

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

January 7, 2003

Chairman Aurelio H. Padilla called the Meeting to order at 10:20 A.M.

PRESENT	ABSENT
Aurelio H. Padilla, Chairman	
Gary Daves, Vice-Chairman	
Mary J. Andersen, Member	
Alicia Aguilar, Member	
Paul Edward Trujillo, 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 10:20 A.M. Tina Gallegos, County Clerk read the agenda for executive session.

Executive Session

Commissioner Daves made a motion to enter into executive session. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Chairman Padilla called the meeting back to order.

Carol Anaya, Human Resources Manager reported in executive session the following was discussed. Newly elected Officials that were sworn in Commissioner Mary Andersen, Commissioner Paul Trujillo, Probate Judge Reyna Carrejo, Sheriff Richard Perea, County Assessor, Beverly Gonzales, Undersheriff William Martinez, which is an exempt position. Resignations from Ronnie Chavez, Landfill, Donna Baker, Planning and Zoning Secretary, Louie Pena, Road Superintendent, New Hires Pending Pre-Employment Physical, Drug and Alcohol Test for Rosemary Sandoval, Assessor's Office.

Tom Garde, County Attorney reported in executive session the following was discussed. Under pending litigation the status of the Ber Ben lawsuit involving a declaratory judgment action, the status of the administrative appeal involving the Steven Romero property, the status of the two cases of People's Energy, one was the administrative appeal and the other was a declaratory judgment action, the status of the Harvey Yates and Elizabeth Burris lawsuit, the existing administrative order involving EID which is set to expire January 18, 2003, the status of the decision of this Commission on the Ben Armijo property and the no appeal that was filed with regards to that case, pending expiration of the Solid Waste Ordinance and this will expire March 30, 2003 and last was discussed a sale offer to the County, property in Los Chavez owned by the Sichler family and direction was given to administration to answer items by this Commission and there was no action taken on any of these items.

James Fernandez, County Manager reported in executive session the following was discussed. The request for proposals for legal services and the Board determined interviews for the three proposals at the next meeting, the exempt positions were discussed and Commission wanted job descriptions to these positions that include duties of their department head and the number of individuals they supervise.

Commissioner Daves made a motion to accept these reports as presented. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Chairman Padilla asked Commissioner Trujillo to lead the Pledge of Allegiance.

Approval of Agenda

Ms. Gallegos read the agenda for the January 7, 2003 Regular Commission Meeting. Mr. Fernandez said there are no minutes for approval at this meeting and Item L there is only Warrants for approval because payroll was approved at the December 23, 2002 meeting. Commissioner Daves made a motion to approve the agenda as read and amended by Mr. Fernandez. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Approval of Minutes

No minutes for approval at this meeting.

Public Requests

Dave Crawford, a retired schoolteacher asked for clarification from the Commissioners on manufactured homes. Mr. Crawford asked questions concerning the requirements of the ordinance that has to deal with manufactured homes. Mr. Chavez from Planning and Zoning explained the procedures on permanent foundation for rental units. No action taken on this item.

Action Items:

Re-Organization – Valencia County Commission

Chairman Padilla asked for nominations for chairman and for vice-chair of this Commission. Commissioner Andersen stated she had a question before they proceed with nominations. She would like to recommend to this Commission a procedure that she has seen used in governmental bodies for a long time and that all members of this Commission are eligible to chair this Commission. And as such nominations are not required according to Robert Rules of Order if you vote by ballot. Commissioner Andersen said it is in the form of a written ballot and this eliminates injured feelings of someone not getting nominated. Chairman Padilla said he had not seen that procedure because this Board always asked for nominations at the table. Commissioner Daves said he did not have a problem with this procedure but hadn't seen it done. Commissioner Daves said he will go for the majority of what this Board wants to do. Commissioner Andersen said she assures that this procedure is in the Robert Rules of Order and is possible to do this in this manner. Commissioner Daves said he felt it was appropriate to go with the procedure they have used in the past so with that said Commissioner Daves nominated Chairman Padilla to remain as Chair and stated this was in the form of a motion. Chairman Padilla said he will decline for personal reasons. Chairman Padilla in turn nominated Commissioner Daves for Chair and this was in the form of a motion. Commissioner Aguilar said in talking Robert Rules of Order we have to address the first motion. Mr. Garde suggested that Commissioner Daves withdraw his motion and go to the second motion. Commissioner Daves withdrew his motion. Chairman Padilla stated his motion to nominate Commissioner Daves for Chair. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0

