

VALENCIA COUNTY BOARD OF COMMISSIONERS

Organization Regular Business Meeting

January 5, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Francisco Apodaca, County Manager	
Cynthia R. Wimberly, County Attorney	
Sally Perea, County Clerk	
Press and Public	

1. The meeting was called to order by past Vice-Chairman Ron Gentry at 9:04 AM.

2. Vice-Chairman Gentry asked Bob Anderson to lead the Pledge of Allegiance.

3. Approval of Agenda

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

4. Approval of Minutes

November 17, 2006 – Business Meeting

December 1, 2006 – Business Meeting

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

Mildred Gonzales, former employee of Valencia County had concerns on the situation with the PERA matter. Ms. Gonzales said during her time of employment with the Senior Citizen Program from 1983 until 1986, PERA was not taken out of her paycheck. Commission advised Ms. Gonzales to get with staff to try to get this issue resolved.

5. Public Requests

Bill Lebrecht thanked the County for all they have done for the Meadow Lake community.

7. Action Items:

a. Nominations & Selection of Chairperson & Vice-Chairperson – County Commission

Vice-Chairman Gentry moved that the Commission adopt the process of Roberts Rules of Order for open nominations from the floor amongst the Commission. It does not require a second but if a motion is seconded, then it will be for support. Seconded by Commissioner Pinkston. Motion carried unanimously.

Nominations are in order for Chairman of the Commission – Commissioner Medina nominated Pedro Rael for Chairman. Seconded by Commissioner Kirkham.

Commissioner Gentry nominated Commissioner Kirkham. Seconded by Commissioner Pinkston.

Commissioner Pinkston nominated Commission Gentry.

Vice-Chairman Gentry said the nominations are for three people and asked for a roll call vote for that person and will start in the order of nomination by District.

Commissioner Rael, District 1 voted for Pedro Rael, Commissioner Kirkham, District 2 voted for Pedro Rael, Commissioner Medina, District 3, voted for Pedro Rael, Commissioner Gentry, District IV, voted for Commissioner Kirkham, Commissioner Pinkston, District V, voted for Commissioner Kirkham. Pedro Rael was elected as Chairman by a 3-2 vote.

Chairman Rael took over the meeting at this time.

Nominations are in order for Vice-Chairman of the Commission – Commissioner Medina nominated Commissioner Kirkham for Vice-Chairman. Commissioner Gentry nominated Commissioner Pinkston for Vice-Chairman. Chairman Rael polled the Commission for vice-Chairman. Commissioner Gentry voted for Commissioner Pinkston. Chairman Rael voted for Commissioner Kirkham. Commissioner Kirkham voted for Commissioner Kirkham. Commissioner Pinkston voted for Commissioner Pinkston. Commissioner Medina voted for Commissioner Kirkham. Georgia Otero Kirkham was elected as Vice-Chairman by a 3-2 vote.

6. Discussion (Non-Action) Items

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

Chairman Rael asked each Commissioner to give a brief summary of what they do for a living. Commissioner Medina stated that he is a branch manager for the State Employees Credit Union. He

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has been a county resident for over 50 years. We need to have a strong working Commission and he looks forward to doing so. Commissioner Gentry said he has been a commissioner for two years, has been a resident of Belen all of his life and has represented his constituents as a city councilman, state legislator, and county commissioner. Commissioner Gentry said we need to continue to go in the direction that we have for the past two years. We have upgraded salaries, the working conditions and have made this county a progressive county. Chairman Rael introduced himself and stated that he is an attorney, he has practiced law here in Valencia County for over twenty years. He wants to thank Commissioners Gentry, Pinkston and Kirkham for making this an easy transition. Chairman Rael said he is progressive in nature, a little conservative fiscally. He stated he will spend money in a well spent manner and will work with his fellow commissioners and be fair to all districts on the commission. Commissioner Kirkham said she is president of Stewart Title Company here in Los Lunas, she has been in business for thirty four years. She has been a commissioner for the past two years. The county has done a great job in getting the county up and running and will continue to do this. Commissioner Pinkston said she represents District 5, she is currently a substitute for the Los Lunas Schools for the past two years, she has been working to help clean up Meadow Lake with help from a federal standpoint. She has helped with the roads in her District, we have had good press from the media that helps the Meadow Lake area. Commissioner Pinkston said she has good report with the state legislators in her District and together will move this county forward.

