

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

September 2, 2003

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 Daves called the meeting to order at 9:00 AM.

Executive Session

County Clerk, Tina Gallegos read the agenda for executive session. Commissioner Andersen made a motion to enter into executive session. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Commissioner Padilla made a motion to enter regular session. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Carol Anaya, Human Resources Manager, reported as to what was discussed in executive session. New Hires Pending Pre-Employment Physical/Drug Test for Marc Lovato, Road Department, Labor & Sign Maintenance, Clinton Simmons, Sheriff's Department, COPS II (Part-Time), Rescinded Hire Of Joshua Lucero, Sheriff's Department Deputy, End of Season Employment for Jennifer Shaw, Assessor's Office, Field Trainee Clerk, Kristen Reed, Assessor's Office, Field Trainee Clerk, The following positions have been posted for Business Fiscal Manager, Correspondence Secretary/Collections Clerk (Treasurer's), Deputy Treasurer/Collections (Treasurer's Office). There was a request and approval for PERA payment.

Mr. Fernandez reported as to what was discussed in executive session. There was a request addressed by the County Assessor for a salary increase for an employee within that Department, the final budget direction of the Commission was to have that stand and there would not be a salary adjustment.

Tom Garde, County Attorney, reported as to what was discussed in executive session. We discussed a proposed extension with the Environmental Department Administrative Order, which was set to expire September 19, 2003. We discussed the proposed settlement document that has been circulated with regards to the Burris/Yates lawsuit and will report back to the Commission with regards to the status of that settlement at the next meeting. We discussed a current obstruction of County property and we will be following up on a proposed litigation with regards to a neighbor on that situation. Mr. Garde said he was directed to report back to this Commission with regards to several lawsuits pending with the Association of Counties involving actions against Valencia County.

Chairman Daves said there was a brief discussion of the Fire Marshal and his position and as related to the stipend issue for the volunteers. No action was taken.

Commissioner Padilla made a motion to accept the reports as presented. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

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

Approval of Agenda

Ms. Gallegos read the agenda for the regular meeting of September 2, 2003. Commissioner Aguilar made a motion for approval of the agenda as read. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Approval of Minutes

July 29, 2003 – Special Meeting
August 5, 2003 – Regular Meeting

Commissioner Andersen made a motion for approval of the minutes of July 29, 2003, Special Meeting and August 5, 2003, Regular Meeting. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar and Commissioner Padilla said they did not attend the August 5, 2003 Regular Meeting. Commissioner Andersen amended her motion for approval of the Special Meeting of July 29, 2003. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0. Commissioner Andersen made a motion for approval of the Regular Meeting of August 5, 2003. Seconded by Commissioner Padilla. Discussion. Commissioner Andersen voted yes. Chairman Daves voted yes. Motion carried. 2-0.

Public Requests

James Cooke, Fire Chief Manzano Vista Fire Department, had questions concerning the stipend program. Chairman Daves said at the last meeting this Commission approved an amendment to the budget that would place the County share withholdings. So that when the stipends are issued that would not be taken out of the volunteer's portion of the stipends. Mr. Fernandez said administration is still waiting for the completed W-4's that would allow us to proceed with the issuance of those checks.

Rod Mitchell said this was just informational, he and his wife were out of town last week with his wife attending dispatch school, When they got back and she returned to work Sunday morning and she received a memo in her box that read the Sheriff's Department would no longer answer calls for any employees in the Sheriff's Department that we would have to contact the State Police in Albuquerque for anything that happened if we need law enforcement. Mr. Mitchell said someone needs to straighten this out because they seem to think that anything they investigate would be conflict of interest. His understanding this came through the District Attorney's Office in reference to Sgt. Purdy's home that was burglarized. Mr. Mitchell said this is not fair; he is a tax-paying citizen in Valencia County.

Sheriff Perea responded to Mr. Mitchell's comments and said the District Attorney's Office did authorize an order that stated they do not want the Sheriff's Office investigating their own officers residences in case of burglary or any other type of felony case. Sheriff Perea said dispatcher's were not included in that order and dispatch received the memo in error.

