

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

July 15, 2003

Chairman Gary Daves called the Meeting to order at 5:09 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 5:09 P.M.

Executive Session

Chairman Daves read the agenda for Executive Session. Commissioner Trujillo made a motion to enter into executive session. 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.

Chairman Daves called the meeting back to order. Commissioner Padilla made a motion to enter into Regular Session of the July 15, 2003 Regular Meeting. 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.

Carol Anaya, Human Resources Manager reported as to what was discussed in executive session the following: New Hires Pending Pre-Employment Physical/Drug Test for Theresa Sanchez, Clerk's Office as per budget position left vacant by Laura Marquez, Status Change from Probationary/Non-Probationary Salary for Robert White, Animal Control, Status Change from Probationary/Non-Probationary for Daniel Trujillo, Older American Program and Abraham Henson, Sheriff's Department, Maternity Leave for Adelina Benavidez, Zoning Department, Effective July 10, 2003, Temporary Hire Extended for Donna Baker for six weeks while Adelina Benavidez is on maternity leave, Return from Military Leave for James Purdy, Sheriff's Department, Promotion With Salary Adjustment for Laura Alley, Sheriff's Department, Effective on July 19, 2003.

Tom Garde, County Attorney, reported as to what was discussed in executive session the following. The mediation matter that was scheduled between Isleta Pueblo and Mike Mechenbier, Tim Lardner and the County, we expect this matter to be rescheduled within the near future. We discussed the concern of the environmental administrative order that was filed against the County, Environmental Department has granted a stay of the removal of the existing waste of the landfill subject to certain conditions which included the removal of tires, basically providing back fill for what has been done. They are asking us to continue monitoring of the old landfill and that matter will be presented later on during this session. Mr. Garde said he updated the Commission of the status of the People's Energy appeal and the Leroy Aragon appeal. Also discussed was a request to continue a matter that is on the agenda with regards to the Nash Jaramillo property. No action was taken.

Commissioner Aguilar said she received some information today, which consisted of a report and photographs of an incident that happened with regards to a lady in Los Chavez. Commissioner Aguilar said she forwarded this information to the County Manager and he received this information, potential litigation. Commissioner Aguilar said she raised some concern on one of the employees and made the County Manager and the Commission aware of a phone call that she had received.

James Fernandez, County Manager reported as to what was discussed in executive session the following. Under land acquisition with regards to the Los Chavez Fire Department, Commissioners were updated on the negotiations with that property. No action was taken.

Commissioner Trujillo made a motion to accept the reports as presented and reported as to what was discussed in executive session. 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.

Chairman Daves asked James Patraw to lead the Pledge of Allegiance.

Approval of Agenda

Tina Gallegos, County Clerk read the agenda for the Regular Meeting of July 15, 2003. Chairman Daves said Item M if it could be moved forward with regard to the Resolution GO Bond Judicial Complex.

Commissioner Trujillo made a motion for approval of Item M to be moved forward on the agenda. 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.

Mr. Garde said with regards to Item E the request to void or cancel a plat, land of Nash and Mary Jaramillo there has been a request to postpone this matter. Mr. Garde said his advice to the Commission that when Item E comes up for action that the Commission table this item for next meeting because they have requested to meet with him so he can explain to them what is going on.

Mr. Archuleta said Item B the IRS Report on Volunteer Fire Fighter Stipend Program that Toni Ackerman from the IRS was not able to be present this evening but Mr. Archuleta said he would give an update on the information that she provided to him.

Commissioner Trujillo made a motion to approve the agenda with the amended items as presented above. 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.

### **Approval of Minutes**

June 2, 2003 – Special Budget Meeting

Commissioner Trujillo made a motion to approve the above minutes of June 2, 2003, Special Budget Meeting. 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.

### **Public Requests**

Dodie Hoffman – For the Commission to reconsider the funding for Soil & Water Conservation, this is a much-needed organization for Valencia County. Asking for \$8,000 to be added to the already approved \$2,000 for this next fiscal year and to put this as an item to your next meetings agenda.

William Dean –Semi trucks going down John Road hauling dirt and residents were upset as this was a nuisance and there should be a weight limit on these trucks going down this road.

