

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

March 18, 2003

Chairman Gary Daves called the Meeting to order at 5:15 P.M.

PRESENT	ABSENT
Gary Daves, Chairman	
Paul Edward Trujillo, Vice-Chairman	
Aurelio H. Padilla, Member	
Alicia Aguilar, Member	
Mary J. Andersen, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Gary Daves called the Meeting to order at 5:15 P.M. Tina Gallegos, County Clerk read the agenda for the executive session. Tom Garde, County Attorney said in executive session under potential litigation we will be discussing Animal Control and the interpretation with regards to the administrative order as requested by the Commission. James Fernandez, County Manager said in executive session under contracts with the additional discussion of the medical director he would like to bring to this Board's attention the contract for Miliano Sanchez.

Commissioner Aguilar said today she had attended a seminar conducted by the Attorney General's Office, NM FOG and also the Attorney for the City of Albuquerque, this was an all day training on open meetings act and inspection of public documents. Commissioner Aguilar said she learned today that potential litigation couldn't be discussed in executive session. We used to be able to do that back in the early 90's but the law has changed. Commissioner Aguilar said she had the book with her. As far as the Commission discussing the contractual or appointed positions as to responsibilities and duties that is not specific personnel that has to be discussed in a public meeting.

Chairman Daves said the latter makes sense but the former does not. Commissioner Padilla said then what can you discuss in executive session? Commissioner Aguilar said it has to be very, very specific. Chairman Daves said then Commissioner Aguilar is that your impression of an impounded grand jury of which Valencia County is a target is that something that is not appropriate for executive session? Commissioner Aguilar said no, what she is saying that it was not advertised and it is not on the agenda. Chairman Daves said that is not what he understood her to say earlier. Commissioner Aguilar said our attorney said under potential litigation, and she questioned the word potential. Chairman Daves said then his question is maybe the correct wording would be a pending grand jury litigation. Mr. Garde said there is an existing grand jury petition that has requested a grand jury investigation. Chairman Daves said is that appropriate for executive session? Chairman Daves said he thinks that the world won't end if we don't discuss this today but thought it would be appropriate if it was discussed today. Chairman Daves asked Mr. Garde if he saw any imperatives with regards to deadlines or things coming up. Mr. Garde said we can discuss this at the next meeting. Chairman Daves so then in executive session we will not discuss any issues pertaining to Animal Control.

Executive Session

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

Chairman Daves called the meeting back to order. Commissioner Padilla made a motion to enter Regular Session. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Carol Anaya, Human Resources Manager reported the following was discussed in executive session. New Hires Pending Pre-Employment/Physical/Drug Test for Probationary Full-Time Status for Kathy Munoz, Older American Program, Temporary Hire for Donna Baker until June 30, 2003, Resignation of Lena Cruz, Voluntary Resignation, Dismissal of Toby Zamora, Probationary employee, Status Change from Probationary to Non-Probationary with salary adjustment for Chris Castillo, County Clerk's Department.

Mr. Fernandez reported the following was discussed in executive session. The contract for the Medical Director and for the Community service monitor was discussed. No action was taken on that item.

Mr. Garde reported the following was discussed in executive session. The pending lawsuit with regards to the Elizabeth Burris/Harvey Yates lawsuit. The status of the administrative appeal that was filed against Valencia County by the Environmental Department. No action was taken on either

of those items. There is a pending hearing on Friday, March 21, 2003 on People's Energy administrative appeal and there was discussion on the zoning issue involving the Martinez case. No action was taken on those items.

Chairman Daves said and the compliance order related to Conejo convenience station and the old solid waste facility that the County has closed. Mr. Garde said the compliance order involves both Conejo and the old landfill owned by the County. Commissioner Aguilar said there was also discussion about the abandonment of roads and this was going to be requested later on in the meeting. Mr. Garde said action with regards to the abandoned roads issue that was pertinent to the Burris lawsuit and this Commission may take some action on that during the report by the Road Department.

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

Chairman Daves asked Marilyn Silva to lead the Pledge of Allegiance.

