

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING / BUSINESS MEETING

FEBRUARY 20, 2019

| PRESENT | ABSENT |
|---|----------------------------|
| Jhonathan Aragon, Chairman | |
| | David Carlberg, Vice-Chair |
| David A. Hyder, Member | |
| Charles D. Eaton, Member | |
| Gerard Saiz, Member | |
| Danny Monette, County Manager | |
| Adren Nance & Dave Pato, County Attorneys | |
| Peggy Carabajal, County Clerk | |
| Press and Public | |

1) The meeting was called to order by Chairman Aragon at 5:02 P.M.

2) Mr. Aragon led the Pledge of Allegiance.

3) Approval of Agenda

Mr. Pato stated that Valencia County vs. Berry can be removed from executive session. It will be handled administratively. Commissioner Hyder requested that agenda item #14 be moved before #8 making it the first action item.

Commissioner Hyder moved for approval with the changes. Seconded by Commissioner Eaton. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0.

Chairman Aragon stated that Commissioner Carlberg had a medical emergency so he will not be present for this evenings meeting. He also announced that those wishing to speak on item #14 need to sign in on the public comment sheet.

4) Approval of Minutes: None to present

DISCUSSION (NON-ACTION) ITEM(S):

5) Commissioners, Committees and Reports.

Commissioner Saiz reported that he along with Mr. Monette had attended the I-25 corridor project meeting, during the meeting the village suggested that 1 or 2 individuals from Valencia County should consider accompanying them to Washington, DC to show unity when they go to seek federal funding for the project. He also reported it is also looking promising that the village may get some capital outlay funding from the state for the project.

Mr. Monette stated that he had spoken with Commissioner Carlberg and Commissioner Saiz and they are interested in traveling to Washington, DC with the Village of Los Lunas.

Chairman Aragon reported that last Friday he attended County Day at the legislature. It was a great day and Valencia County represented themselves well. Last weekend was also the NMC Board of Directors meeting where the legislative priorities were discussed.

NMSU Extension Office Quarterly Report by Laura Bittner

Newt McCarty reported that in 2018 he conducted 5,423 adult and youth face to face contacts, an additional 311 phone and email consults and the VC Master Gardner Program performed 1,500 hours of community service reaching 760 community members. In 2019 all existing programs will continue with an additional 3 new programs. The new programs will be a 3-day beef cattle artificial insemination course, an economic and educational series for producers as well as implementing an agricultural business program at Belen high school.

Vera Gibson reported that in 2018 there were 8 traditional 4-H clubs and 1 after school program, there was a little over 400 participants enrolled in 4-H with an additional 89 adult volunteers. 205 youth participated in 13 district and state activities. There were more than 1,600 students from 7 different schools that participated in school enrichment programming which included the Egg to Chick program, Kids Cows and More and AG in

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the Classroom. A new program for 2019 will be an escape room activity for teamwork and problem solving.

Ann-Marie Wilson reported that last week 6 health ambassadors from the Healthy Living program were taken to Washington to get trained to teach physical fitness and nutrition projects. In 2018 over 1,100 students were reached through the Healthy Living program. There was around 200 students that participated in the Egg to Chick program, there was also an after school 4-H program at St. Mary's and Belen Family School. In March there will be a Home-Ec school where 250 youth from the entire state will participate in various projects. This year the health ambassadors will put a lot of emphasize on mental health.

Laura Bittner reported that in 2018 7,617 youth and adults participated in programming and outreach efforts that she offers. 2,500 participated in the ICAN program, she also gave 20 presentations to special interest groups. In 2019 all existing programs will continue with the addition of 3 new programs which include Paws and Claws which teaches proper pet care, Outdoor Adventures which teaches youth to reconnect with the outdoors, and a will and estate planning program will also be offered.

Commissioner Saiz thanked the staff from the extension office for their informative report.

Chairman Aragon reported that he and Mr. Monette will be at the Leadership NM conference in Santa Fe for the rest of the week, he will also be attending the upcoming NACO board of directors meeting.

Board Convenes as Public Hearing Board

Commissioner Hyder moved for approval. Seconded by Commissioner Saiz. Roll call vote. Commissioner Eaton voted yes. Commissioner Saiz voted yes. Commissioner Hyder voted yes. Chairman Aragon voted yes. Motion carried 4-0.

County Clerk Carabajal administered the oath to those individuals wishing to speak on the public hearing item.

