

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING - BUSINESS MEETING

DECEMBER 2, 2020

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

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

2) Commissioner Richardson led the Pledge of Allegiance.

3) Approval of Agenda

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

4) Approval of Minutes: November 13, 2020-Canvass

November 18, 2020- Public Hearing/Business Meeting

Commissioner Saiz moved for approval of both sets of minutes. Seconded by Commissioner Richardson. Roll call vote. Commissioner Eaton abstained as he was not present for those meetings. Commissioner Hyder voted yes. Commissioner Richardson voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-0.

PUBLIC COMMENT:

Chairman Aragon stated that all public comments that were submitted pertained to an agenda item so they will be read at that time.

DISCUSSION (NON-ACTION) ITEM(S):

5) Commissioners, Committees and Reports.

Commissioner Saiz reported that yesterday he along with Mr. Monette, and Nancy Jo Gonzales had a meeting with Village of Los Lunas Councilman Gino Romero. Councilman Romero is trying to form a committee regarding the possibility of an aquatic center being built in Los Lunas. The committee would like to make a presentation to the commission in late January.

Mr. Monette reported that the newly elected officials will be sworn in on December 29th at 1:00 P.M. The Christmas tree lighting will take place after tonight's meeting, he and Chairman Aragon attended the audit exit conference yesterday morning. Mr. Monette also reported that Ms. Trujillo and the finance department received the 2020 Rising Star Award from the NMFA.

Discussion of RFP for Hospital Feasibility Study. Presenter: Purchasing Manager, Rustin Porter

Mr. Porter stated that there was an RFP issued for the hospital feasibility study and six responses were received. The evaluation committee completed their evaluation on Monday, they have reached out to one contractor with an intent to award. Mr. Porter stated that he cannot name the contractor until a contract is in place. The county was awarded a grant of \$20,000 to go towards this study, the proposed contractor came back to the county with a proposal of \$158,294. The county would need to do a budget adjustment to cover the remainder of the cost. Mr. Porter stated that the proposed contractor stated that the shelf life of the study is divided into 4 categories and each individual category ranges between 5-10 years.

Mr. Monette stated that when the county started working on a feasibility study they went to the legislature and asked for \$100,000 but only received \$20,000 so the county did budget for the remaining \$80,000 now we'll just have to figure out a way to come up with

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the remaining difference. Commissioner Hyder asked if any hospital is looking at expansion with COVID going on. Mr. Nance stated that the county had reached out to providers but he doesn't know if any are specifically looking to expand at this time. Mr. Monette stated that Mr. Pato had received an email from Presbyterian saying that they are not looking to expand right now, but UNMH and Lovelace have not responded yet. Mr. Porter informed the commission that the contractor has stated that the study will take 6-9 months to complete.

Commissioner Saiz asked if a medical provider will accept the shelf life of the information or will they come back and say it is outdated. He stated that he is not trying to delay the project but he would like to put this item off until mid-January and give the other providers time to respond to the correspondence as well as to get the newly elected commissioner on board. Commissioner Saiz also asked if it would be possible to go back to the state for additional funding for the study. Commissioner Richardson stated that its reasonable to wait until the county receives a response from the other providers. Commissioner Eaton asked how long it's been since correspondence was sent out to UNMH, Lovelace and Presbyterian. Mr. Nance replied 1 ½ weeks. Commissioner Eaton stated that it would be wise to allow them additional time to respond.

PUBLIC HEARING

6) Liquor License 0918: BW & Gas & Convenience Retail, LLC dba Allsup's #102137.

Presenter: County Clerk, Peggy Carabajal

County Clerk Carabajal stated that the applicant BW Gas & Convenience Retail dba as Allsup's #102137 is seeking a transfer of ownership of a dispenser liquor license. The proposed location is 4603 HWY 314, Los Lunas. The applicant has been notified by certified mail and legal notice was printed in the paper. Commissioner Richardson asked if the license already exists at the location and are just transferring ownership. The applicant, Ms. Linda Akin replied yes, that is correct. Chairman Aragon asked if there was anyone wishing to speak in favor or against this matter. There was no one wishing to speak. Chairman Aragon stated that the public hearing was now closed.

