

April 6, 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: March 16, 2011-Business Meeting

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

- 5) Presentation: "Child Abuse Prevention" Month/**Annesonya Martinez/CYFD**
- 6) Update on submitting application for Law Enforcement Protection Funds for July1, 2011-June 30, 2012/**Louis Burkhard**
- 7) Update on submitting application for New Mexico Clean & Beautiful FY12 (2011-2012) Grant/**Eric Zamora**
- 8) Update on E911-Equipment/**Shirley Valdez**
- 9) Directors Reports: Finance Dept./**Kenny Griego**, Business Manager
- 10) Reports from Manager, Commissions, Boards & Committees

**ACTION ITEM(S)**

- 11) **Accept Findings of Fact and Conclusions of Law: Eric Zamora/Jacobo Martinez**  
Consideration of a WCF Overlay Zone change on the subject property defined as: T4N, R3E, Section 18, NMPM; Rio Grande Estates; Map-120; zoned RR-2; Block 1021, Unit M, Lot 22, found in Book 294, Page 5949 of the Office of the Valencia County Clerk./**Tierra Grande Improvement Association**
- 12) Consideration of Reorganization of the Sheriff's Department/**Louis Burkhard**
- 13) Consideration of Memorandum of Understanding between the County of Valencia and the Valencia County Deputy Sheriff's Association/**Louis Burkhard**
- 14) Consideration of Lease between TNT Investments, LLC and Valencia County for the District Attorneys Office located at 101 South Main St. in Belen, New Mexico/**Kenny Griego**
- 15) Consideration of *Resolution 2011-\_\_\_*, Authorizing and Approving submission of a completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority/**Kenny Griego**
- 16) Consideration of *Resolution 2011-\_\_\_*, Authorizing the Execution and Delivery of a Loan agreement and Intercept agreement by and between Valencia County, New Mexico and the New Mexico Finance Authority/**Charles Eaton**
- 17) Consideration of **Bid#662/Remodel of the Del Rio Senior Center/Kenny Griego**
- 18) Consideration of Amended Assistance agreement Department of Energy/Energy Conservation Block Grant (EECBG)/**Eric Zamora**

**FINANICAL MATTERS:**

- 19) Consideration of *Resolution 2011-\_\_\_*, Budget Increases/Cash Transfers from all Fire Depts. To Fire Admin.(County Fire Protection Fund):**Kenny Griego/Wilma Abril**
- 20) Consideration of *Resolution 2011-\_\_\_*,Cash Transfers County Fire Protection Fund to State Fire Funds: **Kenny Griego/Wilma Abril**
- 21) Consideration of Approval: Payroll /Warrants: **Kenny Griego/Wilma Abril**

**PUBLIC COMMENT:**

*Please sign up on the sheet located just outside the Commisston 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:**

- ♦ **April 13, 2011- Public Hearing @ 5:00P.M.**  
Valencia County Commission Board Room 444 Luna Ave. LL, NM

**ADJOURN:**

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*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!**

2 of 2

BOOK 71

PAGE 323

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**BUSINESS MEETING**

**APRIL 6, 2011**

<b>PRESENT</b>	
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 9:30 A.M.

2) Anne Sonya Martinez led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Andersen moved for approval of the agenda. Seconded by Commissioner Romero. Motion carried unanimously.

4) Approval of Minutes: March 16, 2010 Business Meeting

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

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

5) Presentation: "Child Abuse Prevention: Month / Anne Sonya Martinez –CYFD

County Manager Eric Zamora read the above Proclamation. Ms. Martinez stated April is nationally recognized as child abuse prevention month and as part of the effort locally they were privileged to participate in a collaborative effort among a number of different entities here within the community. The youth of the community were asked to submit a poster they really felt encompassed the theme of building community awareness. They had over seventy submissions and was a juried exhibition. Ms. Martinez introduced the students and artists of the winning poster, Angie Perez, Samantha Chavez, Gloria Castillo, and Theresa Sais. Rebecca Chacon was not present. These students are also part of the Grads Program of Belen High School, teen parents. The students of the Grads Program unveiled the poster for the Commission and audience. Ms. Martinez thanked the Commission for their support.

Belen High School teacher Ms. Becky Rivera said they work with students to teach them proper parenting, as child abuse in teenagers is very high.

Madam Chair, on behalf of the County Commission, made available the community centers to the Grads Program. The commission supports this program fully and is willing to do anything to help.

Commissioner Gentry moved for approval of the proclamation. Seconded by Madam Chair. Motion carried unanimously.