Approval of Agenda

Ms. Gallegos read the agenda for the Regular Meeting of March 18, 2003. Mr. Fernandez said under Item B if we might have the Board sign off on the CAP Co-Op Agreements on the road inventory list that was submitted at the last meeting. Commissioner Andersen made a motion for approval of the agenda as read with the change as requested by Mr. Fernandez. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar said she objected only items that have been advertised on the agenda can be discussed if you are adding, changing or substituting something it is not allowed. Chairman Daves said is that the item that Mr. Fernandez just brought up as far as signing a previous approval of this Commission? Mr. Fernandez said the item the roads that the Board gave as their priorities for the CAP – Co-Op. Commissioner Aguilar said not this. Mr. Fernandez said that Ms. Cole was asking that those signatures take place so this can be submitted. Commissioner Aguilar said she was fine with this. Chairman Daves asked for the motion again. Commissioner Andersen made a motion for approval of the agenda as read with the change as requested by Mr. Fernandez. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Approval of Minutes

February 17, 2003 Budget Workshop
February 18, 2003 Regular Meeting
February 25, 2003 Special Meeting

Commissioner Andersen had a question on the meeting of February 18, 2003 page three on the request for zone change. Commissioner Andersen said she thought she had voted no on that item. Ms. Gallegos said we did a check on this and Chairman Daves did ask specifically how the Commission would vote on this item. It was a 4-0 vote. Commissioner Aguilar made a motion for approval for all three sets of minutes as presented above. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen. Motion carried. 4-0.

Public Requests

Clara Rehr
David Crawford
Toby Lyon
Dolores Romero
Sherry Gold

Clara Rehr wanted the Commission to be aware of a problem in her neighborhood of San Clemente. We have unfermented junkyards and she has filed a formal complaint against two property owners who have now vacated. They are using the property for storage of junk vehicles, trailers, appliances, construction material and inoperable construction vehicles and equipment. Ms. Rehr said she filed against two vacant properties. Ms. Rehr said she wants her new Commissioner from District 1 to be aware of this situation and would like to present a copy of her complaint.

David Crawford said he is here under a different agenda than usual. Mr. Crawford says he has gotten to know the Commissioners intimately over the years and unfortunately this has had little or no effect on the initial complaints. Mr. Crawford said so his question this evening is between the Commission and the Planning and Zoning Commission if we could be told as either individual citizens or as an association, what can we do to make our voices more effective. Mr. Crawford said in going through normal channels doesn't seem to be effective and he is getting really tired of this. Mr. Crawford said if the Commission can offer a lending hand in trying to help us develop a way to help the Commission who also live in this County. Mr. Crawford said he would appreciate it and would be happy to meet with any or all of the Commissioners in this endeavor.

Toby Lyon said he had a lot of questions and doesn't seem to get any answers and has spoken to all of the Commission about issues in his neighborhood. Mr. Lyon said the first public hearing that was held last year for Patricia Martinez and he was wondering if the County approved one acre, two acres or three acres of one-acre splits. Because that is what it looks like and that is what the Martinez's

look like they are working on. Mr. Lyon said so he doesn't understand why they can move one trailer in and leave it there for two years and now two more that look like a junkyard and we continue to pay taxes and get no results. We have illegal septic systems going on with no septic system for two years on Patricia's property, nothing has changed. Mr. Lyon said the neighbors are getting upset and we don't know what to do but ask for your help again. Mr. Lyon said two acres is the law and doesn't know why we can't stand by that. That is what he goes by and that is what his neighbors go by. Mr. Lyon said he doesn't think they have to keep coming before the Commission because you need to take care of business.

Chairman Daves said he wanted to ask Planning and Zoning what the status is but not get into a discussion with this but what citations have been issued. Chairman Daves said he understands there is court on this on Friday.

Dolores Romero said she has never come before the Commission but has spoken to several of the Commissioners on this issue. Ms. Romero said she is here on the same issue as Mr. Lyon. She lives across the street from the Martinez's and for the third time during the night a mobile home that is not livable, no windows and no doors has been moved in and supposedly for a rental. Ms. Romero said there is not even an acre between any of them. Ms. Romero said as Commissioners you or Commissioners in the past have set up rules, two acres, a mobile home has to be so many square feet, they have to have a foundation, for a doublewide, there are rules. But none of this seems to apply to the Martinez's. Ms. Romero said she doesn't see that it is fair to us as landowners because we have to pay taxes, we have to go the right trash place, and these people don't seem to go by the rules. This is very frustrating to them. Ms. Romero said she hopes this does get resolved in the near future because this has been going on for years.