ACTION ITEM(S):

7) Approval of Liquor License 0918: BW & Gas & Convenience Retail, LLC dba Allsup's #102137. Presenter: County Clerk, Peggy Carabajal; Sponsor: County Manager for Regular County Business

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

8) 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 November 7th-November 20th and payroll dated November 23rd she stated that the correct amount for payroll is \$596,340.49.

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

9) Approval of Resolutions for DWI Program Application and Compliance Program Operation. Presenter: Village of Los Lunas DWI Coordinator, Ginny Adame; Sponsor: Vice-Chairman, Gerard Saiz

Ms. Adame, who is the DWI Program Coordinator stated that she is seeking approval of two resolutions this evening. The first resolution allows for the Village of Los Lunas to pursue funding to operate the DWI program, the second resolution allows for the continuance of the Misdemeanor Compliance program. Neither of the resolutions have a fiscal impact to the county. Ms. Adame gave a brief annual update on the DWI program.

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

County Clerk Carabajal announced Resolutions 2020-63 and 2020-64. (See Exhibit D,E)

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10) Consideration to Review and Execute the 2020 New Mexico Department of Homeland Security and Emergency Management Award Number FEMA-4529-Valencia County. Presenter: Grants Manager, Jeremias Silva; Sponsor: Chairman Jhonathan Aragon

Mr. Silva stated that all programs associated with this award have been completed, the only action needed is to request reimbursement from NM Department of Homeland Security. The programs associated from the award were the purchase of temporary signage for the Treasurer's office, 10 computer laptops, hand sanitizer, equipment and overtime for the Sheriff department who monitored the Good Friday pilgrimage. Sprayers for disinfectant and various PPE items. With this award the county was awarded \$14,381.27 with a required 25% share from the county, the 25% match was requested and reimbursed under the CARES Relief Act awarded to the county.

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

11) Approval of Resolution 2020-____: Opposing Indebtedness of Valencia County Soil and Water Conservation District. Presenter: County Attorney, David Pato; Sponsor: Chairman Jhonathan Aragon, Vice-Chairman Gerard Saiz

Mr. Nance stated that in 2013 the Valencia County Soil and Water Conservation District held an election and passed a district wide mill levy. In 2019 the district held another mill levy referendum proposing to increase the mill levy with no sunset, the mill levy was overwhelmingly rejected by the voters. The constituents that have voiced their concern are concerned that the mill levy is being extended without the consent of the voters. While the county does not have authority to decide the indebtedness that VCSWCD goes into they can voice an opinion to NMFA.

County Clerk Peggy Carabajal and Chairman Aragon read the public comments submitted via email. The following individuals expressed their support of the resolution opposing the indebtedness of the VCSWCD.

Gail Goodman
 Kathy Jaramillo
 Shawn & Angel Fairman
 Carolyn Ferguson
 Amy Ahlgrim
 Beverly Castillo
 Kathleen Lee
 Hiro Ababon
 Daniel Romero
 Richard Partsch
 Patricia Reuthinger
 Carolyn Chance
 H. McKinstry
 Rosella Natzke
 Vicki & David Husbands
 Ron Keller
 Joe Maureen Wynne
 Jacqueline Hardy
 Marian Hardy
 Neil & Ty Hise
 Mark & Toni Barrow
 Serena Weh
 Peter Weh
 James Crawford
 Kathy Otero
 Donna Crawford
 Jim Ahner
 Grant & Dorothy Crawford
 Nancee Matthews
 Jerry Groff
 Donella Maez Irby
 Patricia Houston

County Clerk Carabajal read a letter submitted by Abel Camarena, chairman of the VCSWCD board. Mr. Camarena expressed his disappointment that the commission was looking

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to approve a formal resolution pertaining to VCSWCD and not the commissions jurisdiction. (See Exhibit G)