6) Update on Submitting Application for Law Enforcement Protection Funds for July 1, 2011 – June 30, 2012 – Louis Burkhard

Valencia County Sheriff Burkhard informed the commission that the Sheriff's Office has submitted their paperwork for the Law Enforcement Protection Grant, which was due on March 31<sup>st</sup>. The grant amount is \$49,800. This is a grant that comes up annually.

7) Update on Submitting Application for New Mexico Clean & Beautiful FY12 (2011-2012) Grant- Eric Zamora

County Manager Eric Zamora informed the commission that the annual application request for funding to provide community clean-up events has been submitted to the New Mexico Clean and Beautiful.

8) Update on E911 Equipment – Shirley Valdez

E911 Director Shirley Valdez stated she was trying to negotiate a price to purchase a MCC 5500 to upgrade the E911 Center. The price quoted was \$425,000. Ms. Valdez had

later received a call offering to sell her a MCC 7500 for \$600,000.00, which was more than the center could afford. In negotiations she was offered the MCC 7500 at the price of \$425,000 and in turn Valencia County would be used as a pilot project. No one in the State of New Mexico has this radio system. Valencia County will be the first to have a MCC 7500 and the only entity that uses this 7500 radio console system is the Federal Government, so she agreed to be the pilot project for the State of New Mexico to go forward with this MCC 7500. There will be training county wide to include dispatchers with all responding agencies.

**9) Directors Reports: Finance Dept.- Kenny Griego, Business Manager**

Business Manager Kenny Griego said he was very privileged to work with five departments in Valencia County which included the Human Resources Department, Insurance Indigent, Older American Program, Finance and Loss Prevention. He acknowledged each department head and staff for all their dedication and hard work in doing an admirable job. Mr. Griego also gave a brief overview of the functions of each department.

**10) Reports from Manager, Commissions, Boards & Committees**

County Manager Eric Zamora stated Congressman Heinrich has drafted a letter and sent to FEMA (Federal Emergency Management Agency) with a request to re-evaluate their study procedures. What FEMA did was they took an analysis of the river system but did not include the existing levies on that river analysis. What that means is they do not certify those levies that are in place right now as certified engineered levies. They consider them just to be piles of dirt and end result they have no affect on deterring any flood events. Congressman Heinrich has asked that FEMA include the spoiled piles as levies.

The county now has two certified FEMA Flood Plain Managers, Hoss Foster and Mike Marquez. Mr. Foster has been working directly with residents and according to his tally is just short of 500 residents that they have been able to help out within the last six months. Fifty of those properties are basically to get residents out of the flood zone, there are three hundred fifty homes which are Pre Firm and have met the qualification to be removed from the flood insurance requirement and one hundred have fallen under the grandfather clause. With the applications the county is receiving, the data is starting to substantiate some of those claims and believes this is something the county needs to take a closer look at and has asked Mr. Foster to follow up with FEMA and the State Flood Plain Director and see what can be done to move forward to address this.

Mr. Zamora and Sheriff Burkhard held a meeting with the residents in Tome on Saturday which was well attended. Saturday they will meet with Commissioner Holliday at the Meadow Lake Center at 10:00 A.M. Also a future date in Peralta is pending.

Employee service awards will be held the middle of next month on a Friday afternoon. This will include a cookout and recognize the employees that have been with the county for five years or longer.

There was a successful meeting held in regards to the Good Friday Pilgrimage with representatives from schools, local law enforcement, state police, county, Valley Improvement Association and Tome Land Grant to discuss the issues associated with the volume of pedestrian traffic that happens on Good Friday. They discussed pedestrian safety, traffic control, litter, restroom facilities and vending issues which will be addressed. Valley Improvement Association has committed to the prevention of having any animals on the Tome Hill. It is private property and they intend to post notices prohibiting animals from entering onto the property. A more formal press release will be issued in the upcoming weeks.

Also the update on the New Mexico Association of Counties Detention Committee is they are in the process of trying to evaluate alternative methods for detention. The county growth and the ability to provide service is limited because the county is charged with housing prisoners and a lot of times the county doesn't get paid for that. There's a number, \$22,000,000.00, which suggests that is owed to county governments from the state for housing state prisoners. The pool this year statewide is believed to be about \$3,000,000.00 statewide for reimbursements to house those prisoners.

The issue with the expansion of the Detention Center is that the contractor has run into a situation where he is re-evaluating his costs and ability to complete the contract. At the meeting on Tuesday a proposal was made pending a few clarifications which will bring it back on track and will be ready to move forward again. An update will be provided at a later time and the same construction deadline is still in effect.