### **ACTION REQUEST:**

#### **GENERAL REQUESTS:**

#### **Update on Collective Bargaining Legislation – John Martinez**

Mr. Martinez said he is with Management Associates, which is a consulting firm that represents the employer in collective bargaining. Mr. Martinez said his purpose here tonight is to give the Commission an update on collective bargaining and the public sector in New Mexico. The Federal Law does not apply to public employees as it relates to collective bargaining so each State has to adopt its own Legislation to provide that right for employees. In 1991 Governor King at the time recommended legislation, which was approved for collective bargaining and we had that until 1999. That legislation carried a sunset provision and it did sunset and we had no legislation for collective bargaining from 1999 until this year July of 2003 and now we have collective bargaining in New Mexico and this time the legislation does not have a sunset provision. Mr. Martinez said he represented the County in negotiations for the Sheriff's Office for several years until the legislation sunset. The decision was made to discontinue collective bargaining. Mr. Martinez explained the economics of collective bargaining and the new laws that are mandated for appropriations. Only ordinances that existed prior to 1991 and that are currently involving collective bargaining were grand fathered in, any ordinances that were written after the law was passed in 1991, even though they may be in existence today and continue to negotiate under those ordinances those were not grand fathered in. Mr. Martinez said we are looking to redraft rules and regulations. So you are looking at the Board to be in operation in two to three months and during this period of time if you are interested in pursuing the option of drafting your own legislation, please consider it at this time. So when the Board is ready to go you have your ordinance in place and you can handle your business through your local Board as opposed to the State Board. Mr. Martinez said this would be his recommendation. Discussion ensued.

#### **Resolution – General Obligation Bonds – Tommy Hughes**

##### **Judicial Complex**

Tommy Hughes from the Law Firm of Hughes and Strummer said what is before you tonight are two resolutions. The first one calls for the election and then such the question and the second resolution sets the details of the Special Election. Mr. Hughes said the Judges are proposing the question, "Shall Valencia County, New Mexico, be authorized to issue its general obligation bonds, in one series or more, in an aggregate principal amount not exceeding \$9,700,000, for the purpose of securing funds for the construction of a judicial improvements and including the remodeling of the current courthouse in the amount of \$350,000 for Valencia County, New Mexico, said bonds to be payable from general (ad valorem) taxes and to be issued and sold at such time or times, upon such terms and conditions as the Board of County commissioners may determine and permitted by law?"

Judge Sanchez reported on the imperfections of the current conditions within the judicial offices and how important it is to go forward with either renovation of the existing space or new construction. Judge Sanchez discussed issues on the basis of growth and need of a judicial complex in Valencia County. And a priority is security and Judge Sanchez discussed some incidents that happened with security problems. Judge Sanchez asked for the Commission's unanimous support on this project and allow it to go on the ballot in September to authorize the voters to give a say so whether or not they feel it is deemed necessary for a new facility which is long past due and much needed. Judge Sanchez said the new Judge will be appointed by the end of July and as he understands it the Clerk's office will provide space for the new Judge.

Commissioner Andersen had some concerns on the proposal of the project; will they actually meet the needs that the Judges are looking for? What is being proposed is four-jury courtrooms and three hearing rooms and would this be appropriate for the growth of the County?

Commissioner Aguilar asked under Section 5 are we delegating our authority as a Board to the Chair or Vice-Chair of the Board, County Clerk or Deputy County Clerk are hereby authorized and directed to take all necessary action or appropriate to effectuate the provisions of this Resolution and the Bond election Resolution including given notice and so forth. Does this mean once this Resolution is approved we have now delegated our authority and you will be dealing with the Chair or Vice-Chair? Mr. Hughes said what that means is that they are authorized to sign documents. For example, notice of the election and basically that is all it is just to allow the appropriate officers to sign the necessary notices. Commissioner Aguilar said she had spoke to the Judge and did inform him that she doesn't feel like she is fully informed on what we are doing but that she would not oppose it and allow the voters to make the decision.

Commissioner Padilla had some concerns with the demolition of asbestos on the old facility and these types of issues that need to be addressed and go forward.

Judge Sanchez said he would like for the question to include and title it Judicial Improvement Bonds instead of Justice Complex Bonds because he feels it is more sellable.

Commissioners and staff discussed at length the plans of the new facility and they went over the project that Sandoval County had built a similar facility and Commission discussed the completion of that new construction.

