

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

June 13, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
	David R Medina, Member
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, Interim County Manager	
Cynthia R. Wimberly, County Attorney	
Theresa Sanchez, Chief Deputy Clerk	Sally Perea, County Clerk
Press and Public	

1. The meeting was called to order by Chairman Pedro Rael at 3:30 PM.

2. **Chairman Rael led the Pledge of Allegiance.**

3. **Approval of Agenda**

Chairman Rael said on item 4, approval of the May 30, 2007 it has been requested to have those minutes done verbatim. Commissioner Kirkham moved for approval of the agenda. Seconded by Commissioner Pinkston. Motion carried unanimously.

4. **Approval of Minutes**

May 16, 2007 – Business Meeting

May 30, 2007 – Business Meeting (June 6, 2007)

Commissioner Kirkham moved for approval of the May 16, 2007 Business Meeting minutes and wait on the May 30, 2007 at which time we can approve them verbatim. Seconded by Commissioner Pinkston. Motion carried unanimously.

Chairman Rael stated on page 3 of 8, May 30, 2007 the figure should be 8% and not 80% in that paragraph.

5. **ACTION ITEMS**

Board of Commissioner convenes as Indigent Claims Board

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

A) Indigent Report/Appeal – Barbara Baker (See Exhibit A)

Ms. Baker presented the indigent claims from May 3, 2007 to June 1, 2007. The amount of claims submitted was \$991,746.59 There were 103 claims submitted and 25 applicant denials. Ms. Baker recommended approval of \$54,844.42. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Discussion. Motion carried unanimously.

Ms. Baker presented one appeal for a Valencia County inmate, Adam Thierjung, he was denied as the bill was received after the 90-day limit. Ms. Baker recommended approval of \$236.00 to the University Physician Associates. If approved Valencia County Indigent would pay \$89.73. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. **(See Exhibit B)**

Board Reconvenes as Board of County Commissioners

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

B. Financial Matters

i) Senior Employment Program

a) Consideration of contract amendment #3 to increase funding for the state-funded Senior Employment Program – Vangie Gabaldon (See Exhibit C)

Ms. Gabaldon presented the above request. The purpose of the contract amendment is to add funds to increase the per hour compensation for the Senior Employment Program enrollees to \$6.50 per hour beginning May 1, 2007. This increase of an additional \$1326 will allow the county's Older American Program to increase the per hour wage of four Senior Employment Program employees to comply with the state mandated minimum wage. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

b) Resolution 2007-32, Decrease/Increase state funded Senior Employment Program-Wilma Abril (See Exhibit D)

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Ms. Abril presented the above request. The purpose is to increase the expenditures for the Senior Employment Program in the amount of \$1326.00. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

Chief Deputy Clerk, Theresa Sanchez, announced **Resolution 2007-32**.

ii) Consideration to Award RFP #167 Audit Services – Wilma Abril (See Exhibit E)

Ms. Abril presented the above request. Ms. Abril stated that they went out for a Request for Proposal (RFP) for an auditor, and they had one submittal, which is the Accounting & Consulting Group, LLP in Albuquerque. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Discussion. Motion carried unanimously.

iii) Consideration to Award Bid #621 Carpet-Judicial Complex – Eric Zamora/Jim Puckett (See Exhibit F)

Mr. Zamora stated that this item was previously bid and it was requested by this commission to reapply and try to get more local participation in the carpet project. Mr. Zamora said that Mr. Puckett would be presenting the above item. Mr. Puckett stated bid #621 there were 2 bidders, Pete's Carpet Appliance & Furniture Sales, Inc., Los Lunas. The bid was for the originally specified Shaw carpet and another vendor The Raby Companies, Inc. Albuquerque, who bid an interface product. The Raby company was approximately \$6,000 lower on the supply of the carpet only. Mr. Puckett recommended awarding the bid to the lower bidder, The Raby Company. Mr. Puckett said they did review the carpet product with the architect and they do concur that the interface carpet is an or equal to the shaw product. Discussion ensued. Commissioner Gentry moved for approval of the lower bidder, The Raby Company. Seconded by Commissioner Pinkston. Commissioner Gentry voted yes. Commissioner Pinkston voted yes. Commissioner Kirkham voted no. Chairman Rael voted no. Motion failed 2-2.

Chairman Rael moved for approval of the specified shaw product, Pete's Carpet. Commissioner Kirkham asked counsel if they had to take the low bid. Ms. Wimberly stated the procurement rules are as long as the bid is responsible and responsive and meets the criteria, then you are required to take the low bidder. That is under the procurement code and our procurement policy. As long as it meets the specifications that were put out in the invitation to bid, you have to accept the low bidder. Mr. Puckett said the most critical item on carpet tiles is produced either in 24 inch square or 20 inch squares of carpet and is individually laid, just like floor tile is laid. So if it gets damaged one or two or three tiles can be replaced. Commissioner Kirkham said doesn't both bidders have that? Mr. Puckett said yes. Mr. Puckett said the backing is also important, the shaw carpet is a 72 ounce, the interface is a 90 ounce backing. Because of the type of carpet that the shaw is, it is required to be glued down and the interface doesn't have any glue.

