

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**PUBLIC HEARING / BUSINESS MEETING**

**JUNE 17, 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) Mr. Montoya led the Pledge of Allegiance.

3) **Approval of Agenda**

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 voted yes. Motion carried 5-0.

4) **Approval of Minutes: None to present**

**PUBLIC COMMENT:**

Mr. Monette read public comment submitted by Dave Tynan. Mr. Tynan asked the county to issue a firework ban for the county, excluding public displays by municipalities. He also mentioned that a mobile food pantry will be held on June 19<sup>th</sup> and the Growers Markets in Bosque Farms, Los Lunas and Belen have opened.

Chief Culp stated that at this time Valencia County does not have any fireworks permit sales within the unincorporated area of the county, it is the municipalities within the county that have fireworks for sale.

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

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

Commissioner Mraz stated that he would like to nominate Tereisa Mraz as his alternate for the OAP Advisory Council. Mr. Monette stated that he can place that item on the agenda for the next meeting.

Mr. Monette thanked the employees of Valencia County for how everyone has handled the COVID-19 situation, everyone has stepped up. He also mentioned that as of today the doors of the administration building are unlocked, all offices are still practicing social distancing and disinfecting precautions are being taken.

Chairman Aragon stated that there has been very minimal hiccups with continuing operations here at the county because everyone is working together.

**Employee of the Month- June 2020. Presenter: *Human Resources Director Orlando Montoya***

Mr. Montoya introduced I.T. Director Tesa Mast as the county's June employee of the month. Mr. Monette thanked Ms. Mast for all that she has done, her work is appreciated.

**ACTION ITEM(S):**

6) **Approval of Recognition and Recording of Accounts Payable and Payroll**

**Disbursements. Presenter: *Finance Director Loretta Trujillo*; Sponsor: *County Manager for Regular County Business***

Ms. Trujillo presented and asked for approval of accounts payable dated May 30<sup>th</sup>-June 5<sup>th</sup> and payroll dated June 5<sup>th</sup>.



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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 voted yes. Motion carried 5-0. (See Exhibit A,B)

**7) Consideration to approve the 2020 Coronavirus Emergency Supplemental Funding (CESF) Grant Award# 20-CESF-VCSO-SFY20. Presenter: Grants Manager, Jeremias Silva; Sponsor: Commissioner David A. Hyder**

Mr. Silva asked for approval of the a CESF grant which will allow the sheriff's office to prevent, prepare for and respond to the COVID-19 pandemic. The amount of the award is \$29,484.54; funds be can used to cover expenditures from January 20, 2020 through January 20, 2021.

Commissioner Hyder 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)

**8) Consideration to approve the 2020 CESF Federal Award # 2020-VD-BX-1273. Presenter: Grants Manager, Jeremias Silva; Sponsor: Commissioner David A. Hyder**

Mr. Silva asked for approval of the CESF grant and to allow Mr. Monette the authority to sign the contract. Valencia County was eligible for this grant as a result of the participation in the Edward Bryne Memorial Justice Assistance Grant program. The county was awarded \$82,462.00 the funds can be used to cover expenses incurred from January 20, 2020 through January 31, 2022 related to COVID-19.

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 D)

**9) Authorization to accept the State of New Mexico Children, Youth and Families Department FY 21 –FY 24 Continuum of Graduated Sanctions Agreement No. 21-690-3200-20821. Presenter: Grants Manager, Jeremias Silva; Sponsor: Commissioner David A. Hyder**

Mr. Silva requested approval to accept the FY 21- FY 24 agreement between CYFD and Valencia County. the purpose of the funding is to provide alternatives to detention for juveniles who are arrested or referred to juvenile probation. The total awarded amount is \$328,522.00 each year for a 4-year span.

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 E)

**10) Direction to Staff Regarding Hospital Project. Presenter: County Legal, David Pato; Sponsor: Commissioner David A. Hyder**

Mr. Pato thanked Representative Xochitl Torres- Small and her field rep Kayla for securing a response from the DOH. Mr. Pato stated that the county received a response from DOH which recognizes the fact that DOH can issue a remote license to a 24-hour urgent/emergency care center licensed under an acute care facility. Mr. Pato requested that the board authorize the county to proceed with the feasibility study as previously discussed, as well as to secure input from local providers as to specific areas that the feasibility study should explore.

Commissioner Saiz moved for approval to move forward with the feasibility study and to incorporate the document and its findings into an RFP for future issuance. 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.

**11) UWS Solid Waste Contract. Presenter: County Legal, David Pato; Sponsor: County Manager for Regular County Business**

Mr. Pato stated that he along with Mr. Monette met with representatives from UWS including their attorney, Mr. Byers, Mr. Blackburn and Ms. Vaughn. At the meeting UWS maintained that they were in full compliance with the terms of the contract. However, UWS advised that they were willing to accommodate the county's concerns. This week



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UWS shared with the county manager a potential property in Rio Communities where it plans to have an office that will accept payments and complaints and anticipates storing trucks and equipment. Mr. Pato stated that he requested clarification from UWS whether it intends to not only accept payments and complaints but also intends to process payments and complaints in accordance with the contract. The response that UWS sent was that they anticipate closing on the property within 120 days but they did not clarify if they anticipate to process the applications, payments and complaints as required by the contract. Mr. Monette stated that while the contract says the manager can approve the property he would like to show the commission pictures of the proposed site located at 2286 Hwy 304 in Rio Communities.

