

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

August 15, 2007

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, 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 3:30 PM.

2. Chairman Rael led the Pledge of Allegiance.

3. Approval of Agenda

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

**4. Approval of Minutes: July 19, 2007 – Regular Business Meeting
August 1, 2007 – Regular Business Meeting**

Commissioner Kirkham moved for approval of July 19, 2007 Business Meeting. Seconded by Commissioner Medina. Motion carried unanimously. Commissioner Pinkston stated she will not be signing the August 1, 2007 Business Meeting minutes as she did not attend that meeting.

Commissioner Medina moved for approval of August 1, 2007 Business Meeting. Seconded by Commissioner Kirkham. Motion carried unanimously.

5. Public Requests

William Dean, Los Chavez read an article written by Joe Rizzo on the subject of the proposed site of the People’s Energy’s facility in terms of the impact of its location on the environment.

Clara Rehr, San Clemente said she was present at the meeting where Planning and Zoning was updating their zoning laws. She attended those meetings to where the chairman gave a presentation and there was no heavy industry. Ms. Rehr spoke on how she would like to keep the areas green and specifically does not want heavy industry.

Gloria Sanchez, Belen said her concern is still about heavy industry and wanted to make a point about security. Will there be 24 hour surveillance being that it is so close to a residential area? There is a threat of vandalism, domestic or foreign terrorism. Gas powered plants are prime targets and this is a big concern for her.

Tom Martinez said it is his understanding that the commission is not accepting any additional testimony regarding Mesa Estates Road. He had a letter from the surveyor on Lots A-E of Journeys Subdivision, he provided that survey to Mr. Zamora. The surveyor said the easement is the only access to those lots, no additional access was granted, so if the road closes those lots would be land locked.

Chairman Rael said announced that he will hold a Town Hall Meeting in Highland Meadows at the Fire Station at 10:00 AM on Saturday, August 25, 2007. The subject will be road projects.

Commissioner Gentry said he had handed in a petition of about 40 signatures, this is about a housing apartment complex in Rio Communities which seems to have a concern of overgrowth problems, fire hazard, maintenance, public nuisance and health hazard. Commissioner Gentry said he would forward this on to the Code Enforcement Department but he has been getting complaint after complaint that they get nowhere on their complaints, that it is falling on deaf ears. Commissioner Gentry said he had two or three other complains and he had had a discussion with the commission on allowing mobile homes in areas that are restricted. Planning and Zoning says they are not supposed to be there. There are alot of problems in Salomon Estates and is having trouble in getting the code enforcement people to react in that district for some reason. It is getting to where there is 30 to 40 signatures on petitions. Commissioner Gentry said he would hand this in to Mr. Zamora but he wanted to bring this up to the commission. Also, we have a code enforcement issue that has not been resolved in the mobile home park and some of the permits issued there. Commissioner Gentry said his constituents in his district are complaining very heavily about code enforcement and the lack of.

Commissioner Pinkston reported on the NM Association Board of Directors Meeting, there were three days of training for all of the counties on the legislation process. Two of our priorities that are being looked at is

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the voting machine debt, Valencia County has the second highest debt on the voting machines. We are going to try and get this passed in the 30 day legislation session. From the Clerk's affiliates, the recording fee, county detention centers, fire departments we are trying to get funding for some of these items. The Board will be working on these with the legislation delegation. Commissioner Pinkston reported on the Mid-Region Council of Government meeting that she had attended. Mayor Huning and Mayor Ake were recognized for all of their hard work and their leadership. Mayor Torres from Belen also got recognized for his work, especially getting the Doodle Bug back in this area.

Commissioner Kirkham thanked Eric Zamora, James Aranda, Ruben Chavez and Jeff Noah for attending a meeting with Eastland Hills Homeowners Association.