Minutes of April 6, 2011 Regular Business Meeting

Mr. Zamora informed the commission on a letter he had received from the Fraternal Order of Police requesting commencement of union negotiations. A meeting is scheduled for April 21<sup>st</sup>.

The budget cycle administratively will begin on Monday April 11, 2011 with the department directors and elected officials.

Commissioner Andersen congratulated and thanked County Manager Eric Zamora for the work he's doing on FEMA which is absolutely phenomenal and she applauds him and all the effort everyone has put into this.

Madam Chair said anyone from the general public that might think they're in or out of the flood zone can contact one of the county's specialists who can assist them in proving whether or not they are in the flood zone.

Mr. Zamora said he wanted to inform the public that the county has detailed records on who is in and out of the flood plain and if anyone has any questions, they should not hesitate to contact him, Mr. Foster or Mr. Chavez.

Commissioner Gentry, for public information, brought up a letter and transmittal he received from the Appellate Court. Last Friday the Appellate Court in regards to the issue of the hospital sent out a notice of proposed summary disposition from the Court of Appeals meaning that the Court of Appeals says the trial court was correct and the courts still thought the dismissal should be upheld and the county shall prevail in the appellate lawsuit. This basically says the court has just read everything and the judge was right, the county was right and there's no wrong doing and they want to dismiss that lawsuit. This is public information and feels this is a great move for Valencia County.

Madam Chair asked Commissioner Gentry, are you saying we're lawsuit free? They've got twenty days to come up with some reason that the court shouldn't rule in our favor and the court has send out a document saying they have ruled in our favor and they uphold the District Court judges ruling. Unless they can convince the courts otherwise in twenty days, it should be totally dismissed, was Commissioner Gentry's response.

#### **ACTION ITEM(S)**

**11) Accept Findings of Fact and Conclusions of Law- Eric Zamora / Jacobo Martinez**  
Consideration of a WCF Overlay Zone Change on the Subject Property Defined as: T4N, R3E, Section 18 NMPM, Rio Grande Estates, Map 120, zoned RR-2, Block 1021, Unit M, Lot 22 Found in Book 294 Page 5949 of the Office of the Valencia County Clerk – Tierra Grande Improvement Association.

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

**12) Consideration of Reorganization of the Sheriff's Department – Louis Burkhard**  
Sheriff Burkhard is requesting a re-organization of the command structure in the Sheriff's Department and feels that it's his obligation and duty to make sure that his office operates as efficiently as possible. As per Section 5.6 of the Personnel Policy he is requesting that one captain position be laid off and that position will be added to a deputy's rate. He doesn't feel that it's necessary to have two captains positions when they have the sheriff and the under sheriff in administrative positions as well as one captain to oversee three command staff lieutenants. What this section requires is the permission of the commission to allow the county manager to use the criteria in that section to lay-off one position at the captains rank. That laid off position would be offered a position at a deputies or any other position available at that rank.

Commissioner Andersen asked if this requires an agreement with the union. Sheriff Burkhard said it does not, as per Section 5.6 of the County Personnel Policy the Commission can direct the county manager to follow the criteria in laying off one of those positions.

Commissioner Romero moved for approval. Seconded by Commissioner Gentry. Motion carried 4-0. Commissioner Holliday was out for the vote.

**13) Consideration of Memorandum of Understanding Between the County of Valencia and the Valencia County Deputy Sheriff's Association – Louis Burkhard**

Valencia County Sheriff Burkhard said he has met with the union and have determined that the detective's position is not a promotion and should not be considered one, rather a lateral transfer. The current contract, Sec 34 makes sergeant or lieutenant promotions or vacancies the same as a lateral transfer for detectives and in order to separate those

two so that promotions are for the rank of sergeant and the lateral transfer of detective are separate. Right now they fall under the same criteria.

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

**14) Consideration of Lease Between TNT Investments, LLC and Valencia County for the District Attorneys Office Located at 101 South Main St., in Belen, New Mexico – Kenny Griego.**

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

**15) Consideration of Resolution 2011-21, Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project approval to the New Mexico Finance Authority – Kenny Griego**

Total amount of this request is \$8,000,000.00 which includes planning, design and construction of the Valencia County Administration Building. The County will pay just under \$700,000.00 per year for twenty eight years. The final numbers will be more exact once they determine the interest rate.