Commissioner Aguilar said she inherited this District last year and this is an issue that has been on going now for at least five years that she knows of. It is a duty of this Commissioner and as a Commissioner of that District she would like to request a special meeting with the residents of this County and allow Ruben Chavez to come forth and let us know what is going on and what is there, bring all the facts forth so that everyone understands them, ask questions and hopefully come up with a resolution because there needs to be closure to this issue. All it is doing is splitting a community and Commissioner Aguilar said she has driven through there, we need to get involved because we need to represent the people, and if they can't get a resolution administratively then we are the next level up. Commissioner Aguilar said she would like a consensus of this Commission to grant her a workshop or special meeting to address these issues.

Commissioner Padilla said he agrees with Commissioner Aguilar because this issue has been on going for six years. When he came on board this lawsuit was pending but anyway we or Planning and Zoning might be able to clear up these problems.

Mr. Chavez said on the Martinez case we have a 3:30 PM court case tomorrow on one parcel, there are four parcels, the second one we are dealing with are there are no permits and that has been cited, on the third parcel we are dealing with multiple dwellings on the same lot.

Commissioner Trujillo said he agrees with Commissioner Aguilar but this problem is not localized in that particular case and his question is whether our procedures are effective. We need to look at other means of enforcing the ordinances that can be more expedient and he would like to see that the workshop be expanded to not only look at that situation but our means of enforcement in general and whether we can come up with some better alternatives.

Commissioner Aguilar said she agrees with Commissioner Trujillo but these folks have come before us on this one issue and there may be some commonality but by understanding this one issue which has been going on for so long and is so severe, it may bring about answers to at least get the process started for the rest of the County but she would like to request this be addressed to only her District and this issue. Commissioner Aguilar said she doesn't want to get involved in a workshop to where nothing gets resolved to where we have so many things coming forth, there are hundreds of citations out there so that she would like to address this one issue and go from there.

Commissioner Trujillo said his suggestion was to generalize this and therefore obviate the need for specifically addressing the issue but more towards formulating some policies that enable us to more effectively deal with these problems before they go on for ten years.

Chairman Daves said what has brought these people before us is that on Saturday or Sunday night a trailer was put on to that little strip of property, which made it the fourth or fifth trailer; it is trashy and fits in with that side of the street very well. Chairman Daves said that is illegal under our ordinance and we have procedures that deal with it and the concept of a workshop invites perception that we have some authority other than our ordinances which we don't. Chairman Daves said he doesn't oppose a workshop per say but he suggests this can't resolve this type of an issue. There is probably authority for this County to go and cite for that violation today or Saturday whenever it happened and that is what he suggests. Chairman Daves said he is at the pleasure of this Commission on this issue but would suggest to the Commission and the interested parties that only the Commission's authority can be used on actions with regarding to amend the zone code with regard to zone changes and certainly an issue in that Martinez area that was very controversial and we are aware of that.

Commissioner Aguilar said she is requesting a workshop and it can be at the end of the next meeting or can be before but would like to limit it for a couple of hours. This Commission has a legal moral and ethical obligation to represent the public and for someone to tell her is all we can do is look at ordinances but we are here and actions need to be taken in talking to administration, talking to an attorney, changing the ordinance, or taking some other action we need to listen to that. Because if we are not informed and don't allow it to come before us to at least address the issue then we are probably not doing our job.

Commissioner Trujillo said he would support Commissioner Aguilar's request and have it at the end of the next meeting.

Chairman Daves said he would suggest that if we have it that it not be either before or after a Regular meeting and that it be a special meeting for that purpose. He thinks it is asking too much of the Commission to try to go through a Regular Meeting then try to face a tough issue. We can direct staff to schedule a meeting and it should be some time other than a Regular meeting.

After much discussion on the scheduling of this issue, it was a consensus of this Commission to meet prior to the Regular meeting of April 15, 2003 at 1:00 PM to 3:00 PM. Chairman Daves wanted to comment and said this Commission has a practice of acting as if it could play God on items of which it has no jurisdiction and he is afraid that is where we are on this issue. These issues are very serious and he thinks they ought to be resolved and not through a workshop because he is concerned that it won't have any results other than what we can do one on one as Commissioners in asking staff what they have done. There is a concurrence of the Commission that Commissioner Aguilar just suggested there will be time set aside and advertised for this workshop.