Chairman Aragon stated that this resolution is an opinion from the county, that we do not approve of the loan that VCSWCD is trying to obtain from NMFA. The board does have a duty to constituents, that does overlap with VCSWCD, to make sure that their concerns are heard. Commissioner Hyder asked what the difference was between a resolution and giving the county manager authority to write a letter on behalf of the commission. Mr. Nance stated that this resolution is just a statement of opinion and more of a formal process then sending a letter. Commissioner Hyder asked if a resolution would hurt future funding for the Soil and Water district. Mr. Nance stated that this resolution is taken as the words on paper it doesn't give it any special legal weight. Chairman Aragon stated that in Mr. Camarena's letter, he mentioned that VCSWCD was denied opportunity to present to the board but that is untrue, they were given equal opportunity as those individuals that spoke in opposition to what they are trying to do. Mr. Nance stated that this is not a public hearing item or quasi-judicial item everyone was given full and fair opportunity to give their opinion and position in the exact same way.

Commissioner Saiz moved for approval of the resolution. Seconded by Chairman Aragon. Roll call vote. Commissioner Eaton voted no. Commissioner Hyder voted yes. Commissioner Richardson voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 4-1.

County Clerk Carabaja announced Resolution 2020-65. (See Exhibit H)

EXECUTIVE SESSION:

Pursuant to Section 10-15-1 (H) the following matters may be discussed in closed session: a) Pending or threatened litigation *Belen Consolidated Schools*; b) other specific limited topics that are allowed or authorized under the stated statute; c) real property

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

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

NEXT COMMISSION MEETING:

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

**January 6, 2021 – Reorganizational Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

Commissioner Eaton stated that he will not be able to attend the meeting on the 16th so tonight's meeting is the last meeting of his term. He stated that it has been an honor and a privilege to serve on the board. It has been a pleasure to work with Danny, Adren, Dave, the elected officials and staff. He stated that he appreciates all the staff, and the board; there have been hard times but together as a team we have been able to overcome. He stated that he can remember when the county was in dire straits and finances were so bad that the county had to turn to MRCOG to be its fiscal agent for a \$25,000 grant. From that point the board made a commitment to turn the county around financially. He stated that it's amazing what can happen when everyone can work together and decisions are

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not driven by political party but what is best for the county. He stated that he is proud to have accomplished getting funding for Manzano Expressway, Aragon Rd., Mesa Rd. He will miss everyone and has enjoyed serving the county.

Chairman Aragon thanked Commissioner Eaton for being a mentor to him, he was a voice for the people in his district and all the residents of Valencia County. He stated that while he and Commissioner Eaton didn't always agree on every issue they talked and worked things out, the county has come a long way. He thanked Commissioner Eaton for his service and for putting politics aside and putting the community first. Commissioner Saiz thanked Commissioner Eaton for welcoming him to the board 2 years ago. Commissioner Eaton was always willing to discuss and share the background on items. May God bless him. Mr. Nance stated that he worked with Commissioner Eaton when he just an employee of the county and as a commissioner and he is the definition of what it is to be a public servant. Mr. Monette stated that he learned a lot from Commissioner Eaton and appreciates all that he has done. County Clerk Carabajal thanked Commissioner Eaton for his service, he was always very supportive of the Clerk/BOE office. Commissioner Hyder thanked Commissioner Eaton for this service, he is a true leader and friend, he is very knowledgeable.

12) Adjournment

Commissioner Hyder moved for adjournment. Seconded by Commissioner Saiz. Roll call vote. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Richardson voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 5-0. **TIME: 6:45 P.M.**

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

Jhonathan Aragon

JHONATHAN ARAGON, CHAIRMAN

Gerard Saiz

GERARD SAIZ, VICE-CHAIR

David A. Hyder

DAVID A. HYDER, MEMBER

Troy Richardson

TROY RICHARDSON, MEMBER

CHARLES D. EATON, MEMBER

ATTEST:

Peggy Carabajal

PEGGY CARABAJAL, COUNTY CLERK

12/16/2020

DATE

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