

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**BUSINESS MEETING**

**MAY 6, 2020**

<b>PRESENT</b>	<b>ABSENT</b>
Jhonathan Aragon, Chairman	
Gerard Saiz, Vice-Chair	Via video
David A. Hyder, Member	Via video
Tom Mraz, Member	
Charles D. Eaton, Member	Via video
Danny Monette, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Peggy Carabajal, County Clerk	Via video
Press and Public	

1) The meeting was called to order by Chairman Aragon at 5:05 P.M.

2) Mr. Pato led the Pledge of Allegiance.

3) **Approval of Agenda**

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

4) **Approval of Minutes: April 15, 2020-Business Meeting**

**April 24, 2020 -Special Business meeting**

Commissioner Saiz moved for approval of both sets of minutes. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0

**PUBLIC COMMENT:**

None

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

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

Commissioner Saiz stated that he was made aware that the planning and zoning meeting scheduled for April 28<sup>th</sup> was attempted to be canceled the day of the meeting, ultimately all items were tabled. Meetings do need to continue whether in person or virtual. Some applicants were waiting for over a month for the meeting. Ms. Nancy Gonzales stated that the day of the meeting it was brought to her attention that one of the planning and zoning commissioners did not want to have a public hearing without public input. The board met via Zoom and voted to table both action items on the agenda until they could meet in person.

Commissioner Aragon asked if the applicant and those that received letters were notified about the meeting and if there was any adverse reaction to a meeting happening. Ms. Gonzales stated that everyone was notified. There was one individual that submitted their public comment in writing. The applicants were aware of the format of the meeting; the only opposition came from within the planning and zoning commission. Chairman Aragon stated that he would like to get that meeting held ASAP. Commissioner Eaton requested that guidance be provided to those committees and councils that need to meet, they need to continue to meet as they are representing county government.

**NMSU Valencia County Extension Office Quarterly Report**

Mr. Monette announced that Newt McCarty and Laura Bittner both took new positions in Las Cruces. He stated that the department report will be postponed as no one from the office is present.

**Update on the Valencia County Comprehensive Plan. Presenter: *Community Development Director, Nancy Gonzales***



Minutes of May 6, 2020 Business Meeting

Ms. Gonzales stated that the comprehensive plan is in desperate need of an update; there are also several ordinances that need to be revisited and revised as well. She stated that she would like to make the review of ordinances part of the comprehensive plan update. Ms. Gonzales stated that she does have a meeting with MRCOG tomorrow regarding the updating process. Commissioner Saiz suggested that Ms. Gonzales reach out to the Village of Los Lunas as they recently have updated their comprehensive plan.

Mr. Nance stated that the court order was received allowing the county to change polling locations for the upcoming election. County Clerk Carabajal stated that the court order allows for 6 sites on Election Day and 3 early voting sites. She thanked Chief Culp for his assistance in getting the supplies that were sent from the Secretary of State's office.

**Q3 Financial Report. Presenter: Finance Director, Loretta Trujillo**

Ms. Trujillo reported that the 3<sup>rd</sup> quarter report was submitted to DFA. General fund transfers out and expenses are around \$14,630,000 while revenues are a little over \$15,000,000 so the county has received more revenues than expended for the 3<sup>rd</sup> quarter report. The county has received 79% of the budgeted revenues and spent 68% of budgeted expenses from the general fund. Ms. Trujillo thanked all departments for being cognizant of their spending. (See Exhibit A)

Mr. Monette thanked Chief Culp and his staff for going above and beyond in helping get departments set up and ready to return to work.

Chief Culp stated that a recovery plan was sent to senior staff and elected officials; the plan entails moving forward safely within the guidelines of the governors orders. He stated that they are looking at allowing employees to come back on May 18<sup>th</sup> and possibly allowing public back in the building the week of May 26<sup>th</sup>.

The commission thanked Chief Culp and his staff as well as everyone that has stepped up to keep the county safe.

Mr. Monette stated that his office had received calls from the offices of Representative Xochitl Torres- Small and Senator Henrich checking in on the county during this COVID-19 crisis. He also reported that the county will host the VALEO meeting on May 19<sup>th</sup>.