Commissioners discussed changing the language of the question instead of it reading judicial improvements to read judicial complex and the amount of \$9,700,000 be changed to \$9,870,000 and then the amount of \$350,000 be changed to the amount of \$520,000.

Commissioner Trujillo made a motion to adopt **Resolution 2003-36** with the change the language on the question to change the amounts of \$9,700,000 to \$9,870,000 and the amount of \$350,000 to \$520,000. 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.

Mr. Hughes stated the Commission needs to adopt a second resolution, which sets the details of the notice of the election date and will include the language that was just adopted.

Commissioner Trujillo made a motion to adopt the second Resolution which is **Resolution 2003-37** calling for an election and which sets the details of election and will include the language that was just adopted. 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.

#### **IRS Report on Volunteer Fire Fighter Stipend Program – Toni Ackerman**

Mr. Archuleta said that Ms. Ackerman provided information regarding the volunteer fire fighters and what the IRS leans toward with regard to any enumeration that is received by volunteer fire fighters. The IRS indicated that volunteer fire fighters are considered employees and the enumeration is generally subject to all withholding taxes.

John Deere Chief of the Peralta Fire Department commented that for many years the department looked for ways in which to give an incentive because volunteers were declining. The Chiefs Counsel addressed this problem and we needed to come up with some of solution where they could give those fire departments manned with more individuals. The State Fire Marshal's Office at the same time was putting more requirements on the volunteer fire fighters as far as the training they needed to have. So when the Chiefs Counsel and the State Fire Marshal's Office got together they did come up with an incentive of a reimbursement payment to keep fire fighters attend the trainings and stay on with the fire departments. One payment has been made and now we understand we have to fill out a W-2 or W-9 form. If we are employees of the County and sign W-2's then what is the volunteer fire department to the County and what types of coverage does the fire fighter have with the County?

Commissioner Trujillo made a motion to table this item until the next meeting. 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.

Chairman Daves called for a fifteen-minute break.

### **Update on Referendum (Informational) – Tom Garde**

#### **Tabled July 1, 2003 – Power Plants**

Mr. Garde provided a memorandum to the Commission with regards to the ability of this County to place the issue of whether or not the citizens of Valencia County desire a power plant in Valencia County. According to research, Mr. Garde said he found case law and Attorney General's opinion, the Counties are not allowed to basically submit to the voters asking voters to give their opinion on certain issues. There must be enabling legislation that the legislation has in fact granted Counties to do certain things and there is no such legislation with regards to an issue that the voters are not being asked to decide on the ultimate question. Here in effect we would only be asking for an advisory opinion that is not allowed by State Law. Mr. Garde said we received information a couple of days ago and R.E. Thompson, the attorney who represents People's Energy is present as well. Ms. Gallegos also received further information with regards to this issue.

R.E. Thompson said he looked at the question that Mr. Garde presented and he reached the same conclusion that he stated tonight. The Secretary of State controls the ballot that is put out to the voters and he called them to inquire their view on this issue. He spoke with Denise Lamb, Director of Bureau of Elections and she said that she does not believe the County has any authority to place such a referendum on the ballot. Mr. Thompson said Ms. Lamb would be following up with the County Clerk and discuss the matter with her.

Ms. Gallegos said she did speak with Ms. Lamb concerning the referendum to the ballot and she did recommend that this Commission not send a question up to her because if they had to review the ballot they would have to deny if there was a referendum on it. So she did mention that she would bring this to the Commission's attention.

Commissioner Trujillo said he would have appreciated receiving this information rather one minute before he is allowed to comment on this issue. If this was received two days ago and he has seen this on other issues as well, he doesn't like new information laid in front of him with no time to digest that information or respond to it. Commissioner Trujillo said so in the future if administration would inform those interested Commissioners prior to adverse information on the table. Commissioner Trujillo said he finds it very interesting that we are not allowed and it is clear to place a referendum on the ballot, which would enable people to comment as to an issue that affects them broadly. And no one can tell him when this industrial site went from being I-1 to being I-3. So his question is that we know we are constraint, we cannot use a referendum to zone. Commissioner Trujillo said he will defer to the opinion of those individuals who interpret the laws but he defers with a great sense of disappointment because he thought government was there to represent the interested people.

William Dean said he concurs with Commissioner Trujillo and he wanted the referendum on the ballot.

