

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**BUSINESS MEETING**

**JUNE 3, 2020**

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

1) The meeting was called to order by Chairman Aragon at 5:00 P.M.

2) Commissioner Hyder led the Pledge of Allegiance.

**3) Approval of Agenda**

Mr. Monette asked that item #10 be removed as it had already been previously approved under a different name.

Commissioner Mraz moved for approval. Seconded by Chairman Aragon. 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: May 6, 2020- Business Meeting**

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.

**May 20, 2020- Public Hearing/Business Meeting**

Commissioner Saiz moved for approval. 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 abstained. Motion carried 4-0.

**PUBLIC COMMENT:**

None

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

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

Commissioner Mraz stated that he would like to have a parks and recreation workshop on July 1<sup>st</sup>. Chairman Aragon, Commissioner Saiz, Commissioner Eaton and Commissioner Hyder expressed their opinion that the youth are important and something does need to be done for them, partnering with the local municipalities can go along way and the county already has a flat budget so a new department can't be created right now. Mr. Monette stated that the Village of Los Lunas and the City of Belen had notified the county that they would not be accepting the money from the county in support of their summer recreation program as they are unsure if they are going to have a program this summer or not.

Commissioner Mraz stated that he would like a letter sent to the legislature asking them to save the abatement money and the hospital feasibility money.

County Clerk Carabajal thanked county departments, staff and poll officials for their help with the 2020 Primary election.

Mr. Monette stated that there will be a canvassing meeting held on June 11<sup>th</sup> at 12:00 and ENGIE energy consultants would like to present a workshop soon as well.

- Valencia County Fiscal Year 2020-2021 Preliminary Budget.

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Ms. Trujillo stated that the two minor changes to the budget include the emergency management fund was moved from inter-governmental grants to emergency services, but the final totals remained the same. She also stated that she received word from the state today that the county's preliminary budget was approved. (See Exhibit A)

Commissioner Mraz stated that he had spoken with Ms. Trujillo and learned that there is around \$3 million that could be invested, and the county spends around \$391,000 per year paying for electricity. All the county buildings should be on solar panels, the county should look into grants for solar panels.

Commissioner Hyder thanked County Clerk Carabajal and her staff for their hard work and dedication putting on the election, he also asked if there would only be the same 6 voting sites for the November election.

County Clerk Carabajal stated that at this point it will be up to the commission, the matter can be revisited.

Chairman Aragon stated that in regards to the incident that recently happened in Minneapolis, it was uncalled for and unjust. He stated that the peaceful protests are valid and need to happen but please be mindful of the community and protest logically and for the right reasons.

- **Road Report March-May 2020**

Ms. Benavidez stated that the road report is the regular maintenance report, she will present a public works department in July. (See Exhibit B)

**ACTION ITEM(S):**

**6) 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 May 16- May 29<sup>th</sup> and payroll dates May 22<sup>nd</sup>.

Commissioner Eaton moved for approval. 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. (See Exhibit C,D)

**7) Consideration of Selection of Audit Firm and to Approval of Contract for Audit Services. Presenter: Purchasing Agent, Rustin Porter, Sponsor: County Manager for Regular County Business**

Mr. Porter stated that the board is being requested to consider one of the three auditing firms to provide audit services for the county. The three firms include Kubiak Melton & Associates, Southwest Accounting Solutions LLC and Carr, Riggs & Ingram. He stated that any of the three companies assured the county that they would be able to complete the audit by the deadline. Commissioner Eaton asked if this went through an RFP. Mr. Porter stated that this was an RFQ with a specific scope of work, there is not a specific evaluation worksheet but they all meet the minimum requirements of an RFQ. Commissioner Hyder asked which of the three companies is being recommended. Ms. Trujillo stated that as a financial director she likes consistency when dealing with audits. She stated that her recommendation is that the county continue with SW Accounting as they are familiar with the county's strengths and weaknesses. She stated that she works well with any auditor that comes she just wants the audit done in a timely manner.