Commissioner Hyder stated that an office in Rio Communities may fulfill the UWS contract with Rio Communities but having the office in a municipality was not what was originally presented and it will not benefit the county. He stated that this is a contract and it should not be amended; a contract is a contract. Commissioner Eaton asked if the county was receiving GRT from Conejo, the residents are paying a flat fee and the customers should be informed of what they are paying in GRT. He stated that by amending the contract the board is doing an injustice to others that could have bid on the contract. In the past the board has been unified in protecting the taxpayers of the county and not deviating from language in a contract. Mr. Pato stated that section 4.2 of the contract sets forth on how to deal with proceeding with a default. The county manager and contractor met and conferred as required by section 4.2, UWS has come back with their proposed resolution. In the original proposal to the RFP that was submitted the county is supposed to benefit from improvements at Conejo. In Rio Communities the county does not benefit. The board can move forward with the amendment or move forward with the default. At this point the commission does not have enough information regarding if UWS is going to process complaints, payments or applications at the Rio Communities site. Mr. Pato stated that he is not sure what remedy the commission is looking for. Is the board ready to move forward with a termination or how does the commission want to proceed.

Commissioner Aragon stated that there were other vendors that had a chance to bid on this, but they were not providing service to many other areas of the county. The benefit to the county is residents have a set fee, trash picked up on timely manner and they can go to the transfer station so there is a great benefit to the county from this contract. He stated that the board needs to be willing to make changes. Petty issues need to stop being brought up, he stated that he will not be a part of canceling this contract. Commissioner Mraz stated that Conejo is run much better now than when the county ran it. There have been no complaints from anyone in his district. The board needs to settle this matter and move on to other issues. Commissioner Saiz asked Mr. Pato if he recommended holding off until UWS responds to the request for clarification and if the contract is being amended or if UWS is just being brought into compliance. He also asked if the Rio Communities office violates the contract. Mr. Pato stated that he believes it will be an amendment, UWS also needs to clarify if they intend to process complaints and applications within the county as the contract requires. Also, the response to the RFP is incorporated into our contract by reference, which includes the provision where UWS committed to improving/remodeling and having their operation center at Conejo. Chairman Aragon stated that if the true issue is storing the vehicles in Valencia County then he doesn't care where in the county they are stored. He stated that he would like to move forward, he would also like clarification from UWS about the requested information.

Chairman Aragon moved for approval to await clarification from UWS regarding the information that was requested also info on the GRT and the Rio Communities site being ok. Seconded by Commissioner Mraz.

Commissioner Eaton stated that he would have liked to have seen a specific agenda request form for this item, not just an open-ended action item.

Chairman Aragon restated his motion for approval for Mr. Monette and Mr. Pato to continue talks with UWS about coming into compliance as well as the site at Rio Communities being ok. Seconded by Commissioner Mraz. Roll call vote. Commissioner Eaton voted no. Commissioner Hyder voted no. Commissioner Saiz voted yes. Commissioner Mraz voted yes. Chairman Aragon voted yes. Motion carried 3-2.

**Board Convenes as Indigent Board**

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 voted yes. Motion carried 5-0.



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**12) 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 \$23,969.75

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 F)

**Board Convenes as Board of Finance**

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 voted yes. Motion carried 5-0.

**13) Investing of County monies and current investments. Presenter: *County Treasurer, Deseri Sichler***

County Treasurer Sichler stated that when she presented to the commission in November 2019 the direction of the board was to keep the money safe and liquid with the LGIP. She stated that Bank of the West had contacted her and exceeded the offering of the Local Government Investment Pool, Bank of the West offered 1.77% so the hospital money was kept with Bank of the West. Interest wise the county is doing better at Bank of the West. Treasurer Sichler stated that Ms. Trujillo had informed her that there is \$8 million of reserve money from the budget for investing. There is the possibility that the money could be invested at the same 0.7% interest rate with Bank of the West, the LGIP is currently offering a 0.3923% rate. Commissioner Mraz asked if the money could be put in CDs instead of a money market account.

Mr. Pato stated that the cd rates that were mentioned by Commissioner Mraz are not available to government entities, also the board may need the money sooner than later due to the decrease in GRT from COVID-19. Treasurer Sichler stated that her recommendation is to wait and see if Bank of the West can offer the money market account at 0.7% if not then place reserve funds with the LGIP. Ms. Trujillo clarified that out of the \$8.8 million not all that money is available for investing, only close to \$3 million is available for investing. Commissioner Mraz asked if Treasurer Sichler has talked to any other banks. Treasurer Sichler stated she had not at this point since this was an impromptu presentation. Chairman Aragon stated that it's a good idea to keep the money as liquid as possible especially with unknowns coming up. Commissioner Saiz thanked Treasurer Sichler stating that he trusts her decision making.

**Board Reconvenes as Board of County Commissioners**

Commissioner Hyder 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.

**EXECUTIVE SESSION:**

None

**NEXT COMMISSION MEETING:**

July 1, 2020- Business Meeting @ 5:00 P.M.

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

July 1, 2020- ENGIE Workshop @ 3:00 P.M.

July 15, 2020- Public Hearing/ Business Meeting @ 5:00 P.M.

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

Mr. Monette asked for the board to let him know if they would like to continue holding the meetings virtually or would like to start all meeting in person again.

**14) 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: 6:38 P.M.**

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**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the June 17, 2020 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**

*Jonathan Aragon*

DocuSigned by:

**JHONATHAN ARAGON, CHAIRMAN**

*Gerard Saiz*

DocuSigned by:

**GERARD SAIZ, VICE-CHAIR**

*David A. Hyder*

DocuSigned by:

**DAVID A. HYDER, MEMBER**

*Tom Mraz*

DocuSigned by:

**TOM MRAZ, MEMBER**

*Charles D. Eaton*

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**CHARLES D. EATON, MEMBER**

**ATTEST:**

DocuSigned by:

*Peggy Carabajal*

**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/>*