

VALENCIA COUNTY BOARD OF COMMISSIONERS

Business Meeting

September 15, 2006

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

1. The meeting was called to order by Vice- Chairman Ron Gentry at 9:11 AM.

Vice-Chairman Gentry explained that Chairman Trujillo was tied up in mandatory executive meetings at TVI where he works and he had asked if there were tie votes that we give him a courtesy call so he can vote via telephone. Commissioners all agreed.

2. Vice-Chairman Gentry asked County Assessor, Beverly Dominguez-Gonzales to lead the Pledge of Allegiance.

3. Approval of Agenda

Commissioner Pinkston moved for approval of the agenda. Seconded by Commissioner Kirkham. Motion carried unanimously.

4. Approval of Minutes – September 1, 2006- Business Meeting

Commissioner Pinkston moved for approval of the above minutes. Seconded by Commissioner Kirkham. Motion carried unanimously.

5. Public Requests

None

6. Discussion (Non-Action) Items

a. Presentation New Mexico Association of Counties Legislative Priorities – Gustavo Cordova

Gustavo Cordova, Executive Director for the NM Association of Counties said his purpose for coming before this Commission is twofold, one is to give you an update of the ongoing activities and legislative priorities. Mr. Cordova said he would like the Commission's feedback regarding the support to Valencia County so that we may provide better service to you. Mr. Cordova gave a handout to the Commission for their review. Mr. Cordova said they provide training to newly elected officials coming in and a refresher to the existing elected officials. Mr. Cordova explained the county college program and encouraged everyone to participate in this training.

b. Reports from Boards, Commissions & Committees – County Commission

Commissioner Andersen reported that she and Commissioner Gentry attended the Mid-Region Council of Governments Board of Directors. The COG will be holding a day long session in Albuquerque next Tuesday and suggested that each member of government present to the Finance Authority their report on Capital Improvement request. Commissioner Andersen asked the Commission to think about these requests and have a list to take on Tuesday to discuss it with the Finance Authority.

Vice-Chairman Gentry asked Mr. Apodaca if he would develop a presentation and show our primary needs so that we can requests these things from Finance Authority.

Ruben Chavez said he would have a summary of the ICIP ready for the Commission to present to the Finance Authority by next Monday. Commissioner Andersen asked if they could have it today.

c. Department Director's Reports – Department Directors (See Exhibit A)

Michael Oliver presented a monthly status report. Mr. Oliver said the Adult Detention Center has 54 funded full time employees. They currently have (6) Detention Officer vacancies, (1) Sergeant and one EMT vacancy. They have lost (18) employees. Mr. Oliver discussed the leasing of bed space to Bernalillo County.

7. Action Items

a. Approval of 2006 Tax Rates Assessor's Office – Beverly Dominguez-Gonzales (See Exhibit B)

Ms. Gonzales requested approval of the 2006 tax rates. Commissioner Andersen moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

***Board of Commissioners convene as Indigent Claims Board
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Commissioner Pinkston moved to convene as Indigent Claims Board. Seconded by commissioner Andersen. Motion carried unanimously.

b. Indigent Report/Appeals – Barbara Baker (See Exhibit C)

Ms. Baker presented the Indigent Claims from August 4, 2006 to August 31, 2006. The amount of claims submitted was \$690,410.35 and Ms. Baker is recommending approval of \$75,307.65. There were 94 claims submitted and 24 applicant denials. Commissioner Andersen moved for approval of the above report. Seconded by Commissioner Pinkston. Motion carried unanimously.

