

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING - BUSINESS MEETING

MARCH 17, 2021

PRESENT	ABSENT
Gerard Saiz, Chairman	
Jhonathan Aragon, Vice-Chair	
David A. Hyder, Member	
Troy Richardson, Member	
Joseph Bizzell, Member	
Danny Monette, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Michael Milam, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Saiz at 5:07 P.M.

2) Commissioner Hyder led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Hyder stated that executive session can be removed as there is no update. Chairman Saiz stated that he would like to leave it on the agenda in the event that one of the other agenda items needs to be moved to executive session. He also announced that the budget meeting scheduled for tomorrow has been canceled.

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

4) Approval of Minutes: March 3, 2021- Business Meeting

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

PUBLIC COMMENT:

Mr. Monette stated that all public comment that was submitted pertains to agenda item #6 so it will be read at that time.

DISCUSSION (NON-ACTION) ITEM(S):

5) Commissioners, Committees and Reports.

Introduction of Code Enforcement Officers. Presenter: *Community Development Director, Nancy Jo Gonzales*

Ms. Gonzales introduced Phillip Gonzales, Ronald Saiz, Jesse Anchondo, Robert Gutierrez and Santiago Lucero, these individuals are the county's Code Enforcement Officers.

Recognition of Reserve Deputy Simona Lopez. Presenter: *Sheriff, Denise Vigil*

Sheriff Vigil recognized Simona Lopez who is a reserve deputy with the sheriff's department and a full-time employee of the Valencia Regional Dispatch Center. Sheriff Vigil stated that Ms. Lopez' quick think and training enabled her to fire 2 shots into the ground and save the life of a young girl that was being mauled by a dog.

Mr. Pato reported that the BOCC approved hospital legislation passed the house and the senate, he thanked the legislative delegation for pushing the bill forward. He stated that this bill accomplishes the definition of an emergency healthcare facility as a 24-hr. emergency healthcare facility licensed as a remote location acute care hospital, it makes it clear that we can have a hospital or a 24-hr. healthcare facility here in Valencia County.

PUBLIC HEARING ITEM(S):

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County Clerk Milam administered the oath to those individuals wishing to speak on the public hearing item.

Chairman Saiz called for a five-minute break @ 5:23 P.M. due to technical issues with those joining via Zoom.

Clerk Milam re-administered the oath to those individuals wishing to speak on the public hearing item.

6) Ordinance 2021-___: Repealing Ordinance 2020-01 Restricting Truck Traffic on Don Felipe Road in Belen, New Mexico. Presenter: *Joshua Jimenez*; Sponsor: *Commissioner, Joseph Bizzell*

Mr. Pato stated that in 2020 the BOCC adopted truck restrictions on Don Felipe Rd. to preserve the road. At the time the ordinance was approved the Public Works director expressed the need for such restrictions in order to preserve the road. The BOCC approved the ordinance which also allowed for a permitting process for people to continue to traverse the road. Recently Mr. Jimenez and his clients have requested that the board reconsider repealing the ordinance.

Mr. Monette read the public comments submitted via email.

Jesus Janzen stated that he lives at 1076 Don Felipe Rd and operates Janzen Trucking since 2004. His trucks are essential equipment for his business that puts food on the table. His residence is the safest place to park his trucks, the trucks leave and return empty when traveling on Don Felipe Rd. (See Exhibit A)

Richard Castillo with Castillo Prestress stated that the business has been located at 06 Lopez Loop since 1985. Deliveries are made via both Lopez Loop and Don Felipe and they do not have control over when the deliveries will be made. The business follows the weight restrictions put forth by NMDOT and the federal government. No truck affiliated with Castillo Redi Mix has ever damaged the new pavement on Don Felipe or Lopez Loop even though they have been falsely accused of having damaged Don Felipe and causing dust and vibrations. If the ordinance is left in place a burden would be placed on their business and they are looking into the possibility of relocating to Socorro County. (See Exhibit B)

Pete & Letisha Garcia with Pete's Pro Truck & Auto Repair stated that their business at 1101 Don Felipe has been in business for almost 10 years. Some of the daily work is unscheduled or unknown what fleets/units will be brought in. Don Felipe has always been used as an access to the shop, if the ordinance is left in place it would be detrimental to the employees, the business and the customers they serve. (See Exhibit C)

Karen Barela with Barela Farms Greenhouses stated that the business was started in 2000. She has seen the transformation of Don Felipe turn from gravel to the current paving. After the current paving she hasn't seen any damage occur to the road. A large part of the traffic on Don Felipe comes from people taking a shortcut, not from actual residents or businesses. Their leased greenhouses have regular deliveries of supplies and if they are fined every time a truck is brought in they would have to relocate. (See Exhibit D)

Walter Barela stated that over the 20 years he has been on Don Felipe it has been used commercially by trucks. The use of the road has not changed over the years so why did the county not take that into consideration when specifying the road construction. It is not fair for the county to come back now and punish and fine people who live and create commerce for the area. (See Exhibit E)

The following individuals were present via Zoom and commented.

