

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

November 26, 2002

Chairman Aurelio H. Padilla called the Meeting to order at 5:05 P.M.

PRESENT	ABSENT
Aurelio H. Padilla, Chairman	
Gary Daves, Vice-Chairman	
S. T. Frank Pando, Member	
	Alicia Aguilar, Member
Helen Baca, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Aurelio H. Padilla called the Meeting to order at 5:05 P.M. Tina Gallegos, County Clerk read the agenda for the November 26, 2002 Regular Commission Meeting.

Executive Session

Commissioner Pando made a motion to enter into executive session. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Chairman Padilla called the meeting back to order.

Mr. Fernandez on behalf of Human Resources Manager, Carol Anaya, reported that in executive session the following was discussed. New Hires Pending Pre-employment Physical and Drug and Alcohol Testing has been approved for Daniel Trujillo who was a part-time band director for the Older American Program, Temporary Hire Robert White replacing Richard Weathersby while he is on leave without pay, Animal Control, Status change from Probationary to Non-Probationary with salary adjustment per budget approval for John Jaramillo, Animal Control, Approval of Appraiser increment with Certification of Completion, International Association of Assessing Officers for Beverly Gonzales, Resignation for Simon Heffron, Sheriff’s Department.

Mr. Fernandez reported that in executive session the following was discussed. Ruben Chavez had requested for administrative leave to attend a State Highway Dept. meeting but will fall on normal working days so it does not require administrative leave.

County Attorney, Tom Garde reported in executive session the following was discussed. We received the final approval from the Attorney General’s Office and Department of Finance and Administration with regards to the modifications of the contract between Valencia County and Cornell. A final copy has been forwarded to Cornell for their review and the actual signing of the contract will be December 10, 2002 at the next Regular County Commission Meeting. It will then be forwarded on to the appropriate state agencies. Discussed was the approval by Department of Finance and Administration of the sale of the portion of Violet Road, which this Commission by Resolution abandoned some months ago and a public notice will be published in the newspaper for prospective bidders on that particular piece of property. Discussed was the potential settlement negotiations concerning Ber Ben Road and Mr. Garde said he will make a presentation at the next Commission Meeting with details with any possible solutions of that roadway. Mr. Garde said he further advised this Commission of the declared judgment lawsuit filed by Lawrence Alba concerning the People’s Energy Plant that matter will be in District Court and will be a companion case with the Administrative Appeal that was filed the middle of October by Mr. Alba. Discussed was the lawsuit that Valencia County is involved with concerning the Burris Estate and Harvey Yates and we discussed a possible solution to that case and Mr. Garde said he will be making a presentation before the Commission in the form of potential abandoned roads within the appropriate units and this will be presented after the first of the year.

Commissioner Pando made a motion to accept these reports as to what was discussed in executive session. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca didn’t vote, as she was not present in executive session. Chairman Padilla voted yes. Motion carried. 3-0.

Chairman Padilla asked Commissioner Frank Pando to lead the Pledge of Allegiance.

Approval of Agenda

Ms. Gallegos read the agenda for the November 26, 2002 Regular County Commission Meeting. Chairman Padilla said on Item A Request to reconsider action for Marble Quarry Rd is to be deleted,

as Governor Alvino Lucero will not be present. Commissioner Daves made a motion for approval with the deletion as stated by Chairman Padilla. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Approval of Minutes

October 1, 2002 Regular Meeting

Commissioner Pando made a motion for approval of the above minutes. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Public Requests

Mr. Fernandez stated that he had received a call from Commissioner Aguilar that she was running late.

PLANNING AND ZONING MATTERS:

FACTS AND FINDINGS:

Findings and Conclusions on Armijo Land Split (20 Don Pedro Road) – Tom Garde

Mr. Garde brought before the Commission the findings and conclusions concerning the application of the Ben and Patty Armijo's application to amend the zone maps from R2 to R1. Mr. Garde presented the outline of what procedures were followed with regards to that process. The initial request was that the 3.31 acres be split into three one acre parcels that application was amended by the Armijo's to reflect a one acre split of where the family residence is located, the balance of the property would remain as is. Mr. Garde stated in discussion with Planning and Zoning, Ruben Chavez, the Armijo's were advised they were required to create a 40-ft. roadway with a 50-ft. radius cul-de-sac to the other property. This residence is now Rural Residential 1, the remaining property the 2.3 acres with easements will remain as Rural Residential 2 property. This property is in the green belt and also in the findings the two properties across the street are in fact one-acre parcels and the decision of this Commission reflects as follows. The Board of Commission of Valencia County grants the application of Benjamin and Patty Armijo's application to amend zone maps to Rural Residential 2 to Rural Residential 1 where the family residence is located consisting of one acre more or less conditioned on a survey addressing both parcels of property including a private road easement access of at least 40 ft in width and a radius cul-de-sac of 50-ft. on the remaining 2.311 parcel of property. Commissioner Baca made a motion for approval of these findings and facts as presented by Mr. Garde. Seconded by Commissioner Daves. Discussion. Mr. Garde advised Commissioner Pando to abstain because he was not present at the meeting concerning the Armijo Land Split. Commissioner Daves voted yes. Commissioner Baca voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Request Dedication and Maintenance of Vista Alegre Road – Lorenzo Romero