Chairman Rael asked staff and county officials to introduce themselves. Francisco Apodaca, County Manager, Cynthia Wimberly, County Attorney, Marilyn Silva, Administrative Secretary, Vangie Gabaldon, Administrative Services Director, Wilma Abril, Finance Director, James Aranda, Regional Planner, Theresa Sanchez, Chief Deputy Clerk, Peggy Estrada, Stenographer, County Clerk's Office, Sally Perea, County Clerk, Charles Eaton, Fire Chief, Casey Davis, Emergency Services for the Fire Department, Sheriff Rene Rivera, Floyd Montoya, Undersheriff, Captain Gary Hall, Viola Vallejos, County Assessor, Frank Sherman, Building Inspector, Ruben Chavez, Code Enforcement Director, Dorothy Lovato, Chief Deputy Treasurer. Lawrence Kaneshiro, Bureau of Elections Director and Diana Vuchetich, Secretary to the County Attorney

b. Resolution 2007-01, 2007 Open Meeting Policy and Meetings Schedule – County Commission (Exhibit A)

Commission discussed to hold the Business Meetings on the first and third Wednesdays of each month and Public Hearing meetings to be held on the second Wednesday of each month unless otherwise specified. Business Meetings will start at 9:00 AM and Public Hearing Meetings will start at 5:00 PM. Commissioner Kirkham moved to adopt the above schedule as discussed. Seconded by Commissioner Pinkston. Discussion. Commissioner Gentry asked to amend the motion to hold the meetings in the County Commission Room. Commissioner Kirkham moved to amend her motion to hold the meetings in the County Commission Room. Commissioner Pinkston amended her second. Discussion. Motion carried unanimously.

Commissioner Gentry moved to accept the resolution. Seconded by Commissioner Kirkham. Motion carried unanimously.

County Clerk, Sally Perea, stated the Resolution number 2007-01.

c. Resolution 2007-02, Rules of Order (Exhibit B)

Commissioner Gentry moved to adopt the rules of order resolution for the Commission. Seconded by Commissioner Medina. Motion carried unanimously.

County Clerk, Sally Perea, stated the Resolution number 2007-02.

d. Consideration of 2007 Holiday Schedule (Exhibit C)

Commissioner Pinkston moved for approval of the holiday schedule. Seconded by Commissioner Gentry. Motion carried unanimously.

e. County Organizational Chart – County Commission (Exhibit D)

Commissioner Gentry moved to accept the organizational chart for FY 07-08, Seconded by Commissioner Kirkham. Motion carried unanimously.

f. Consideration of Appointments of Boards, Commissions & Committees – County Commission (Exhibit E)

Chairman Rael stated on the list of appointments, with him being selected as Chairman and Commissioner Kirkham as Vice-Chairman.

Planning & Zoning Commission - District I is open. Chairman Rael appointed Joe Cordova for District I. Commissioner Kirkham stated for District II to keep Steven Otero as her appointee. Commissioner Medina appointed Preston F. Robert Jr. for District III. Commissioner Gentry stated

for District IV he will continue with Sally Benavidez. Commissioner Pinkston stated she would like to hold that position at this time.

Indigent Board: District I – Victoria Flores – Chairman Rael will continue with this appointee.
 District II - Sam Ortega – Commissioner Kirkham will continue with this appointee.
 District III – Wayne Gallegos – Commissioner Medina will continue with this appointee.
 District IV – Eloisa Tabet – Commissioner Gentry will continue with this appointee.

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District V - - Laura Simmons – Commissioner Pinkston will continue with this appointee.