Ms. Baker presented an appeal on behalf of Francisco Apodaca for inmate Jesse Barger. Mr. Barger was denied after the 90 day limit. Ms. Baker's recommendation was for approval in the amount of \$30.92. Commissioner Kirkham moved for approval of the appeal. Seconded by Commissioner Andersen. Motion carried unanimously. **(See Exhibit D)**

Ms. Baker presented an appeal on behalf of Francisco Apodaca for inmate Adam Thierjung . Mr. Thierjung was denied after the 90 day limit. Ms. Baker's recommendation was for approval in the total amount of \$2,952.95. Commissioner Andersen moved for approval of the appeal. Seconded by Commissioner Kirkham. Motion carried unanimously. **(See Exhibit E)**

Reconvene as Board of County Commission

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

c. Approval of Procurement “Manzano Vista Fire Dept” for Fire Pumper Truck – Charles Eaton

Commissioner Pinkston moved for approval to go out for bid. Seconded by Commissioner Andersen. Motion carried unanimously.

d. Resolution 2006-40, 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 8/18/06) – County Commission (See Exhibit F)

Mr. Apodaca said the committee recommended four names for the Commissioner's review. Commissioner Andersen asked for the record to name the committee members. Mr. Apodaca stated they were, Patty Guggino, Corrine Sedillo, Margaret Berry, and Belinda Chavez. Their recommendations were Ana de Sandoval Y Manzanares, Josephine Melecher-Tondre, Lucy Keys Burbaker, and Maria Adelina Isabel Emilia “Nina” Otero-Warren. Commissioner Gentry asked if the Commission would like to add other names to this list. Commissioner Andersen stated then why was a committee formed. Commissioner Gentry asked to submit Marion Herlihy. The committee did a good job but he would like to submit a name from the Belen area. Commissioner Andersen moved for approval of the four names submitted by the committee with the additional name of Marion Herlihy. Seconded by Commissioner Pinkston. Motion carried unanimously.

e. Airport Zoning Ordinance – Request to Publish – Ruben Chavez (See Exhibit G)

Mr. Chavez said in 2004 based on request the Commission was asked to do something to protect the airports in the County. Valencia County has two airports within its boundaries, the Mid-Valley Airpark and Belen Alexander Airport. Commission held a public meeting with the affected individuals and they have been working on matters that were raised at that meeting. The ordinance is ready for review and consideration by the Commission. The proposal is an amendment to the Zoning Ordinance reducing/regulating uses of land incompatible with airports. Mr. Chavez said there are three different areas that are being considered for restriction, height, noise and the end of the runway zone. Mr. Chavez said this is before the Commission for publication. Commissioner Andersen said before we get into discussion she wanted to thank Mr. Winker of the airpark, Ms. Wimberly, our County Attorney, for working on this ordinance for nearly two years. It has been a difficult ordinance to write, it is extremely complex, extremely technical and she wanted to extend her thanks to all of them. Commissioner Gentry wanted to clarify something before he made a decision and asked Mr. Chavez that at a later date, can we change this ordinance to what we think is proper or what the FAA requires? Ms. Wimberly said this is ours, this ordinance applies independently to what the FAA compliances. Commissioner Gentry asked who in this ordinance does it affect? Mr. Chavez explained on the map the affected people are in the circled zones. Commissioner Gentry said this ordinance will not affect those people in the incorporated areas. Commissioner Gentry asked Mr. Chavez do we have jurisdiction for this ordinance to apply no matter how we amend this ordinance to anybody but the unincorporated areas. Mr. Chavez said it will not affect anyone in the city limits. The request is to reduce and regulate uses of land incompatible with airports. Commissioner Andersen said as she understands it, is coming into compliance what is currently on the ground is grandfathered in. Ms. Wimberly said that is correct. Commissioner Andersen said Mr. Winker would like to speak. Commissioner Gentry asked to clarify the statement by Commissioner Andersen. Ms. Wimberly said the ordinance says any existing, non-conforming use that is terminated after the date of this Section is enacted shall conform to this Section unless the existing,

non-conforming use is re-established within one year after it is terminated. **Discussion ensued.** Commissioner Gentry asked Mr. Winker to come forward and if anyone had any questions of him as we still have a lot on the agenda. Kurt Winker said he has worked with the FAA for over 25 year, he is the airport manager for Mid-Valley. He is a private pilot and has a degree in aviation and these rules and regulations are very complex. A lot of the information hat has come up this morning are just flat wrong. It is not a height limitation of 100 to 1. It is a notification thing, the federal laws already exist, there is nothing in the ordinance that is more restrictive but what it does is make sure both sides know what is going on.

