

**SANDOVAL COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
COMMISSION CHAMBERS
MAY 17, 2018 – 6:00 P.M.**

1. CALL TO ORDER

Chairman Heil called meeting to order at 6:30 p.m. Present were Chairman Heil, Vice Chairman Eichwald, Commissioner Block, Commissioner Holden-Rhodes, and Commissioner Chapman.

2. PLEDGE OF ALLEGIANCE AND NEW MEXICO PLEDGE

Pledge of Allegiance and the New Mexico Pledge was led by Chairman Heil.

3. INTRODUCTIONS & ANNOUNCEMENT

Chairman Heil stated as previously noticed, prior to this meeting today May 17, 2018, at 4:00 p.m. Sandoval County Board Of County Commissioners met in closed session to discuss collective bargaining strategies and the Sheriff's Office wage proposal pursuant to 10-15-H-15 of the open meeting act. Discussion was limited to those identified in the agenda for open or closed meeting. Commissioner Chapman advised that all the commission got notice this week that our assistant attorney Heather Smallwood will be leaving to pursue her passion and recognized her for her service to the constituents and the county. Commissioner Block echoed the same sentiment, also thanked Albuquerque Fire Department and Bernalillo County Fire Department for inviting the commission and the county manager to see and participate in what the various fire departments do on a daily basis. Commissioner Block also recognized the Sandoval County and Rio Rancho Firefighters as well, and advised that Lincoln County passed right-to-work. Vice Chairman Eichwald advised of a brush fire that nearly got out of control at the base of the mountain, thanked the Sandoval County Fire Department, the U.S. Forest Service and the crew out of Bozeman Montana for immediately containing this situation.

4. APPROVAL OF AGENDA

Commissioner Block motioned, seconded by Commissioner Chapman. Clerk Garbagni called for vote. Motion passed. Vote was unanimous.

5. PRESENTATIONS & PROCLAMATIONS

Assessor's 2018 Annual Report

(Christie Humphrey, Chief Deputy Assessor)

Christie Humphrey, Chief Deputy Assessor presented. (See Attached). Commissioner Chapman thanked Ms. Humphrey for her presentation. Commissioner Block thanked Ms. Humphrey and her staff for the report and more specifically thanked the staff who shows up every single day, working 8 hours a day to get these results for Sandoval County as Commissioner Chapman talked about.

Chairman Heil also thanked Ms. Humphrey for the presentation.

6. COMMENTS FROM THE PUBLIC

There was no constituents that signed up for public comment.

7. CONSENT AGENDA

A. Approval of Minutes From The Regular County Commission Meeting of May 3, 2018.

B. Approval of the following Budget Resolutions:

- (1) No. 5-17-18.7B(1) / Cash Transfer and Budget Resolution to Fund 3% Administrative Fee to the City of Rio Rancho for Dispatch Services for the Current Fiscal Year
- (2) No. 5-17-18.7B(2) / Cash Transfers to Reflect an Investment Swap Between the 2015 Library Bond Investment Account (Fund 8313) and General Fund Investment Account (Fund 8300)
- (3) No. 5-17-18.7B(3) / Homeland Security Budget / Increase Budget to Reflect New Federal Funding Received from the Department of Homeland Security & Energy Management / \$10,000

~~C. Request for a Motion to Authorize the County Manager to Approve Professional Services Agreement between Sandoval County and GM Emulsion for Phase 2 of the La Cueva Water Tank Project / \$249,112.69 and Authorize the County Manager Approval of all Subsequent Amendments.—Moved to regular agenda.~~

D. Approval of Grant Agreement (#NM0022L6B011705) between Sandoval County and U.S. Department of Housing and Urban Development for the Continuum of Care Program for FY 2018-2019/ \$100,389.00

E. Approval of Grant Agreement (#NM0027L6B011710) between Sandoval County and U.S. Department of Housing and Urban Development for the Continuum of Care Program for FY 2018-2019/\$191,151.00

Vice Chairman Eichwald motioned to move 7C of the consent agenda and move it to the regular agenda. Seconded by Commissioner Block. Commissioner Block motioned for approval of the consent agenda, seconded by Vice Chairman Eichwald. Clerk Garbagni called for vote. Passed as amended. Vote was unanimous.

7C. Request for a Motion to Authorize the County Manager to Approve Professional Services Agreement between Sandoval County and GM Emulsion for Phase 2 of the La Cueva Water Tank Project / \$249,112.69 and Authorize the County Manager Approval of all Subsequent Amendments.

James Maxon, Fire Chief, and Fred Marquez, Special Projects Manager presented. Commissioner Block motioned, seconded by Vice Chairman Eichwald. Clerk Garbagni called for vote. Motion passed. Vote was unanimous.

8. SANDOVAL COUNTY COMMISSION

A. Request for a Motion to Adopt Ordinance No. 5-17-18.8A Relating to the Promotion of the Ethical Conduct of Public Officials Within the County.

Vickie Harrison and Dick Mason spoke in favor of the ordinance. Madam Treasurer Laura M. Montoya read a statement for the record of the governmental code of conduct and of her concern and opposition of how the ethics ordinance is currently written and why.

