

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

August 5, 2003

Chairman Gary Daves called the Meeting to order at 9:10 A.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 9:10 A.M.

Executive Session

Commissioner Trujillo made a motion to enter into executive session. Seconded by Commissioner Andersen. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

Commissioner Andersen made a motion to enter into regular session. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

Carol Anaya, Human Resources Manager, reported the following as to what was discussed in executive session. New Hires Pending Pre-Employment/Drug and Physical Test for the Sheriff's Department, Joshua Lucero, Alan Montano, COPS II Full-Time, and Joan Marentes, COPS II, Full-Time, Temporary Hire as Per Budget, Allen Morrison, Older American Program, Voluntary Resignations for Sylvia Garcia, Assessor's Office, Effective – August 29, 2003, Elaine Gabaldon, Treasurer's Office, Effective – August 8, 2003, Anne Phillips, Treasurer's Office, Effective – August 22, 2003, Status Change From Temporary To Probationary As Per Budget, Theresa Torres, Sheriff's Department, Status Change From Probationary to Non-Probationary With Salary Adjustment As Per Budget, Adelina Benavidez, Zoning Department Effective – August 3, 2003, Position Title Change As Per Budget From Accounts Payable Clerk To Administrative Assistant, Barbara Garcia, Manager's Office.

Commissioner Trujillo made a motion to accept the report as presented by Ms. Anaya as to what was discussed in executive session concerning personnel matters. Seconded by Commissioner Andersen. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

James Fernandez, County Manager reported the following as to what was discussed in executive session under land acquisition Los Chavez Fire Department. No action was taken.

Chairman Daves asked Commissioner Andersen to lead the Pledge of Allegiance.

Approval of Agenda

Chairman Daves asked that the Land Acquisition Los Chavez Fire Department be moved to the regular portion of the meeting. Tina Gallegos, County Clerk read the agenda for the August 5, 2003 Regular Meeting. Mr. Fernandez said there was an error on the agenda the June 3, 2003 Regular Meeting was incorrectly printed as a Preliminary Budget Hearing. Commissioner Andersen made a motion to accept the agenda as read with the minor changes as stated above. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

Approval of Minutes

June 3, 2003 – Regular Meeting  
June 17, 2003 - Regular Meeting  
July 1, 2003 - Regular Meeting  
July 8, 2003 – ICIP Special Meeting

Commissioner Trujillo made a motion to approve the minutes as listed above. Seconded by Commissioner Andersen. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

Public Requests

Ruben Chavez – Edeal Road Annexation and Zone Designation Request to be heard at the Village of Los Lunas at the August 20, 2003 City meeting.

Pat McKelvey, President of Rio Communities Association passed out Public Safety Handbooks to the Commission for their review on the streetlight problem on Highway 47 and Rio Communities.

**ACTION ITEMS:**

**GENERAL REQUESTS:**

**LOS CHAVEZ FIRE DEPARTMENT – FRED SICHLER**

Mr. Fernandez read the counteroffer by Fred Sichler as drawn up by Thomas Esquibel, his attorney. That Mr. Sichler will sell to Valencia County the southernmost 1.52 acres or 66,448 square feet for \$100,000.00 and it is their understanding this is what the County has available for this project at this time. It is based on an appraisal established by Koch and Associates Real Estate Appraisers. Understanding that the County wishes to acquire this entire parcel and possibly other vacant land to the north of the parcel. Mr. Sichler has agreed to the following. (1) He will deed in fee simple absolute the 1.52 acres (66,448.9 square feet) the County is currently able to purchase. (2) Preserve the remaining acreage (.3179) as an easement to Tract D-3 in order not to create a lot, which would not comply with the Valencia County Subdivision Regulations. (3) Unconditionally agree to sell to Valencia County the remaining easement for \$20,000.00 up to and including July 31, 2005. The only consideration in exchange for this agreement is that Mr. Sichler would require that the County must agree to purchase the remaining easement as soon as possible if funds are allocated by the legislature for the Los Chavez Fire Department.