6. Discussion (Non-Action) Items

a) Acknowledgement of Appreciation for 2006 Officer of the Year – Jeff Goen (See Exhibits A & B)

Gary Hall spoke on behalf of Jeff Goen. Mr. Hall recognized Sergeant Gilbert Romero for his outstanding dedication and service to Valencia County and his commitment to being a true public servant and a highly respected leader in our community. Unfortunately, Mr. Romero was not in attendance to receive his plaque.

Mr. Hall recognized John Gordon in recognition of his outstanding dedication and service to Valencia County. He has been with the department for six years, he was in an accident while on duty, but his commitment to being a true public servant and leader has been proven. Mr. Gordon accepted and thanked Valencia County for this honor in receiving this recognition.

b) Prioritize 2009-2013 Infrastructure Capital Improvements Plan (ICIP) – James Aranda (See Exhibit C)

Mr. Aranda said the plan before the commission are the results of a workshop that was held last Monday, August 6, 2007. There were some last minute changes. Mr. Aranda said that he conferred with Ruben Chavez on some of the fire department figures. And a change was made to Meadow Lake Fire Station, it was for the year 2009, the amount was changed from \$320,000 to \$300,000 and on the county wide fire districts facilities, for the year 2012 was changed from \$4,000 to \$300,000. And 2013 was also up from \$320,000 to \$500,000. Also changed was Mesa Road railroad separation that was left off the original list but Mr. Aranda stated he added it back in. These were the changes that were made. Commissioner Pinkston asked why the amount got reduced and consensus from the commission was to leave it at \$320,000 for 2009. Commissioner Medina asked why Mr. Chavez was not present. Mr. Aranda said he had a personal emergency. Commission discussed as to prioritization of the plan. After discussion, in order on the plan is

1) Hospital/Healthcare, 2) County Wide Roads, 3) Solid Waste Landfill, and 4) Public Safety. The rest of the projects will be ranked on their merits.

c) Department Reports – Department Directors

Vangie Gabaldon, Administrative Services Director submitted a written report and briefly discussed each project's status. (See Exhibit D)

Derek Williams, Detentions Director submitted a written report and briefly touched on the monthly status report. (See Exhibit E)

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

None

7. Action Items

Board of Commissioners convene 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 F)

Ms. Baker presented the Indigent Claims from July 6, 2007 to July 27, 2007. There were 109 claims submitted and 34 applicant denials. The amount of claims submitted was \$371,625.37 and Ms. Baker stated she would like the commission to approve \$60,314.79. Ms. Baker said the unpaid balance of the medical group for the approved claims was \$139,310.57 and the unpaid of the current approved balance of the ambulance bills for approved claims was \$8,898.06. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

Ms. Baker presented one appeal on an inmate, the appeal was denied on July 20, 2007 because it was received after the 90 day limit. If approved Valencia County would pay \$54.22 total. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. (See Exhibit G)

Board Reconvenes as Board of County Commissioners

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

b) Resolution 2007-46, Valencia's commitment to a Fiscal Year 2009 funding agreement with the Mid-Region Transit District and, in conjunction with the City of Belen, supporting the Mid-Region Transit District's submittal of a grant application to the New Mexico Department of

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Transportation, Transit & Rail Bureau, for Federal Transit Administration Section 5311 Program Funds for General Public Transit Service within the general area of Belen, Rio Communities, Jarales, and Veguita – Bruce Rizzieri (See Exhibit H)

Bruce Rizzieri presented a resolution in support for a joint partnership with the Mid-Region and Valencia County to apply for Federal Transit Administration program funds. The State of New Mexico receives a certain amount of money per year called Section 5311 funds, the State Department of Transportation goes through a selection process on how these funds are awarded to various entities throughout the state. This is to continue funding for existing services. The County of Valencia and the City of Belen will administer the contract with Mid-Region. Ms. Wimberly said in the resolution Item C, she would like it to read The County of Valencia will consider appropriation of, in its 2009 fiscal year budget, \$90,000 for the Mid-Region Transit District. And on page 2, there is a typographical error that needs to be fixed. Commissioner Kirkham moved to approve with the changes as stated by counsel. Seconded by Commissioner Pinkston. Motion carried unanimously.