Commissioner Eaton requested that the county attorneys prepare an update on where the county is at now regarding the hospital matter.

**ACTION ITEM(S):**

**6) Approval of the FY2021 Preliminary Budget: Finance Director Loretta Trujillo; Sponsor: County Manager for Regular County Business**

Ms. Trujillo stated that in the first budget draft the GF fund budgeted expenses exceeded revenues by \$2,415,000.00. Per commission direction expenditures were reevaluated and cuts were made in the amount of \$251,253.00. The cuts were for non-essential purchases; department directors were informed of the cuts and told that they could possibly be re-evaluated at a later time if the revenues allow. Most line items for uniforms were eliminated from the budget except those that work out in the field or require a uniform, also eliminated from the budget was furniture fixtures and equipment. Line items were adjusted based on actual usage from the past two fiscal years. Ms. Trujillo stated that items that remained in the budget include a building inspector position and money that had been set aside for the vacant flood plain manager position. The county's workers comp premium will decrease for fiscal year 2021 to \$195,935, a decrease had been budgeted but because of the decrease there will be a savings. The multi-line insurance was budgeted with an increase but it will remain the same so there will also be a savings there as well. Ms. Trujillo stated that there was a total of \$551,414.00 that was able to be reduced leaving a shortfall of \$1,864,436.00. Mr. Monette stated that he and Ms. Trujillo meet daily on the budget; he believes that this is a doable budget. Commissioner Mraz stated that he just got the budget today and would like more time to review it. Mr. Monette stated that it needs to be approved today in order to submit in time for the deadline. Chairman Aragon stated that there will still be time between the preliminary budget and the final budget for review.

Commissioner Saiz moved for approval of the preliminary budget as presented. Seconded by Chairman Aragon. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder



Minutes of May 6, 2020 Business Meeting

voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit B)

**7) Approval to officially recognize and record Accounts Payable and Payroll Disbursements as part of the minutes of the regular county commission meeting before which body this matter came. Presenter: *Finance Director Loretta Trujillo*; Sponsor: *County Manager for Regular County Business***

Ms. Trujillo presented and asked for approval of accounts payable dated April 4<sup>th</sup> – April 17<sup>th</sup> and payroll dated April 9<sup>th</sup>.

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 Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit C,D)

**8) Approval of Resolution 2020-\_\_\_\_: State Bars. Presenter: *Finance Director Loretta Trujillo*; Sponsor: *County Manager for Regular County Business***

Ms. Trujillo stated that the state budget adjustment requires approval from the commission as well as DFA.

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 Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0

County Clerk Carabajal announced Resolution 2020-34 (See Exhibit E)

**9) Approval of Resolution 2020-\_\_\_\_: Local Bars. Presenter: *Finance Director Loretta Trujillo*; Sponsor: *County Manager for Regular County Business***

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

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

County Clerk Carabajal announced Resolution 2020-35 (See Exhibit F)

**10) Approval of a MOU between the United States Department of the Interior, Fish and Wildlife Service and Valencia County Regarding the Environmental Impact Statement for the Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf. Presenter: *County Attorney, David Pato*; Sponsor: *County Manager for Regular County Business***

Mr. Pato stated that the board has before them a draft MOU submitted by the US Fish and Wildlife Service. He stated that Chavez County had made some revisions to their MOU; Mr. Pato suggested that the board consider incorporating those revisions before execution of the MOU.

Commissioner Mraz moved for approval of the MOU with the recommended revisions. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit G)

**11) Approval of Resolution 2020-\_\_\_\_, Amending Resolution 2019-17, Revising the 2019-2020 County Road Improvement Program Presenter: *Project Manager, Jeremias Silva*; Sponsor: *County Manager for Regular County Business***

Mr. Silva requested that resolution 2019-17 be amended to reflect the change in roads that will be submitted to NMDOT.

