

VALENCIA COUNTY BOARD OF COMMISSIONERS

Business Meeting

August 18, 2006

PRESENT	ABSENT
Paul Trujillo, Chairman	
Ron Gentry, Vice-Chairman	
Mary J. Andersen, Member	
Georgia Otero-Kirkham, Member	
Lynette Pinkston, Member	
Francisco Apodaca, Interim County Manager	
Cynthia R. Wimberly, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

1. The meeting was called to order by Chairman Paul Trujillo at 9:03 AM.

2. **Chairman Trujillo asked Francisco Apodaca to lead the Pledge of Allegiance.**

3. **Approval of Agenda**

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

4. **Approval of Minutes**

August 11, 2006 – Business Meeting

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

5. **Public Requests**

Kirk Winker, Manager of the Air Valley Air Park said he had understood they were going to be on the agenda for the August meeting. Mr. Winker said his purpose here today is to let the Commission know that the zoning space air ordinance is still being worked on. Mr. Winker asked to be kept in the loop for what is going on with the County.

6. **Discussion (Non-Action) Items**

a. **Reports from Boards , Commissions & Committees – County Commission**

Commissioner Pinkston reported on the neighborhood watch meeting that she had attended.

7. **Action Item**

Board of Commissioners convene as Indigent Claims Board

Commissioner Andersen moved to convene as the Indigent Claims Board. Seconded by Commissioner Pinkston. Motion carried unanimously.

a. **Monthly report – Barbara Baker (Exhibit A)**

Ms. Baker presented the Indigent Claims from July 7, 2006 to August 4, 2006. The amount of claims submitted was \$168,098.34 and she asked for approval of \$37,869.83. There were 65 claims submitted and 16 applicant denials. Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

Reconvene as Board of County Commission

Commissioner Andersen moved to reconvene as Board of County Commissioners. Seconded by Commissioner Kirkham. Motion carried unanimously.

b. **Accept Findings of Fact & Conclusion of Law Decisions – County Commission**

1) **Amend zone map from C-1 to C-2 to bring property use into compliance, Unit 4, Tract 9 Green Valley Estates, AKA 2606 Hwy 47, Los Lunas, NM/Thomas Bizzell (Exhibit B)**

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

2) **Amend zone map from RR2 to RR1 for the purpose of creating two (2) lots; Tract A-2, Map 86, located off of Pleasant View, Los Chavez, NM/Gerald Chavez (Exhibit C)**

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

3) **Amend zone map from RR2 to RR1 for the purpose of creating four (4) lots; Tract 1-A-1-A-1-D, Map 81, AKA 1124 Curfman Road, Los Lunas, NM/Eloy Rodarte (Exhibit D)**

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

c. **Resolution 2006-38, Adopting a Multi-Year Infrastructure Capital Improvements Plan for 2008 to 2012 – Ruben Chavez/Vangie Gabaldon (Exhibit E)**

Mr. Chavez and Ms. Gabaldon presented the ICIP Plan for adoption. The project outlines the five year plan and at this time the Commission is being asked to approve the list, submit a resolution and begin the electronic submittal of each project to DFA. Mr. Chavez said they used a ranking system
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by District. Mr. Chavez thanked the Commission and everyone involved in putting this project together. Commissioner Gentry moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

d. Resolution 2006- Regarding the New Mexico Historic Women Marker Initiative, Honoring the Contribution that Women have made to the History of New Mexico, and making a recommendation for inclusion in the scenic roadway markers of this state (tabled) July 21, 2006 – County Commission

Chairman Trujillo said this item was tabled at the last meeting. Commissioner Andersen said did we not ask to appoint a committee regarding the above resolution? Chairman Trujillo said the Commission had suggested handling the above resolution in that manner. Commissioner Andersen said she did have a representative for District I, Patty Guggino. Commissioner Kirkham said her representative for District II is Kathy Garcia. Commissioner Gentry said his representative for District IV is Corrine Sedillo. Chairman Trujillo said his representative for District III is Margaret Berry. Commissioner Pinkston said she did not have one at this time. Commission tabled the resolution until the Commission has all the sufficient information ready, as there is a deadline the end of September. Commissioner Andersen moved to **table**. Seconded by Commissioner Pinkston. Motion carried unanimously.