County Clerk Sally Perea announced **Resolution 2007-46**.

c) Appointment of Free Holders for Abandoning Maintenance of County Roads – Ron Gentry

Commissioner Gentry said the new abandonment road ordinance has a clause that allows us to abandon for the purpose of maintenance on certain roads which we have identified and discussed on our road program and trade those roads and replace them with roads in that district that people actually live on. He would like to have three free holders appointed to start putting this program together, if any commissioner would like to appoint someone, they don't have to be in his district. Commissioner Gentry said he would like to see Frank Barr as one of the three free holders. Commissioner Gentry said the other commissioners will have an opportunity to name a free holder in their district by next Wednesday if not Commissioner Gentry will name the other two. By consensus all agreed.

d) - Final Action of Public Hearing held August 8, 2007

i) Amend the Zone Map from RR-2 to RR-1 for the purpose of splitting two 1.8 acre parcels into three (3) 1-acre parcels; T6N R2E Sec. 17, NMPM, Lands of Lupe C. Chavez, Tr.39-A-3-B-1 & 39-A-3-B-2, MRGCD Map 86, Valencia County, NM/Louis Salas – County Commission (See Exhibit I)

Commissioner Medina moved for approval on the above item that was heard at the August 8, 2007 Public Hearing Meeting. Seconded by Commissioner Pinkston. Motion carried unanimously.

ii) Vacating or Closing County Road-Mesa Estates Road (AKA Fence Line Road) between Journey Road and High Deal Road near Meadow Lake Valencia – County Commission (See Exhibit J)

Commissioner Pinkston moved to table the above item. Seconded by Commissioner Gentry. Discussion. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Gentry voted yes. Commissioner Medina voted yes. Chairman Rael voted no. Motion carried 4-1.

iii) Declare an Emergency to corrected Zone Map with “I-1 Resource Industrial District” for the Rio Grande Industrial Park – Pedro G. Rael (See Exhibit K)

Chairman Rael said this matter is one of those things that seems to haunt us every now and then, this is a tough issue, a difficult issue, there is a lot at stake, and he has gone back a little ways in order to explain his position on the matter. We have a court order that was entered on December 18, 2006, not all of the same commissioners, but three were here, with two new ones. Judge McDonald ordered that the decision of the Board of County Commissioners of Valencia County approving the Board of County Commissioners to propose a zone change to choose the zone designation/boundary in the Rio Grande Industrial Park south of Rio Communities from an I-3 designation to an I-2 designation for public policy reasons is hereby reversed. The declaration of intent to adopt by the Board of County Commissioners of Valencia County on September 16, 2006 declared void. This matter is remanded to the Board of County Commissioners of Valencia County for further proceedings consistent with this decision. We have been ordered by court to take further proceedings consistent with this decision. With this reasoning it was clear it was I-3, rezoned by the County Commission to I-2, the court reversed that and sent it back for additional proceedings consistent with the decision which means making it what it was before making a void vote.

Chairman Rael moved to deny the request to declare an emergency and to simply affirm that this resource industrial for Rio Grande Industrial Park is I-3. Seconded by Commissioner Kirkham. Discussion. Commissioner Gentry said he didn't feel this matter is appropriate to be taken that action, he realizes that he (Chairman Rael) took that court case that we had Judge McDonald and this is not relative to this particular issue. This has been taken out of context. What you (Chairman Rael) read to us was a application that the county took to change zoning through a process to which the judge ruled that he would reverse it because of several reasons. He reversed it and remanded it back to this county for action but he would think that we have not taken appropriate action. The action that we would take and would be before us to vote on would be an action of filing a zoning petition like we did before having the public notification, having a public hearing, having a public input, both the pros and the cons. He thinks that is the appropriate action for this commission to act as matter of reference of Judge McDonald remanding it back. What he thinks we create here is an issue that we are trying to say that we are taking the action of Judge McDonald's remand and that we are going to take affirmative action in one manner or another. When there has been no application by this commission, there has been no application by any party to rezone or to redo our zone maps in the industrial park. So that matter is not relative to the one you just read. You (Chairman Rael) read a court case out of context of what we are doing here before this commission. As far as the history of where we are at, if you remember a couple of three meetings ago, Mr. Alba came before