Chairman Daves took order at this time and thanked the Commission for putting him in this position. Chairman Daves made a motion that Commissioner Trujillo accept the nomination for Vice-Chair. Seconded by Chairman Padilla. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Chairman Daves said he would not ask for individual votes but ask for the majority to say aye but if there is a nay please make the Board aware of your vote. Chairman Daves said seating can be at the pleasure of the Commission and feel free to do so or remain as such and at the next meeting please arrange the seating formation. Commissioner Andersen said as elected officials their votes are public information and as such she feels that they need to be legally recorded as such on each vote. Mr. Garde said it is a consensus of the Board but if the Commissioners are voting in the affirmative then they need not be asked individually. Chairman Daves said the way he will word it is all those in favor say aye and if you are a nay vote please respond accordingly. And also if there is no objection the vote is approved. Commissioner Aguilar said according to Robert Rules of Order after the Commission comes out of executive session there needs to be an individual poll of the vote so in some cases he needs to ask for individual voting. Commissioner Trujillo said he feels Chairman Daves wants this procedure to expedite the meeting but said it could reflect in the minutes how each Commissioner votes. Chairman Daves said he needs to do his homework on this procedure but will move forward.

Approval & Adoption of Resolutions – Valencia County Commission

Setting Date, Time, & Place of Public Meetings

Robert Rules of Order

Chairman Daves asked Mr. Fernandez the procedure of this resolution. Mr. Fernandez said the Resolution that is before the Commission that they will comply with the Open Meetings Act (NMSA 1978, Sections 10-15 1-4), when the meetings will be held and at what time. Commissioner Padilla made a motion for approval of **Resolution 2003-01** keeping the dates and times, First and Third Tuesday of every month, a morning meeting at 9:00 AM and the second meeting, an evening meeting at 5:00 PM and keeping within the Resolution as presented. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Chairman Daves called for the motion for the Robert Rules of Order. Chairman Daves said this is the resolution that was passed last year and there were additional items that the Commission felt that were adequate to follow. Commissioner Aguilar stated on this resolution in making an exception to Robert Rules of Order she had received several calls on how the Commission handled Robert Rules of Order and Commissioner Aguilar said they had been modified by the Commission she doesn't think the public was pleased with that. Commissioner Aguilar said she will make a motion to approve **Resolution 2003-02** with the exception of Item 2 and 3. Seconded by Commissioner Andersen. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Adoption of 2003 Holiday Schedule – Valencia County Commission

Chairman Daves called for the motion on this item. Commissioner Padilla made a motion for approval of the 2003 holiday schedule. Seconded by Commissioner Andersen. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Discussion of County Commission Initiatives for 2003 – Valencia County Commission

Chairman Daves stated that this country ought to have a Native American Holiday and this issue he feels strongly even before he was elected County Commissioner. Chairman Daves said he intends to come forward with an initiative to make Valencia County who has a Pueblo within its boundaries and would like to see this take place. Chairman Daves said there is pending legislation on this issue and asked Commission approval for this initiative.

Commissioner Andersen suggested she would like to see this five member Board have a retreat somewhere with a facilitator outside county government to help set goals and paths and discuss Robert Rules of Order. Commissioner Andersen said we need to have a common goal and move toward true progress and the only way to identify the items we have in common. It is impossible to have those types of discussions in executive session because of the legal format.