Richard Castillo with Castillo Prestress stated that they were left out in the cold regarding the ordinance. There is no public record showing that their business caused dust and vibrations, which they were accused of doing. He stated that information needs to be presented from a fact-based environment. They have been in business over 45 years and it is concerning when they are told by public officials that they have done something when there is no factual basis.

Jesse Gonzales with Spartan Towing stated that this ordinance would negatively impact his business. The business is a 24-hour operation so they never know when permits would

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be needed, if the ordinance stays in place they may have to find an alternative location to move the business.

Leticia Garcia with Pete's Pro Truck stated that the ordinance will be detrimental for the business, they would either have to shut down or move locations. She asked the commission to consider repealing the ordinance so they can continue serving Valencia County.

Richard Finley with Castillo Prestress stated that he became aware of the ordinance when delivering beams and a state police officer told him there was a 5-ton weight limit. He called the county multiple times to get information and permits but the county was closed due to COVID. After multiple calls he got permits 10 minutes before the trucks were scheduled to leave. Obtaining permits is a huge, time consuming step that is not needed and they do not use Don Felipe any more now than before.

Orlando Gonzalez with Spartan Towing stated that all employees of the business are Valencia County residents. The business is a 24-hour operation and has contracts throughout the county. The ordinance will hinder the contracts mandatory response times and will be financially detrimental to the business and they cannot afford permits for every response. They have not caused any damage to Don Felipe or any other roads.

Mr. Joshua Jimenez thanked the commission for taking up this hard ordinance, sometimes the best laid intentions don't result in the best outcomes. He stated that the information that the commission had when the ordinance was presented for consideration was imperfect. For most of the businesses it is hard to predict the truck travel on the road, also the road itself has been used for truck travel and commercial use for over 20 years. Mr. Jimenez asked the commission to listen to the public comment that was provided today and repeal the ordinance for the benefit of Valencia County businesses and for the residents of the area.

Ms. Benavidez stated that she heard several people testify that notification was not given but she knew that Mr. Castillo's Redi Mix would be directly affected by the ordinance so he was notified of the public hearings and was mailed a copy of the approved ordinance and signs were put up when the ordinance was approved. Pete's Pro truck is not affected by this ordinance because they are located within the city limits, they were sent a notice asking them to use the I-25 entrance.

Chairman Saiz stated that the public hearing items is now closed.

ACTION ITEM(S):

7) Approval of Ordinance 2021-___: Repealing Ordinance 2020-01 Restricting Truck Traffic on Don Felipe Road in Belen, New Mexico. Presenter: *Public Works Director, Lina Benavidez*; Sponsor: *Commissioner, Joseph Bizzell*

Ms. Benavidez stated that on March 18, 2020 the ordinance was passed by the BOCC restricting traffic travel on Don Felipe Rd. requiring trucks weighing over 5 tons to have a permit. After hearing a request at the February 17, 2021 BOCC meeting the commission approved that the title and general summary of the ordinance to repeal ordinance 2020-01 be published. The residents of Don Felipe have been notified of the public hearing. Commissioner Aragon asked if the folks that were in support of the ordinance in the first place were notified of the public hearing. Ms. Benavidez stated that is correct, all residents of Don Felipe were notified.

Commissioner Bizzell moved for approval to repeal the ordinance and remove the 5-ton limit. Seconded by Commissioner Richardson. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted no. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 4-1.

County Clerk Milam announced Ordinance 2021-01. (See Exhibit F)

Mr. Nance stated that this ordinance will be in effect in 30 days.

8) Consideration of Resolution 2021-___, to adopt 2021 Annual Certified Maintained Road Mileage. Presenter: *Public Works Director, Lina Benavidez*; Sponsor: *Commissioner, David A. Hyder*

Ms. Benavidez asked for approval of the 2021 certified maintained road mileage, this has to be submitted to NMDOT by April 1st. She stated that the county maintained a total of 466.441 miles of roadway in 2020 and an additional 0.405 miles have been added.

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

County Clerk Milam announced Resolution 2021-16. (See Exhibit G)

9) Approval of Recognition and Recording of Accounts Payable. Presenter: Finance Director Loretta Trujillo; Sponsor: County Manager for Regular County Business
Ms. Trujillo presented and asked for approval of accounts payable dated February 20th March 5th.

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

10) Approval of Resolution 2021-___: 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, she stated that this adjustment requires commission approval, state approval is not needed.

