

VALENCIA COUNTY BOARD OF COMMISSIONERS

BUSINESS MEETING

SEPTEMBER 2, 2020

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

1) The meeting was called to order by Vice Chair Saiz at 5:00 P.M.

2) Commissioner Mraz led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Mraz moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Mraz voted yes. Vice-Chairman Saiz voted yes. Motion carried 4-0.

4) Approval of Minutes: August 19, 2020-Public Hearing/Business Meeting

Commissioner Mraz moved for approval. Seconded by Vice-Chairman Saiz. Roll call vote, Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Mraz voted yes. Vice-Chairman Saiz voted yes. Motion carried 4-0.

PUBLIC COMMENT:

Mr. Monette read public comment submitted by Geri Rhodes requesting a moratorium on zone changes until the county's comprehensive plan can be updated.

DISCUSSION (NON-ACTION) ITEM(S):

5) Commissioners, Committees and Reports.

Commissioner Mraz stated that the Census is ending at the end of the month, people need to complete the census and encourage others to complete it, it is important.

Mr. Pato reported that he along with Commissioner Mraz, Mr. Monette, Treasurer Sichler had a meeting with the NM Property Tax Division about the delinquent tax properties in the county. There was also another meeting held with NM Taxation and Revenue about GRT revenues in the county.

Chairman Aragon arrived at the meeting at 5:09 P.M

Mr. Monette reported that there was a delay in social security pay roll tax that was implemented starting on September 1st. There was further discussion among the commission regarding this topic.

Mr. Jeremias Silva reported that the county received \$579,000.00 in CARES Act funding to provide relief to small business, the county also received \$437,500.00 in CARES Act funding for the county to use for COVID-19 related expenses.

Mr. Monette congratulated Commissioner Hyder who recently graduated from NM EDGE as a CPO. He also mentioned that he would not be in on Friday and would be on vacation the 14th-18th of this month.

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 August 1st-August 20th and payroll dated August 14th.

Minutes of September 2, 2020 Business Meeting

Commissioner Eaton moved for approval. Seconded by Commissioner Saiz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Mraz voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit A, B)

7) Consideration of Resolution 2020-____, Amending Resolution 2020-03; Inspection of Public Records. Presenter: Undersheriff, Mark Kmatz; Sponsor: County Manager for Regular County Business

Undersheriff Kmatz stated the sheriff's office is requesting an amendment to the fee schedule for copies of video from the departments body worn cameras. He stated that they are still trying to research and narrow down the best way to determine the fee that the public would have to pay for copies. Undersheriff Kmatz requested that the commission be given some more information and data and then bring the item back at a later date to vote on.

Commissioner Saiz moved for approval to accept the recommendation by Undersheriff Kmatz to table this item under further information is obtained. Seconded by Commissioner Mraz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Mraz voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 5-0.

8) Approval of Resolution 2020-____, Opposing Transportation of High-Level Radioactive Waste via Truck and Rail through Valencia County for the Purpose of Temporary Consolidated Storage of Radioactive Waste in New Mexico. Presenter: Commissioner Tom Mraz, District II; Sponsor: Commissioner Tom Mraz, District II

Commissioner Mraz stated that Holtec Inc is trying to bring tons of high level radioactive waste to be stored in New Mexico, he stated that New Mexico should not accept the radioactive waste. It is too dangerous to be stored and moved multiple times, the waste should stay where it is until the federal government can find a permanent place for it to be stored. Commissioner Hyder stated that he has not received any phone calls complaining about the waste. There is stuff more hazardous than nuclear waste being transported. Mr. Monette read public comment submitted by those in support of the resolution. Individuals who submitted public comment included Gheri Rhodes, Amber Jeansonne, Sue Small, Deborah Christensen. Commissioner Saiz, Commissioner Eaton and Chairman Aragon expressed their opinion that a resolution like this would be purely symbolic. They would like to see something from the Governor, the municipal league or NMC that shows a joint effort of opposition to this matter.

Commissioner Mraz moved for approval of the resolution. Motion died for lack of a second.

