

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**BUSINESS MEETING**

**JUNE 5, 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 5:02 P.M.**

**2) Mr. Jamie Goldberg led the Pledge of Allegiance.**

**3) Approval of Agenda**

Chairman Aragon requested that item #6 be moved to the first action item.

Chairman Aragon moved for approval of the agenda with the requested change. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 5-0.

**4) Approval of Minutes: May 22, 2019- Public Hearing/Business Meeting**

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.

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

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

Mr. Monette stated that there have been meetings with the 3 unions and the openers have just started. He would like to have an ICIP workshop in the near future as well as a special meeting on the 29<sup>th</sup> for financial matters. There will be no meeting on the 19<sup>th</sup> of this month.

Commissioner Eaton announced that there will be a meeting next Tuesday from 6:00-8:00 P.M. in Jarales with NMDOT and BNSF to talk about the Jarales crossing.

Mr. Gabe Luna reported that there was a census meeting with Senator Udall last Tuesday. a tour of Meadow Lake was held this morning with representatives from the census, there is not an actual committee set up yet. There is an upcoming Tourism Taskforce meeting as well as a VALEO meeting where a presentation on the census will be done.

**ACTION ITEM(S):**

**10) Approval of Resolution 2019-\_\_\_, Amending Resolution 2018-31, Adopting the Road Project Priorities for Expanding General Obligation Bond Funds. Presenter: *Lina Benavidez*; Sponsor: *County Manager for Regular County Business***

Ms. Benavidez stated that in February 2019 \$2,530,875 was allocated from bond proceeds for repairing and improving roads and to purchase equipment. The bond requires 85% of the allocation to be expended by February 2022, also all road improvements must have a 20-year life span. Ms. Benavidez stated that the roads to be included are Armijo Rd., Don Felipe, Monica Rd., Berryhill Farms, Cinder, Rivas, Villa Linda, the I-25 exit as well as a hot box for the road department.

Commissioner Saiz 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.

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County Clerk Carabajal announced Resolution 2019-30. (See Exhibit A)

**6) 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 April 27<sup>th</sup>-May 29<sup>th</sup> and payroll dated April 26<sup>th</sup>, May 10<sup>th</sup>, and May 24<sup>th</sup>. Commissioner Hyder stated regarding the payout of sick and vacation all of the employees were exempt except for one. Ms. Trujillo stated that it is up to human resources to determine if they are exempt or not. Mr. Montoya stated that Valencia County previously didn't have a formalized process as to which employees were exempt or salaried, there is now criteria that is followed to determine who is salaried or hourly. Commissioner Eaton stated that this payout is a result of action taken at the meeting on the 22<sup>nd</sup> of last month, the amount is over \$42,000 so how many employees did this cover. Mr. Montoya stated that 9 employees were identified and there is still the possibility of there being 5 more. Commissioner Eaton stated that he would have liked to see the projected numbers on the agenda request form. There is now going to have to be a budget adjustment of \$42,000.

Ms. Trujillo stated that the budget adjustment will come before the commission with the final adjustments for the end of the fiscal year. Commissioner Eaton stated that we are basically spending money before the money is actually in the budget to be expended. Ms. Trujillo replied, we are. Mr. Montoya stated that the agenda request form did state that a budget adjustment would be required, essentially it was a policy decision. He stated that the majority of the payouts were captured this fiscal year in order to not carry the burden to next year that's the reason for the expediency of the checks. Commissioner Eaton stated that he is not comfortable with it happening 6 days after the action was taken and not having a detailed financial explanation as well as expending money before the budget adjustment is approved, it just doesn't look good. Commissioner Saiz stated that he would like to see a breakdown as to the number of hours accrued and how they were paid and if any others will be eligible.