Gloria Sanchez spoke on her concerns with the issue of the referendum because she wanted this question on the ballot.

### **Support a mill levy for farmland protection – Dale A. Jones**

Dale Jones, Chairman of the Valencia Soil & Water Conservation District said in listening to this Commission he realizes how difficult it is in dealing with the finances of the County. Mr. Jones explained how Soil & Water has tried to help out, they tried to pass a mill levy a few months back but that didn't work. Mr. Jones said they are putting together another mill levy to the landowners, which is called the farmland protection act. It will fund 50% of the development cost and what we want it to do is save the green belt. Mr. Jones said he would introduce Deb Love of the Trust for Public Lands and she will do a brief presentation of the farmland protection act and how the mill levy process will go this time. Deb Love said she is the New Mexico State Director for an organization as Mr. Jones stated is known as the Trust for Public Land. They are a national non-profit land conservation organization and their mission is to help communities protect those places they love such as open spaces, green land and green white corridors. We are here to assist Valencia County in taking a look at preserving the farmland. This organization is here to help facilitate that process. By doing that we can help look for different funding sources for protecting the farmland. We have a conservation finance program that works with communities around the country to look at local and statewide measures to create funding for conservation. Ms. Love said we understand the need to protect farmland in Valencia County and we are willing to help and are doing a public opinion poll. The next time we come before the Commission, we will give you a survey of the opinion poll. The Commission gave their support to the Soil & Water Conservation for protecting the farmland. Commissioner Aguilar made a motion to support the Soil & Water Conservation District and the information they are requesting with regards to the opinion poll. 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.

### **PLANNING & ZONING MATTERS:**

#### **Request to void or cancel a plat –Tom Garde**

##### **Land of Nash & Mary Jaramillo**

Mr. Garde said on the agenda it is a request to void or cancel a plat, the County adopted an ordinance in 1999, which reflected a two acre minimum. In January of 2001 a plat was filed which created three lots in a 3.5-acre parcel of land. This plat violated the County ordinance and Mr. Jaramillo was advised by the County subsequent to that to file an application to amend the zone map with regards to that particular parcel of property. This matter was heard by this Commission on May

1, 2003 and was denied by this Commission. So what is left out there is a lot split of one-acre parcels R2 piece of property. We have received a request by Mr. Jaramillo to table this matter and he indicated he did not receive adequate notice and because it affects his piece of property it is prudent this Commission table this item. Commissioner Andersen made a motion to table this request. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0. Commissioner Trujillo absent for this vote.

**Request to Amend the Master Plan of Unit 54 –Ruben Chavez/Manuel Martinez**

**Tabled July 1, 2003 – Rio Del Oro**

Mr. Chavez said this item came before the Commission on July 1, 2003 by Manuel Martinez to amend his master plan of unit 54. At that meeting the Commission tabled this item because they felt they did not have all the findings of the previous P & Z meeting. Mr. Chavez provided the outlined findings to the Commission. Mr. Chavez read the 14 items that Planning and Zoning prepared on the decision on Mr. Martinez before they present their case to the Commission.

Sam Herbert on behalf of Mr. Martinez said they were here on July 1 and their concern was that they did not have any findings and the Commissioners ordered the findings and that is what was just heard by Mr. Chavez. Mr. Martinez went through the preliminary hearings with Planning and Zoning, which was twice, the first time it was tabled and the second time he was denied. Mr. Herbert said he was unsure as to why it was denied. Mr. Herbert said based on these findings there are two reasons why P & Z denied the application and those two reasons are #13 and #14 which is as follows: (13) The Commission upon reviewing the revised proposal for residential use was concerned that the detail for the road which provides access to the residential lots did not meet County standards. (14) That the information provided was too preliminary and conceptual for a positive recommendation. Mr. Herbert said those are not clear. There is a concern that states the road did not meet County standards, however we do not know what the County standards are or which items pertaining to the road did not meet the standards or an ordinance for that matter. Mr. Martinez was not told what was lacking. Mr. Martinez complied with all the requirements regarding the preliminary stages and we are requesting once again that the application be approved. Discussion ensued.

Commission Andersen made a motion to deny the application and ask the applicant to take it back to P & Z with the drainage information that he has. Motion failed for lack of a second. Discussion ensued on this issue.

