

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

March 7, 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 Chairman Pedro Rael at 9:00 AM. Chairman Rael turned the meeting over to Vice-Chairman Kirkham to conduct today's meeting.

2. Chairman Rael asked Vice-Chairman Kirkham to lead the Pledge of Allegiance.

3. Approval of Agenda

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

4. Approval of Minutes

February 14, 2007 –Public Hearing Meeting

Commissioner Medina moved for approval. Seconded by Commissioner Rael. Discussion. Commissioner Pinkston requested that her remarks on the discussion of the hospital issue be verbatim. Chairman Kirkham asked clerk's staff to make this arrangement. Commissioner Medina amended his motion to include the change. Seconded by Commissioner Rael as amended. Motion carried unanimously.

5. Public Requests

William Dean, Los Chavez handed a map to the Commission for their review with regard to the airpark. Mr. Dean discussed the possibility of an interchange in that area with the use of Morris Road versus Miller Road.

Preston Roberts, El Cerro, spoke his concerns on the hospital site with regard to cost.

Jim Boots, Meadow Lake, spoke his concerns with the trash problem on fence line road.

Rosemary Lebrecht, Meadow Lake said she is tired of the trash problem in that area. Mr. Lebrecht pleaded to the commission to do something about this situation.

E P Harrison stated to the commission that we need a hospital in the area.

6. Discussion (Non-Action) Items

a) Presentation on NMSU Cooperative Extension Service Programs – Julie Hutchins

Ms. Hutchins said this is an annual presentation to give the commissioners their view of what the extension service program provides and their accomplishments. Ms. Hutchins introduced the agricultural agent, Allison Chipman, program assistant, Rhonda Meadors and home economist, Ann Marie Wilson. Ms. Chipman, Ms. Meadors and Ms. Wilson gave a brief presentation of what the program entails. Chairman Kirkham on behalf of the commission thanked them for coming.

b) Department Reports – Department Directors

None

c) Reports from Boards, Commissions & Committees – County Commission

Commissioner Pinkston congratulated the Peralta residents for their incorporation election which the voters voted to incorporate. There is a small group of people who worked really hard and she is willing to work with them and to keep it a great rural area for Valencia County. Commissioner Pinkston asked for a workshop because there will be changes with roads and so forth as well as asking the State Fire Marshall's Office to answer questions dealing with the Peralta Fire Department. Commissioner Pinkston reported on the Valencia County Kennel Club vaccine clinic that she helped sponsor in the Meadow Lake area and also the 4-H pick of the pound. Commissioner Pinkston stated she attended the hospital board meeting which went very well.

Commissioner Gentry said there was a fire in his district and he wants to personally thank all of the fire units that participated, especially the Rio Grande Fire Dept, Adelino-Tome Fire Dept. It was an amazing job that was done, it shows their preparation and training and the equipment that the county

has been able to help these departments with. The magnitude of the fire was enormous and he thought it had gotten away from them but they did an amazing job of fire protection.

Commissioner Gentry said there is a recreational ball park in Bosque that was established by the county many years ago, it has grown up in weeds and trash. What we are doing with the cooperation of the magistrate, Judge Hawkes, is to hold a field day to clean-up that area for a recreational park. Commissioner Gentry said he shares this part of the district with Commissioner Medina so between both of them they will get this area cleaned up as well as getting legislative monies thru our state representatives.

Commissioner Medina thanked the fire departments and Chief Eaton for a job well done in getting the Belen fire under control.

Mr. Apodaca said in relation to the commissioners comments on the fire situation, on the 14th at 5:00 PM the fire departments will be officially recognized and offer thank you's to all who contributed in their efforts to get that fire under control.

7. Action Items

Board of Commissioners convenes as Canvassing Board

Commissioner Rael moved to convene as the canvassing board. Seconded by Chairman Kirkham. Motion carried unanimously.

a) Consideration to canvass Peralta Incorporation Election (Exhibit A)

Lawrence Kaneshiro, Director of Bureau of Elections presented the 2007 Peralta Incorporation Election canvass summary report. There were a total of 932 ballots cast, 682 voted for the incorporation and 250 voted against incorporation. There were 209 ballots that were returned undeliverable. Mr. Kaneshiro stated total voters for that election were 2075.

Commissioner Gentry asked Mr. Kaneshiro if there were any challenges or complaints on this election. Mr. Kaneshiro said no, on election night there were proponents of the election present but all was quiet and no foreseeable problems. Mr. Kaneshiro explained the next step is to conduct a municipal election to elect a mayor, four councilman, and a judge. This will take place at the next business meeting to call that election by resolution. Mr. Kaneshiro said the County Clerk has the actual certification of canvass that will need to be signed by this commission. We will send a copy to Secretary of State, Taxation and Revenue Department and the Department of Finance.