e. Approval of Canteen Food Service Contract – Michael Oliver (Exhibit F)

Mr. Oliver requested a one year contract extension for the existing food services with Compass Group. Mr. Oliver said the contract extension will run from July 1, 2006 through June 30, 2007. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

f. Approval of MOU with Eastern NM Emergency Medical Services Corp. Region III – Charles Eaton (Exhibit G)

Mr. Eaton presented the MOU with Eastern NM Emergency Medical Services. Commissioner Pinkston moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

g. Approval of MOU School Resource Officer with Los Lunas Public Schools – Richard Perea

Sheriff Perea along with the Director of Security, Los Lunas Schools, Desi Garcia presented the above MOU. Sheriff Perea said together with the Schools Attorney and the County Attorney they came up with a MOU that provides a safe environment for today's youth. The Schools Resource Officer will be paid through the schools and deputized through the County with the full and complete law enforcement authorities of a Valencia County Deputy Sheriff. The MOU will remain in effect from September 1, 2006 to August 31, 2007. **Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston.** Discussion. Commissioner Gentry went into full discussion stating that Los Lunas Schools takes on all the costs and all the procedures so what we are doing is lending the certification to this officer. Sheriff Perea said that is correct but they will be an employee of the schools. Commissioner Gentry said this is going to be a first, but his question is does the County pay to send him to the academy? Sheriff Perea said he will come with the credentials of being a certified officer. Mr. Garcia said there are a lot of retired certified police officers that are willing to come on board with this program. The MOU is a 182 day contract that the SRO (Schools Resource Officer) will work under. Commissioner Gentry asked counsel that in the MOU, it does not have a hold harmless clause, is this not appropriate for this type of MOU? Ms. Wimberly said the section under liability in paragraph 43 page 11, states that each party shall be solely responsible for liability incurred as a result of the other party's acts or omissions. Ms. Wimberly said in this contract what we are donating is law enforcement ability to this individual because we are undertaking the training and supervision of the certification. Commissioner Andersen asked Ms. Wimberly if she had discussed this with Risk Management at the Association of Counties? Ms. Wimberly said she had not. Commissioner Gentry said page 6 and 7 of the MOU states the County shall provide the following equipment, including radios, weapons and emergency equipment. This project is necessary in the East side of our County, we recently had a drive-by shooting at the Tome Elementary School. If we would have had an officer, they would have been there immediately instead of trying to dispatch an officer from one side of the County to the other side. Commissioner Kirkham said this is a one year contract and Commissioner Gentry is correct saying it will catch on and we will address that issue when it does. Commissioner Kirkham said at this point in time because of the new high school, the limited amount of numbers that the Sheriff has available to him, this is a necessary thing to do at this time. Commissioner Pinkston said there are major changes happening in the school, especially with the new Valencia High School, they need the protection in that area. Commissioner Kirkham called for the question. **Discussion ensued. Commissioner Kirkham amended her motion that we approve this agreement and strike out the word (other) in paragraph 43, page 11, and Commissioner Kirkham called for the question. Commissioner Pinkston amended her second. Discussion. Counsel was called upon for Roberts Rules of Order.**

Chairman Trujillo called for a 10-minute break.

Chairman Trujillo resumed order of the meeting.

Ms. Wimberly explained the rules. Commissioner Andersen asked for point of order. Chairman Trujillo called for the vote on the motion by Commissioner Kirkham amending her original motion striking the word (other) to which Commissioner Pinkston amended her second. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Andersen voted yes.

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Commissioner Gentry voted no. Chairman Trujillo voted no. Motion failed due to Roberts Rules of Order requiring 2/3's of the majority vote to end debate.

Commissioner Gentry went into discussion on the item. Commissioner Andersen moved to call for the question. Seconded by Commissioner Kirkham. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Andersen voted yes. Commissioner Gentry voted no. Chairman Trujillo voted no. Motion failed due to Roberts Rules of Order requiring 2/3's of the majority vote to end debate.

Chairman Trujillo went into discussion on the item.

Commissioner Kirkham withdrew her original motion due to clarification of the MOU needing more information. Commissioner Pinkston withdrew her second.