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

County Clerk Sally Perea announced Resolution 2011-21. (See Exhibit D)

**16) Consideration of Resolution 2011-22, Authorizing the Execution and Delivery of a Loan Agreement and Intercept Agreement by and Between Valencia County, New Mexico and the New Mexico Finance authority – Charles Eaton.**

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

County Clerk Sally Perea announced Resolution 2011-22. (See Exhibit E)

**17) Consideration of Bid #662 / Remodel of the Del Rio Senior Center -Kenny Griego**

Business Manager Kenny Griego stated this is Bid #662 and the Valencia County Senior Center in conjunction with John Kirkpatrick Architect requested a bid for a general contractor to remodel the Del Rio Senior Center to replace a water damaged roof. The general contractor will also remodel the interior of the building and bring the building up to ADA standards.

Commissioner Romero asked Mr. Griego if on the Procurement Code if he could tell the Commission now that he has checked and there is nothing outstanding on the contractor that awarded the contract, to keep him from getting it.

Mr. Griego said yes, they did investigate and there wasn't anything legal as far as preventing them from going through with the bid.

Commissioner Romero said that being answered, he moves for approval.

Discussion-Commissioner Gentry said this is a facility in his district and it's been brought up that there were enormous problems with the last project with this particular contractor. There were a lot of constructions issues and unfortunately our building people say they don't remember it or it wasn't documented correctly but he does have a letter from the building person who's in charge of all the backup material. Commissioner Gentry was constantly called down to that project because the building wasn't attached properly, they took winches to move a metal building over, it did some damage to the roof, you could see daylight through the holes, water running in, early in the project, later on when it was finished and when it rained, the chief would call him because water was running down the walls and as the county building person Mr. Martinez reported, this construction company attempted several times to fix it, couldn't successfully fix it and by some mistake through our finance department, the county paid out the retaining fee in advance, when it should not have been paid. Therefore the county had no retainage; the warranty expired without the work and the damage being fixed. The county had to go to a private contractor after that and pay some \$8,000.00. That contractor fixed the problem and has not had any problems with it since. Commissioner Gentry asked the county attorney what is the process once the bids are open, can another bidder be selected other then the low bid.

County Attorney Dave Pato stated the commission is statutorily required to award the bid to the lowest responsible bidder and that bidder is the one that submits the lowest responsive bid. Unless a bidder has been debarred or suspended in accordance with the policy set forth by the county commission and after fair notice, just cause and after a



hearing, the county commission cannot exclude the lowest bidder without having them first be debarred or suspended. To debar or suspend you have to have a fair notice and a hearing.

Commissioner Gentry said so once it gets to the bid opening, this commission has no other direction to go but award the low dollar.

County Attorney Dave Pato said there are several options, you can award to the lowest responsible bidder or you can cancel the bids if the commission is so inclined to do that but you can't go to the next lowest bidder.

Commissioner Gentry said they need to look at the past record, as little as our building person can remember and not let this happen again. Is this job going to be done without change orders?

Mr. Griego said yes, this has been made very clear to the architect and Mr. Griego will make sure there are no change orders.

Commissioner Andersen seconded Commissioner Romero's motion with the provision that every time Mr. Martinez goes out to check on the construction project that he document it and he makes sure it gets properly filed. Commissioner Andersen spoke to the county purchasing representative and was given the information that there was no documentation. It is essential that when this man goes out to check our projects, whatever they may be, that his job is to document what he sees, whatever requirement for improvement that he wants done, specify a date that the improvement will be done and who's going to pay for it. Without that the county has nothing with which to hold some contractor responsible. This is the community's money we're spending and it's not right that we allow the people to cheat the community. Motion carried unanimously. (See Exhibit F)

**18) Consideration of Amended Assistance Agreement Department of Energy / Energy Conservation Block Grant (EECBG) – Eric Zamora**

County Manager Eric Zamora said this amendment provides clarification as to what the scope of the project is and amends any previous understanding that would extend the scope of work beyond the grant fund availability.

Commissioner Andersen moved for approval. Seconded by Madam Chair Otero-Kirkham. Motion carried unanimously. (See Exhibit G)

**FINANCIAL Matters:**

**19) Consideration of Resolution 2011-23, Budget Increases / Cash Transfers from all Fire Depts. to Fire Administration. (County Fire Protection Fund) – Kenny Griego / Wilma Abril** Commissioner Gentry moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2011-23. (See Exhibit H)

**20) Consideration of Resolution 2011-24 , Cash Transfers County fire Protection Fund to State Fire Funds \_ Kenny Griego / Wilma Abril.**

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

County Clerk Sally Perea announced Resolution 2011-24. (See Exhibit I)

**21) Consideration of Approval: Payroll / Warrants – Kenny Griego / Wilma Abril**

Commissioner Andersen moved for approval of payroll / warrants. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit J, K, L, M, N)

**PUBLIC COMMENTS:**

Sausalito Estates resident Pasqual Armijo said they have a big problem in his neighborhood with illegal dumping which occurs on a daily basis. In his opinion a substation is needed in the southern part of Belen or maybe canisters in the neighborhood which might encourage the dumpers to throw the trash in the big dumpsters. County residents are not allowed to take their trash to the city dump.