Commissioner Gentry said in view of what we just found out in accepting the bids on the procurement code, would somebody tell him in fact that we are not violating, if there is something in the low bid, which indicates that the high bid that the low is not the proper bid or not sufficiently equal? Commissioner Gentry stated that he knew Pete Gallegos all his life, this is not the object or the issue, the issue is that we follow the procurement code, but he would like to know for the record, what is the difference that gives them the ability to take the high bid?

Chairman Rael said that the shaw carpet appears to be a better carpet, there seems to be a difference in the ounces and lifetime warranty and doesn't seem to be that significant. Chairman Rael asked Mr. Puckett how certain are you that the 24 ounce versus the 18 ounce doesn't make any difference but the 9.5 stitches per inch versus the 8.16 stitches per inch doesn't make any difference. That the average density doesn't make any difference. Because those three would fit into the shaw carpet.

Mr. Puckett said the face weight is not a critical factor, the key thing is the construction of it, the weight and nylon fiber is made, the backing itself is made. Those don't come up as key. Mr. Puckett said he was not comparing the shaw to the interface, he was comparing the interface to the shaw.

Chairman Rael said that the lifetime warranty is no big deal compared to the 15 year warranty because of the way the detail is worded. Mr. Puckett said the shaw warranty is a very limited warranty. Commissioner Kirkham said Pete's Carpet for the cost of adhesive and accessories, the bid was \$5200 and the Raby Carpet the cost of adhesive and accessories was \$1400. That is a big difference. Mr. Puckett said Pete's Carpet is required to be glued down with an adhesive and the accessories on the interface are an adhesive pad that is applied to the corners of the tiles.

Chairman Rael said without violating the procurement code go local, that is what he would want to do personally, he doesn't know if we can do that and he is not convinced. Chairman Rael asked counsel if she had her doubts as well?

Ms. Wimberly said she does have concerns if you go with the bid that is not the low bidder, then the analysis that you have, you are open for a protest. Chairman Rael asked how long would the interface bidder have to protest. Ms. Wimberly said it would be 10 to 15 days.

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Chairman Rael said we have a motion on the floor to accept Pete's Carpet bid subject to the 15 day protest by Raby's and doesn't seem to impact the progress on the construction if the protest is successful. Seconded by Commissioner Kirkham. Chairman Rael voted yes. Commissioner Kirkham voted yes. Commissioner Gentry voted no. Commissioner Pinkston voted no. Motion failed 2-2.

Commissioner Gentry said if we put this item back on the agenda he would like to have both vendors tell us what the differences are. If there is a good difference, then he would go with the local vendor but he doesn't want to go out on a limb and violate the state procurement code.

Commission consensus to put this item back on the agenda for the June 27, 2007 Regular Business Meeting and have both vendors present.

iv) Consideration of Approval: Payroll/Warrants – Wilma Abril

Ms. Abril presented the printout list of all the checks issued by the Manager's Office on June 8, 2007 covering payroll processed on that date. Payroll Check #79312 thru Payroll Check #79406 inclusive. Direct Deposit Check #2715 thru Direct Deposit Check #2854 inclusive. Deduction Check #89945 thru Deduction Check #89976 inclusive for a listing total of \$291,393.78. **(See Exhibit G)**

Ms. Abril presented the printout list of all the checks issued by the Manager's Office on June 8, 2007 covering vendor bills processed on that date. Check #89977 thru Check #90068 inclusive for a total of \$218,002.13. **(See Exhibit H)**

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

6. Executive Session- Pursuant to Section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; a. Litigation on Valencia County Hospital, b. pending or threatened litigation, and c. other specific limited topics that are allowed or authorized under the stated statute.

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

Commissioner Pinkston moved to go back into regular session. Seconded by Chairman Rael. Motion carried unanimously.

Ms. Wimberly reported on items discussed in executive session. The board discussed the status of litigation of the Valencia County Hospital, discussed personnel, discussed hiring of vacancies of the Detention Director, County Manager, Animal Control Department and vacancies regarding EMS Coordinator. No final action was taken on any of those items.

Chairman Rael stated the commission has requested that a contract be prepared for the Detention Director and final action will be taken at the next meeting.

Commissioner Pinkston moved for approval of counsels report as to matters discussed in executive session. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Commissioner Gentry voted yes. Motion carried 4-0.

7. Manager's Report

Solid Waste Workshop date: The week of June 25-29,2007.

Mr. Zamora asked commission if the week of June 25-29 would be good to have the solid waste workshop at that time. Commission consensus that Thursday June 28' 2007 at 1:30 PM in the county commission room would be good for everyone.

8. The next Regular Meeting of the Valencia County Board of County Commission will be held on June 27, 2007 at 3:30 PM in the County Commission Room at the Valencia County Courthouse.

9. Adjournment

Commissioner Gentry moved to adjourn. Seconded by Commissioner Kirkham. Motion carried unanimously. Time 5:33 PM. Chairman Rael reminded commission that following this meeting the Public Hearing Meeting will be held and all documents will be signed immediately after the meeting.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the June 13, 2007 Regular 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/
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: June 27, 2007