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

County Clerk Milam announced Resolution 2021-17. (See Exhibit I)

11) Approval of Professional Services Contract Between S Resource, Incorporated and Valencia County to Conduct a Salary and Employee Benefits Study. Presenter: HR Director, Orlando Montoya; Sponsor: Chairman, Gerard Saiz
Mr. Montoya asked for approval of a contract with S Resource. He stated that the maximum amount of the contract is \$18,000 but he believes the final amount will be less than that. Commissioner Hyder asked how long it will take to complete the study. Mr. Montoya stated he expects it to be in early July but Mr. Yermal has told him it would take 15 weeks or less.

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

12) Approval of Resolution 2021-___ Salary and Benefits of Appointed Officials. Presenter: County Manager Danny Monette; Sponsor: County Manager Danny Monette
Mr. Nance stated that pursuant to section 10-1-13 the clerk, treasurer and assessor get to appoint an individual and pursuant to section 4-41-5 the sheriff gets to appoint an executive secretary and undersheriff. These appointed employees are at the discretion of the elected official, they do not fall under the county's personal policy. Via resolution the commission can set the budget on how much these appointed officials are paid; the last resolution was passed 2015. Mr. Nance stated that the former undersheriff is no longer with us and Sheriff Vigil would like to appoint Jeff Noah but in doing so it would be a pay cut for him, this matter was discussed with administration and they would like to make it more equitable across the board.

The proposed resolution for appointed officials sets the salaries based on years of service/experience. He stated that in the draft resolution the sheriff's executive secretary is set as a place holder at 50% but the sheriff has requested that it be changed to the step system as well reflecting 60%, 65%, 70% and 75%. Commissioner Hyder stated that the resolution passed in 2015 doesn't have the sheriff's executive secretary listed so what is her current pay salary. Mr. Montoya stated that she is making \$17.75 so about 49.5% of the sheriff's salary. Chairman Saiz asked what her years of experience are. Mr. Montoya replied that she just passed 6 years. Commissioner Aragon stated that there had been a question earlier today about her vacation and sick leave accrual. Mr. Montoya stated that he and Ms. Trujillo looked into that and her accrual has been stopped but she does have a balance. Commissioner Bizzell asked how this would affect payroll. Mr. Montoya stated that she would be an exempt employee subject to the resolution. Mr. Nance asked when

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they would like this resolution to become effective based on the budget. Mr. Monette replied he would like to see if become effective the beginning of next payroll. Mr. Montoya stated that it would be a week from next Friday; April 2nd would be the first pay period in April. Sheriff Vigil stated that the executive secretary is a huge asset to the office, she is very loyal and dedicated. She goes above and beyond and deserves to be compensated for her time. Commissioner Aragon stated that has been the commission's goal to get employees' salaries up to speed and addressed now that the county is in a financially stable place.

Commissioner Aragon moved for approval of the resolution including the recommendations of 60% ,65%, 70%, and 75% for the executive secretary. Seconded by Commissioner Hyder.

Commissioner Bizzell asked the if motion can be amended to include the start day of the first pay period in April.

Commissioner Aragon and Commissioner Hyder approved the amendment to the motion. Roll call vote. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0.

County Clerk Milam announced Resolution 2021-18. (See Exhibit K)

Board Convenes as Indigent Board

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

13) Approval of Indigent Report. Presenter: *Human Resources Specialist, Maria Garcia*; Sponsor: *County Manager for Regular County Business*

Mr. Montoya presented the indigent report and asked for approval for the amount of \$25,542.96. He also reported that the indigent fund has a balance of \$873,304.55.

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

Board Reconvenes as Board of County Commissioners

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

EXECUTIVE SESSION:

Pursuant to Section 10-15-1 (H) (7) & (2) the following matters may be discussed in closed session: a) Pending or threatened litigation: *Belen Schools v. Valencia County*; b) other specific limited topics that are allowed or authorized under the stated statute; c) real property; d) personnel

Mr. Nance stated that there is no need for executive session this evening.

NEXT COMMISSION MEETING:

April 7, 2021 – Planning & Zoning Workshop @ 3:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

April 7, 2021 – Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

April 21, 2021 – Public Hearing/Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031


14) Adjournment

Chairman Saiz adjourned the meeting. TIME:6:35 P.M.

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NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the March 17, 2021 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


GERARD SAIZ, CHAIRMAN

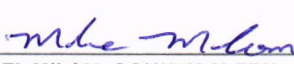

JHONATHAN ARAGON, VICE-CHAIR


DAVID A. HYDER, MEMBER


TROY RICHARDSON, MEMBER


JOSEPH BIZZELL, MEMBER

ATTEST:


MICHAEL MILAM, COUNTY CLERK

4-7-2021
DATE

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