Commissioner Aguilar said she agreed with Commissioner Andersen because before we can set goals, we need to have some type of report of where we are at and where we are going with budget issues, mandates and so forth and share those ideas.

Commissioner Trujillo said he agreed and his request is if this does occur when we get together that it happen on a weekend and does feel it is necessary.

Commissioner Aguilar said she doesn't feel like we need a facilitator to work with the Commission because when we get together with administration, elected officials and department heads it works very well.

Commissioner Padilla said he has had several calls on concerns from other districts and it is important we discuss these issues and move forward in a direction that is right with the public.

Chairman Daves said a retreat would be good because for him he does need to familiarize himself with Robert Rules of Order and so forth. Chairman Daves did ask Commissioner Andersen to work with administration and see how this Board can get together and work on different issues.

Chairman Daves said he would like to mention items that he feels is of interest. The trash in the County needs to be cleaned up by the County through its condemnation power. We need to come up with a process and procedure to have this done. There are abandoned mobile homes in the County that need to be looked at and proceed with. The comprehensive plan needs to be revisited because the policy does need to have changes in it. Our attorney mentioned the Solid Waste Ordinance will expire at the end of March so this will be an issue to be looked at. The road superintendent retired so we need to do a management audit of that department to see where we are for us to get a feel for the resources that evolve around this issue. Chairman Daves asked administration to look at these issues to see if we can move forward with proper procedure.

Commissioner Aguilar said Chairman Daves you are giving direction to staff on these issues but the Commission as a whole needs to look at each item because a few minutes ago we were discussing unity and harmony and it is not going to be just one Commissioner giving direction because these issues do need to come before the Board or on an agenda or workshop to see where we are going.

Commissioner Andersen agreed and said by having a retreat these issues can be discussed for the benefit of the County.

Chairman Daves said he does not object to having a retreat and will withdraw these issues that have been brought up and will have additional discussion on these issues.

Commissioner Trujillo said he appreciates this discussion on initiatives that need to be brought forward but maybe each Commissioner can bring their request to the County Manager and then he can format those issues and have a workshop.

Discussion of Appointments to County Boards – Valencia County Commission

Commissioner Aguilar said she would recommend and make a motion that we extend Planning and Zoning Board to a seven member Board, five with two at large. Seconded by Commissioner Padilla. Discussion. Commissioner Andersen voted no. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted no. Chairman Daves broke the tie and voted no. Motion failed. 3-2

Planning/Zoning Board

Commissioner Andersen recommended Anthony J. Williams to replace Jaime Goldberg in District I. Commissioner Aguilar said she will be retaining Commissioner Harold Maez in District II. Commissioner Aguilar said he has done an excellent job and showed commitment to this position. Commissioner Padilla said he will be retaining Commissioner George Koch in District IV. Commissioner Trujillo said he recommended and will appoint Mark Peter to replace Herman Tabet in District III. Chairman Daves said he will retain Bill Holliday in District V. Chairman Daves asked for a motion. Commissioner Andersen made a motion to approve these appointments on the Planning

and Zoning Board of Commissioners. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Commissioner Aguilar said not to take up more time but she feels this is the time to reflect on what an outstanding job Chairman Tabet has done for the Planning and Zoning Board. He has served for 25 years and would like to thank him and he donates his pay back to charity or other uses and this needs to be recognized with a plaque or certificate showing appreciation. Also Jaime Goldberg has served as Planning and Zoning Commissioner and has done an outstanding job in his position. Commissioner Padilla agreed with Commissioner Aguilar and said these two individuals need to be recognized because they have served well in these positions.

Indigent Board

Commissioner Aguilar said in District II she will be replacing Sam Anaya and would like to thank him for an outstanding job and will bring that name forward at the next meeting. Commissioner Trujillo said he was not prepared at this time to name someone in District III. Commissioner Padilla said he would retain Eloisa Tabet in District IV. Chairman Daves said he will retain Laura Simmons.