Commissioner Gentry moved to table until the next Business Meeting. Seconded by Commissioner Pinkston. Motion carried unanimously.

h. Approval of Utility Easement PNM along John John Road – Ken Cordova (Exhibit H)

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

i. Financial Matters

1) Approval of Authorized Personnel to Manage Credit Card for County – Francisco Apodaca

Commissioner Pinkston moved for approval allowing Francisco Apodaca the authorization for County business. Seconded by Chairman Trujillo. Motion carried unanimously.

2) Approval of Payroll & Warrants – Francisco Apodaca

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on August 15, 2006 covering vendor bills processed on that date. Check #86249 thru Check #86252 inclusive for a total of \$56,515.05. **(Exhibit I)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on August 11, 2006, covering vendor bills processed on that date. Check #86187 thru Check #86246 inclusive for a total of \$142,703.54. **(Exhibit J)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on August 18, 2006 covering payroll process on that date. Payroll Check #74783 thru Payroll Check #75020 inclusive. Deduction Check #86253 thru Deduction Check #86281 inclusive for a listing total of \$296,509.02. **(Exhibit K)**

Commissioner Andersen moved for approval. Seconded by Commissioner Gentry. 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, and c. other specific limited topics that are allowed or authorized under the stated statute.

- 1) County Organizational Chart (Exhibit L)**
- 2) Agreement Administrative Services Director (Exhibit M)**
- 3) Approval on Job Announcement/Publish**
- 4) Personnel Appointments: Code Enforcement Director (or Acting), County Manager (or Interim)**

Commissioner Pinkston moved to enter into executive session. Seconded by Commissioner Gentry. Roll call vote. Commissioner Andersen voted yes. Commissioner Kirkham voted yes. Commissioner Pinkston voted yes. Commissioner Gentry voted yes. Chairman Trujillo voted yes. Motion carried 5-0.

Commissioner Pinkston moved to enter back into regular session. Seconded by Commissioner Kirkham. Motion carried unanimously.

Ms. Wimberly reported as to what was discussed in executive session; various limited personnel matters regarding organization for the County, pending or threatened litigation, nuisance issue in the Los Lunas area was discussed, status of the Rio Grande Industrial Park appeal, tort-claim act of threatened litigation filed against the County but no lawsuit has been filed as of yet, discussed was the disposition of Judge Pope on a zoning appeal. No action was taken.

Commissioner Pinkston moved to accept the above report. Seconded by Commissioner Kirkham. Motion carried unanimously.

Commissioner Kirkham moved to approve the County organizational chart. Seconded by Commissioner Pinkston. Motion carried unanimously.

Commissioner Pinkston moved to approve the agreement of the Administrative Services Director. Seconded by Commissioner Kirkham. Motion carried unanimously.

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Commissioner Pinkston moved for the approval of job announcement of legal secretary for publication. Seconded by Commissioner Kirkham. Motion carried unanimously.

Commissioner Gentry moved to appoint Ruben Chavez as the Acting Code Enforcement Director. Seconded by Commissioner Andersen. Motion carried unanimously.

Commissioner Gentry moved to appoint Francisco Apodaca as the Interim Acting County Manager. Seconded by Commissioner Pinkston. Motion carried unanimously.

County Manager's Report (Informational Only)

July/August Disaster Estimates

Mr. Apodaca discussed the flood disaster.

Commissioner Pinkston asked when the laptops would be available for the Commissioners, as she understands that the Clerk's Office has them available for their use.

The next Business Meeting of the Valencia County Board of County Commission will be held on September 1, 2006 at 9:00 AM in the County Commission Room at the Valencia County Courthouse. The next Public Hearing Meeting will be held on September 13, 2006 at the Valencia County Courthouse at 5:00 PM.

Adjournment

Commissioner adjourned at 12:52 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the August 18, 2006, Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
PAUL EDWARD TRUJILLO CHAIRMAN**

**ss/
RON GENTRY, VICE-CHAIRMAN**

**ss/
MARY J. ANDERSEN, MEMBER**

**ss/
GEORGIA OTERO-KIRKHAM, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: September 1, 2006