Commissioner Saiz moved for approval. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted no. Commissioner Hyder voted no. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 3-2. (See Exhibit B-E)

**7) Approval of resolution adjusting precinct boundaries and/or create new precincts in accordance with the Precinct Boundary Adjustment. Presenter: Candace Teague; Sponsor: County Manager for Regular County Business**

County Clerk Carabajal introduced members of her staff present at the meeting which included BOE Administrator Candace Teague, Chief Deputy Aurora Chavez, Carlos Aragon and Jessica Blanton. Ms. Teague stated that Research and Polling did an analysis of Valencia County and came up with 21 new precincts and 2 boundary adjustments, these changes will not go into effect until January 2020.

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.

County Clerk Carabajal announced Resolution 2019-31. (See Exhibit F)

**8) A resolution designating the location of Election Day Polling Places for all Statewide Elections Conducted in 2020 and 2021 and Appointing the Board of Registration Members of the County. Candace Teague; Sponsor: County Manager for Regular County Business**

County Clerk Carabajal asked for approval of the resolution naming the polling locations for the 2020 and 2021 elections as well as the members of the Board of Registration. Ms. Teague stated that the Board of Registration includes Ronald Ridley, Judy Hernandez, Anita Saiz and Torres Leyba. County Clerk Carabajal stated that she has received some phone calls regarding adding Meadow Lake as a polling location, but the locations up for approval have been in place since 2014.

Commissioner Eaton moved for approval. Seconded by Commissioner Saiz.

Chairman Aragon asked if Meadow Lake was added where would the location be. County Clerk Carabajal stated that everyone needs to remember that there is no longer assigned voting locations, people can vote at any one of the 15 sites as well as the 2 weeks of early voting and absentee. To add Meadow Lake the Ann Parish location would have to be

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removed, there is also the issue with budget restraints and lack of polling officials. Chairman Aragon asked if the Ann Parish location was busy. Ms. Teague stated that they do have some numbers for Meadow Lake of how many ballots were cast at that location, Ann Parish is one of the fairly busy locations, she also stated that there is not enough equipment or funds to add an additional polling location.

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 2019-32. (See Exhibit G)

**9) Amending Resolution 2017-43 to designate the polling places for the 2019 Local Elections. Candace Teague; Sponsor: County Manager for Regular County Business**  
County Clerk Carabajal asked for commission approval to amend the polling locations for the local elections to be held this November. Ms. Teague stated that the locations will be:  
Los Lunas Schools Administration  
Belen Consolidated Schools  
City of Belen city hall  
Rio Communities city hall

The early voting locations include:  
Belen Community Center  
Valencia County Administration  
Rio Communities City Hall

Commissioner Eaton asked if any party representatives have voiced opinions or input on the proposed changes. County Clerk Carabajal replied no, not that she is aware of.

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 2019-33. (See Exhibit H)

**10) Approval of Resolution 2019-\_\_\_, Amending Resolution 2018-31, Adopting the Road Project Priorities for Expanding General Obligation Bond Funds. Presenter: Lina Benavidez; Sponsor: County Manager for Regular County Business**  
ITEM MOVED TO #6 IN MOTION MADE FOR ITEM #3

Commissioner Eaton welcomed Stephanie Russo-Baca who was present at the meeting and congratulated her on her recent MRGCD victory.

**11) Consideration to Award Contract for Base Course Materials. Presenter: Rustin Porter; Sponsor: County Manager for Regular County Business**  
Mr. Porter asked for commission approval of a price agreement contract for base course. He stated that there were 4 contractors that responded to the IFB, the vendors will be utilized using a zone map. The vendors will be Black Rock Services, Mountain States Constructors, PG Enterprises and Rancho Viego LLC.