Mid-Region Council of Governments

Chairman Daves said he is the representative and has done a poor job in this position so he will ask to be replaced. Chairman Daves suggested Commissioner Andersen be appointed to the executive board and as board of director with James Fernandez being the alternate representative.

Water Assembly

Commissioner Padilla is the representative with James Fernandez as alternate. Commissioner Padilla said Mr. Fernandez has been at most of the meetings. Discussion was to retain Commissioner Padilla as representative.

Regional Planning Authority (RPO)

Commissioner Aguilar stated at this time with the current road superintendent retiring she recommends that whomever is hired should be the representative to this position because they are dealing with transportation issues. Commissioner Aguilar said this is in the form of a motion for the road superintendent to represent this position on the regional planning authority. Seconded by Commissioner Andersen. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Workforce Investment Board

Commissioner Trujillo said he would represent in this capacity for this position.

Maternal Child/Health (MCH)

Monica Mireles from County Manager's Office is the representative in this position.

Animal Control Board

Chairman Daves said the Commissioners do make these appointments and are ratified by them so we will retain the present Board of five members.

New Mexico Association of Counties

Board of Directors

Mr. Fernandez said this position is elected among the Elected Officials in the spring but is retained at the time by Beverly Gonzales.

Multi-Line/Risk Management

Carol Anaya is the representative and will be retained.

Worker's Compensation

Carol Anaya is the representative and will be retained.

Housing Authority

Carol Anaya is the representative and will be retained.

Mid-West CAP

Commissioner Padilla is the representative and will be retained.

General Requests

Department of Finance Update – James Fernandez

Mr. Fernandez reported that at the last meeting Department of Finance did determine to allow in bringing the employees back to a forty-hour workweek but still cautions the County and we need to be very vigilant in looking at the expenditures and Mr. Fernandez said he just wanted to express that to the Commission.

Planning and Zoning Matters

Request to Amend the Text of the Ordinance (Master Plan) Playa Verde Belen – Pete Ford

Chairman Daves said this was brought before the Commission in a previous meeting on December 10, 2002 to where the preliminary plat was approved with conditions. The conditions are as follows that a water availability statement be issued from New Mexico Water Service, that there is adequate water, and the legal basis and purpose for the tax abatement.

Leo Olguin from Santa Fe said he wrote the Regional Housing Law and would like to explain the bond law for this project. The developer went before the Commission of the Region III Housing Commission and requested that they issue bonds to finance this project and will issue the bonds. Pursuant to Section 11–3A.22 of the NM Statute 1978 Annotated Compilation any properties that are held by the Regional Housing Commission are exempt by the bonds. The bonds are 30-year bonds. The developer has presented to this Commission an offer a proposal that you accept payment in lieu of taxes for the first 10 years of the abatement and according to the developer and make the tax payments after the first seven years. This is not required by law. The Commission has authority to enter into any agreement with the developer for payments in lieu of taxes. The developer is not required to enter into any agreement. The Regional Housing Commission can issue the bonds and

take title to the property for the life of the bonds. The bonds are off the tax rolls for thirty years. In order to compensate the County for a portion of its projected lost tax revenues on the undeveloped land, the developer is offering to pay a lump sum of \$10,000 to the County at the time the bond are issued as a one time payment in lieu of taxes in exchange for a seven year property tax exemption for the project. Mr. Olguin said he was just here to explain that you do have the power to enter into a payment in lieu of taxes with the developer.