Emergency Medical Services Board – Anna Pope, Rio Grande Estates #1, Member, Kim Hollinshead, Tome Adelino #2, Vice-Chair, Chief Tim Martinez, Valencia El Cerro #3, Member, Casey Davis, Meadow Lake #4, Chief Carlos Mireles, Los Lunas #6, Member, Chief Brian Culp, Los Chavez #7, Treasurer, Kathy Peoples, Belen #8, Member, Rae Cherry, Jarales Pueblitos #9, member, Anna Pope, Fire Dept. Reps. Secretary, John Cherry, Valencia County Rep, Member and Charles Eaton, Valencia County Rep, Chairman Commissioner Gentry recommended to keep the above EMS Board and add Commissioner Pinkston as the ex-officio member. Seconded by Commissioner Medina. Discussion. Motion carried unanimously.

Regional Dispatch Board , Rene Rivera, Sheriff. Commissioner Kirkham moved to add County Manager, Francisco Apodaca in the open position along with Sheriff Rene Rivera. Seconded by Commissioner Medina. Motion carried unanimously.

County Board of Registration – Albert Chavez, Lucy Holliday, David Vickers and Edgar Cooper. Commissioner Medina moved to continue with the Board of Registration. Seconded by Commissioner Kirkham. Motion carried unanimously.

Employee Unclassified Positions – County Manager, Francisco Apodaca, Administrative Services Director, Vangie Gabaldon, Detention Director, Michael Oliver, Code Enforcement Director, Ruben Chavez (Acting), Public Works Director, Eric Zamora. Two open recommended positions by County Manager, County Fire Chief, Charles Eaton and County Road Superintendent, Dan Trujillo. Commissioner Pinkston referred question to County Manager as these were his recommendations. Mr. Apodaca stated that he would like to defer the question on the two unclassified positions to be discussed under personnel in executive session. Commissioner Gentry moved to approve the first five of the unclassified positions and hold off on the last two to discuss in executive session. Seconded by Commissioner Pinkston. Discussion. Motion carried unanimously.

Fire Chiefs – L.E. Rubin, Rio Grande Estates #1
 Jack Dickey, Tome Adelino #2
 Tim Martinez, Valencia El Cerro #3
 Casey Davis, Meadowlake #4
 Brian Culp, Los Chavez, #7
 John M. Cherry, Jarales Pueblitos Bosque #9
 Jimmy Cooke, Manzano Vista #10
 Robert Sindicich, Highland Meadows #12
 John Dear, Peralta #13

The ex-officio board member open. Discussion. Commissioner Medina moved for approval of the above fire chiefs and adding Commissioner Pinkston as the ex-officio member. Seconded by Commissioner Pinkston. Motion carried unanimously.

Mid-Region Council of Governments-Board of Directors (2 County members) (1 open), Commissioner Gentry, Executive Board, Commissioner Gentry, Water Resources Board, Eric Zamora, (1 open), Regional Planning Authority (RPO), James Aranda and Commissioner Kirkham, VC Transportation Steering Committee, (1 open), Regional Transit District Board, Commissioner Gentry.

Commissioner Medina moved to appoint Chairman Rael to the Board of Directors as a county member. Seconded by Commissioner Gentry. Motion carried unanimously.

Commissioner Gentry moved to recommend Chairman Rael as an alternate to the Water Resources Board. Seconded by Commissioner Medina. Motion carried unanimously.

Commissioner Kirkham moved to accept James Aranda and Commissioner Kirkham as the alternate for the Regional Planning Authority Board. Seconded by Commissioner Medina. Motion carried unanimously.

Chairman Rael moved to appoint Commissioner Kirkham to the Valencia County Transportation Steering Committee. Seconded by Commissioner Kirkham. Motion carried unanimously.

Commissioner Kirkham moved that Commissioner Gentry stay as a regular member to the Regional Transit District Board. Seconded by Commissioner Pinkston. Motion carried unanimously.

Workforce Investment Board

CEO Board – Lynette Pinkston

Commissioner Kirkham moved to appoint Commissioner Medina. Seconded by Commissioner Pinkston. Motion carried unanimously.