Commissioner Saiz stated that consistency is important, he doesn't believe that there is a problem with Southwest Accounting other than a personality issue. He stated that he doesn't have a problem switching in the future but now there is not enough time to make a sound decision at this time to switch. If the county is seriously looking for another auditing firm then it needs to be done earlier in the year. Commissioner Eaton stated that he would like to go with the recommendation made by Ms. Trujillo, it appears that Southwest Accounting fulfilled their contract obligations. Commissioner Mraz asked why the county would want to continue with Southwest if there are two other qualified companies. Chairman Aragon stated that presentation is a huge part in how a company conducts themselves and he was not pleased with Southwest Accounting.

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Commissioner Hyder moved for approval to select Kubiak, Melton and Associates. Seconded by Commissioner Mraz. Roll call vote. Commissioner Eaton voted no. Commissioner Hyder voted yes. Commissioner Saiz voted no. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 3-2.

**8) Consideration to approve contract with York Enterprises for Community Service Monitoring. Presenter: *Purchasing Agent, Rustin Porter*; Sponsor: *County Manager for Regular County Business***

Mr. Porter asked for approval of a contract between the county and York Enterprises for providing Magistrate Court community service monitoring, they have been providing this service for many years.

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 Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit E)

**9) Approval to Accept Funding Through the Coronavirus Aid, Relief, and Economic Security Act (CARES). Presenter: *Grants Manager Jeremias Silva*; Sponsor: *Commissioner David A. Hyder***

Mr. Silva stated that this is a second round of funding that has been offered to the county. The purpose of the grant is to assure delivery of home delivered and congregate meal services. The county's award amount totals \$101,251.68.

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 Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit F)

**10) Approval to Apply for Funding Opportunity for the Reach, Intervene, Support and Engage (RISE) Program – Behavioral Health Services Division. Presenter: *Grants Manager Jeremias Silva*; Sponsor: *County Manager for Regular County Business***

Tabled in motion made for item #3.

**11) Consideration of Juvenile Justice Board Continuum Coordinator Contract to FY2021. Presenter: *Grants Manager Jeremias Silva*; Sponsor: *County Manager for Regular County Business***

Mr. Silva asking for approval to renew the FY2021 Juvenile Justice Board Continuum Coordinator contract with Cassandra Montano for FY2021. Mr. Silva also requested that the county manager be given the authority to sign off on the contract.

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. (See Exhibit G)

**12) Universal Waste Systems Contract Compliance. Presenter: *Solid Waste Liaison, Jasmine Beltran*; Sponsor: *County Manager for Regular County Business***

Valencia County Solid Waste Liaison Jasmine Beltran listed areas of compliance and non-compliance regarding UWS. Ms. Beltran stated that she does not think that the amendment, such as additional roll offs, that UWS is proposing will benefit the county and that UWS needs to be held accountable for their original proposal. Commissioner Mraz stated that he met with UWS and took them census fliers that they will put in their mailers. He stated that he was told that UWS will be opening an office in Rio Communities, he suggested that the county work with the Men's Recovery Center for trash cleanup. Commissioner Hyder stated that when a business files GRT that money goes to where the company is headquartered and UWS is currently headquartered in Bernalillo County. He understands that it's not safe to keep trucks at Conejo but that is a security problem and security problems are up to individual companies. In their proposal UWS said that Valencia County would be the headquarters of the company in New Mexico. Ms. Trujillo stated that there had previously been a question if UWS was paying their fair share of GRT to Valencia County, she reached out to the Taxation and Revenue department explaining

