

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING / BUSINESS MEETING

MARCH 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 5:00 P.M.

2) Ms. Nancy Gonzales led the Pledge of Allegiance.

3) **Approval of Agenda**

Commissioner Eaton moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Commissioner Aragon voted yes. Motion carried 5-0.

4) **Approval of Minutes: February 20, 2019- Public Hearing/Business Meeting
March 6, 2019- Business Meeting**

Commissioner Hyder moved for approval of the February 20th minutes. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

March 6th Commissioner Carlberg moved for approval of the March 6th minutes. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon abstained as he was not present at that meeting. Motion carried 4-0.

DISCUSSION (NON-ACTION) ITEM(S):

5) **Commissioners, Committees and Reports.**

Mr. Monette reported that Gus Cordova met with staff last Tuesday and the commissioners met with him today. The retreat is scheduled for April 11th and a budget workshop will need to be scheduled for after the retreat. He also mentioned that the County Assessor has given the commissioners a copy of her annual report. Mr. Monette stated that while there are still a lot of things that the Governor needs to sign it looks like money will be appropriated for several projects throughout the county including parts of the first phase of the Morris Road/I-25 interchange, the Jarales bridge as well as appropriations for VRECC. Projects on the ICIP that may get funded include communication equipment and defibrillators, the OAP may get 4 vehicles and Belen may get money to address the flooding in that area.

Mr. Gabe Luna stated that he will be coming before the board at the next meeting with a detailed report on the Code Enforcement and Planning and Zoning departments.

Chief Brian Culp stated that on March 7th there was a major fire in the county, the volunteers, command staff and career staff did a fantastic job as well as the outside agencies that were brought in to help. He stated that it was a great team effort with many of the departments within the county working together. He recognized Deputy Chief Davis, Assistant Chief Moya, Assistant Chief Gonzales, Captain Barr, Emergency Manager Gillen, Emergency Specialist Brenda Alberts, and the Senior Chaplain who were in attendance at tonight's meeting. Commissioner Eaton stated that he received calls from residents in the fire area who had expressed their thanks.

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Chairman Aragon reported on his trip to the NACO conference in Washington, DC he also reported that he had a meeting with the mayors from the local municipalities.

6) PUBLIC HEARING (NON-ACTION) ITEM(S):

No items to present

Board Convenes as Indigent Board

Commissioner Hyder moved for approval. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

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

Mr. Montoya presented the indigent report and asked for approval of \$24,792 he also reported that the indigent fund balance as of March 12th was \$87,059.50.

Commissioner Hyder moved for approval. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit A)

Board Reconvenes as Board of County Commissioners

Commissioner Hyder moved for approval. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

ACTION ITEM(S):

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

Ms. Trujillo presented and asked for approval of accounts payable date February 13th thru February 22nd and payroll dated March 1st.

Commissioner Saiz moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit B,C)

9) Consideration of Resolution 2019-____: Acceptance of FY 2017-18 Audit. Presenter: *Loretta Trujillo*; Sponsor: *County Manager for Regular County Business*

Ms. Trujillo stated that DFA is waiting for this resolution. She would like to report that in the audit there were 6 findings but she is proud to say that they have been cleared by now.

Commissioner Hyder moved for approval. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

County Clerk Carabajal announced Resolution 2019-18. (See Exhibit D)

10) Approve the appointment of Mark Aguilar as a new Planning and Zoning Commissioner to represent District 1 as recommended by Valencia County District 1 Commissioner Gerard Saiz. Presenter: *Gabriel Luna*; Sponsor: *Commissioner Gerard Saiz*

Commissioner Saiz moved for approval to appoint Mark Aguilar as the Planning and Zoning commissioner for District 1. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

County Clerk Carabajal announced Resolution 2019-19. (See Exhibit E)

11) Finding of Facts for 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;

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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*; Sponsor: *County Manager for Regular County Business*

Mr. Luna presented the finding of fact and conclusion of law and asked for approval.

Commissioner Eaton moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Motion carried 5-0. (See Exhibit F)

12) Consideration of Resolution 2019-____: Adopting 2019 Annual Certified Maintained Road Mileage. Presenter: *Lina Benavidez*; Sponsor: *County Manager for Regular County Business*

Ms. Benavidez stated that the proposed resolution is for the annual road inventory that is submitted to NMDOT to reflect the county maintained roads. In 2018 the county maintained 463.331 miles of roadway. An additional 2.43 miles was added bringing the total to 465.761 county maintained mile of roadway for this year.

Commissioner Hyder moved for approval. Seconded by Commissioner Eaton. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

County Clerk Carabajal announced Resolution 2019-20. (See Exhibit G)

13) Approval of Resolution 2019-____: Declaring a Disaster from Wildland Fire. Presenter: *Brian Culp*; Sponsor: *County Manager for Regular County Business*

Chief Culp stated that the proposed resolution, declaring a disaster occurred, would allow the county to apply for a Fire Management Assistance Grant to reimburse the county for some of the expenses which occurred from the March 7th fire.

Commissioner Saiz moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

County Clerk Carabajal announced Resolution 2019-21. (See Exhibit H)

14) Consideration to approve North Central New Mexico Economic Development District Non-Metro Area on Aging Senior Employment Program 3-Month Agreement Contract NO 2018-19-60028. Presenter: *Nancy Gonzales*; Sponsor: *County Manager for Regular County Business*

Ms. Gonzales asked for approval of a 3-month contract extension with the Area on Aging to cover the 3 current senior employees through the SEP program.