Commissioner Pinkston moved to certify the Peralta Incorporation election canvass. Seconded by Commissioner Gentry. Motion carried unanimously.

Board Reconvenes as Board of County Commissioners

Commissioner Rael moved to reconvene as the Board of County Commissioners and to adjourn as Canvassing Board. Seconded by Commissioner Medina. Motion carried unanimously.

b) Resolution 2007-04, Public Nuisance Requiring Renovation or Removal by County, 24 Cereza Circle Los Lunas, NM – Anthony Savilla (Exhibit B)

Ruben Chavez and Anthony Savilla presented the above item. Mr. Chavez said we have heard the frustration for years on the dangers of abandoned buildings. There has been notification sent to all record owners in that 24 Cereza Circle demanding correction of conditions. Mr. Savilla explained the procedure of the findings requiring renovation or removal by the county which is a public nuisance to the health, safety and welfare of the citizens. Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

County Clerk Sally Perea stated for the record **Resolution 2007-04.**

c) Resolution 2007-05, Public Nuisance Requiring Renovation or Removal by County, 51 Osha Place Los Lunas, NM – Anthony Savilla (Exhibit C)

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

County Clerk Sally Perea stated for the record **Resolution 2007-05.**

d) Resolution 2007-06, Administrative Fees Schedule – Eric Zamora (Exhibit D)

Mr. Zamora presented the above item defining the administrative fees to cover the costs associated with the review of subdivisions and infrastructure improvements of the county. Commission discussion. Mr. Zamora said that in the resolution items a-f are already established in the ordinance, the only thing that changes is item g, the design review fee. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Commissioner Pinkston voted yes. Commissioner Gentry voted yes. Chairman Kirkham voted yes. Commissioner Rael voted yes. Commissioner Medina voted yes. Motion carried 3-2.

County Clerk Sally Perea stated for the record **Resolution 2007-06.**

e) Consideration of Owner Authorization Agreement Property, Unit 3 Tr. 16 Meadow Lake Fire Department with T-Mobile – Dan Varela/T-Mobile (Exhibit E)

Commissioner Gentry moved for approval. Seconded by Commissioner Rael. Discussion. Motion carried unanimously.

f) Consideration of Easement with Qwest Corp. facilities property Tr. A, El Cerro Mission, Unit 14 – Dan Varela/T-Mobile (Exhibit F)

Mr. Varela said this commission had already approved a wireless facility to be built at El Cerro Mission and as part of the leasing arrangement had asked for an access easement, a utility easement to be able to bring in telephone and power to the facility. Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

g) Consideration of Valencia County Water & Sewer Master Plan Agreement, SP 06-1268-GF (Tabled February 21, 2007) – Eric Zamora (Exhibit G)

Mr. Zamora presented the above consideration agreement. Commissioner Pinkston moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

h) Resolution 2007-07, Valencia County Water & Sewer Master Plan Grant Agreement with the State of New Mexico Environment Department (Tabled February 21, 2007) – Eric Zamora (Exhibit H)

Mr. Zamora presented the above resolution that was tabled at the February 21, 2007 meeting. Commissioner Pinkston moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

County Clerk Sally Perea stated for the record **Resolution 2007-07.**

i) Resolution 2007-08, Adopting 2007-2008 County Road Improvement Program – Eric Zamora (Exhibit I)

Mr. Zamora presented the above resolution stating that the county has received an invitation from Department of Transportation to participate in the 2007-2008 State COOP, County Arterial Program and School Bus Program. This is to obtain commission support for the project. Commissioner Gentry moved for approval. Seconded by Commissioner Rael. Motion carried unanimously.

County Clerk Sally Perea stated for the record **Resolution 2007-08.**

j) Consideration of Valencia County Hospital Site (Tabled February 21, 2007) – County Commission (Exhibit J)

Chairman Kirkham stated there are three sites given by the advisory board for consideration. The sites are Highway 314 and Morris Road, the intersection at Manzano Expressway and Highway 47, and the Belen I-25 at Rancho Cielo site. Commissioner Gentry moved for approval of the intersection at Manzano Expressway and Highway 47 site. Seconded by Commissioner Pinkston. Discussion. Commissioner Gentry voted yes. Commissioner Pinkston voted yes. Chairman Kirkham voted yes. Commissioner Rael voted no. Commissioner Medina voted no. Motion carried 3-2.