Mr. Romero asked Commissioners for maintenance of Vista Alegre Road. Vista Alegre is located in the Mesa Hermosa Subdivision, an approved subdivision in the County. Mr. Romero said there are currently six homes in this subdivision, which currently consists of 24 lots, which equals 25% occupancy. Mr. Chavez stated that dedication of roads may not be considered for maintenance until 80% of the units constructed or phase of the units constructed are complete. After further discussion Commission felt this should be the developers priority because as Commissioner Pando stated if we decide on approval the seventh owner to this subdivision would contact the County immediately for maintenance and this should be the developers responsibility until all the lots are sold. Commissioner Baca stated this was in her District and the information before her does not meet the specifications for approval. Commissioner Baca made a motion to deny this request. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Request Dedication and Maintenance of Carlitos Road – Ruben Garcia

Mr. Garcia stated he would like for the County to maintain Carlitos Road. Chairman Padilla said this is in Commissioner Aguilar's District as she was running late. Chairman Padilla said according to Planning and Zoning Carlitos Land does meet the standards set forth in Resolution 01-35, a resolution approving a method for requesting county road maintenance. Also Carlitos Lane comes off Roberto Rd, which is a county dedicated and maintained road. Commissioner Pando made a motion for approval of this request. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca. Motion carried. 3-0.

Department Requests/Reports

Board of Commissioners Convenes as Canvassing Board

Canvass Re-Count results for County Commission District 1 – Tina Gallegos

Board Re-Convenes as Valencia County Board of Commissioners

Commissioner Pando made a motion to convene as Canvassing Board. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Ms. Gallegos reported on the canvass re-count results that was conducted in District Court on Thursday, November 21, 2002. Ms. Gallegos said this was for County Commission District 1 and those ballots were counted for that District. The numbers did change from the original canvass that you had signed and Ms. Gallegos said at this time she would present those numbers with Mary Anderson receiving a total vote count of 1673 and Carlos Montoya receiving a total vote count of 1651. There is now a 22-vote difference between the two candidates and as Ms. Gallegos stated

there was a number change however the outcome for the winning candidate did not. Commissioner Pando made a motion for approval. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Commissioner Pando made a motion to reconvene as Valencia County Board of Commissioners. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Request for County Commission signatures on the Certificates of Election – Tina Gallegos

Ms. Gallegos requested Commission signatures on the certificates of election for the General Election 2002 winning candidates. The certificates were not available during the canvass on November 8, 2002. Commissioners signed the certificates of election. Ms. Gallegos stated the certificates will be mailed certified to the winners of the 2002 General Election.

Animal Control Advisory Board Membership Appointments – Judy Babcock

Ms. Babcock reported on Cynthia Ferrari's resignation on the Animal Control Advisory Board because of schedule conflicts. Ms. Babcock had three people that had applied for the position, Mark Rosenblum, Betsy Till and Ronald A. Gustafson. Commissioner Pando asked how many are on the Board right now? Ms. Babcock said there are six and we want the Commission to choose from the three applicants before you. Commissioner Pando said he thinks the world of volunteers and he would like to put all three on the board because we have to remember these are volunteers with no benefits. Commissioner Pando said he commends these volunteers. Ms. Babcock said she would not have a problem with all three on the Board because at times some are absent. Commissioner Pando made a motion for approval of the three applicants. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes but he had a concern with all the emotional turmoil the Board has undergone but Ms. Babcock assured him they have matured somewhat in their decision-making. Commissioner Baca voted yes. Motion carried. 3-0.

Financial/Business Matters:

Request Approval of permanent cash transfer to General Fund and Budget Increase-Expenditures to return employees to 40 hrs. – James Fernandez

Mr. Fernandez reported on the request for approval of the permanent cash transfer from the General Fund Cash Reserves to the expenditure line items for each individual department. Under the Commission, Managers, Recording & Filing, Bureau of Elections, Collections, Building Inspector, Probate Judge, Data Processing, Zoning, Fire Marshal, and Planning to bring employees back to 40 hours beginning December 23, 2002. It was the direction of the Commission to have this Resolution presented at this time to have in place contingent upon other agencies for contract beds in the Adult Detention Center as well have the history of revenues that have come in to the facility. As of today the amount received is \$115,059.52. For the month of October the billing is \$87,220.00 for total of \$202,279.52 budgeted revenue for a full year is \$250,000 remaining to be collected is \$147,720.48, Jail Monitor is a monthly amount that we have received from Cornell of \$30,000 so far \$5,000 has been received but we anticipate the whole amount. Electric Monitoring as of today \$2,913.00 has been received, care of Municipal prisoners for City of Belen, Los Lunas and Bosque Farms as of today, \$109,320.21 has been received but still receivable is \$10,601.84 for total of \$119,922.05, budgeted revenue \$50,000 we have exceeded that by \$69,922.05, corrections fees, \$50,000 has been budgeted, this we get in the spring of each year, so total revenue received in the Adult Detention Center as of today is \$357,735.37 anticipated revenue yet to come in has been built by \$151,926.76 for total revenue of \$509,662.13 and compared to what has been budgeted yet to be collected \$70,337.87 and this gives the Commission an update of what the revenue looks like. Mr. Fernandez said he has cautioned this Commission over and over again we will monitor the revenues coming in is contingent upon these contracts being in place to place the employees back on 40 hours. Mr. Fernandez said he wanted to clarify the intent of this Commission that you wanted to consider, possibly approve this and once we had these contracts in place hopefully at the beginning of December that would be submitted to the State. After lengthy discussion, Commission asked Mr. Fernandez on his recommendation for precautionary reasons. Mr. Fernandez said he feels comfortable that the revenue is coming in but to wait until the 10th of December when we know more based on the revenue brought in by the Treasurer's Office and especially with the contract with Bernalillo County. Commissioner Daves made a motion to defer action on this resolution and table this item until the next meeting, which will be December 10, 2002. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted no. Commissioner Daves voted yes. Commissioner Baca voted yes. Chairman Padilla voted yes. 3-1.