Sherry Gold said she has been here several times and have seen the Commission's faces over the past three years on the Valencia County Animal Control Shelter on many code enforcements on issues with your Animal Control officers. She submitted a letter to this Commission as well as to the County Manager asking to be put on tonight's agenda so she wants to go on record as saying that she received a phone call saying she was being removed from the agenda which shocked her because she didn't think that was allowed with the public meetings act. Ms. Gold said she had questions. Ms. Gold said she wasn't speaking out for any particular advocate but what she is asking is to pay attention to Governor Richardson's office because there has been another prosecutor assigned to the grand jury request and Bob Schwartz will be a part of that. She wants to be able to come to the Commission with the information that she has. She has 20 years of education and experience, a letter was submitted with her education and experience, please feel free to go through any of it. Ms. Gold said she was not here to kick anybody and not here to praise anybody, all she wants to do is offer this Commission some valuable information for Animal Services out of concern. When she looks at the facility she sees an agency attempting to recreate the wheel and there are some agencies that are very successful for what they have done. With the financial issues in Valencia County, the Animal Control Services here can start generating some funds even though you are not supposed to say that it's something you can do. Ms. Gold said she asks for her letter to be reviewed, her phone number is there if anyone has any questions or concerns. Our laws are pretty antiquated, the Valencia County Ordinance is a bit holy to say the least but you do have a strong instrument that needs to be used. Ms. Gold said to the Commission, please read that information and give her a call and she will be available. Ms. Gold said she has been involved with this almost three years now and changed the opinion of one Commissioner and hops to keep going that way and that it becomes a positive instead of a negative mud throwing event.

Chairman Daves said he will note for the record he called Sherry and told her that he had instructed staff to remove her from the agenda as he set up a meeting with her and the County Manager for Thursday which is scheduled for 10:00 AM. Ms. Gold said but that is not exactly how it happened, the message on her phone was that she had been taken off, then she called Chairman Daves, then we set up a meeting because there would be no other way she would have access to the Commission unless she did so.

Commissioner Aguilar said we may have erred in the way it happened but when an individual makes a written request to the County Manager to address the Commission and it is public or county business they have a right to address us, that is part of the open meetings act and to deny that is a violation of the act so she would hope that they would invite Ms. Gold to make another request and be placed on the agenda if she so wishes. She would like to have an open mind, unbiased and definitely listen to what she has to say.

Chairman Daves said he disagrees and he hopes that we have a productive meeting on Thursday and go from there.

ACTION ITEMS:

GENERAL REQUEST:

Proclamation Child Abuse Prevention Month April 2003 – Yvonne Sias

Pam McKenzie, County Manger for the Protective Services of Valencia County said every year they come before the Commission and ask that a proclamation be drawn up designating the month of April as Child Abuse Prevention Month. We have a long tradition in this community of working together, we present information to the Commission and do a lot of community education. In April we culminate with our Funfest at Daniel Fernandez Park and we provide safe entertainment, environmental education for families and children. This is built around safe parenting and education and so forth. Ms. McKenzie said the Village of Los Lunas, Children, Youth and Families Department

and the Multidisciplinary Team have done this for a number of years and we come to the different governmental bodies and the County Commission being the first to ask for your proclamation and support on child abuse prevention. Chairman Daves asked Ms. McKenzie to read the proclamation out loud. Chairman Daves said this is a very important initiative and our children are our joy. Commissioner Andersen made a motion for approval of the Proclamation and thanked Ms McKenzie for all of their good work. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

PLANNING & ZONING:

Request Approval of Road Inventory List 2003/2004 –Helen Cole

Ms. Cole said April 1st of every year our road mileage is due in Santa Fe and this year we will be turning in 1,186.784 maintained miles. Ms. Cole said there are suggested changes in Tierra Grande area and this is included in the maintained miles above. Ms. Cole discussed with the Commission the roads added to the inventory list and the adjusted or abandoned roads. Commissioner Aguilar commented that she realizes this goes to Santa Fe and needs to be approved but she can't support it because if we have a process of acceptance of roads and we go through that with public notification and the same process should apply for abandonment of roads and there needs to be notification even though we may not be doing it they are not physical roads but on the map they are platted in representation as being that, we would maintain them. Chairman Daves said as he understands it this is a road inventory of roads that are actually maintained by the County and the roads that have been removed have not been maintained by the County and the basis for this submission is to receive funding from the County based upon the mileage of maintained roads. Commissioner Padilla asked Mr. Garde if it would be his recommendation to make a motion on this item. Mr. Garde said we need to make a decision on this item because there is a deadline to get this information to Santa Fe on the 1st of April and would recommend this Commission to go with recommendation from staff and the portion of Tierra Grande is in fact maintained and this does reflect mileage that is in the document in your packets. Commissioner Padilla made a motion for approval of this road inventory request along with the changes that were made pertaining to Tierra Grande. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted no. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

