

**SANDOVAL COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
COMMISSION CHAMBERS
JULY 18, 2013 – 6 P.M.**

1. CALL TO ORDER

The meeting was called to order at 6:05p.m.

Present were Chair Madalena, Vice Chair Scherzinger, Commissioner Lucero, Commissioner Chapman and Commissioner Walters.

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by Vice Chair Scherzinger's grandchildren, Megan and Matthew Aved.

3. INTRODUCTIONS & ANNOUNCEMENTS

Vice Chair Scherzinger introduced her daughter Erin Aved and her son-in-law Eric Aved. Commissioner Walters acknowledged Kevin Rogols, Sandoval Regional Medical Center President and CEO. He also introduced Lonnie Clayton, Rio Rancho City Councilor. Chair Madalena announced the dedication of Fire Station 21 in honor of the late Fire Chief Jon Tibbetts on July 22, 2013 at 2:00 p.m.

4. PRESENTATION

• Collections/Auction - Recognition

(Laura Montoya, Treasurer and Larry Polanis, Treasury Controller)

Treasurer Montoya and Larry Polanis Treasury Controller presented the current tax collection data. They discussed the new tax collection strategy implemented at the beginning of 2013. Treasurer Montoya recognized her staff for their hard work and presented them with certificates.

5. APPROVAL OF AGENDA

Commissioner Walters motion to move item 6I to 6.1, second by Vice Chair Scherzinger. Motion passed. Vote was unanimous.

Commissioner Walters motion to approve as amended, second by Vice Chair Scherzinger. Motion passed. Vote was unanimous.

6. CONSENT AGENDA

A. Approval of Minutes from the Regular Meeting of June 17, 2013

B. Approval of the following Budget Resolutions:

- (1) No. 7-18-13.6B(1) / Sheriff's Overtime Grant Budget / Increase Budget to Reflect Additional Revenue Received from the DWI Program / \$7,000
- (2) No. 7-18-13.6B(2) / Contracting Hospital Budget / Increase Budget to Reflect Mill Levy Funds Received for Payout to Hospitals / \$20,611,361
- (3) No. 7-18-13.6B(3) / GIS Mapping Fees Budget / Increase Budget to Cover Last Payroll for Fiscal Year 2012-2013 / \$440

- (4) No. 7-18-13.6B(4) / Detention Center Budget / Cash Transfer (\$2,433,331) to Offset Deficit Incurred Due to Loss of Federal Revenue / Budget Adjustment to Cover Expenses for FY 2012-2013 / \$199,570
- (5) No. 7-18-13.6B(5) / Various Budgets / Cash Transfers to Closeout Fiscal Year
- (6) No. 7-18-13.6B(6) / Budget Revenue Adjustments for Fiscal Year 2012-2013 as Required by NM Department of Finance & Administration, Section 2.2.2.10 (P)(1)
- C. Approval of Vendor Agreement No. 2013-14-60025 between Sandoval County and North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging for Senior Center Services for Fiscal Year 2013-2014 / \$614,223
- D. Approval of Nutrition Service Incentive Program Contract No. 2013-14-60025 between Sandoval County and NCNMEDD Non-Metro Area Agency on Aging for Senior Program Food for Fiscal Year 2013-2014 / \$106,773
- E. Approval of Contract No. 2013-14-60025 between Sandoval County and NCNMEDD Non-Metro Area Agency on Aging for Senior Employment Program for Fiscal Year 2013-2014 / \$52,086
- F. Approval of Memorandum of Agreement No. 16373 between Sandoval County and NM Department of Health for the Provision of Preventive Dental Services for Indigent Pregnant Women and Children for Fiscal Year 2013-2014 / \$67,700
- G. Approval of DWI Grant Program Detox Grant Agreement Project No. 14-X-I-G-24 between Sandoval County and NM Department of Finance and Administration for Fiscal Year 2013-2014 / \$150,000
- H. Approval of Renewal Grant No. NM0027L6B011205 between Sandoval County and the U. S. Department of Housing and Urban Development Shelter Plus Care Program for the Provision of Tenant Based Housing for Chronically Homeless and Mentally Ill for Fiscal Year 2013-2014 / \$234,583
- I. Approval of Agreement No. 14-690-16392 between Sandoval County and the NM Children, Youth and Families Department for Juvenile Justice Continuum / \$335,000
Item moved to 6.1

Commissioner Walters motion to approve, second by Commissioner Lucero. Motion passed. Vote was unanimous.

- 6.1 Approval of Agreement No. 14-690-16392 between Sandoval County and the NM Children, Youth and Families Department for Juvenile Justice Continuum / \$335,000
Commissioner Walters motion to amend p.13 Item A5 to read: Continue to collaborate with *SCJJB* to ensure improvements in the operational collaboration of local resources and service providers. Removal of paragraphs C and D on p.14 and p.15 Item A to read: Reimburse the *Contractor* for verified direct services and incurred costs as stated in, Attachment 2. Second by Vice Chair Scherzinger. Motion passed. Vote was unanimous.

Commissioner Walters motion to approve as amended, second by Commissioner Lucero. Motion passed. Vote was unanimous.

7. OFFICE OF THE COUNTY MANAGER

(Phillip Rios, County Manager)

Discussion and Request for a Motion to Adopt Resolution No. 7-18-13.7 Requesting the NM Department of Finance and Administration Local Government Division's Approval of Sandoval County's Final Budget for Fiscal Year 2013-2014

Commissioner Lucero motion to approve, second by Vice Chair Scherzinger. Motion passed. Vote was unanimous.