Commissioner Block motioned, seconded by Vice Chairman Eichwald, Clerk Garbagni called for vote. Vote was unanimous.

B. Request for a Motion to Discuss the County Assessor's Attendance, Performance of his Duties and Provide Direction to the Legal Staff.

Two constituents spoke of their concern of the County Assessor. Tom Garcia, Sandoval County Assessor advised that he worked remotely and that doors were opened for him when he came into the office, he further stated that he was elected for his expertise and knowledge in this field and stated that the Commission were not his bosses. In addition Mr. Garcia further stated EPRA versus HIPAA, what would prevail? Mr. Garcia stated that the Commission was going down the wrong path and that the Commission would have to start at square one again and by that time he will be out of office.

Commissioner Block referenced several concerns he had and advised Mr. Garcia that as an elected official we are here to serve the tax payer. Furthermore, Commissioner Block stated the facts of the memo that had been posted for the public 72 hours before the meeting to comply with statute. Commissioner Block also spoke of the lack of leadership by the County Assessor and further stated that when staff have to clock in and out for breaks, yet the Assessor does not have to comply with rules that he himself set, in his opinion is a severe lack of leadership. Commissioner Block further stated that when staff see elected officials not showing up to work, yet the staff are held to a higher standard than the elected official, is unacceptable, and also asked the county attorney "where do we go from here". Vice Chairman Eichwald stated that he had lived in Sandoval County all of his life and had met Mr. Garcia in the County Commission Chambers once, further, he stated that the Commission is not the Assessor's boss, but that he is a Sandoval County tax payer, and when he came to protest the increase of property taxes, he could not find the assessor. Vice Chairman Eichwald stated that he is in the building 2-3 times per week and he has yet to see the Assessor in his office and said that there are a lot of demoralized people in the Assessor's Office because of the lack of leadership. Commissioner Chapman spoke of his support for the County Assessor and stated that the assessor's job is about performance and that the County Assessor has been exemplary in all the accomplishments that he has implemented. Furthermore Commissioner Chapman referenced moving into the 21st century and working remotely and thanked Mr. Garcia for a job well done. Commissioner Holden-Rhodes was direct and to the point stating "For Shame". Chairman Heil recognized Mr. Garcia's past performance and wanted an understanding of what the County Assessor is currently doing in his roll and how he fulfills his responsibility to the constituents. Mr. Garcia stated that his main conduit is Christie and Ed, and that he talks with them on a regular basis. Commissioner Block spoke of e-mails and how many he personally has sent and how many Mr. Garcia has sent. County Attorney Robin Hammer advised of her role in this process.

Commissioner Block motioned to direct the County Attorney to refer the matter to the District Attorney, seconded by Vice Chairman Eichwald. Clerk Garbagni called for vote. Commissioner Chapman and Chairman Heil voted no. Motion Passed. Vote was 3 to 2.

9. DIVISION OF FINANCE

(Cassandra Herrera, Director)

Request for a Motion to Adopt Resolution No. 5-17-18.9 Relating to Proper Accounting for Capital Assets, the Adoption of the State Statutory Capitalization Limit, and the Proper Disposal of Assets in Accordance with Applicable Statutes. Cassandra Herrera presented.

Commissioner Block motioned, seconded by Vice Chairman Eichwald. Clerk Garbagni called for vote. Motion passed. Vote was unanimous.

10. COUNTY BUSINESS DEVELOPMENT

(Antoinette Vigil, Director)

Request for a Motion to Adopt Ordinance No. 5-17-18.10 for Ideum, LLC Economic Development Fund LEDA Expansion Project and Approval of the Public Participation Agreement/\$75,000.00.

Antoinette Vigil, Director presented and advised of two items of corrections that must be changed to the ordinance. Jim Spadaccine presented as well.

Commissioner Block motioned, seconded by Vice Chairman Eichwald. Clerk Garbagni called for vote. Motion passed. Vote was unanimous.

11. CLOSED SESSION

To Discuss Exemption For Article V.D.3 Of The Sandoval County Personnel Rules and Regulations.
Closed Session entered into at 8:43 p.m. County Commission entered Chambers at 8:52 p.m. Commissioner Block motioned to return, seconded by Commissioner Holden-Rhodes. Chairman Heil stated "the matters discussed in the closed meeting were limited only to those specified in the motion for the closed meeting".

12. COMMENTS FROM THE COMMISSIONERS

None

13. ADJORN

Commissioner Chapman motioned, seconded by Vice Chairman Eichwald. Clerk Garbagni called for vote. Vote was unanimous

Chairman Heil adjourned at 8:55 p.m.

DONE IN BERNALILLO, NEW MEXICO, COUNTY OF SANDOVAL, THIS 7 DAY OF June, 2018

Eileen Garbagni
COUNTY CLERK

David Heil
CHAIRMAN

APPROVED AS TO FORM:

[Signature]
COUNTY ATTORNEY

VICE CHAIR
[Signature]
MEMBER

[Signature]
MEMBER

[Signature]
MEMBER