Mr. Ford, the agent for Riverview Village Partnership who is developing the project said at this time what we are asking today is to amend the text of the ordinance to move the project forward. Commission Padilla made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Request to Amend Zone Maps from RR2 to RR1 Splitting 1.0 Acres from 2.50 - Leonard Peralta 15 El Campo (Belen)

Commissioner Aguilar said before we start the legal in the newspaper read RR2 to RR2 and she wanted to bring this before the Commission to see how to proceed. Mr. Garde recommended that we check on the legal notice as to how it was advertised. Ms. Gallegos brought a copy for Mr. Garde's review and the legal notice did state from RR2 to RR2 and his recommendation was to table this item and have the correct request to amend the zone maps from RR2 to RR1. Commissioner Padilla made a motion to table this item until the legal ads are corrected and placed back on the agenda. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Department Requests/Reports

Board of Commissioners Convenes as Indigent Board

Indigent Report/Appeal – Barbara Baker

Board Re-Convenes as Valencia County Board of Commissioners

Commissioner Padilla made a motion to convene as the Indigent Board. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Motion carried. 4-0.

Barbara Baker reported the indigent claims from November 26, 2002 to December 31, 2002. The total amount of claims submitted is \$242,860.51 and she asked that \$53,418.83 be approved and to deny \$189,441.68. There were 78 claims submitted and 28 applicant denials. Commissioner Padilla made a motion for approval. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Ms. Baker reported one appeal from Mr. Fernandez on inmate Gary Lucero. Valencia County Indigent received the bill from Presbyterian Physician Billing 90 days after service. Mr. Fernandez would like Valencia County to reconsider the denial. If the denial is approved Valencia County Indigent would pay \$69.60 to Presbyterian Physician Billing. Commissioner Andersen made a motion for approval. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Commissioner Andersen made a motion to re convene as Board of County Commissioners. Seconded by Commissioner Padilla. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Request for Out-of-State to NACO Washington, DC – James Fernandez

Mr. Fernandez said he has had some requests to attend the NACO Conference in Washington, DC on February 28, 2003 through March 4, 2003. The estimated cost per elected official to attend this conference is \$1667.50. Mr. Fernandez gave the current total remaining budgets for travel and if the Board should approve travel the two line items, mileage and per diem and registration line items would need to be increased and a resolution will need to be adopted by this Board at the next Commission Meeting and forwarded to DFA for their review and approval. Chairman Daves asked if any of the Commissioners were interested and Commissioner Aguilar, Commissioner Andersen and Commissioner Padilla said they were.

Financial/Business Matters

Resolution for Temporary Cash Transfer 2002/2003 Budget – James Fernandez

U.S. Department of Justice Grant/Homeland Security

Operation DWI/Operation Buckle-Down

Mr. Fernandez said these two grants were brought before the Commission at the last meeting and DFA has informed him that any grant that we receive is that we request a temporary cash transfer to cover these items until reimbursements are received from the grant agency. There are two grants that this Commission approved at the last meeting so we need a resolution to cover this procedure. Commissioner Andersen made a motion for approval of **Resolution 2003-03**. Seconded by Commissioner Padilla. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Approval of Warrants – James Fernandez

Mr. Fernandez presented computer printout lists of all the checks issued by the Manager's Office on January 3, 2003 covering vendor bills processed on that date. Check #71142 thru Check #71202 inclusive for the total of \$85,136.77 and of that amount \$23,482.92 is from the General Fund. Commissioner Padilla made a motion for approval of warrants. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0.

Manager's Report

Manager's Report – James Fernandez

Jail Monitor's Report – Informational

Mr. Fernandez reported for the period of December 6, 2002 to December 30, 2002 the average prisoner count was 130 with 118 males and 8 females.

The next Regular Meeting of the Valencia County Board of County Commission will be held on Tuesday, January 21, 2003 at 5:00 PM Executive Session and 6:00 PM Regular Session in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Andersen made a motion to adjourn. Seconded by Commissioner Trujillo. Discussion. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 4-0. Time being 12:15 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/
GARY DAVES, CHAIRMAN**

**ss/
PAUL EDWARD TRUJILLO, VICE-CHAIRMAN**

**ss/
MARY J. ANDERSEN, MEMBER**

**ss/
ALICIA AGUILAR, MEMBER**

AURELIO H. PADILLA, MEMBER

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: January 21, 2003