Chairman Kirkham called for a 10 minute recess.

k) Financial Matters

i) Consideration of FY 2005-2006 Audit (Tabled February 21, 2007) (Exhibit K)

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

ii) Consideration of Sub-Grant Agreement with the New Mexico Department of Public Safety for FEMA -1659-DR-NM, Amendment #1 – Eric Zamora (Exhibit L)

Mr. Zamora presented the above consideration, this is the result of the summer of the 2006 floods. This is the second submittal from the state. Commissioner Pinkston moved for approval. Seconded by Commissioner Medina. Motion carried unanimously.

iii) Consideration of Award Bid #615, Valencia/El Cerro Fire Station Construction – Vangie Gabaldon (Exhibit M)

Ms. Gabaldon and Chief Martinez requested approval of bid #615 to Interstate Builders in the amount of \$639,000.00 plus applicable gross receipts tax. Chairman Kirkham moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

iv) Consideration of Amendment #2 to Nutrition Service Incentive Program Agreement between the North Central NN Economic Development District – Vangie Gabaldon (Exhibit N)

Ms. Gabaldon presented the above consideration to increase the Nutrition Service Incentive Program agreement by \$7,296.00. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

v) Resolution 2007-09, 2006/2007 Budget Intra & Inter Budget Transfers – Wilma Abril (Exhibit O)

Ms. Abril presented the above consideration. Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

County Clerk, Sally Perea stated for the record **Resolution 2007-09.**

vi) Resolution 2007-10, Subsidiary Accounts for Road Projects – Wilma Abril (Exhibit P)

Ms. Abril presented the above consideration. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously. County Clerk, Sally Perea stated for the record **Resolution 2007-10.**

vii) Consideration Salary Increase Sheriff's Office, Captain Hall – Rene Rivera
Commissioner Pinkston moved to move this item to item 9 (a). Seconded by Commissioner Medina. Motion carried unanimously.

viii) Resolution 2007-11, Increases & Decreases – Wilma Abril (Exhibit Q)
Ms. Abril presented this item for consideration. Commissioner Pinkston moved for approval. Seconded by Commissioner Medina. Discussion. Motion carried unanimously.

County Clerk, Sally Perea stated for the record **Resolution 2007-11.**

ix) Consideration of Magistrate Court Monitoring Program Contracts – Francisco Apodaca (Exhibit R & S)

Commissioner Gentry move for approval of the above contracts which will benefit the northern and southern part of the county for this program for the remainder of the fiscal year. Seconded by Commissioner Medina. Motion carried unanimously.

x) 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 March 1, 2007, covering vendor bills processed on that date. Check #88792 thru Check #88913 inclusive for the total of \$1,170,061.41. **(Exhibit T)**

Mr. Apodaca presented the computer printout list of all the checks issued by the Manager's Office on March 2, 2007 covering payroll processed on that date. Payroll Check #78359 thru Payroll Check #78590 inclusive. Deduction Check #88762 thru Deduction Check #88791 inclusive for a listing total of \$276,942.54. **(Exhibit U)**

Commissioner Gentry moved for approval of payroll and warrants. Seconded by Commissioner Pinkston. Discussion. 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 Rael moved to enter into executive session. Seconded by Commissioner Medina. Roll call vote. Commissioner Pinkston voted yes. Commissioner Rael voted yes. Commissioner Medina voted yes. Commissioner Gentry voted yes. Chairman Kirkham voted yes. Motion carried 5-0.

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

Ms. Wimberly stated for the record the items that were discussed in executive session. The board discussed the position in the Sheriff's Department with regard to a sheriff's employee. We discussed the pending litigation of the Chavez-Urtiaga matter, pending disciplinary matters with respect to their counsel, potential claims, pending litigation of an Alltel class action matter, status of the acquisition matter of the new courthouse, litigation of the Urtiaga matter that is pending litigation. No final action taken.

Commissioner Rael moved to accept the report by Ms. Wimberly as to matters that were discussed in executive session. Seconded by Commissioner Pinkston. Roll call vote. Commissioner Pinkston voted yes. Commissioner Rael voted yes. Commissioner Medina voted yes. Commissioner Gentry voted yes. Chairman Kirkham voted yes. Motion carried 5-0.

9. Action on Executive Session Item

(a) Chairman Kirkham said the commission will take action on item 7 (k) (vii) consideration salary increase sheriff's office, Captain Hall- Rene Rivera. Commissioner Pinkston moved to direct staff to prepare a resolution for a \$1.00 raise for Captain Hall in the Sheriff's Department. Seconded by Commissioner Gentry. Motion carried unanimously.

10. County Manager's Report (Informational Only)

NACO 2007 Annual Conference & Exposition, July 13-17, 2007 Richmond, Virginia

Mr. Apodaca reviewed the above annual conference held in Virginia as well as the Washington trip with the Commission. If anyone is interested in attending to let the manager's office know.

11. The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on March 14, 2007 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Rael moved to adjourn after the proper documents have been signed. Seconded by Commissioner Gentry. Motion carried unanimously.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the March 7, 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**

DAVID R. MEDINA, MEMBER

**ss/
RON GENTRY, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/

**SALLY PEREA, COUNTY CLERK
(by Debbie Ridley)**

DATE: March 21, 2007