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us and said that he had some new information that he would like to share with us on that matter concerning the past zoning in Valencia County back to 1986 and he wanted to present that information to this commission and he said that you as chairman would not let him present that information. And he came to him as a constituent because his properties are in his district and asked him in a public meeting if he as a commissioner would authorize him to be on the agenda to present information to this commission. He granted that as a constituent request and now you are telling us what he believes to speak to us in a hearing. This is not an application by Mr. Alba who has no standing to change the zoning ordinance, this is not an application by this commission to change the zoning ordinance or the designation, this is basically by Mr. Alba and his attorney, by your objection also, his attorney was "we want to present our information to this commission and have it on the record and give us the documentation" to which he did. Then he said it is up to you as the commission to decide how you want to handle it and then we will decide on how we want to handle it on our end. So there is no formal application or formal request for this commission to vote on about changing the designation. He believes as Chairman Rael stated with your legal recommendation to us that if we took an action on this matter and did not have it properly done that it would be subject to an appeal in throwing out that information or whatever. He believes that is correct and he believes this commission would be setting ourselves up to have all that information thrown out, scrunched or have the court not consider if Mr. Alba were to file a lawsuit. This would prejudice a lawsuit. It would prejudice us for acting on the matter without the proper procedures going thru P & Z, filing the proper petitions and having the public hearing notifying both parties that might be affected to which you so clearly told us to do. He thinks that you will be setting us up to violate everyone of those legal issues that you caution us about and causing us to get into legal turmoil. He believes the matter before us, and the way her reads it, and not requested by Mr. Alba and not by him because it is in his district to change it, he is not sure what the request is. It is so messed up that it would open us up to a lawsuit, it would open us up to have this thrown out. It says to declare an emergency to correct zone map for I-1 industrial district for the Rio Grande Industrial Park. He wondered if we are going to declare an emergency to correct the zone map, which zone map is the corrected zone map. He doesn't understand how we are getting it convoluted with the corrected and the uncorrected, the 86 and the 99 he doesn't think this is the proper manner to be before us and would only take us into a legal bind or it would upset the public information who were received. He respectfully asks this commission do not take any action on this matter because we would be prejudicing ourselves on information that has not been properly put before us. He doesn't intend to vote on it, he intends to abstain on it because he thinks we have this improperly before us and that is all he is going to say on the matter.

Commissioner Kirkham said if she understood the motion that we are not changing anything, we are just affirming what the zoning is today, isn't that correct?

Chairman Rael said that is correct and he was specific in his motion. Commissioner Gentry said where in this particular item does it ask us to affirm from an I-3 or not? What this asks us to do in a proper motion is to declare an emergency to the corrected zone with an I-1 resource industrial, it has nothing to do with any of the hearings that we have had, otherwise it is asking us to declare an emergency to correct a I-1 zone map of which he has never heard of, so what it does, it puts us, and now you are telling us it reaffirms I-3. There was never a request of Mr. Alba, never a request by him, never a request by his attorney, never a request by this commission, never a request by anybody else even if it is affirming an I-3. We sort of slip socks on a rooster in a different way and he thinks it is totally inappropriate of what we are doing here.

Commissioner Medina asked what is it actually zoned presently? Chairman Rael said based upon the court order as he understands it, the portion that he just read, was I-3 at the time it was taken into court and that is his understanding with the history of it. Then it was I-3 in 2004 and it so states in the judges decision. It was I-3 in the 2004 zoning ordinance which states it in paragraph 9, which is a complete copy of the courts order and then it was rezoned by the former county commission to I-2. They voted on it and rezoned it I-2, the matter was appealed in the zoning of I-2 and the judge held that if they change the zone from I-3 to I-2 is reversed which means that I-2 was taken off and remanded back to us for further proceedings consistent with the decision which means affirming that it is I-3 which is what it was before.