PUBLIC HEARING ITEM (NON-ACTION ITEM)

6) Discussion of Zone Change #2019-001, Lawrence and Katherine Jaramillo request a Zone Change from Rural Residential 2 (RR-2) to Rural Residential 1 (RR-1) to be able to split into one acre lots. The property at Tract D, Land of Marlin C Frettem; Section 20, Township 6 North, Range 2 East; also known as 6 Guinea Ln, Belen, New Mexico 87002; Zoned Rural Residential 2 (RR-2); 2.45 ac, Map 87, Filed in Cabinet L, Page 560 in the Office of the Valencia County Clerk. Presenter: *Gabriel Luna*

Mr. Luna stated that the property owners Lawrence and Katherine Jaramillo are requesting a zone change from RR-2 to RR-1 to be able to split the 2.49 acres into two 1.2 acre lots. At the January 22nd Planning and Zoning commission meeting they recommended approval of the zone change on a 4-0 vote. Commissioner Eaton asked what the majority of the surrounding properties are zoned. Mr. Luna replied that it is generally RR-2 but there is a lot of building going on in this area. Commissioner Eaton stated that in the past zone change requests have had an overlay of the specific property and identified surrounding properties and their designations and in this case that was not provided, it is helpful in the boards decision making process.

Chairman Aragon opened the floor for comment on this item, there was no comment. He stated that this item is now closed and action on the item will be taken at a later meeting.

Board Convenes as Indigent Board

Commissioner Saiz moved for approval. Seconded by Commissioner Eaton. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0.

7) Approval of Indigent Report. Presenter: *Maria Garcia*, Sponsor: *County Manager for Regular County Business*

Chairman Aragon stated that this item will need to be tabled as Ms. Garcia is recovering from a health issue.

Commissioner Eaton moved to table this item until a later date. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0.

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Board Reconvenes as Board of County Commissioners

Commissioner Eaton moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0.

ACTION ITEM(S):

14) Consideration of Resolution No. 2019_____ Declaring Valencia County to be a Second Amendment Sanctuary County. Presenter: *Adren Nance*; Sponsor: *Commissioner Hyder*

Mr. Nance stated that this item was sponsored by Commissioner Hyder, this resolution declares that Valencia County is a county that supports the 2nd Amendment and the BOCC supports the Sherriff in her decision making authority to enforce laws or not enforce laws that she seems to be unconstitutional, the resolution also states that funds will not be budgeted for unconstitutional purposes. It does not list any specific proposed laws that are out there, it is a general policy statement. Chairman Aragon stated that he will allow those who signed up on the public comment sheet to speak on this item now, he asked those wishing to speak that they speak in an orderly fashion and to keep their comments within the 3 minutes allowed per person. There were many individuals, for and against the resolution that spoke and expressed their opinion on the matter. Individuals included:

Clark Gentry
 Penny York
 Carol Bittner
 Robert Draszkievicz
 Erlene Lea Pierce
 Chris Bittner
 Richard James
 Lee Peters
 Sam Loya
 Diana Martinez
 Jamin Hutchens
 Jack Furgerson
 Willam Perry
 Rudy Sandoval
 Paul Baxter
 Dale Sonnenburg
 Rufus Cole
 Courtney Farris
 Nancy Veloz
 Ben Gutierrez
 Janet Yates
 Ron Romero
 Duana Draszkievicz
 Donna Sylvestre
 Donna Tolbert
 Levi Thompson
 Don Simpson
 Cecil Thompson
 Kathleen McCord
 Michael Doyle
 Lawrence Jaramillo
 Larry Daly

Chairman Aragon stated that public comment is now closed for this agenda item. Commissioner Eaton stated that there have been 4 bills submitted legislative wise and are still being considered and have not yet been submitted to the Governor, is that correct legal. Mr. Nance replied, that is correct. Commissioner Eaton asked if the Attorney General has issued an opinion on any of the bills. Mr. Pato stated that the Attorney General has not issued a formal opinion in respect to this legislation but has provided comment on a fiscal impact report which goes to the legislators. In regards to HB 83, which would amend chapter 40 by creating a useful process which would allow someone to petition the district court to have someone's guns removed, the AG had expressed concerns that it would implicate the 2nd Amendment right to keep and bear arms, the AG also indicated that it potentially violates the 4th Amendment and article 2 section 10 of the NM Constitution with respect to the seizure of firearms. Commissioner Eaton stated that he has been on this board for 6 years and this is the second time that a symbolic issue has

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come before the board in terms of a resolution. This resolution is symbolic, what is disturbing is that if the Governor signs legislation creating a law and the boards accept this resolution then the board is sending a message to our sheriff to not enforce certain laws and that is a dangerous precedence to set as a governing body. He stated that he understands the 2nd Amendment and wants to protect the rights of the citizens, but there is potential liability when law enforcement picks and chooses what laws to enforce. Commissioner Hyder stated that yes, they take an oath to uphold the law and the state constitution but laws change, nothing has been signed into law with these 4 bills yet. But if the bills pass in Santa Fe then the county's chief law enforcement will not pick and choose, she will enforce it because it would be a new law. This resolution has been passed in multiple counties, this isn't about any shot at state legislation it's about the 2nd Amendment of the US Constitution.