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Mr. Winker discussed how the permit application form takes a huge burden off of the zoning department and the FAA takes care of all the rest. As far as the legalities of municipalities versus non, the City of Belen has a similar zoning ordinance, Mr. Winker said he doesn't know the exact boundaries but where those fall off this County ordinance takes over. Mr. Winker said he would be glad to go over the ordinance with the Commission and Ms. Wimberly, she does know the ordinance and if anyone has any questions, please contact him. **Commissioner Andersen moved for approval of publication of the ordinance. Seconded by Commissioner Kirkham. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Andersen voted yes. Vice-Chairman Gentry voted no. Motion carried 3-1.**

f. Final Action on Public Hearing held September 13, 2006 – County Commission

i) Amend Zone Maps from RR-2 to RR-1 for the purpose of creating 2 lots, Tr. 29-B, AKA 1041 Molina Road, Belen, NM/Douglas Hall (See Exhibit H)

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

ii) Preliminary Plat review for Manzano Vista Subdivision Blk 1, Tr. 10-1 of Mesa Addition on the corner of Meadow Lake Road & Amy Road/Tony Chavez(See Exhibit I)

Commissioner Pinkston made a motion with the written motion for approval. Commissioner Pinkston read out loud the written motion. Seconded by Commissioner Kirkham. Discussion. Motion carried unanimously.

g. Consideration of Hospital Advisory Committee Recommendation – Dan Weaks/Robin Hunn (See Exhibit J)

Robin Hunn said she is representing the evaluation team that this Commission appointed to look at requests for proposals for the Health Care Facility. Ms. Hunn said she would like to publicly thank that team, they met extensively, at times late into the night. The team comprised of Charles Eaton, Vangie Gabaldon from the County, we had three physicians, Dr. Sanchez, Dr. Walsh, and Dr. Aragon as well as the nurse practitioner Mary Jo Devine, Kathy Chavez representing community organizations YDI, and Gibb Johnson, one of the premier health care experts, and Andy Gomez from First Community Bank. There was a formal evaluation process with the RFP and we complied with that. Ms. Hunn said the teams recommendation was Covenant because they feel they had a stronger and broader experience with operating hospitals. Commissioner Andersen asked about the financial impact to the County. Vice-Chairman Gentry said we don't have a financial commitment until the mill levy is passed. Commissioner Pinkston moved to accept the recommendation of the committee. Seconded by Commissioner Kirkham. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Vice-Chairman Gentry voted yes. Commissioner Andersen voted no. Motion carried 3-1.

Commissioner Andersen said she is very uncomfortable without knowing what kind of true financial commitment we are running into.

h. Appointment of and consideration of contract for County Manager – County Commission (See Exhibit K)

Commissioner Kirkham moved for approval of the appointment of Francisco Apodaca, County Manager. Seconded by Commissioner Pinkston. Discussion. Motion carried unanimously.

i. Consideration of Four Hours Administrative leave, NM State Fair 2006 – Francisco Apodaca

Mr. Apodaca requested four hours of administrative leave for employees to attend the New Mexico State Fair contingent upon the elected officials staggering the four hour leave. Commissioner Kirkham moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

j. Agreements of Public Service Company of New Mexico (Judicial Complex) – Vangie Gabaldon

i) Extension Revenue Credit Guarantee (See Exhibit L)

ii) Extension Company Built System (See Exhibit M)

Ms. Gabaldon presented the above agreements for approval. Commissioner Pinkston moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

k. Census for Village of Peralta Incorporation – Edward Archuleta (See Exhibit N)