Commissioner Medina asked counsel what is it, is it shown as I-3 right now? Ms. Wimberly said (inaudible) in discussing and accepting the Chairman's motion because in her opinion it is clearly outside the agenda item as listed which raises the open meetings act (inaudible). It goes back to Mr. Alba's original request {which was denied} on the agenda. Commissioner Gentry approved Mr. Alba's presentation and his original request, it wasn't he did mention the 2004 zone change, he also did mention the 2005 judicial case and that presentation was fairly lengthy but in 2004 the legislative zone change readopted the zone map at the time. The maps shows I-3 then there was the 2003 quasi judicial process which the chairman contributed but she doesn't think that Mr. Alba covered that in great detail. She suggested that if you would like to discuss this, it is a very complicated issue, she recommends an agenda item on Judge McDonald's decision where we can talk about the litigation which was pending. We can discuss whatever the proposal is to reaffirm that it is I-3 but whenever it is properly noticed on the agenda.

Chairman Rael said he begs to differ with counsel, because there is clearly a request to change the zoning to I-1 from something else and the something else is I-3, the judge's order has clearly commanded this commission to reverse the I-2 zoning and it has remanded to take action consistent with the decision and if anything is consistent with the courts decision is I-3. If we don't do that then we are in direct violation of a court order since December 2006 and then this county commission still hasn't designated that as I-2, because that is the last designation that occurred and everybody knows that.

Ms. Wimberly said, Mr. Chairman if you would like to visit her in her office, she will be happy to share with him what the county has that part (inaudible).

Mr. Aranda stated he had a quick question, in remanding this decision by the court, it would appear that Judge McDonald found that there were errors in the process. My question goes back, he believes he wanted the process to also be redone to ensure the application was done correct with the public notification of the whole process. He would like clarification because if he did remand that back to this commission, would it not be in the county's best interest to take it up at the very beginning of the process including the application for a zone change.

Chairman Rael said he understands the question, the problem that he has with the way things are is that the public is not clear as to whether the I-2 is still around, do we have to go back and change that or whether it is I-3, the judge struck the I-2 designation and ordered us to take proceedings consistent with the decision. His motion simply affirms that therefore it is I-3, that I-2 was stricken by the judge and we are not making any changes, that was not foreclosed in the future, anybody can see. I We do not like the I-3, we are going to start the legislative process or whatever may be appropriate and try to change it I-2 or I-1, everybody comes in and has an opportunity to be heard, etc. But that is not what this is about, it is simply a court order that requires us by striking the I-2 of the court's decision, but we have not done that officially and we are ordered to be consistent with his decision and in order to do that to simply affirm that it is I-3 because the court has stricken the I-2 designation. And if somebody wants to come back and change it later from I-3, which he believes that it is and has been all along, then they can do so. That does not foreclose the public from coming and trying to change it with the proper channels.

Commissioner Pinkston said we need to go back on the advice of our county attorney, she advised us at the public hearing meeting that was the presentation by Mr. Alba and that is exactly how they took it, as a presentation with information, she also feels this should not be on the agenda, she also agrees with counsel that we by further discussing this item, that (inaudible) that it is not on the agenda, that it is a violation of the open meetings act and she will abstain on this item.

Commissioner Kirkham said she was at the same meeting, Mr. Alba requested several things, it was a two hour presentation, for us to change the zoning, hold back the permits, he said that several times. The part that was just mentioned by affirming that it is I-2 does not prohibit anyone to come back to try to change it I-2 or I-1. (Inaudible)

Chairman Rael asked if there was further discussion.