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 I)

**12) Approval of Contract between Valencia County and Jaime Goldberg for Assisting in Policies, Procedures, Practices and Training of the County Assessor's Department. Presenter: Beverly Dominguez-Romero; Sponsor: Commission Chairman Jhonathan Aragon**  
County Assessor Beverly Dominguez-Romero stated that her office is in the middle of protest season so all of her appraisers are busy with protests so she is looking for someone that not only knows the county but land values in general. Her office is starting a project of reappraising vacant land and with no assistance from the appraisers she needs someone to help. Mr. Goldberg is a licensed appraiser and has access to the information that is needed, he will be an asset to the assessor's office. Commissioner Hyder asked how will this play out regarding the anti-donation law as Mr. Goldberg is the probate

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judge. Mr. Nance stated that this agreement is a four-party agreement. The county assessor has the statutory right to a chief deputy, with this agreement she is giving up her right to the chief deputy taking that money and putting it towards a contract. The contractor has to be an independent employee, Mr. Goldberg's job will be to train people and set policies he will not be acting as an assessor because that is an employee position. He will have to keep track of his time and submit invoices. Mr. Goldberg will have to draw a strict line when he is acting as a judge and as a contractor. As a judge he gets an office but not as a contractor, he will need to keep things accounted for. The other parties are the assessor and PERA. If the contract is terminated by any of the parties the line item will go back to allowing the assessor to have a chief deputy. He stated that the assessor believes that this is the best way to train her staff based on the people available. County Assessor Dominguez Romero stated that this contract is just going through December of this year and it would be a big help in getting her through the rest of the year. She stated that if the commission should think this is not the right avenue for her she will start her search again at that time. Commissioner Hyder stated that he it is nothing against anybody but he has a gut feeling that this is riding a fine line. Commissioner Eaton stated that he knows Mr. Goldberg and the Assessor very well, and he knows Mr. Goldberg is an active probate judge so where is the line going to be divided in regards to probate issues and other matters. No matter how this contract is titled the bottom line is to help end protests and to deal with issues in the assessor's office which is the deputy assessors' position, which is second in line to the elected officials position and he has a problem with having another elected official filling a chief deputy position. He stated that the perception is just not right, he is here to defend and protect the taxpayer's money and personally cannot support this.

Assessor Dominguez Romero stated that Mr. Goldberg would not be helping with protests, he would help look at land values and participate in training and SOP's. She stated that she has confidence in herself that she can do everything else at this point. Not just anyone can come in and take this position, she is here to see that her office runs well. Mr. Goldberg will not be in the assessor's office on a full-time basis, he will be doing probate during his regular hours. Chairman Aragon asked Mr. Goldberg if he would like to make any statements and ease the commissions mind regarding the dual roles. Mr. Goldberg stated that he has cleared this through Randy Roybal from the Judicial Standards Commission, he stated that if it was a contract through the county clerk's office it would be a no-no because those employees' staff him as a probate judge. The probate office hours will remain the same with the possibility of an additional hour in the week. He stated that he did also get a letter from PERA stating that the contract did meet their guidelines. Commissioner Carlberg stated from a citizen's standpoint how would a conflict of interest be identified and handled. Mr. Goldberg stated that if there is any conflict or contested probate it is handled through district court. Commissioner Saiz stated that his fellow commissioners have brought up some valid concerns but if there is a public perception that this is not in the best interest of the public then that perception is on the 2 individuals more so then the commission. By trying to avoid that perception the commission is trying to micromanage another elected official's office.

Commissioner Eaton asked Mr. Goldberg since being that you are affiliated with land dealings in the assessor's office what is the status of your real estate license. Mr. Goldberg stated that he will keep the license as he needs it to have access to certain data. Commissioner Eaton stated that he is not trying to micromanage the assessor office, but this governing body acts as the Board of Finance and the board is entrusted with spending the taxpayer's money and this particular issue effects the taxpayer's money; and he cannot support this as a prudent decision with tax payer's money. Commissioner Saiz stated that for clarification he did not mean to insinuate that Commissioner Eaton was trying to micromanage. Assessor Dominguez Romero stated that this contract would be saving the county \$15,000 because no benefits would be paid, but if the commission feels that this contract would not be the best idea for her office then she will continue the search for a chief deputy. Chairman Aragon stated that this is a decision that the assessor and Mr. Goldberg have talked and gone through the appropriate channels and his dealings with Mr. Goldberg is that he is a stand-up person who is an asset to the county and community.