Commissioner Hyder moved for denial of the resolution. Motion died for lack of a second.

Chairman Aragon moved to deny the resolution but revisit the item if the state or NMC comes up with a joint resolution. Seconded by Commissioner Saiz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Mraz voted no. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-1.

9) Consideration to Approve Contract for Valencia County Legal Services. Presenter: Purchasing Manager, Rustin Porter; Sponsor: County Manager for Regular County Business

Mr. Porter stated that he is seeking commission approval for a contract between the county and Nance, Pato & Stout for legal services. The contract is for a one-year term with an option to renew for three additional years at \$159,155.00 per year. Chairman Aragon asked how many applicants there were. Mr. Porter stated that there was a total of 2 offerors. Commissioner Saiz asked if the other offeror had discrepancies with their bid or where they just not in line with the offer from Nance, Pato & Stout. Mr. Porter stated that for the most part both offers were pretty close but the other offeror only submitted an hourly rate while the RFP was specific and asked for an annual rate. Another issue was the matter of availability, Nance, Pato & Stout specifically stated that they would be available 24/7 and would have someone available at every commission meeting. The other firm stated that they would be fully accessible by phone or email but didn't mention commission meetings or things like that. Mr. Porter stated that the evaluation committee took into consideration those additional items.

Minutes of September 2, 2020 Business Meeting

Commissioner Hyder moved for approval. Seconded by Commissioner Mraz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Mraz voted yes. Commissioner Saiz voted yes. Motion carried 5-0. (See Exhibit C)

10) Approval of Resolution 20-___: DFA Order to Set Property Tax Rates for the 2020 Property Tax Year. Presenter: County Assessor Beverly Dominguez-Romero; Sponsor: County Manager for Regular County Business.

County Assessor Dominguez-Romero stated that she is seeking approval of the 2020 tax rates; she stated that the tax rate that was included in the packet is incorrect, the LL School district is off 1/1000th. County Assessor Dominguez-Romero stated that she spoke to DFA and they will look into it and send a corrected copy. Mr. Pato stated that the county is obligated to approve the order setting the tax rates within 5 days of receiving the tax rate from DFA, he requested that the board authorize the imposition of the tax rates once the board receives the corrected rates.

Commissioner Mraz moved for approval. Seconded by Commissioner Eaton.

Chairman Aragon requested that the motion for approval include imposing the tax rates when the corrected amount is received from DFA.

Commissioner Mraz amended his motion to concur with Chairman Aragon. Seconded by Commissioner Eaton. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Mraz voted yes. Commissioner Saiz voted yes. Motion carried 5-0.

County Clerk Carabajal announced Resolution 2020-55. (See Exhibit D)

EXECUTIVE SESSION:

Pursuant to Section 10-15-1 (H) (A) the following matters may be discussed in closed session: a) Pending or threatened litigation: *Ballon v. Valencia County, Youth Rodeo*; 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 Saiz moved to go into executive session. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Mraz voted yes. Commissioner Saiz voted yes. Motion carried 5-0.

Commissioner Saiz moved to return to regular session. Seconded by Commissioner Hyder. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Mraz voted yes. Commissioner Saiz voted yes. Motion carried 5-0.

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 Saiz 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 Mraz voted yes. Commissioner Saiz voted yes. Motion carried 5-0.

NEXT COMMISSION MEETING:

September 16, 2020 – Public Hearing/Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

October 7, 2020 – Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

Chairman Aragon stated that the Governor's amended order is now allowing groups of 10 so if the other commissioners feel comfortable meeting in the commission chambers they are welcome to join the meeting there or continue joining via Zoom.

10) Adjournment

Commissioner Hyder moved for adjournment. Seconded by Commissioner Mraz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Mraz voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 5-0.
TIME: 7:13 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 2, 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



JHONATHAN ARAGON, CHAIRMAN



GERARD SAIZ, VICE-CHAIR



DAVID A. HYDER, MEMBER

TOM MRAZ, MEMBER

CHARLES D. EATON, MEMBER

ATTEST: 

PEGGY CARABAJAL, COUNTY CLERK

9-21-2020

DATE

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