Mid-West CAP Board

Georgia Otero-Kirkham

Commissioner Gentry moved to keep Commissioner Kirkham on this board. Seconded by Commissioner Medina. Motion carried unanimously

New Mexico Association of Counties

Board of Directors (Open To Be Elected) Election to be held on January 12, 2007

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Multi-Line/Risk Management Board, Barbara Baker and Cynthia Wimberly, ML/RMB – Law Enforcement & Detent. Adv. Com, Rene Rivera, Workers Compensation Board, Cynthia Wimberly and Jackie Chavira

Commissioner Gentry moved to keep the multi-risk management board as is. Seconded by Commissioner Medina. Motion carried unanimously.

Regional Juvenile Detention Board, Lynette Pinkston and Francisco Apodaca

Commissioner Medina moved to keep the regional juvenile boards as is. Seconded by Commissioner Gentry. Motion carried unanimously.

Animal Control Advisory Board, Commissioner Kirkham, District I (Open), District II, Mark Rosenblum, District III, (Open), District IV, Val Tabor, and District V, Judy Babcock

Commissioner Medina recommended and appointed Jesse Crespin for the open position in District III. Chairman Rael recommended and appointed Jane Rael for the open position in District I. Commissioner Medina moved to accept the recommended appointees and keep the same for the remaining districts. Seconded by Commissioner Kirkham. Motion carried unanimously.

Older American Advisory Council, Luz Chavez, Belen Senior Center, Naomi Sanchez, Belen Senior Center, Camille Segretto, Los Lunas Senior Center, James Boeck, Chair, Del Rio Senior Center, Elizabeth Schuler, Sec., Del Rio Senior Center, Glory Parker, Bosque Farms, Mary Lund, Mead Lake, Bob Sanders, V-Chair, Member at large, Lynette Pinkston, Ex-Officio Commissioner.

Mr. Apodaca recommended to hold off on these positions. Commissioner Medina moved to table the Older American Advisory Council appointees until the next Business Meeting. Seconded by Commissioner Pinkston. Motion carried unanimously.

Hospital Board, Ex-Officio Commissioner (Open), Bob Davey, Kathy McKenzie, Andy Gomez, Bill Silva, Rita Padilla-Gutierrez, Mary Jo Devine, Bill Johnson, Kathy Sanchez, Mark Sanchez, M.D., Mary Merrill

Commissioner Gentry recommended for the open position Commissioner Pinkston and keep the rest of the hospital board as is. Commissioner Medina said he felt offended as an elected official coming on board that the naming of the board was done and he was not asked input for his representative. Chairman Rael said he felt the same and he also was not given the courtesy of naming his representative. Commissioner Medina moved to accept the board as is with the addition of Commissioner Pinkston as the ex-officio member. Seconded by Commissioner Gentry. Discussion. Commissioner Pinkston stated there was a typographical error on the name of Kathy Sanchez which should be Kathy Chavez. Motion carried unanimously.

Tierra Bonita of Valencia County, Coordinator, Cyndi Sluder, Business/Industrial/Agriculture, Stephanie Williams, Bill Jones, Mike English, Community Organization, Julie Benavidez, Chris O'Connor, Education, Ted Hodoba, Robin VerEecke, Members at Large, Lorraine Chavez, Yvette Johnson, Jan Larsen, Chris Heffner, Lydia Vargas, Local Government, Debra Sanchez, Los Lunas, Belen (Open), Sharon Ruiz, Isleta Pueblo, Bosque Farms, (Open), Georgia Otero-Kirkham, Valencia County, Middle Rio Grande Conservancy District, Open, Alternate Board Members, Mary Work, Kristen Gorback and Francisco Apodaca, County Manager.

Commissioner Pinkston moved to accept the above list as is with the addition of Commissioner Medina as the commission representative. Seconded by Commissioner Kirkham. Motion carried unanimously.

Judicial Complex Committee, Judge William Sanchez, Judge John W. Pope, Judge Violet Otero, (Open), Greg Ireland, Francisco Apodaca, Jamie Goldberg, Rene Rivera and Michael Sanchez

Commissioner Pinkston recommended and moved to appoint County Attorney, Ms. Wimberly to serve on this committee and to keep the rest of the committee as is. Seconded by Commissioner Kirkham. Motion carried unanimously.