Commissioner Gentry said he still feels this matter is inappropriately in front of us and we should not be voting on a I-3 affirmation of determination that we should not be voting at all on this issue. It is not properly applied or does not have the process and again we are going into the violation of due process. If that is what we are going to bring up and voting on, the public has not been made of that whatsoever, and he is going to abstain in engaging in this.

Chairman Rael said the matter is – well he doesn't want to be repeating things over and over again – we are under the court order to be consistent with it and today it is clarifying what it is and the court is clear that it struck the I-2 designation for the reasons that the court gave in a lengthy court decision and ordered us to be consistent with that. Chairman Rael said the only way to be consistent is to know where we are starting from and he thinks the court has indicated we start from I-3 to say that it is an I-3 designation and then the people are welcome to come back and change it . It does not reflect on the public's ability to come back with the appropriate procedure and giving notice to everybody involved that they want to change it from the existing I-3 to something else. Right now there is a question of what it is, in the public's mind, is it I-2, because that is the last thing the commission voted on, that is what the court struck, or is it I-3, the answer is absolutely it is I-3. We need to take a vote on it so that we have a clear platform of which the public knows where they are and where they start including the people's property that has been affected. And those people that own the adjacent property. That is all he is trying to do is to affirm what the court has ordered us to do.

Commissioner Gentry said Mr. Chairman you have stated that the court has instructed us to affirm this as I-3, is totally inappropriate, the court hasn't instructed us to do anything. The court ruled that it be I-3 designation and he remanded that back to us to go through the proper process, he did not rule, and believe me we were all here, you (Chairman Rael) were not on the board then, he did not rule on the merits of I-3, I-2 or I-1, he rules on the merits that proper notice had not been given, that we violated the open meetings act by allowing some discussion at one of the hearings concerning three of the residents there. He also ruled on the fact that he voted on it when he lives adjacent to that property of the notification area, those are the reasons that the judge struck it and he said he would remand it back to us to go through the due process and we are not going through the due process right now. The court has not ordered us to affirm this as I-3. That is why he says that we are violating the open meetings act by not giving those people who might be in opposition to that affirmation, proper public notice and that is not our agenda, we should not be going into this area.

Chairman Rael said we had a hearing last week for a few hours whereby there were a number of people that were saying that we want this zoning to be I-1, we want you to revoke the permit, all those people that oppose a I-3, believe me they were here and he thinks we are compelled to the court's decision, we should have done that a long time ago. It simply states that affirm that it is I-3, consistent with the court's decision, and if somebody wants to come forward and change it back, then that is fine, they can do so.

Chairman Rael called for the vote. There is a motion pending to deny the request for declaration of an emergency to simply affirm that Rio Grande Industrial Park is an I-3, all in favor of that motion say yes.

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Commissioner Kirkham voted yes. Commissioner Medina voted yes. Chairman Rael voted yes. Commissioner Pinkston abstained. Commissioner Gentry abstained because he feels this is improper. Motion carries with 3 in favor with 2 abstentions.

e) Resolution 2007-47, Finding Public Nuisance Requiring Renovation or Removal by County; 176 El Cerro Mission Blvd. Los Lunas, NM; Lot 4-A-1, as shown on replat of Tract 4-A, El Cerro Mission Ranchettes – Anthony Savilla (See Exhibit L)

Mr. Savilla presented this item. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

County Clerk Sally Perea announced **Resolution 2007-47**.

f) Resolution 2007-48, Finding Public Nuisance Requiring Renovation or Removal by County; 5 Winston Ct. Los Lunas, NM; Lot 3-C-2, as shown on amended replat of Lot 3-C, of the replat of Lot 3, El Cerro Mission Ranchettes, Unit 2 – Anthony Savilla (See Exhibit M)

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

County Clerk Sally Perea announced **Resolution 2007-48**.

g) Resolution 2007-49 , Adopting Multi-Year Infrastructure Capital Improvements Plan for 2009-2013 – County Commission (See Exhibit N)

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

h) Consideration of Interim Joint Powers Agreement between the Town of Peralta and the County of Valencia – Edward Archuleta (See Exhibit O)

Mr. Archuleta said before this commission is a joint powers agreement between the county and the Town of Peralta regarding the continuation of services. This is a formalization of discussions that we have had prior to the incorporation. Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Discussion. Motion carried unanimously.