Pug Burge on behalf of Edward Archuleta said she is a member of the committee to incorporate Peralta. This request is to cause a census to be taken of the persons residing within the proposed boundaries of the Town of Peralta. The cost of the census per Section 3-2-5 NMSA 1978 to be deposited with the County. This request will be to accept/allow the committee to incorporate Peralta to contract with a professional census company in lieu of filing amount of money to pay for the

census. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

I. Financial Matters

i) DFA – Agreements 2006/2007 Legislative Appropriations – Vangie Gabaldon (See Exhibit O)

Ms. Gabaldon presented the above agreements for (16) General Fund Projects totaling \$3,215,000.00. These projects are either ongoing or new projects and will help implement, design or construct several of these projects throughout the County. Commissioner Pinkston moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

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ii) Consideration of FY 2006/2007 Budget – Final DFA – Francisco Apodaca (See Exhibit P)

Mr. Apodaca presented a letter from DFA certifying the final budget for the 2006-2007 fiscal year. Local Government Division has reviewed our budget and finds that the governing body has developed a budget in accordance with all applicable statutes and sufficient resources appear to be available to cover the budgeted expenditures. Commissioner Andersen moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

iii) Approval of Payroll & Warrants – Francisco Apodaca

Mr. Apodaca presented the computer printout of all the checks issued by the Manager's Office on September 15, 2006 covering payroll process on that date. Payroll Check #75250 thru Payroll Check #75480 inclusive. Deduction Check #86540 thru Deduction Check #86567 inclusive for a listing total of \$279,326.43. **(See Exhibit Q)**

Mr. Apodaca presented the computer printout of all the checks issued by the Manager's Office on September 13, 2006 covering vendor bills processed on that date. Check #86537 thru Check #86539 inclusive for a total of \$78,799.10. **(See Exhibit R)**

Mr. Apodaca presented the computer printout of all the checks issued by the Manager's Office on September 7, 2006, covering vendor bills processed on that date. Check #86442 thru Check #86442 inclusive for a total of \$1,741.99. **(See Exhibit S)**

Mr. Apodaca presented the computer printout of all the checks issued by the Manager's Office on September 8, 2006 covering vendor bills processed on that date. Check #86443 thru Check #86536 inclusive for a total of \$255,910.07. **(See Exhibit T)**

Commissioner Andersen moved for approval of the above payroll and warrants. Seconded by Commissioner Pinkston. Motion carried unanimously.

Commissioner Andersen asked Mr. Apodaca to report on the cash balance as had been in the previous meetings. Mr. Apodaca said he would start reporting that along with the payroll and warrants. Commissioners agreed and Vice-Chairman Gentry asked if Ms. Abril could also be present in case of any budgetary questions.

8. 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.

Commissioner Kirkham moved to enter into executive session. Seconded by Commissioner Pinkston. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Andersen voted yes. Vice-Chairman Gentry voted yes. Motion carried 4-0,

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

Ms. Wimberly reported as to what was discussed in executive session. We discussed three pending lawsuits, three tort claims, and two personnel issues. No final action taken.

Commissioner Andersen moved to accept the above report. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Andersen voted yes. Vice-Chairman Gentry voted yes. Motion carried 4-0,

9. County Manager's Report (Informational Only)

Renewal of contract for disposal White Goods with Jim's Place Appliances (See Exhibit U)

Date 10-11-2006 at 4:00 PM for the Adult Detention Walk Through

Commissioners discussed the renewal contract with Jim's Place Appliances and consensus was to renew.

Discussion of the walk through of the Adult Detention and consensus was on October 11, 2006 at 4:00 PM before the Public Hearing Meeting.

10. The next Business Meeting of the Valencia County Board of County Commission will be held on October 6, 2006 at 9:00 AM in the County Commission Room at the

Valencia County Courthouse. The next Public Hearing Meeting will be held on October 11, 2006 at 5:00 PM.

11. Adjournment

After signing the proper documents, Commissioners adjourned at 12:05 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 15, 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

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: October 6, 2006