Commissioner Trujillo made a motion to purchase according to the terms as stated above by the County Manager in the counteroffer by Mr. Sichler. Seconded by Commissioner Andersen. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

**PRESENTATION – PROGRESS REPORT ON REGIONAL WATER PLAN – MIKE TRUJILLO/BOB WESSLEY**

Bob Wessely, Chairman of the Water Assembly gave a slide presentation with regards to the Regional Water Planning. Our goal is to balance the water use with renewable supply. In our region, which includes Valencia, Sandoval and Bernalillo Counties, we are not in balance and not in balance by a substantial amount. Mr. Wessely said Mr. Trujillo was unable to attend this presentation today because of conflicting meetings. The water planning is strictly a recommendation to local governments and as such the implementation is going to be in part up to the citizens. The planning has been five years in progress. Mr. Wessely gave dates on workshops for review and to present the water plan and then bring it back to this Commission for their acceptance. The key requirements for the water plan is to recognize the aquifer depletion implications, recognize the Rio Grande compact obligations and to maintain a strong balance among side effects for example the environment, rights, authorities, cultures and traditions. Mr. Wessely explained some of the actions we could take to increase water supply. To desalinate/import brackish water, to harvest rainwater, to modify the weather, to re-use pumped water, to reduce open water evaporation, to restore the Bosque and to manage the watershed. He also explained some of the actions we could take to decrease the demand for water supply. To implement urban conservation plans, to implement rural conservation plans, adjust water pricing, to meter water uses, to limit new domestic wells and to moderate population growth. Mr. Wessely said the jurisdictions need to share in making a solution that works and then making that solution work. Mr. Wessely introduced Danny Hernandez who spoke on behalf of the water planning. Mr. Hernandez said we have a regional problem and we need a regional solution. We also need a balanced solution and we need help and have organizations actively involved to provide input and participate in the review process. Mr. Wessely thanked the Commission for their time.

**HABITAT FOR HUMANITY: REQUEST FOR SUPPORT OF “BUILDING” ON FAITH EVENT – ZETT SCHEINBAUM**

Ms. Scheinbaum said she is before the Commission to request support on behalf of their organization Habitat for Humanity. What this organization does is develop communities in need by building and renovating houses so that there are decent houses in which people can live and grow. They welcome anyone in the community willing to help build six houses in seven weeks for local families in need right here in Valencia County. Ms. Scheinbaum said they have a start date of September 8, 2003. We need help in all areas to build, work on the house construction, make lunches for volunteer groups and help raise funds. Ms. Scheinbaum handed out pamphlets for anyone who is willing to help sign up. Commissioners said they would support the efforts of this organization and do what they could to spread the word for volunteers to help build these houses in Valencia County.

**PLANNING AND ZONING MATTERS:**

**REQUEST TO VOID OR CANCEL PLAT – TOM GARDE**

**LAND OF NASH & MARY JARAMILLO/TABLED JULY 15, 2003**

Mr. Chavez said Mr. Garde could not be here and he had not spoke to him with regards to direction on this matter. Mr. Jaramillo was present and said he had come from Portland, Oregon and would like to discuss this with Mr. Garde before the meeting. Chairman Daves said for now since Mr. Garde has been detained in Court so he directed staff to check throughout the meeting for Mr. Garde and have him meet with Mr. Jaramillo. After checking with Mr. Garde, Mr. Chavez said that he will

not be able to attend this meeting, however he has scheduled a meeting with Mr. Jaramillo for 10:00 AM tomorrow so his suggestion would be to table this until the next meeting of August 19, 2003. Commissioner Trujillo made a motion to table this item until the next meeting of August 19, 2003. Seconded by Commissioner Andersen. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

**REQUEST TO AMEND ZONE MAPS FROM RR2 TO RR1 – DAVID EDDY/RUBEN CHAVEZ  
T5N, R2E, SEC. 8 TR. B-1-A, MAP 98-1160 GABALDON RD., BELEN**

