

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**PUBLIC HEARING / BUSINESS MEETING**

**MAY 22, 2019**

<b>PRESENT</b>	<b>ABSENT</b>
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 5:01 P.M.**

**2) Mr. Gabe Luna led the Pledge of Allegiance.**

**3) Approval of Agenda**

Commissioner Hyder moved for approval. 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.

**4) Approval of Minutes: April 17, 2019- Budget/Hospital Workshop  
April 25, 2019-Budget Workshop  
May 1, 2019- Business Meeting**

Commissioner Hyder moved for approval of the 3 sets of 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.

**DISCUSSION (NON-ACTION) ITEM(S):**

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

Commissioner Saiz reported that he and Commissioner Carlberg along with Los Lunas Village Councilors Cruz Munoz and Phillip Jaramillo and Village Administrator Greg Martin traveled to Washington, DC to advocate for the I-25 corridor project. While in Washington DC they meet with Congresswomen Xochitl Torres Small's staff along with directly meeting with Senator Heinrich and Senator Udall.

Commissioner Hyder reported that last week he had attended the CYFD conference in Ruidoso.

Mr. Monette stated he along with Chairman Aragon had attended the WRI Conference. He also reported that the Sheriff and Chief Culp gave presentations at last night's VALEO meeting.

**PRESENTATIONS:**

***Board Convenes as Indigent Board***

Commissioner Saiz 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.

**6) 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 \$24,044.56. He also reported that the indigent fund balance is at \$251,852.00.

Commissioner Eaton moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz

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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):**

**7) 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 dated March 9<sup>th</sup> through April 5<sup>th</sup> and payroll dated April 12<sup>th</sup>.

Commissioner Carlberg moved for approval. 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. (See Exhibit B, C)

**8) Approval of Resolution 2019-\_\_\_: State Budget Adjustment Request. Presenter: *Loretta Trujillo*; Sponsor: *County Manager for Regular County Business***

Ms. Trujillo presented a state budget adjustment and asked for approval.

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 2019-28. (See Exhibit D)

**9) Approval of MOU to support the Summer Recreation Program, for the benefit of the children and youth of the City of Belen & Valencia County. Presenter: *Brian McBain*; Sponsor: *Charles Eaton***

Mr. Brian McBain, City of Belen Community Service Director, stated that the MOU is in support of the city's summer recreation program. The city will contribute \$12,000 towards the program and the county will contribute \$3,000. As of right now there are 110 youth signed up for the program but are planning for 150 participants when the program starts.

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 E)

Commissioner Eaton requested that more attention be paid to making sure names were spelled correctly on the agenda/agenda requests and also out of respect for the commissioners that their title would be used on the agenda, not just their names.

**10) Direct Publication of Amendment to Environmental Gross Receipts Tax Ordinance. Presenter: *David Pato*; Sponsor: *County Manager for Regular County Business***

Mr. Pato stated that this last legislative session the legislature allowed the de-earmarking of some of the Environmental GRT. What is being proposed is to amend the dedication section of the current ordinance to allow all permitted uses so the board can determine the best way to allocate the resources. The action requested of the board today is to direct publication of the title and general subject matter, a public hearing will be held then the board will take action at a later date. 1/8<sup>th</sup> of the GRT is roughly around \$120,000 annually and the county could anticipate using that revenue for community cleanup efforts.

Commissioner Eaton stated that he doesn't have a problem with this as long as it truly goes to cleanups. When the contract with UWS was implemented the message that was sent at the time was that the county would going to use the revenue from the franchise fees to implement a cleanup system. He would like to see staff tell the board where the franchise revenues are and if there a plan to address illegal dumping. Ms. Trujillo stated that 100% of the franchise fees are going to the General fund right now. Commissioner

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Hyder stated that he has some concerns about the contract with UWS, he asked if UWS was paying GRT for residential and Conejo.

Commissioner Eaton moved for approval to publish. 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.

**11) Amendment to VC Personnel Policy to Address Accrued Time for FLSA Exempt Employees. Presenter: *Orlando Montoya*; Sponsor: *Jhonathan Aragon***

Mr. Montoya requested approval of an amendment to the current personnel policy, the amendment would address leave accrual for FLSA exempt employees.

Commissioner Aragon 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 2019-29. (See Exhibit F)

**12) Consideration of Intergovernmental Services Agreement between the County of Valencia and the City of Rio Communities for Law Enforcement Protection. Presenter: *Mayor Gwinn, Sheriff Vigil*; Sponsor: *County Manager for Regular County Business***

Mr. Monette stated that the only change to the contract is that the county will now receive \$150,000 instead of the \$120,000 in previous contracts. Mr. Monette introduced Ms. Hayes, the new Rio Communities City Manager.

Commissioner Hyder moved for approval. Seconded by Commissioner Carlberg. Roll call 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 G)

**13) Consideration of Intergovernmental Services Agreement between the County of Valencia and the City of Rio Communities for Animal Control Services. Presenter: *Mayor Gwinn, Jess Weston*; Sponsor: *County Manager for Regular County Business***

Mr. Monette stated that the changes in the contract are the protective custody is changing from \$35/day to \$50/day, the hourly rate of service is changing from \$30/hour to \$35/hour and now a release must be issued from Rio Communities for an animal to be released.

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 H)

**PUBLIC COMMENT:**

None

**EXECUTIVE SESSION:**

Pursuant to Section 10-15-1 (H) (2) (7) & (8) the following matters may be discussed in closed session: a) Personnel; b) Pending or threatened litigation/administrative adjudicatory deliberation: *VIA Et al. V. La Cabra, Belen Schools Board v. Valencia County, Valencia County v. AmerisourceBergen Et al*; c) real property; d) 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 agenda for executive session.

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

Commissioner Carlberg moved to return to regular session. 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.

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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.

Commissioner Hyder moved for approval of the summary as stated by Mr. Nance. 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:**

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

**June 26, 2019- Public Hearing/Business Meeting @ 5:00 P.M.**  
**Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**14) Adjournment**

Commissioner Hyder moved for adjournment. 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. **TIME: 6:10 P.M.**

**NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the May 22, 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**

  
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**DAVID CARLBERG, VICE-CHAIR**

  
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**DAVID A. HYDER, MEMBER**

  
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**CHARLES D. EATON, MEMBER**

  
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**GERARD SAIZ, MEMBER**

  
\_\_\_\_\_  
**PEGGY CARABAJAL, COUNTY CLERK**

6-5-2019  
**DATE**