Creation of New Fund Budget Increase Traffic Safety Education and Enforcement Project – James Fernandez

Mr. Fernandez stated this next item is a revision to the 2002/2003 Budget/Creation which is a grant that has been received by the Sheriffs Office, Project Number 03-PS-05-109 traffic safety education and enforcement project in the amount of \$12,247.00. This will create two expenditure line items of overtime salaries of \$200.00 and safety equipment of \$1,047.00. Commissioner Daves made a motion for approval. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Request to Consider Salary Increases for County Elected Officials – Beverly Gonzales

Ms. Gonzales said she is aware that the county is not currently financially able to implement these salary increases, but should in the future monies become available, the salary increases would have already been approved and in place. Ms. Gonzales stated that the legislature passed a salary

increase for County Elected officials last session. It is important for all County Elected officials that this Commission considers passing this before December 2002 so that the newly elected officials can benefit in the future should the County become financially stable again. Commissioner Daves asked Mr. Garde if we pass this is it structured that this is in place the first of January? Mr. Garde said it would be subject to budget constraints. Commissioner Daves made a motion for approval. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Commissioner Baca had to leave at 7:20 PM.

Approval of 3 Grants for the Valencia County Sheriff's Department – Monica Mireles

Ms. Mireles presented three grants for the Sheriff's Department as follows:

- 1) US Department of Justice – Home Land Security in the amount of \$3,500.00
- 2) State Highway Dept.-Operation DWI Project in the amount of \$1,920.00
- 3) State Highway Dept – Operation Buckle Down Project in the amount of \$960.00

Ms. Mireles reported that the first grant does not require signatures because we have already been approved for this funding but the Commission does need to accept this grant. This grant will be used for training and for computer and communication equipment. The second grant will be used for overtime and for the Sheriff's office to conduct super blitzes to help combat DWI in Valencia County and this grant does require the Chair's signature. The third grant is also for super blitzes and helping combat the non-use of constraints in their vehicles. This will be used for overtime as well. Commissioner Pando made a motion for approval of these grants as stated above. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Consideration/Approval of Payroll and Warrants – James Fernandez

Mr. Fernandez presented the Treasurer's Financial Report as of Monday, November 25, 2002 the cash balance is \$305,313.82. Mr. Fernandez presented the printout list of all the checks issued by the Manager's Office on November 15, 2002 covering payroll processed on that date. Warrant #70429 thru Warrant #70469 inclusive. Payroll #55356 thru Payroll #55533 inclusive. Listing total \$181,240.39 and of that amount \$114,773.72 is from the General Fund. Commissioner Pando made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Mr. Fernandez presented the printout lists of all the checks issued by the Manager's Office on November 21, 2002 covering vendor bills processed on that date. Check #70462 for the total amount of \$4,433.84 and this was for postage and of that amount \$4,386.43 if from the General Fund. Commissioner Pando made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Mr. Fernandez presented the printout lists of all the checks issued by the Manager's Office on November 21, 2002 covering vendor bills processed on that date. Check #70470 thru Check #70840 inclusive for the total amount of \$773,374.18 and of that amount \$102,068.96 is from the General Fund. Commissioner Daves made a motion for approval. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Manager's Report:

Manager's Report – James Fernandez

Jail Monitor's Report – Informational

Mr. Fernandez reported for the period of November 8, 2002 to November 21, 2002 the average prisoner count was 186 with 169 males and 19 females. Mr. Fernandez also provided to the Commission a copy of the October billing from the Adult Detention Facility giving you an indication of the utilization of the different entities.

The next Regular Meeting of the Valencia County Board of County Commission will be held on December 10, 2002 at 9:00 AM Executive Session and 10:00 AM Regular Session in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Daves made a motion for adjournment. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0. Time being 7:35 PM.

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
AURELIO H. PADILLA, CHAIRMAN**

**ss/
GARY DAVES, VICE-CHAIRMAN**

S. T. FRANK PANDO, MEMBER

ALICIA AGUILAR, MEMBER

HELEN BACA, MEMBER

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: December 23, 2002