Commissioner Padilla made a motion to deny this request by Mr. Martinez. 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.

**DEPARTMENT REQUESTS/REPORTS:**

**Update on status of: (Tabled July 1, 2003) – Ruben Chavez**

**Hauling Contracts**

**Enforcements Fees**

Mr. Chavez said we have been dealing with this issue for a long time. The new agreement was done April 15<sup>th</sup> and entered into that agreement were several haulers. Mr. Chavez provided the Commission with an update on the contracts and the fees from each hauler. Mr. Chavez went over each hauler with the Commission and discussed which haulers were in compliance and which still required information. We had issues a while back in dealing with the bond and surety and there was an amount agreed upon. We are collecting the monthly payments and picked up a new company and they did pay their fees. We had a rejection and we will be dealing with that through proper procedures. As per the agreement we will be advertising who will be given the franchise agreements. This will include the approved franchise haulers. Commissioner Andersen made a motion to accept the report as presented by Mr. Chavez. Seconded by Commissioner Padilla. Discussion. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0. Commissioner Aguilar absent from voting.

**Request for Approval of EMS Coordinator Position – A. Brian Culp**

Mr. Culp is the Chairman of the Valencia County EMS Board, which is a board, created by County ordinance. This Commission suggested if we ever have issues to bring them forth. In the Commission packet is an overview of the need of an EMS Coordinator position. This position has been put on hold for 4 years and the need is even greater now than ever. Applications were taken, interviews were conducted with 6 applicants and the position was halted because a final salary could not be agreed upon. We have brought this budget forward and the subject was brought up during budget hearings and was turned down. This process is being handled now by volunteers and gets to be a very time consuming process. At this time we know the budget has already been approved for this fiscal year but we ask the Commission for their support in obtaining the position of the EMS coordinator and put on as a priority item.

**Request for Approval of E-911 Project – John Cherry**

Mr. Cherry said this request asks for the signature by the Commission Chairman. It is a grant amendment that terminates the existing E911 equipment, and network and database grants as of June 30, 2003. The equipment, network, and database and wireless costs are included in the new grant, which includes all of Valencia County. Commissioner Aguilar had a question as to the expiration date. Chairman Daves asked staff to check on this and get the correct date but he would ask for a motion. Commissioner Padilla made a motion for approval of this request. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted no. Commissioner Trujillo voted

no. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Chairman Daves broke the tie and voted yes. Motion carried. 3-2.

### **Resolution To Purchase Voting Machines – Tina Gallegos**

Ms. Gallegos requested Commission approval of a resolution to purchase voting machines. Ms. Gallegos said with her tonight she has her Bureau of Elections Director, Lawrence Kaneshiro, Jaime Diaz, Bureau of Elections Director for Bernalillo County and one of his voting machine technicians, Daryl Gilgore. At the last Commission meeting the Commission requested to look at the voting machine that was presented to them on this resolution to purchase. Also this is the voting machine that the Secretary of State's office will be purchasing for us and they will be available to the voters in the 2004 election. This voting equipment meets all the requirements for the disability act that we need to meet prior to the 2006 election. This machine has the handicapped accessibility and has the attachments for the hearing impaired and also for the visually impaired. Ms. Gallegos said at this time at the Commission's pleasure Mr. Kaneshiro and Mr. Diaz will give a brief demonstration on the voting machine. Ms. Gallegos said after the presentation we will discuss as to the importance of buying this equipment now. There is a representative from Election Products and Services who will comment also.

Sandy Schauer, Election Products and Services said she and her husband have operated this company since December and they are located here in Los Lunas. Ms. Schauer said she would like to compliment Tina Gallegos and Lawrence Kaneshiro on their work in elections, as this is a very difficult job to do and a difficult job to serve the voters. Ms. Schauer said she did put together some information, which are in the Commission's packets. The 2000 Election prompted the passage of the Help America Vote Act (HAVA) and currently is under review. The review period ends July 23, 2003 and after those changes are made to the plan based on the response to the plan. New Mexico's Help America Vote Act Plan now says that the voting systems must have be HAVA compliant. Which means that one voting machine per polling place must have the ability to allow sight-impaired voters to vote. This will be effective January 1, 2006. Your current voting machines in Valencia County have served the voters well for 10 years. These machines should continue to serve the voters well. You as County Commissioners still have time to consider various options for the voters of Valencia County. The Secretary of State's Office continues to review your voting machines for certification. They have had several vendors who have applied to be certified of the State. This next election is a Presidential Election year and the voters need to be comfortable with their environment. Ms. Schauer encouraged the Commission to look at other options for the County. There will be plenty of them available. The Secretary of State's Office is certifying other voting machines. We have lots of needs for Valencia County and Ms. Schauer said we should not encumber this County with additional debt.