Commissioner Hyder moved for approval. Seconded by Chairman Aragon.

Chairman Aragon stated that last week at the legislature the senators continually thanked commissioners saying that they are the ones that represent the people. As commissioners they deal daily with the residents and hear their needs/wants. It is the commissioner's jobs to hear the folks in the county and to let their voices be heard in Santa Fe so he appreciates hearing everyone that came and expressed their opinion on the matter.

Roll call vote. Commissioner Eaton voted no. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 3-1.

County Clerk Carabajal announced Resolution 2019-12. (See Exhibit A)

Chairman Aragon called for a break @ 7:00 P.M.

8) Approval of Accounts Payable and Payroll Disbursement. Presenter: *Loretta Trujillo*; Sponsor: *County Manager for Regular County Business*

Ms. Trujillo presented and asked for approval for accounts payable dated January 26th-February 12th and payroll dated February 1st.

Commissioner Eaton moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0. (See Exhibit B,C)

9) Consideration of Support for the New Mexico Health Security Act. Presenter: *Dr. Dana Millen*; Sponsor: *Commissioner Saiz*

Dr. Mary Fledblum, Executive Director of Health Security for New Mexicans, gave a brief presentation on the NM Health Securities Act, which has been introduced this legislative session. The proposed resolution states that Valencia County supports the Health Security Act.

Commissioner Saiz moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0.

County Clerk Carabajal announced Resolution 2019-13. (See Exhibit D)

10) Consideration to award contract with Securus Technologies for Satellite Tracking of People LLC, Monitoring Solutions. Presenter: *Rustin Porter*; Sponsor: *County Manager for Regular County Business*

Mr. Porter stated that the proposed contract is a renewal of a previous contract which is for the GPS tracking services for juvenile detainees as an alternative to detention. The contract runs about \$120- \$240 per month.

Commissioner Eaton moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0. (See Exhibit E)

11) Consideration of Memorandum of Agreement for the improvements of certain county roadways in Tierra Grande. Presenter: *Lina Benavidez*; Sponsor: *County Manager for Regular County Business*

Ms. Benavidez stated that is a renewal of an MOA to do road improvements in Tierra Grande. TGIA will contribute \$10,000 to the county in materials and the county will

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perform the work when they are available and when they are in the area. Commissioner Hyder explained to Commissioner Saiz that this is the county's third year in doing this with Tierra Grande. Tierra Grande gives money to the county but that money goes back to road work in Tierra Grande.

Commissioner Hyder moved for approval. Seconded by Commissioner Saiz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0. (See Exhibit F)

12) Consideration of Resolution 2019-___ To apply for financial hardship with NMDOT to receive used equipment. Presenter: *Lina Benavidez*; Sponsor: *County Manager for Regular County Business*

Ms. Benavidez stated that NMDOT allows entities to apply for a hardship to receive used equipment. If the county qualifies we will be notified of the amount and the date of the equipment auction. This has been a great help to the county in the past.

Commissioner Hyder moved for approval. Seconded by Commissioner Eaton. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0.

County Clerk Carabajal announced Resolution 2019-14. (See Exhibit G)

13) Consideration to Amend the MOA between Valencia County and the Village of Los Lunas; Capital Appropriation Project C3182674 for the Interchange at Interstate 25 and Morris. Presenter: *Lina Benavidez*; Sponsor: *County Manager for Regular County Business*

Mr. Pato stated that the county has worked with the village to revise the previous resolution that had been presented to the board. The revision makes clear that the Village of Los Lunas is taking the lead on the project and clarifies the roles of the parties involved. The revision was sent to NMDOT for review but the county has not yet heard back from them.

Commissioner Saiz moved for approval. Seconded by Commissioner Eaton. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0. (See Exhibit H)

14) Consideration of Resolution No. 2019_____ Declaring Valencia County to be a Second Amendment Sanctuary County. Presenter: *Adren Nance*; Sponsor: *Commissioner Hyder*

ITEM MOVED TO FIRST ACTION ITEM IN MOTION MADE FOR ITEM #3

PUBLIC COMMENT:

Jack Ferguson- Mr. Ferguson thanked the commission for their vote in support, he commented that the sheriff's department is losing deputies to APD because of the wage problem, hopefully the county can do something to help them out.