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

County Clerk Carabajal announced Resolution 2020-36. (See Exhibit H)

**12) Approval to Amend the Universal Waste Contract. Presenter: *County Attorney, David Pato*; Sponsor: *Commissioner Tom Mraz***



Minutes of May 6, 2020 Business Meeting

Mr. Pato stated that the board had given direction to explore a possible resolution with UWS regarding their failure to maintain their equipment in Valencia County. He stated that during his teleconference with it was discussed that UWS would increase community clean up events from 6 to 10 community clean up events and assist in 10 abatements in the county in exchange for the requirement that UWS maintain their vehicles in the county. Commissioner Eaton asked if staff, such as the solid waste liaison, was involved in the amendment process and if a financial analysis was done regarding what the financial benefit of the proposed amendment would be. He stated that since day one the contract obligations have not been met to the residents of the county. Mr. Pato stated that that he understood his direction to be to reach out directly to UWS council; he apologized for not involving county staff. He also stated that he can work on getting a better value of what the proposed amendment would be.

After a brief discussion there was a consensus from the commission that county staff be involved in discussion and amendment process. Commissioner Eaton and Commissioner Saiz stated that this matter is a sensitive matter and the commission should not be involved in the amendment discussion. Also if there are any underlying issues with the contract they should also be brought up and dealt with instead of having to bring them up later down the road and having to readdress them. Mr. Pato stated that he understands his direction now to reach out to the county's solid waste coordinator for future discussion with UWS.

**13) Approval of MOU to support the Summer Recreation Program, for the benefit of the children and youth of the Village of Los Lunas & Valencia County. Presenter: County Planner, Gabriel Luna; Sponsor: Commissioner, Gerard Saiz**

Mr. Monette stated that agenda items #13 & #14 are related; he recommended that if the items are approved that they both be approved at the lower amount of \$3,000. Commissioner Eaton asked what will happen to the money if the summer recreation program is cancelled due to COVID-19. Mr. Monette stated that if the agreements are approved he will make sure that it is included in the agreements that if the programs are cancelled the county will not pay the amount.

Commissioner Saiz moved for approval of items #13 and #14 with the payment amount the same for both entities at the lower amount. Seconded by Commissioner Hyder.

Mr. Monette recommends that the motion for approval include that if the programs do not run this summer that the county will not pay the money.

Commissioner Saiz amended his motion to included Mr. Monette's recommendation. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit I)

**14) 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: County Planner, Gabriel Luna; Sponsor: Commissioner David A. Hyder**  
See item 13 for approval. (See Exhibit J)

**EXECUTIVE SESSION:**

Pursuant to Section 10-15-1 (H) (7) & the following matters may be discussed in closed session: a) Pending or threatened litigation: Bailon v. BOCC, Belen School Board v. BOCC, Pierce v. Valencia County; b) 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 Mraz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz 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 Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0.

Minutes of May 6, 2020 Business Meeting

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 Mraz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0

**NEXT COMMISSION MEETING:**

**May 20, 2020- Public Hearing/Business Meeting @ 5:00 P.M. via Facebook live**  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

**June 3, 2020- Business Meeting @ 5:00 P.M.**  
Valencia County Commissioner Chambers, 444 Luna Ave., Los Lunas, NM 87031

**15) Adjournment**

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

**TIME: 7:08 P.M.**

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the May 6, 2020 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

*Jonathan Aragon*  
Jonathan Aragon (Jun 7, 2017 - 06/08/2020)

**JHONATHAN ARAGON, CHAIRMAN**

*Gerard Saiz*  
Gerard Saiz (Jun 8, 2017 - 06/08/2020)

**GERARD SAIZ, VICE-CHAIR**

*David A. Hyder*  
David A. Hyder (Jun 8, 2017 - 06/08/2020)

**DAVID A. HYDER, MEMBER**

*Tom Mraz*  
Tom Mraz (Jun 8, 2017 - 06/08/2020)

**TOM MRAZ, MEMBER**

*Charles Eaton*  
Charles Eaton (Jun 11, 2017 - 06/08/2020)

**CHARLES D. EATON , MEMBER**

**ATTEST:**

*Peggy Carabajal*  
Peggy Carabajal (Jun 7, 2017 - 06/08/2020)

**PEGGY CARABAJAL, COUNTY CLERK**

Jun 8, 2020

**DATE**

*Minutes are not verbatim. The complete audio file from this meeting can be heard at <https://www.co.valencia.nm.us/>*