County Manager Eric Zamora said they have had open discussions with the City of Belen to allow county residents to dump at that Belen City Transfer Station. It hasn't been finalized but county residents can use the Belen City Transfer Station by paying the fee at the Belen City Hall, they don't take money at the transfer station.

Commissioner Gentry said he totally agrees with Mr. Armijo and thought the problem was resolved five months ago when the city came to the commission and asked the county to pay for the re-cycling plant in Belen because they couldn't afford it. The county is paying \$600.00 a month for re-cycling in Belen and thought that was part of the agreement and

that was the commission's intentions. Commissioner Gentry asked Mr. Zamora to finalize this, if the county is paying for part of Belen's bills for their re-cycling, the least they can do is return it to the county residents and let them use that dump. He encouraged Mr. Zamora to get that done quickly.

Sausalito Estates resident Joan Artiaga also came before the commission to express her concerns with the illegal dumping in her neighborhood and asked the commission when they go to proposal for solid waste will they please consider doing something comprehensive like re-cycling, a substation, a huge fine for people that dump their trash on someone else's property. She asked the commission to think about the people that don't have curbs, the Senior Citizens that don't need a huge dumpster and if the commission considers a complete revamping of the solid waste that they include some people on that committee who don't have curbs and people who do have property that are being barraged by valley garbage. This illegal dumping has got to stop and curbside pickup and the Conejos Transfer Station is not the answer to the entire county's problem.

Debra Edeal lives in Cypress Garden which is connected by a dirt road to where the Conejo Station is located, also spoke on the issue of illegal dumping and is disgusted with the amount of trash being dumped in this little road that is a block in walking distance from her home, children playing and the Ann Parish Elementary. With the lines at the Conejos Transfer Station, it takes hours to dump your trash, so around 5 o'clock construction people who have torn apart a room just dump. She agrees that more options are needed along with curbside recycling.

Leon Lovato also addressed the refuge and recycling issue. The transfer station is only open until 5:00 P.M., a lot of times it's closed for some reason or another and on Saturdays it's a mess trying to get in there, the lines are long. The county needs a comprehensive refuge company that can handle the amount of trash in the County.

**NEXT COMMISSION MEETING:**

The next Regular Public Hearing Meeting of the Valencia County Board of County Commission will be held on April 13, 2011 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

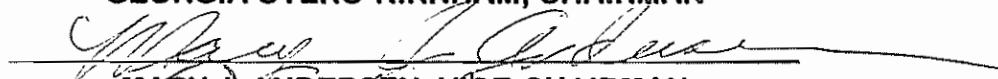
**11) Adjournment**

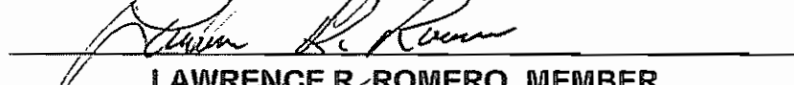
Commissioner Romero moved for adjournment. Seconded by Commissioner Andersen. Motion carried unanimously. TIME 11:06 A.M.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the April 6, 2011 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

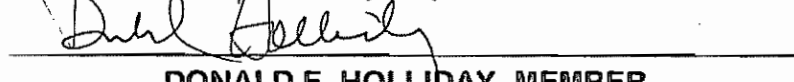
**VALENCIA COUNTY BOARD OF COMMISSIONERS**

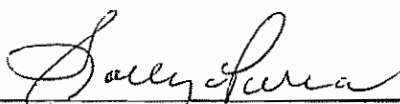
  
GEORGIA OTERO-KIRKHAM, CHAIRMAN

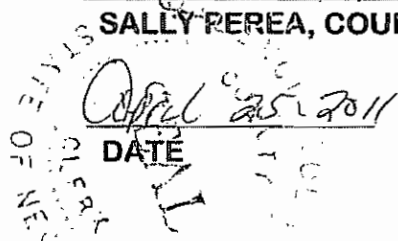
  
MARY J. ANDERSEN, VICE-CHAIRMAN

  
LAWRENCE R. ROMERO, MEMBER

  
RON GENTRY, MEMBER

  
DONALD E. HOLLIDAY, MEMBER

ATTEST:   
SALLY PEREA, COUNTY CLERK

  
DATE April 25, 2011