EXECUTIVE SESSION:

Pursuant to Section 10-15-1 (H) (2) (5) 10-7-E-17 (8) the following matters may be discussed in closed session: a) Personnel; b) Pending or threatened litigation/administrative adjudicatory deliberation: *Valencia County v. Berry*; c) real property; d) *FOP-Collective Bargaining* other specific limited topics that are allowed or authorized under the stated statute.

Mr. Nance stated that what was to be discussed is limited to what was presented on the approved agenda for executive session. Valencia County v. Berry was removed from the agenda.

Commissioner Hyder moved to go into executive session. Seconded by Commissioner Eaton. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0.

Commissioner Hyder moved to return to regular session. Seconded by Commissioner Saiz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0.

Mr. Nance stated that the matters discussed in executive session were limited to those in the motion for closure and no final action was taken.

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Commissioner Saiz moved for approval of the summary as stated by Mr. Nance. Seconded by Commissioner Eaton. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0.

ACTION ITEM(S) CONT.

15) Consideration for Memorandum of Agreement with FOP and Sheriff. Presenter: Denise Vigil; Sponsor: County Manager for Regular County Business

Sheriff Vigil stated that she would like to speak this evening regarding a problem of paramount importance. She stated that her department has 63 employee positions on the roster. 51 are sworn positions, 8 court security positions and the rest are civilian/administrative staff. In the sworn personnel position there are 11 vacant positions with an additional 5 vacancies on the horizon because of deputies in the hiring process with other agencies. The loss of qualified personnel to other agencies is having a devastating effect on the department. Deputies are not leaving because of lack of job satisfaction, not because of lack of loyalty to the department and community but because of a lack of livable wage. She stated that pay must be brought to a level that would encourage those employees that are already here to stay and encourage qualified law enforcement officers and motivated, ethically sound, non-certified individuals to consider Valencia County Sheriff's office for their career. She stated that she understands that there are budget restraints allowing the county to match the wage of surrounding agencies but when looking at this through a purely financial point of view we cannot afford to not raise the wage of our dedicated law enforcement professionals.

The crime rate will rise if the sheriff's department is not able to effectively police the community or keep up with the call volume. Sheriff Vigil stated that in order to assist in accomplishing the goal of retention of the current deputies and to assist in hiring qualified law enforcement professionals she would like to propose suspending 4 deputy positions, which would allow a raise for all of the remaining sworn positions. She went on to say that this proposal was not taken lightly it was taken with great seriousness. The allotted positions would decrease but the number of deputies on the streets would increase. She stated that the 4 positions would not be reinstated without the approval of the commission and she requests that the commission consider this proposal. Commissioner Eaton stated that he has met with Sheriff Vigil and the undersheriff several times, the dilemma of losing deputies to other agencies has been happening for quite a long time now and he thanks Sheriff Vigil and the undersheriff for coming up with this proposal. Chairman Aragon stated that the county cannot compete with the larger agencies but he appreciates the dedication that the officers here do have.

Commissioner Saiz moved to approve the MOA with FOP per the Sheriff's request that the board will utilize the savings from 4 of the vacant positions in the department to fund the salary increase to retain current deputies and attract future deputies. Seconded by Commissioner Hyder.

Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0. (See Exhibit I)

NEXT COMMISSION MEETING:

**March 6, 2019 –Business Meeting @ 5:00 P.M.
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**March 20, 2019 – Public Hearing/Business Meeting @ 5:00 P.M.
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

Commissioner Aragon stated that he will not be present at the March 6th meeting, he will be traveling back from the NACO conference at that time.

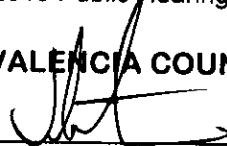
16) Adjournment

Commissioner Hyder moved for adjournment. Seconded by Commissioner Saiz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0. **TIME: 9:09 P.M.**

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 20, 2019 Public Hearing/Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

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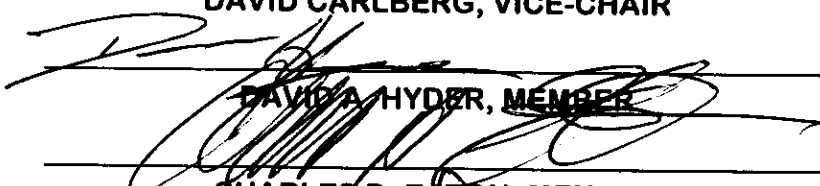
VALENCIA COUNTY BOARD OF COMMISSIONERS



JHONATHAN ARAGON, CHAIRMAN



DAVID CARLBERG, VICE-CHAIR



DAVID A. HYDER, MEMBER

CHARLES D. EATON, MEMBER

GERARD SAIZ, MEMBER

ATTEST:



PEGGY GARABAJAL, COUNTY CLERK

3-20-2019
DATE