Ms. Cole said there is a map produced by Richard Chavez, Planning and Zoning that will need Commission signatures. Chairman Daves asked if we could sign the map after the meeting. Ms. Cole said that was fine. Ms. Cole said she had a resolution that also warranted the Commissioner's signatures requesting that we would like to participate in the 2003/2004 road projects which is a CAP and school bus agreement with the State Highway Department. This was due at the state level on March 15th and received your prioritization road list recently and did not meet this deadline. The State did allow for an extension of a couple days so this Resolution does need to be approved. Chairman Daves said we have already had discussion pertaining to this Resolution so we just need to sign based upon action that has already been taken.

Ms. Gallegos said for the record this would be **Resolution 2003-15**. Commissioner Aguilar said when Ms. Cole was before us she wanted a list of our roads and that was provided to her. And it was to where she was to work up the list and if we had any other changes or so we would be calling her with the changes. Commissioner Aguilar said is this not what happened at the last meeting? Ms. Cole said her request at the last meeting was for the Commission to provide a list in priority order and as far as what scope of work that needed to be done to the roads. Ms. Cole said she has done her list and have done her roads but feels this has to be turned in tomorrow.

Chairman Daves said Commissioner Aguilar had objected earlier to putting this on the agenda and staff had concurred that we had made that decision already and that is what he based his conscience on.

Mr. Fernandez said at your last meeting you indicated what your priorities were and Ms. Cole has incorporated that into this road inventory document. This document does list those roads.

Chairman Daves said this is not on the agenda and he is trying to be positive and productive for staff to allow Ms. Cole to get the job done. We had an objection of putting that on the agenda which staff said didn't matter because we had made those prior decisions.

Commissioner Trujillo made a motion for approval of **Resolution 2003-15**. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted no. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

Chairman Daves asked if the public would want Ms. Cole to read what those roads are and we can do that if anyone so wishes. No response.

Final Hearing/Consideration – Ruben Chavez/Tom Garde

Extension of Solid Waste Ordinance No. 99-04

Mr. Garde said at your last meeting we were granted permission to publish the solid waste ordinance. What we are doing is allowing the existing ordinance, which was to expire on March 31, 2003, and we have an additional 30 days so it will expire April 30, 2003. We are asking that this ordinance be extended until April 30, 2003 so we can continue with this ordinance and once this is approved we can commence the hearing with regards to the request to publish a new solid waste ordinance for the County.

Chairman Daves said so this simply allows us to have continuing authority with the idea our next agenda item is the ordinance as amended which staff has prepared based upon the public workshop that was held. Mr. Garde said that is correct but also a request to publish.

Chairman Daves asked the public if they had any questions with regard to this item on the one-month extension of the solid waste ordinance. No response.

Commissioner Padilla made a motion for approval. Mr. Garde said he would also ask on the portion that our ordinance is set to expire March 31, 2003, the motion needs to be declared an emergency for the public, health, safety and welfare of the County. Mr. Garde explained because if it is not extended by the 31st we will have no ordinance in effect from now until the 30th of April. Commissioner Padilla said he would amend his motion for approval based on what Mr. Garde's recommendation on the emergency need of the extension for the solid waste ordinance. Seconded by Commission Andersen. Discussion. Commissioner Aguilar voted no because it is not an emergency. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

**Request Permission to Publish Amendments – Ruben Chavez/Tom Garde
Valencia County Comprehensive Zoning Ordinance (Solid Waste)**

Mr. Garde said in your packets is a draft of a proposed solid waste ordinance that administration recommends and requests to publish and basically incorporate into our existing Valencia Comprehensive Zoning Ordinance. Currently the ordinance that we have is a stand alone ordinance and we ask that the new ordinance be added to our Comprehensive Zoning Ordinance in Section 14 of our Comprehensive Zoning Ordinance. Mr. Garde said we have deleted items that we felt were not feasible and changes needed to be done. We encourage public comment and copies of this proposed ordinance have been provided to the current haulers and potential haulers who would be involved with this ordinance.