Mr. Chavez said this item is a request for a zone change. Mr. Eddy was notified but is not present. This is for the purpose of splitting a 2.30 acre tract into 2 tracts. The legal description of the property is T5N R2E, Section 8, Tract B-1-A, Map 98, 2.30 acres of 1160 Gabaldon Road in Belen. This request was heard by Planning and Zoning at the July 8, 2003 P & Z Commission meeting and the motion was to deny this request. Mr. Chavez said this property is in a RR2 designated area and surrounded by one acre and half acre lots. The property is located at an offset intersection and although the surrounding area is dominant one acre or less, the P & Z Commission felt that minimizing the impact to the ground water should take precedence. Commissioner Andersen made a motion to deny this request. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

**DEPARTMENT REQUEST/REPORTS:**

**BOARD OF COMMISSIONERS CONVENES AS INDIGENT BOARD**

**INDIGENT REPORT – BARBARA BAKER**

**BOARD RE-CONVENES AS VALENCIA COUNTY BOARD OF COMMISSIONERS**

Commissioner Andersen made a motion to convene as the Indigent Board. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

Ms. Baker presented the indigent claims from June 18, 2003 to July 23, 2003. The total amount of claims submitted is \$294,597.79. There were 88 claims submitted and she would like the Commission to approve \$62,745.91. Commissioner Andersen made a motion for approval. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

Commissioner Andersen made a motion to reconvene as the Valencia County Board of Commissioners. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

**REQUEST APPROVAL OF RESOLUTION ESTABLISHING PENALTY LEVEL – DIANA MARTINEZ-COPLIN**

**2003 PROPERTY TAXES**

Ms. Coplen explained that each County Commission throughout the State of New Mexico must either adopt or waive the \$5.00 minimum penalty pursuant to Section 7-38-50 NMSA by not later than September 1 of each year. Ms. Coplen said her recommendation is that the \$5.00 minimum penalty shall not be imposed (waived) for the year of 2003. The \$5.00 minimum penalty is not equitable and penalizes the small taxpayer disproportionately to a larger taxpayer. Ms. Coplen said she believes that the current method of charging a taxpayer a 1% penalty per month, up to a maximum of 5% is more than equitable. Commissioner Andersen made a motion for approval of **Resolution 2003-41** stating that the \$5.00 minimum penalty has been waived for the 2003 tax year. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

**REQUEST APPROVAL OF RESOLUTION COMMITTING TO COMPLY WITH FEMA – RUBEN CHAVEZ**

Mr. Chavez asked the Commission to approve a resolution committing to comply with FEMA request resulting from a recent community assistance visit. An inspection was conducted consisting of office records and home settings throughout Valencia County as per FEMA regulations and a response is requested by the County based on the findings of said visit. Commissioner Andersen made a motion for approval of **Resolution 2003-42**. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

**REQUEST FOR OUT OF STATE TRAVEL**

**AUGUST 25<sup>TH</sup> THRU AUGUST 28<sup>TH</sup>, 2003 MIDLAND, TEXAS – RICHARD PEREA**

Mr. Perea requested permission for out of state travel approval for registration fees for Dispatcher Faye Mitchell. The Tactical Dispatch class will be held August 25 thru August 28, 2003 in Midland, Texas. Mr. Perea said request is in the budget. Commissioner Andersen made a motion for approval of this request. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

**VOLUNTEER FIRE FIGHTER STIPEND PROGRAM UPDATE – JOHN CHERRY**

Mr. Cherry said they are ready to make a recommendation that the volunteer firefighters sign and we issue a W-4 form, which will revert to a W-2 for tax purposes. Mr. Cherry said they did touch base with two attorneys and went on their advice. This is on the wild land reimbursement and the stipend. Mr. Cherry said we will have a chief's counsel meeting but most are aware of this recommendation. Commissioner Andersen made a motion for approval of the fire fighter stipend and the County is required to match these funds in the amount of \$8,145.00. Seconded by Commissioner Trujillo.

Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

Mr. Cherry said we are in contact with the State Forestry in Santa Fe and we are waiting for a copy of that agreement. The wild land fire issue is getting to be almost as drastic as the stipend issue. We need to look at the agreement to see where we are. Commissioner Andersen made a motion that the fire payment monies be taken out of that allotment. Motion failed for lack of a second. Commissioner Trujillo said it is to his understanding that the Commission required the Fire Marshal to provide us with more information regarding the document that covers this wild land fire disbursement.

**REQUEST OF APPROVAL MEMORANDUM OF UNDERSTANDING – CAROL ANAYA  
LOS LUNAS HOUSING AUTHORITY**

Ms. Anaya said we have had a memorandum of understanding with the Village of Los Lunas Housing Authority with regards to an employee that we have hired as a part-time status to work in that housing authority. This position is a result of additional HUD funding and will be for a total of not to exceed one year. Reimbursement will be at the discretion and preference of the County. Annual extension will be submitted pending the availability of continued funding. Commissioner Trujillo made a motion for approval of this request as presented by Ms. Anaya. Seconded by Commissioner Andersen. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

**FINANCIAL/BUSINESS MATTERS:  
REQUEST TO GO OUT TO BID FOR COURTROOM OFFICE RENOVATION – JAMES  
FERNANDEZ  
DISTRICT JUDGE**

Mr. Fernandez requested to go out to bid for courtroom office renovation. The Governor appointed a new District Judge position for Valencia County and Sandoval County and this individual was appointed on July 25, 2003. This bid would include renovations to existing County Commission room and offices for the new judge and her staff. A total of \$100,000 has been allocated for this project. Commissioner Trujillo made a motion for approval of this request as presented by Mr. Fernandez. Seconded by Commissioner Andersen. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

**APPROVAL OF PAYROLL AND WARRANTS – EDWARD ARCHULETA**

Mr. Archuleta presented the computer printout lists of all the checks issued by the Manager's Office on July 25, 2003 covering payroll process on that date. Payroll Check #58424 thru Payroll Check #58594 inclusive. Deduction Check #73104 thru Deduction Check #73137 inclusive for a listing total of \$183,650.29 and of that amount \$118,531.08 if from the General Fund. Commissioner Andersen made a motion for approval. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

Mr. Archuleta presented the computer printout lists of all the checks issued by the Manager's Office on July 25, 2003 covering vendor bills processed on that date. Check #73138 thru Check #73217 inclusive for a listing total of \$168,421.72 and of that amount \$45,214.34 is from the General Fund. Commissioner Trujillo made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0.

**MANAGER'S REPORT:  
MANAGER'S REPORT – JAMES FERNANDEZ  
JAIL MONITOR'S REPORT – INFORMATIONAL**

Mr. Fernandez reported for the period of July 11, 2003 to July 25, 2003 the average prisoner count was 123 of which 110 were male and 12 were female. Mr. Fernandez reported on an update with regards to the Adult Detention Facility. On July 1, 2003 thru August 4, 2003 a total of \$10,549.73 has been received in terms of revenue and anticipated revenue added to what has come in totals \$22,987.73. During our budget meeting there was a service agreement that was signed by this County for the housing of inmates from Socorro County and this is being brought before the Socorro County Commissioners on August 12, 2003 for their approval. Mr. Fernandez also provided the Commission with a memo that he received in terms of how the Adult Detention Facility assisted INS and the Sheriff's Office during the accident incident that occurred south of Belen. There was an INS transport vehicle that was involved in an accident and this is a copy of how the Adult Detention Facility assisted during that incident.

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 19, 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 Trujillo voted yes. Commissioner Andersen voted yes. Motion carried. 2-0. Time being 12:20 PM.

<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**

**PAUL EDWARD TRUJILLO, VICE-CHAIRMAN**

**AURELIO H. PADILLA, MEMBER**

**ss/  
ALICIA AGUILAR, MEMBER**

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

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: September 2, 2003**