Ms. Gallegos asked Bernalillo County to proceed with the demonstration to the Commission. Mr. Diaz introduced the voting machine, which is called the Edge Touch Screen Voting Machine. Mr. Diaz said Bernalillo County Clerk, Mary Herrera purchased these machines in 2001 because of our six early voting sites made it much easier rather than on paper ballots. We had a voting machine committee and they chose this machine and they did look at other machines. It has a smart card activator, weighs about 40 lbs., sets up quickly, and which he mentioned, it has a smart card which the voter inserts. The machine does have a printer on board so everything is printed out and is similar to most voting machines and to which poll workers can attest to. The ballot does present itself in English and Spanish according to the law and Mr. Diaz proceeded with the demonstration. The Commissioners took turns at voting on a sample election. This machine is also audio enabled and we have brought this machine to its fullest capacity in Bernalillo County. Mr. Diaz recommends as he says without affiliating himself with any voting machine company but speaking on the usage of this machine, these machines have worked for them.

Ms. Gallegos said her and Mr. Diaz go back a few years and between the two of them they do have election experience as far back as 1984. Ms. Gallegos said purchasing voting machines is something that she or any County Clerk would not take lightly because it is a big step financially but headed into a Presidential Election this puts us ahead of the curve. We are going to have to do something with our voting equipment at some point. If we wait for that deadline to come upon us we are going to be at the last minute training poll workers, buying voting equipment and not only that but putting money into the existing equipment that we have already. If we choose not to purchase voting machines then she will be in front of this Commission again as we were at the 2002 canvass that we had problems and this voting equipment does need to be upgraded. Ms. Gallegos gave a brief presentation on if this resolution is denied the steps that will be needed to buying the necessary attachments to the current voting equipment. Ms. Gallegos discussed with staff the lease that is paid now and the fact that we will sell the 1242's if we do opt to purchase the new equipment.

Mr. Kaneshiro added there is not a bigger nightmare than come election night and not be able to get results. We have had close races here in Valencia County recently to report on three systems is not the thing to do. If we can move it all to one system with one software so we can communicate with absentee and precinct level and early voting like the Edge does and report by precinct like we are supposed to do per legislation. Mr. Kaneshiro said this is the way to go.

Commissioner Aguilar asked Ms. Gallegos as to what is her recommendation? Ms. Gallegos said, as this Commission will recall she asked for a workshop back in March and the Commission did say that they would go by her recommendation on which route we were going to take. Ms. Gallegos said this has been a big undertaking; something that she and her staff have gone over and over to make sure what is best especially with the County being in such a financial state at this time. But in complying with federal and state mandates, Ms. Gallegos said her recommendation is to purchase

the new voting equipment. Commissioner Aguilar asked Mr. Fernandez what was his recommendation? Mr. Fernandez had some questions as will we be going with just one system and for absentee will you still be using paper ballots? Ms. Gallegos said we would be on the two but the software used to get the election results out the new Edge can also communicate with the software that we use for absentee. In the end it does merge together and there are no human hands inputting numbers because the cartridges and the software does all the work. Mr. Fernandez said given the information that Ms. Gallegos provided he would go with her recommendation.

Chairman Daves said on behalf of the County Clerk if there was ever someone qualified in the area of voting would be our County Clerk, Ms. Gallegos and his thoughts are to follow her on this recommendation of her request. And that is of the purchase of the Sequoia AVC Edge Voting System to include 115 Voting Machines and necessary support equipment and the cost is \$3200.00 per machine by the State Board of Finance at 0% interest. The total cost would be \$518,668.00 at \$51,866.00 per year.