Commissioner Aguilar said Mr. Garde you are asking us to grant permission to publish an amendment and this amendment is the draft that we still have not given final approval?

Mr. Garde said this Commission was provided with a copy of the amendments at the last meeting so the Commission or public could comment on the solid waste ordinance at today's meeting. We are asking for permission to publish this ordinance so we can create public discussion as to what is being presented here.

Chairman Daves asked for public comment.

Marlene Feuer, Waste Management said she spent time with Mr. Chavez on the amendment and discussed verbiage and made suggestions to this ordinance to the Commission.

Mel Sissons, Superior Waste Systems wanted to commend staff because the workshop that was held was beneficial to all the haulers. Mr. Sissons discussed the verbiage that states county owned landfill unless none exists in the ordinance.

Mr. Chavez discussed issues with the Commission on the changes and additions to the solid waste ordinance and said we are ready to go forward. Mr. Chavez said copies of this solid waste ordinance will be available at the County Clerk's Office, Planning and Zoning and it will be put on the website.

Commissioner Andersen made a motion for approval to publish the amendments to the Solid Waste Ordinance. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Request to Dedicate for Maintenance – San Domingo – Francisco Cano

Mr. Cano said he was before the Commission for maintenance for San Domingo Road. He said this is a very heavily traveled road and most of the neighbors have worked on this road themselves. Mr. Cano said they have had donated monies to have the road graveled. But whenever it rains all this washes away and we can't get out due to the mud and emergency vehicles can't get in. Mr. Cano said so whatever this Commission can do to get this road fixed.

Mr. Chavez said from a Planning standpoint, San Domingo is a private road located in Unit 8 of Highland Meadows Estates, which is an approved subdivision in Valencia County. Ingress to San Domingo is off NM State Hwy 6. San Domingo consists of 61 lots of which 34 are occupied. Occupancy of San Domingo is 56%. Regulations require 80% occupancy before any road in a subdivision may be considered for dedication. In Unit 8 San Pedro is a Los Lunas Bus Route and they use the first portion of San Domingo to access San Pedro turns left at San Pedro to San Davie then left back to Hwy 6. Mr. Chavez said that Collector roads should be dedicated before private roads.

Commissioner Aguilar said though she appreciates Mr. Chavez's comments but the request before us is San Domingo and to her understanding the petitions are for each individual road. We have already discussed San Pedro road.

Commissioner Andersen asked have we not met all the requirements to have this road maintained? They have a petition signed, fire marshal goes out, Planning, and the Road Dept. The whole community out there has had no assistance from this County since she can remember. There are residents that have lived there for 20 years and they hire a grader to do the roadwork. Commissioner Andersen said feels they have met all the requirements to have the road dedicated and maintained.

Chairman Daves asked has the County accepted any portion of San Pedro road? Commissioner Andersen said she hasn't seen it on any acceptance list anywhere. Chairman Daves said he remembers this Commission passed an acceptance ordinance that allows this Commission to waive for public, health, safety, and welfare reasons that meet the requirements.

Commissioner Aguilar said she has the minutes of August 21, 2001 where these two roads came before the Commission; a request to accept both of them for maintenance and at that time the action was not taken by the Commission to accept these roads. It was brought to our attention that the Association had raised \$2000 and they were looking at Senator Sanchez to bring home \$20,000 for fixing of those roads. Commissioner Aguilar said to her recollection grading is not going to take care of those roads and by us accepting those roads they were in such bad shape that there would be liability and the cost would be a burden on the County and our budget. It was some understanding or dialogue to buy some millings from the State and administration went as far as obtaining those millings.

Chairman Daves said he does remember this and in our ordinance does allow a waiver but by that time the chip seal had fallen through. Commissioner Andersen said in those minutes of August 21, 2001, it states Commissioner Pando made a motion to accept San Pedro and San Domingo Roads as County Roads and that motion carries. Commissioner Trujillo said his reading is the same as Commissioner Andersen that these roads were accepted. Commissioner Andersen asked that was her question to Mr. Fernandez if this is the case then why aren't these roads listed in our inventory.