8. DIVISION OF COMMUNITY SERVICES

(Peggy Cote, Director)

Request for a Motion to Adopt Resolution No. 7-18-13.8 Authorizing and Adopting the Sandoval County DWI and Prevention Program Misdemeanor Compliance Program Fees for FY 2013-2014 and Repealing Resolution No. 2-7-08.7E

Commissioner Lucero motion to approve, second by Vice Chair Scherzinger. Motion passed. Vote was unanimous.

9. DIVISION OF PLANNING & ZONING

(Michael Springfield, Director)

A. Discussion and Request for a Motion to Approve **VAC-13-002** Request by Keith Stickford, Agent for Janette Cutts, for Vacation of a Portion of a Roadway Easement located on an Unplatted Parcel at 318 Vista Hermosa Road, Projected Section 21, Township 17 North, Range 2 East, NMPM, Canon, Sandoval County, New Mexico

Commissioner Lucero motion to approve, second by Vice Chair Scherzinger. Motion passed. Vote was unanimous.

B. Discussion and Request for a Motion to Approve **VAC-13-001** Request by Alpha Surveying, Agent for Thomas & Roberta Wellems, for Vacation of a Portion of a Roadway and Public Utility Easement located on Lot 62, Placitas Small Tracts, Section 34, Township 13 North, Range 4 East, NMPM, Sandoval County, New Mexico

Commissioner Lucero motion to approve, second by Vice Chair Scherzinger. Motion passed. Vote was unanimous.

C. Discussion and Request for a Motion to Approve the revised Phasing Plan for the Petroglyph Trails Subdivision (**SUB-07-002**); Thomas J. Ashe, Agent for Trails Investors LLC, Requests Approval of the Revised Phasing Plan for the Petroglyph Trails Subdivision, Located within Projected Sections 28 & 33, Township 13 North, Range 4 East NMPM, Placitas, Sandoval County, New Mexico

Vice Chair Scherzinger motion to approve, second by Commissioner Lucero. Motion passed. Vote was unanimous.

D. *Item deferred from the June 6, 2013 meeting...*

Review and Consideration of **APPEAL** (APP-13-001) of March 28, 2013 Sandoval County Planning and Zoning Commission Decision (CU-12-003) to Deny a Request for a Conditional Use Permit to Allow Operation of a Restaurant and Grocery later than 9 p.m. / Subject Site Located at Lot 7, Centro de Algodones Subdivision, Algodones Community, Adjacent to Northeast Portion of the Intersection of Interstate 25 and NM 313 / Approx. 2.3764 Acres / Subject Site Currently under RC (Rural Commercial) and OZ-CORR (Corridor Overlay) Zoning / **APPELLANT** William Baldwin

Director Michael Springfield reviewed the rules of order. County Clerk Garbagni administered the oath to citizens testifying on this matter. Appellant William Baldwin and his legal counsel spoke about his project. Several county residents voiced their opinions. After much discussion Mr. Baldwin offered two concessions: (1) to end sales of package liquor at 10:00 p.m; (2) close his establishment at 12:00 a.m. Commissioner Lucero asked if residents had an opportunity to respond to the concessions made by Mr. Baldwin. Natalia Downey Assistant County Attorney advised it would be inappropriate at this time since that had already taken place. Commissioner Chapman requested additional information including a proximity map. Commissioner Chapman motion to remand back to Planning and Zoning Commission to consider concessions applicant has made. Second by Vice Chair Scherzinger. Commissioner Chapman, Vice Chair Scherzinger and Chair Madalena vote Yes. Commissioner Walters and Commissioner Lucero vote No. Motion passed.

10. COMMENTS FROM THE PUBLIC

David Baldwin, Rio Rancho resident asked Commissioners to consider cost of compliance when the opportunity for Sandoval County to receive federal funding arises.

11. COMMENTS FROM THE COMMISSIONERS

Chair Madalena again announced the dedication of Fire Station 21 on July 22nd at 2:00p.m. Also the golf outing at the Tamaya Resort, Santa Ana Pueblo, in honor of the late Chief Tibbetts, Wed July 24th at 8 p.m. He also announced the Jemez Feast on August 2nd.

At this time County Manager Rios and Assistant Attorney Downey recommended a recess to discuss whether or not Commissioner Chapman was able to vote on Item 9D since he previously recused himself during a Commission meeting where this matter was addressed.

Commissioner Lucero motion to recess at 8:05 p.m. Second by Vice Chair Scherzinger. Motion passed. Vote was unanimous.

Commissioner Lucero motion to reconvene at 8:10p.m. Second by Commissioner Chapman. Motion passed. Vote was unanimous.

Assistant Attorney Downey explained that a recusal is self imposed and is very different from an excusal which is mandated by law. She stated that if Commissioner Chapman feels he is able to participate in the motion and vote during this meeting then he is able to do so.

12. ADJOURN

Commissioner Chapman motion to adjourn at 8:10p.m, second by Commissioner Walters.
Motion passed. Vote was unanimous.

DONE IN BERNALILLO, NEW MEXICO, COUNTY OF SANDOVAL, THIS 8 DAY OF October 2013

Lauren Garbagnoli
COUNTY CLERK

[Signature]
CHAIRMAN

APPROVED AS TO FORM:

[Signature]
COUNTY ATTORNEY

[Signature]
VICE CHAIRMAN

[Signature]
MEMBER

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MEMBER

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MEMBER