Commissioner Andersen made a motion for approval of the request as presented by Ms. Gallegos, which would be **Resolution 2003-38**. 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 for Out of State Travel**

**Denver, CO – IACREOT Annual Conference July 28<sup>th</sup> – thru August 3<sup>rd</sup> – Tina Gallegos**  
**Scottsdale, AZ – August 4<sup>th</sup> thru August 6<sup>th</sup> – Sheriff Perea**

Commissioner Aguilar asked Mr. Fernandez if this was in the budget and what was his recommendation. Mr. Fernandez said this request is within the new budget and this would be allowed. Commissioner Aguilar made a motion for approval of both of these requests for out of state travel. 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.

#### **Public Hearing/Approval of Resolution ICIP for 2004-2008 – Edward Archuleta**

Mr. Archuleta said this is the second of two public hearings regarding the ICIP. The first public hearing was held on July 8, 2003. This would be a resolution to approve the ICIP and attached to that is the actual plan based on discussion by the Commission. We need to get public input regarding the plan and rank these projects. Mr. Archuleta reviewed the plan with the Commission. Mr. Chavez also reviewed the plan with the Commission. Commissioner Padilla made a motion for approval. Commissioner Andersen had some questions. Commissioner Padilla withdrew his motion. Commissioner Andersen said would this Commission be ranking the ICIP or how do we want to go about this? Discussion ensued. Commissioner Padilla made a motion for approval of **Resolution 2003-39**. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar abstained. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

Commissioner Padilla made a motion for approval of the amended ICIP and have staff do the ranking for the ICIP. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar abstained. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

#### **FINANCIAL/BUSINESS MATTERS:**

**Award Bid #541 Animal Control Shelter Project – John Friedman**  
**Tabled – July 1, 2003**

Mr. Friedman said he was the architect on a project that went out to bid last month to provide a new building expansion for the Animal Control facility. We had three bidders, two, which were real close. This has two parts, a base bid which covers the existing kennel area, and then alternate one, which would provide a building shell over an additional 3500 square feet. The recommended bid would be D.A. Baker in the amount of \$226,795 for the base bid and additive alternate #1. Commissioner Trujillo made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted no. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

#### **Request To Go Out To Bid Monitoring Wells – James Fernandez**

**Tabled – July 1, 2003 – Old Landfill – Belen**

Mr. Fernandez said this request is to go out to bid for two additional monitoring wells for the old Belen landfill. This item was tabled on July 1, 2003 and as part of our closure plan and one of the primary concerns of the Environmental Department is the ground water monitoring at the particular site and they have requested that two additional wells be installed. This is done in order to be in compliance with the request. Commissioner Padilla made a motion for approval of this request to go out to bid for monitoring wells. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo abstained. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

#### **APPROVAL OF PAYROLL & WARRANTS – Edward Archuleta**

Mr. Archuleta presented the computer printout lists of all the checks issued by the Manager's Office on July 11, 2003 covering payroll process on that date. Payroll Check #58250 thru Payroll Check #58423 inclusive. Deduction Check #73018 thru Deduction Check #73049 inclusive for a listing total of \$189,191.56 and of that amount \$117,131.06 is from the General Fund. Commissioner Aguilar

made a motion for approval. 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.

Mr. Archuleta presented the computer printout lists of all the checks issued by the Manager's Office on July 11, 2003 covering vendor bills processed on that date. Check #73050 thru Check #73103 inclusive for a listing total of \$776,090.19 and of that amount \$261,814.63 is from the General Fund. Commissioner Trujillo 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.

## **MANAGER'S REPORT**

### **Manager's Report – James Fernandez**

#### **Jail Monitor's Report - Informational**

Mr. Fernandez reported for the period of June 27, 2003 to July 10, 2003 the average prisoner count was 138 and of that 122 were males and 16 were females. Mr. Fernandez reported that Cornell has visited with Socorro County, there seems to be some interest on their part to house inmates at our facility. They are currently housing inmates in Estancia and McKinley County and they have concerns on those particular facilities. We received a call from the administrative office of the courts and they are looking at doing video arraignment for the Magistrate Courts both Division I and Division II. They would pay for the equipment and the cost the County would pick up is the cost of the phone lines on a monthly basis. They will be providing us with the information as to what those estimated costs are.

**The Budget Meeting is scheduled for Tuesday, July 29, 2003 at 10:00 AM.**

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 5, 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 Andersen 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 12:00 AM.

<p><b>NOTE:</b> 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>
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**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: August 19, 2003**