Accident Review Committee, Barbara Baker, Chair, Eric Tanner, Jacquelyn Chavira, Charles Eaton, Gary Hall, Marcial Jaramillo, Patrick Otero, Richard Perea, Olinda Reneau, Freddie Villanueva

Commissioner Gentry moved to keep the accident review committee as is. Seconded by Commissioner Pinkston. Motion carried unanimously.

g. Rio Grande Estates Fire Station Contract Status – Charles Eaton

Fire Chief Charles Eaton gave an update on the uncompleted items on the construction expansion project of the fire station. These issues are being resolved so that a final completion date can be set otherwise we will discuss taking further action on the contractor. Commissioners consensus was that this item will be further discussed in executive session.

h. Financial Matters

i. Consideration of EMS Fund Applications for County Rescues/Services – Charles Eaton (Exhibit F)

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Mr. Eaton presented the EMS annual service report which has a due date of January 16, 2007 for commission consideration. Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

ii. Consideration of Approval: Payroll/Warrants – Francisco Apodaca

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on December 19, 2006, covering vendor bills processed on that date. Check #87905 thru Check #87905 inclusive for a total of \$2349.98. **(Exhibit G)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on December 21, 2006, covering vendor bills processed on that date. Check #87937 thru Check #88070 inclusive for a total of \$285,347.32. **(Exhibit H)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on December 27 & 28, 2006 covering vendor bills processed on that date. Check #88071 thru Check #88078 inclusive for a total of \$1,066,588.60. **(Exhibit I)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on January 4, 2007, covering vendor bills processed on that date. Check #88079 thru Check #88112 inclusive for a total of \$126,768.27. **(Exhibit J)**

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

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 Medina. Roll call vote. Commissioner Medina voted yes. Commissioner Gentry voted yes. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Motion carried 5-0.

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

Ms. Wimberly stated matters that were discussed in executive session. Pending personnel grievance, Detention Center dismissals, employee and officers salaries, two employee positions regarding their status in the organizational chart and classification, personnel item, the county has a contract with a community service coordinator, under threatened litigation, we discussed a tort claim from Joe Torres, the results of litigation regarding the barking dog case, the status of the Peralta Incorporation, the court order that the county obtained in that matter, we discussed the status of the court order to do a random recheck of the ballot box. We discussed litigation Chavez vs. Valencia County status, discussed Artiaga vs. Valencia County, discussed was the status of the PERA threatened litigation, NM Dept. compliance litigation, status on threatened road issue, discussed an issue regarding the contractor on the Rio Grande Fire Station. No final action on any issue discussed.

Commissioner Pinkston moved to accept the above report. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Gentry voted yes. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Medina voted yes. Chairman Rael voted yes. Motion carried 5-0.

Ms. Wimberly said the issue regarding the Rio Grande Fire Station contract, at this time we will go back to that item as stated on the agenda.

Commissioner Gentry moved to give direction to the County Attorney to pursue a demand letter and that we have a certified engineer inspect the property to seek a final resolution in fixing those repairs

within the next fifteen days and also to authorize the County Attorney to take legal action as necessary if need be. Seconded by Commissioner Pinkston. Motion carried unanimously.

9. County Manager's Report (Informational Only)

Discussion of Magistrate Court Monitoring Program

Mr. Apodaca stated in the Commissioners packets are two contracts for the court monitoring program to provide supervision. Mr. Apodaca asked for direction on how to proceed with this issue. Theresa Chavez with the Los Lunas Magistrate Court said Emiliano Sanchez is the community service person. He has been with this program for a few years and has been a wonderful help to them because they do not have the manpower or time to keep track of the community service. Commissioner Gentry said that Judge Hawkes in Belen Magistrate Court is in need of this program. Commission gave direction to the County Manager to check on having a monitor for both the northern and southern portion of the county.

The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on Wednesday, January 10, 2007 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Gentry moved to adjourn after all documents have been signed. Seconded by Commissioner Kirkham. Motion carried unanimously. Time 2:10 PM.

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NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 5, 2007 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
PEDRO G. RAEL, CHAIRMAN**

**ss/
GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN**

**ss/
DAVID R. MEDINA, MEMBER**

**ss/
RON GENTRY, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/

SALLY PEREA, COUNTY CLERK

DATE: February 7, 2007