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the situation but she was told by Taxation and Revenue that their department is not able to release that information. Ms. Trujillo stated that she and Mr. Monette met with Representative Armstrong regarding her introducing legislation requiring taxation and revenue to be more open with their information. Ms. Trujillo stated that the only information from taxation and revenue is that UWS is paying GRT to the county but the actual amount cannot be disclosed. Commissioner Eaton stated that the contract specifically stated that the customer service office has to be in Valencia County. The county is missing out on GRT from Conejo, legislation should not have to be brought to address the GRT issue. The issue is with the county and the company not us and Taxation and Revenue. Commissioner Saiz stated that he has mixed feelings about this matter and doesn't quite know how to resolve it but it needs to be addressed as a group and not as individuals. Commissioner Hyder stated that the remedy is easy, UWS needs to open their main office in Valencia County. They have known that since the beginning and have not been in compliance. Mr. Pato stated that section 4.2 of the contract states that if there is a material failure or refusal to comply with obligations, and in this case, there are two material obligations UWS failed to comply with storage and the processing of complaints/customer service office in the county, the county manager and contractor can meet to fix the breach. If they are unable to cure the breach within 5 business days and written notice is given noting that the default exists and within 10 days if corrective steps aren't taken then the contract can be terminated.

Commissioner Hyder stated that legal and the county manager already had a meeting with UWS in May of last year and the matter still hasn't been resolved. Mr. Pato stated that if the boards wants to move in that direction he recommends that the county manager proceed with the provisions set forth in Section 4.2 beginning with informal discussions. If the contract were to be terminated the county would be responsible for running Conejo and providing trash service which should be considered before moving forward with termination of the contract. Commissioner Hyder stated that he doesn't believe that anyone wants the contract terminated at this point, just UWS coming into compliance. He stated that maybe UWS are the ones wanting out of the contract, has anyone asked them that. Commissioner Mraz stated that he doesn't believe that the main office has to be in Valencia county; contracts can always be amended. Commissioner Eaton stated that he is troubled with Commissioner Mraz being involved in the day to day operations of county government, the role of a commissioner is to be a policy maker not a day to day decision maker. He stated that he has confidence in the staff of Valencia county and supports their decision. He also stated that he will not deviate from the contract and hopes that UWS does not give Valencia County residents any lesser of that which was agreed upon in the contract. Chairman Aragon stated that since the beginning he has seen the positive effect this contract has had in the county, he does not want to cancel the contract but it's important to sit down with the company and come into compliance. The process needs to be transparent and how important these issues were when the contract was decided on. Staff needs clear direction on how to proceed so this matter can be resolved as quickly as possible.

Commissioner Hyder moved to deny the amendment and for staff to initiate discussions with UWS and bring back information to the next commission meeting. Seconded by Commissioner Saiz. 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 H)

**EXECUTIVE SESSION:**

No executive session

**NEXT COMMISSION MEETING:**

**June 11, 2020 – Special Business Meeting, Canvass of Valencia County Primary 2020  
@ 12:00 P.M. via Facebook Live  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**June 17, 2020 – Public Hearing/Business Meeting @ 5:00 P.M. via Facebook Live  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**July 1, 2020 – Business Meeting @ 5:00 P.M. via Facebook Live  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**July 15, 2020 – Public Hearing/Business Meeting @ 5:00 P.M. via Facebook Live**

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

Commissioner Hyder asked if everyone can meet in person starting June 17<sup>th</sup>. Mr. Nance stated that under the current order that the BOCC can meet in person while socially distancing, but the public will have to wait until DOH makes that determination

**13) 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 Mraz voted yes. Chairman Aragon voted yes. Motion carried 5-0. **TIME:7:29 P.M.**

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the June 3, 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*  
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 DocuSigned by: **JONATHAN ARAGON, CHAIRMAN**

*Gerard Saiz*  
DA279EAB15184D2  
 DocuSigned by: **GERARD SAIZ, VICE-CHAIR**

*David A. Hyder*  
AB452A883EAF444  
 DocuSigned by: **DAVID A. HYDER, MEMBER**

*Tom Mraz*  
18D9E9BE7C8C889  
 DocuSigned by: **TOM MRAZ, MEMBER**

*Charles D. Eaton*  
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 DocuSigned by: **CHARLES D. EATON, MEMBER**

**ATTEST:** *Peggy Carabajal*  
66483300F43400  
**PEGGY CARABAJAL, COUNTY CLERK**

7/6/2020  
**DATE**

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