done and he will put it in the contract if Mr. Vigil agrees.

Commissioner Andersen agreed with Commissioner Gentry in that this is a form of insurance that is needed and has no objection to it.

Commissioner Romero asked if the commission goes into the contract for \$100,000.00 and then the county can't come up with the funding, the county is just out the \$100,000.00, right?

Attorney Adren Nance said for the \$100,000.00 we are including gross receipts tax so the county is going to get a \$316,000.00 value for the \$100,000.00 and we are all hoping and planning on getting the rest of money and then it'll be a wash.

In answer to Commissioner Holliday question Mr. Zamora said we do have the \$100,000.00 available in the county's building maintenance that was intended for use of renovations.

Commissioner Andersen motioned to approve the contract with the change. Seconded by Commissioner Romero. Motion carried unanimously. (SEE EXHIBIT C)

11) Consideration of Resolution 2011-18, 2011 2012 County Road Improvement Program With the New Mexico Department of Transportation; Cooperative State Funds (COOP) SP-312 (935), School Bus Route Funds; SB-7712 (967), County Arterial Program Funds (CAP) 3-12 (441): Eric Zamora / Lina Benavidez

County Manager Eric Zamora said these are the annual agreements that the county enter into with the New Mexico Department of Transportation in which they provide for 75% funding on the county's road improvement projects and 25% is required local match. These have been submitted every year and funding looks to be stable from what was received last year. This must be submitted to the Department of Transportation by the middle of March and funds will be released sometime after July 1, 2011.

Commissioner Gentry in District IV had requested that Sonnenburg Loop have the paving and for whatever happened it ended up in the middle of loop and he would like that paved as he had requested, where you start the funding from the driveway on the north entrance and use the same amount of funding and not go in the middle of the loop and fund it. Mr. Zamora said the correction would be made.

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

County Clerk Sally Perea announced Resolution 2011-18 (SEE EXHIBIT D)

12) Consideration of Agreement Between Valencia County and NMDOT for the Purpose of Planning Design and Construction of Manzano Expressway from Monterey Blvd. to NM Hwy 47: Eric Zamora / DOT

Madam Chair moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (SEE EXHIBIT E)

13) Consideration of Resolution 2011- , Setting Forth Process for Debarment or Suspension of Contractors: County Commission / Dave Pato
"TABLED"

14) Consideration of GIS Addressing and GIS E-911 Agreement: Ruben Chavez / Richard Chavez

Mr. Ruben Chavez stated the Town of Peralta in an attempt to provide Next Generation 911 and rural addressing services for its residents has opted to purchase those services from the county. The Town of Peralta does not qualify for state grant funding on its own due to population requirements. Thus the only option is to pay the county for those services. This agreement will also release Richard Chavez, Rural Addressor-GIS Coordinator, from any personal liability when modifying the 911 and address data bases with the Town of Peralta. This agreement is similar to the agreement entered into with the Village of Bosque Farms. The town of Peralta shall pay Valencia County \$3,000.00 for the first year of services and thereafter will pay a per-service fee. Fees will range from \$30 - \$50 depending on the service provided.

Madam Chair Otero-Kirkham was concerned that Mr. Richard Chavez is being overworked with the county system and suggested that when Mr. Chavez works on his budget that he include funding for this additional work.

Commissioner Andersen felt the \$3,000.00 was not a realistic amount to cover the cost for what they are doing.

Commissioner Gentry said this is something the county is not required to do, this is a contract and he suggests that this county should not be doing and supporting any of the municipalities on county money unless that it justifies that it's self paying and we have the extra time. Commissioner Gentry asked Mr. Richard Chavez if he had the extra time to do this and Mr. Chavez said no. Commissioner Gentry said if you don't have the extra time to do it this and if we sign this contract then we're taking away from our county residents the service that should be supplied to them. If he's given another employee, the county is going to subsidize that employee probably for about \$40,000.00 instead of \$3,000.00. Commissioner Gentry is concerned how billing for these services is going to be handled. This is one big program and everyone is part of it, so a missing link affects the whole program and the initial work has been done.

Madam Chair Otero-Kirkham motioned for approval because the Town of Peralta cannot be left out and this is a service that has to be provided for the entire county. Seconded by Commissioner Holliday. Motion carried 4-1 with Commissioner Gentry voting no.

(SEE EXHIBIT F)

15) Consideration of Land Exchange of Lot 10 for Lot 1 of Unit 8 in the Meadow Lake Subdivision: Ruben Chavez

Mr. Chavez stated the county is looking to acquire a parcel of land adjacent to the Meadow Lake Community Center. Meadow Lake Partnership (Max Kiehne) owns the lot and is willing to trade for a parcel the county owns and some clean-up work. This exchange requires DFA's approval and the only thing lacking for this approval is the title binders and the agreement. The county lot size being offered is .66 in exchange for a one acre lot.

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

FINANCIAL MATTERS:

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

Madam Chair Otero-Kirkham moved for approval of payroll / warrants. Seconded by Commissioner Holliday. Motion carried unanimously. (SEE EXHIBIT H, I & J)

PUBLIC COMMENTS:

The Board Will Allow Each Member of the Public Wishing to Address the Board a Full and Complete Opportunity to Address the Commission.

No public comments.

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

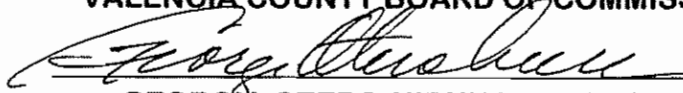
11) Adjournment

Commissioner Andersen moved for adjournment. Motion carried unanimously.

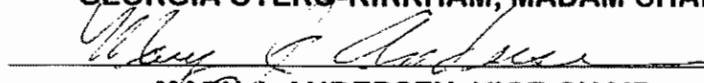
Time 11:32 A.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the March 2, 2011 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

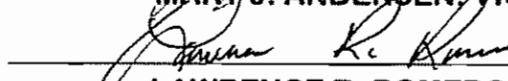
VALENCIA COUNTY BOARD OF COMMISSIONERS



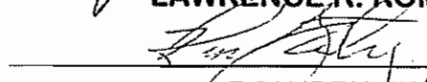
GEORGIA OTERO-KIRKHAM, MADAM CHAIR



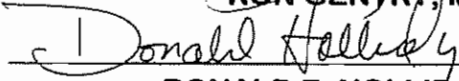
MARY J. ANDERSEN, VICE-CHAIR



LAWRENCE R. ROMERO, MEMBER

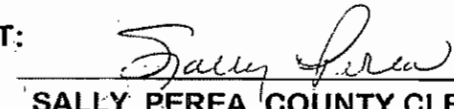


RON GENTRY, MEMBER



DONALD E. HOLLIDAY, MEMBER

ATTEST:



SALLY PEREA, COUNTY CLERK

3-16-2011

DATE