Chairman Aragon moved for approval. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Eaton voted no. Commissioner Hyder voted no. Commissioner Saiz voted yes. Commissioner Carlberg voted yes. Chairman Aragon voted yes. Motion carried 3-2

**PUBLIC COMMENT:**

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Norbert Gostischa commented that the county shouldn't spend money that they don't have and he thanked Commissioner Eaton. The polling locations are unfair. Work is going on at the community center but residents were never asked if those improvements were what the community wanted. Also, Manzano Road is in disrepair.

Tom Mraz commented that he agrees with the commissioners that voted against the 2 items, there is a conflict of interest and double dipping. There also needs to be a polling location Meadowlake.

Duana Draszkievicz commented that the polling locations and precincts were done with no upfront knowledge to the people. There needs to be a polling location in Meadowlake.

Jim Lane commented that the polling locations were voted on without public input, there were no numbers given for Meadowlake but it used to be a busy place.

Kathy McCord commented that a decision for the voting places was made before there was public comment, the process needs to be done differently. If machines are the problem then request more machines from the SOS office for Meadowlake. The commission should reconsider their decision.

Earl Gleason commented that he has left several messages with the county manager's office and has not been contacted back. Why can't the county apply for government grants for water, El Cerro Mission doesn't have water.

County Assessor Dominguez Romero stated that she spoke with Mr. Goldberg and they have decided not to sign the contract, but to pull the contract She will continue the search for a chief deputy. Mr. Nance stated that if the assessor and Mr. Goldberg, as parties to the contract, do not sign the contract it is void.

**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: *Belen Schools vs. Valencia County Board of County Commissioners*; 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 Chairman Aragon. 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 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.

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

Commissioner Carlberg moved for approval of the summary as stated by Mr. Pato. 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

**NEXT COMMISSION MEETING:**

**June 26, 2019- Public Hearing/Business Meeting @ 5:00 P.M.**

**Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**July 3, 2019- Business Meeting @ 5:00 P.M.**

**Valencia County Commissioner Chambers, 444 Luna Ave., Los Lunas, NM 87031**

Commissioner Eaton stated that based on some public comment on action items he suggests that public discussion be allowed before action on an item. Chairman Aragon

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stated that he agrees to an extent but you can't just pick and choose items. Mr. Nance stated as far as the law is considered it is the boards meeting and the public is allowed to attend and listen and not speak but it is left to the discretion of the chairman. Commissioner Saiz suggested that public comment be moved to the beginning of the meeting instead of opening each and every item for discussion. Chairman Aragon stated that he values all of the elected officials and if they take the time to research something and they feel that it is the best option for their office, he feels that it is the commissions job to support them in their decisions.

**13) 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 4-0. TIME: 6:44 P.M.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the June 5, 2019 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

  
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**JHONATHAN ARAGON, CHAIRMAN**

  
\_\_\_\_\_

**DAVID CARLBERG, VICE-CHAIR**

  
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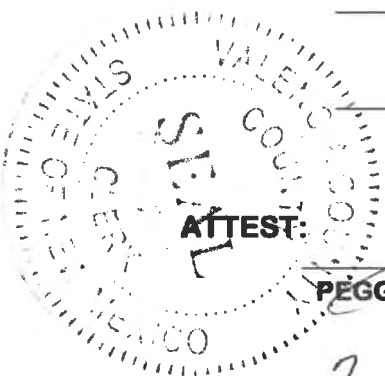
**DAVID A. HYDER, MEMBER**

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**CHARLES D. EATON, MEMBER**

  
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**GERARD SAIZ, MEMBER**



**ATTEST:**

  
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**PEGGY CARABAJAL, COUNTY CLERK**

7-3-2019  
**DATE**