Chairman Daves asked Mr. Garde to find language that supports what Commissioner Andersen just read. Mr. Garde read the motion that was passed on the meeting of August 21, 2001.

Commissioner Andersen made a motion to accept San Domingo road. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

DEPARTMENT REQUESTS/REPORTS:

Request for In State Travel to Santa Fe for Barbara Baker – James Fernandez

OSHA Training, March 24th-28th

Mr. Fernandez on behalf of Barbara Baker has requested permission for in state travel to Santa Fe, NM on March 24-28, 2003 to attend OSHA 501 training at the New Mexico Association of Counties. The registration is a free conference, the only items that she would be requesting is room, mileage and food. Commissioner Padilla made a motion to accept this request. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

FINANCIAL/BUSINES MATTERS:

Request for Budget Increase – James Fernandez

E911 Addressing

Mr. Fernandez said this request is for a budget increase in the E911 addressing and this would be an increase in the cash reserves, revenue and expenditures. Attached are the copies of the notification that we have received additional monies that have come into this particular fund, it is just recognizing that this revenue has an expenditure. Mr. Fernandez recommended approval. Commissioner Andersen made a motion to accept this budget increase request of **Resolution 2003-16**. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Request to Reject all Bids Received for Bid #539 –Construction of Pre-Fabricated Steel Building – John Cherry

Mr. Cherry said he is before the Commission to request they reject all three bids that we received on the Highland Meadows construction of the pre-fab building. Those bids range from \$50,000 to \$203,000 and that is quite a variance. Mr. Cherry said there was a lot of misunderstanding in the bidding. Mr. Cherry recommended the Commission reject all bids and re-bid the project. Commissioner Aguilar made a motion that we follow Mr. Cherry's recommendation and reject the bids for the Highland Meadows pre-fab building. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Request Permission to Re-Bid Construction of Pre-Fabricated Steel Building – John Cherry **Highland Meadows Fire Department**

Mr. Cherry said he is before the Commission to request to re-bid the construction of the pre-fabricated steel building for the Highland Meadows. Mr. Cherry recommended the Commission to re-bid. Commissioner Trujillo made a motion to follow Mr. Cherry's recommendation and re-bid for the pre-fab steel building for Highland Meadows. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Approval of Payroll & Warrants – James Fernandez

Mr. Fernandez presented the computer printout list of all the checks issued by the Manager's Office on March 7, 2003 covering payroll process on that date. Payroll check #56712 thru Payroll check #56878 inclusive. Deduction check #71841 thru Deduction check #71872 inclusive for a listing total of \$177,008.30 and of that amount \$111,835.47 is from the General Fund. Commissioner Padilla made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Mr. Fernandez presented the computer printout list of all the checks issued by the Manager's Office on March 13, 2003 covering vendor bills processed on that date. Check #71874 thru Check #71989 inclusive for the listing total of \$531,271.70 and of that amount \$43,943.21 is from the General Fund. And with approval of these warrants the General Fund balance is \$1,849,673.85. Commissioner Trujillo made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

MANAGER'S REPORT:

Manager's Report – James Fernandez

Contract – Medical Director

Jail Monitor's Report – Informational

Mr. Fernandez reported on the Public Employee Agreement for the medical director, Dr. Froman as has been mentioned to this Board before. This is characterizing a doctor who has been a contractual employee as a public employee so that he may obtain insurance through State Risk Management. It does not change the terms of his employment. Commissioner Trujillo made a motion to accept the above contract. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Mr. Fernandez reported for the period of March 1, 2003 to March 14, 2003 the average prisoner count total was 132 and of that amount 117 were males and 16 were females.

EXECUTIVE SESSION:

Personnel Matters

There was no motion to enter into executive session.

Chairman Daves said before the meeting is over they would sign the road map that was presented by the Road Department earlier.

The next Regular Meeting of the Valencia County Board of County Commission will be held on April 1, 2003 at 9:00 AM Executive Session and 10:00 AM Regular Session in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Trujillo made a motion to adjourn. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0. Time being 9:05 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/
AURELIO H. PADILLA, MEMBER

ss/
ALICIA AGUILAR, MEMBER

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

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: April 15, 2003