Commissioner Hyder moved for approval. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit I)

15) Approval of Cooperative Procurement Agreements between Valencia County and Grant County, Lincoln County, Eddy County, Catron County, Cibola County, Sierra County and Socorro County, Santa Fe County, McKinley County for use of contract between Valencia County and Gallagher & Kennedy, P.A. for Limited Legal Services to Initiate Lawsuit against Taxation and Revenue Department for Unpaid Gross Receipt Tax. Presenter: *Rustin Porter*; Sponsor: *County Manager for Regular County Business*

Mr. Pato stated that Mr. Porter has been a tremendous help in bringing these counties together to issue a solicitation to find counsel to initiate a lawsuit against the Taxation and Revenue for underpaid GRT to multiple counties. The cooperative purchase agreements are the first step in the process to obtaining services and will be filed with the State Purchasing office.

Commissioner Eaton moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit J-R)

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16) Approval of Professional Services Contract between Valencia County and Gallagher & Kennedy, P.A. for Limited Legal Services to Initiate Lawsuit against Taxation and Revenue Department for Unpaid Gross Receipt Tax. Presenter: *Rustin Porter*, Sponsor: *County Manager for Regular County Business*

Mr. Pato stated that the contract is still in the process of being negotiated and is not ready to be presented, he recommends tabling this item until the next meeting.

Commissioner Eaton moved to table the item. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

PUBLIC COMMENT:

Rita Padilla Gutierrez commented that there were many inaccuracies that were mentioned that need to be corrected when the Tome plan was discussed 2 weeks ago. Also comments in the News-Bulletin article about that plan and transparency were taken out of context.

Tom Mraz commented that the majority of the property taxes should stay in the county and not go to the state. There should be a quarterly tax sale held, the state needs to do their job or turn it over to the county.

Henry Lopez commented on the trash problem around Tome Hill and Valencia High school. He shared some suggestions for addressing the trash problem.

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: *Julian Barraza, Nancy Gonzales, Jess Weston*; b) Pending or threatened litigation/administrative adjudicatory deliberation; c) real property; d) other specific limited topics that are allowed or authorized under the stated statute.

Mr. Nance stated that what was discussed is limited to what was presented on the agenda for executive session.

Commissioner Hyder moved to go into executive session. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

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. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

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.

Chairman Aragon moved for approval of the summary as stated by Mr. Nance. Seconded by Commissioner Hyder. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

ACTION ITEM(S) CONT.

17) Consideration to approve salary increase for the IT Director, OAP Director and Animal Control Director. Presenter: *Orlando Montoya*, Sponsor: *Commissioner Carlberg*

Mr. Montoya stated that he recommends approval of a salary increase for the 3 directors, they have done an exemplary job and have taken on additional duties and responsibilities so the salary increase is to compensate them for their performance and their amount of duties.

Chairman Aragon moved for approval of salary increase for the IT Director, OAP Director and Animal Control Director. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

NEXT COMMISSION MEETING:

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April 3, 2019 - Business Meeting @ 5:00 P.M.
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

April 17, 2019- Public Hearing/Business Meeting @ 5:00 P.M.
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

May 1, 2019- Business Meeting @ 5:00 P.M.
Valencia County Commissioner Chambers, 444 Luna Ave., Los Lunas, NM 87031

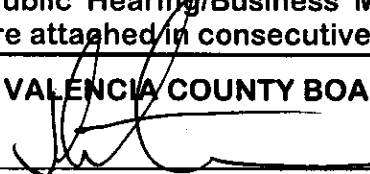
Chairman Aragon stated that he and Mr. Monette will be out on April 3rd so he suggested that the meeting on that day be moved to April 17th and only have one meeting in April, and that may be the case for the meeting in May as well since several commissioners will be gone for training and to Washington. In May there is the possibility of having a budget workshop. Mr. Monette stated that the retreat will be held April 11th at 8:30 AM at the Transportation Center. Commissioner Eaton asked if there was going to be specific discussion at the retreat regarding the hospital RFP. He stated that the last RFP was a good document, while he is not against further discussion he doesn't want to reopen the whole process and further delay the matter. Mr. Pato stated that one of the purposes of the retreat is to discuss how the board would like to move forward with RFP.

18) Adjournment

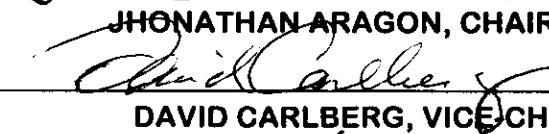
Commissioner Hyder moved for adjournment. Seconded by Commissioner Eaton. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0. TIME: 6:50 P.M.

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

VALENCIA COUNTY BOARD OF COMMISSIONERS



JHONATHAN ARAGON, CHAIRMAN



DAVID CARLBERG, VICE CHAIR



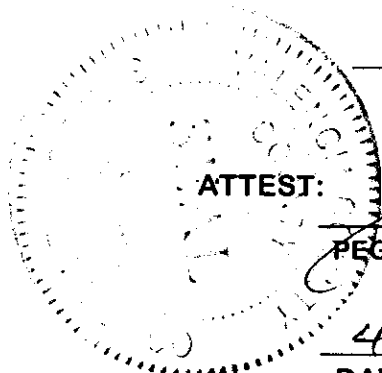
DAVID A. HYDER, MEMBER



CHARLES D. EATON, MEMBER



GERARD SAIZ, MEMBER



ATTEST:



PEGGY CARABAJAL, COUNTY CLERK

4-17-2019
DATE

The complete audio file from this meeting can be heard at <https://www.co.valencia.nm.us/>