Commissioner Pinkston and county staff donated office supplies to the Town of Peralta to which Mayor Archuleta was most grateful. Mayor Archuleta also thanked the two commissioners that represent that district, Commissioner Kirkham and Commissioner Pinkston, they have been supportive and helpful with the entire process as well as the rest of the commissioners.

i) Financial Matters

i) Consideration of GRIP II, Paving improvements on County Roads in Highland Meadows, El Cerro Mission and Meadow Lake in Valencia County – Eric Zamora (See Exhibit P)

Mr. Zamora presented the above item. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

ii) Consideration of Permission to seek alternative financing for apparatus for Jarales Fire Department \$100,000 – Ruben Chavez/Charles Eaton (See Exhibit Q)

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

iii) Consideration of Award Bid #617, “Valencia County Animal Control Expansion-phase II’ to C.C. Construction \$444,000.00 – Vangi Gabaldon (See Exhibit R)

Ms. Gabaldon presented the above item. This is for the base bid only and does not include alternates 1 or 2 because the budget did not allow for us to go award the entire project. Commissioner Kirkham moved for approval of the request to award the bid to C.C. Construction Co. and to establish a \$20,000 contingency fund. Seconded by Commissioner Pinkston. Motion carried unanimously.

iv) Consideration of Payroll & Warrants – Wilma Abril

Ms. Abril presented the computer printout list of all the checks issued by the Manager’s Office on August 3, 2007 covering payroll processed on that date. Direct Deposit Check #3273 thru Direct Deposit Check #3415 inclusive. Deduction Check #90699 thru Deduction Check #90728 inclusive. Payroll Check #79703 thru Payroll Check #79796 inclusive for a listing total of \$320,932.64. **(See Exhibit S)**

Ms. Abril presented the computer printout list of all the checks issued by the Manager’s Office on August 10, 2007 covering vendor bills processed on that date. Check #90730 thru Check #90956 inclusive for a total of \$813,258.37. **(See Exhibit T)**

Ms. Abril presented the computer printout list of all the checks issued by the Manager’s Office on August 14, 2007 covering vendor bills processed on that date. Check #90957 thru Check #90957 inclusive for a total of \$84,295.00. **(See Exhibit U)**

Ms. Abril presented the computer printout list of all the checks issued by the Manager’s Office on August 3, 2007, covering vendor bills processed on that date. Check #90729 thru Check #90729 inclusive for a total of \$864.00. **(See Exhibit V)**

Commissioner Kirkham moved for approval of the above payroll & warrants. Seconded Commissioner Pinkston. Motion carried unanimously.

7. 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. Chairman Rael voted yes. Commissioner Gentry voted no. Commissioner Medina voted no. Motion carried 3-2.

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

Ms. Wimberly reported on matters that were discussed in executive session. Pending and threatened litigation of Urtega vs Valencia County, Allen vs. Valencia County, Artiaga vs Valencia County, personnel issue that were discussed related to employment status of county volunteers. These were the matters that were discussed and no final action was taken.

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

8. County Manager's Report (Informational Only)

Mr. Zamora reminded the commissioners of a special meeting next week August 22, 2007 at 3:30 PM to discuss the consideration of financing mechanism for the Valencia County Hospital Project. Mr. Zamora said he would be meeting with the department directors to start the initial process of developing department long term goals.

9. The next Regular Business Meeting of the Valencia County Board of County Commission will be held on September 5, 2007 at 3:30 PM in the County Commission Room at the Valencia County Courthouse.

10. Adjournment

Commissioner Kirkham moved to adjourn. Seconded by Commissioner Medina. Motion carried unanimously. Time 6:46 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the August 15, 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: September 5, 2007