ACTION ITEMS:

GENERAL REQUESTS:

PLANNING & ZONING MATTERS:

Request to Amend Zone Map From C1 to C2 – Robert Becker/Ruben Chavez

T7N R2E, Sec. 26, Tr.72-B-1, El Cerro Loop, Los Lunas

Cabinet, Welding, Paint & Body Shop

Toby Jaramillo, Planning & Zoning spoke on behalf of Ruben Chavez requested a zone change from C1 to C2 for Robert Becker. Mr. Jaramillo gave a brief history of Mr. Becker's request. In 1998 this property was changed from RR to CD and was granted at that time and when the maps were redone it was changed to RR and there was a request in 1999 to change it from RR to C1 and was approved. Mr. Becker had a variance approved and was short of two acres, which is the required minimum from going C1 to C2. A few months ago P & Z approved the zone change from C1 to C2 on a 5-0 vote and then it was before the County Commission with an approval of positive request with the zone change from C1 to C2. Mr. Jaramillo said at that meeting there was a gentleman in the audience who had not been notified that lived in the vicinity and this Commission rescinded that vote and it went back to P & Z and comes before you with a 2-2 vote. So at this time it doesn't come to you with a recommendation but we are requesting a zone change from C1 to C2. Mr. Becker said in 1999 there was a glass shop and a radiator and muffler shop. Commissioner Aguilar had some concerns as to in the past what was approved before what was the lot size and the businesses that were there? Mr. Jaramillo said the lot was 1.98 and Commissioner Aguilar said that is now. Commissioner Aguilar said when we started there was only one tract of land and it involved a couple of businesses. Mr. Becker said he has been granted approval of having two buildings on the same lot. Mr. Becker said they have approval of the zone change from a landowner next to his property. Commissioner Aguilar had some questions on the letter to Mr. Chavez stating that the property owner has been issued a permit for this use, which allows the C2 District but not the C1 District. Is the C2 for the muffler shop or for the towing in the back and are there violations there that the County is looking at? Mr. Becker said they have a permit for the towing and it was approved. Commissioner Aguilar said then there is confusion because she had been told there is a violation of the towing on the property. Mr. Jaramillo said P & Z issued a business license to Mr. Becker and that is when we found out we didn't have C-2 and towing is not a permitted use for C1 so we are trying to correct that to a C2. Commissioner Aguilar said so in trying to correct the zoning you are trying to accommodate the applicant. Commissioner Aguilar asked if there is city utilities and is there water and septic? Mr. Becker said there is a well and septic, the city has water down to the school. Discussion ensued on when was the zone changed from C1 to C2 and the consensus from P & Z and Mr. Becker was in 1998/1999. Chairman Daves said and since then there has been a lot of churning but no changes but that strip is within the application so if we would act on the application to approve it would include that strip. Commissioner Aguilar asked there is 1.98 acres and Mr. Becker is going to put four businesses on there and in the memo it states infrastructure improvements including water and sewer and road improvements have occurred but there is not water and sewer. Has there been a traffic impact study done? Mr. Becker said he got approved from the State for that. Commissioner Aguilar said on the C2 does this not become planned development? Chairman Daves asked Mr. Becker what are your plans for this property? Mr. Becker said we have design and layout for 4000

square ft building to put south of the building that is already there. Mr. Becker showed pictures of the layout. Discussion ensued as to when Mr. Becker will be receiving services on water and sewer and there has been no date set. Mr. Jaramillo said to answer Commissioner Aguilar's question on the C2 only one commercial building is permitted per parcel and doesn't specify what size. Commissioner Aguilar said as she understands it under C2 what we are talking about each would be under one parcel unless there is a variance allowing the other buildings to be on that one tract of land. Chairman Daves said is the towing operation legal under the C1? Mr. Jaramillo said probably not legal. Chairman Daves said is the muffler shop legal under C1? Mr. Jaramillo said yes. Chairman Daves said so we have an existing business that is non-conforming under C1 and Mr. Jaramillo has just stated that C2 allows only one building and can be of any size but not more than one building without a variance being issued. Commissioner Aguilar said so with that clarification how can we proceed with that information? Commissioner Aguilar said she can't act on this request without counsel advice and this is her District. Mr. Becker said they have a license and an approval for the two buildings on the same lot.

Robert Martinez said he represents Robert Grandin, the abutting homeowner to the property owned by Robert Becker. Mr. Martinez said he wanted to commend this Commission because he doesn't think this has been a scattered approach to this, he thinks the Commission is being intentionally mislead or the ball is being hidden from you. Mr. Martinez said nothing can be more clear when Chairman Daves asked what businesses are taking place on that property at the present time? Why weren't we told about the wrecking yard? Mr. Martinez said he doesn't understand why it is so difficult to answer that simple question but was also difficult for anyone to answer the question what is the past history of that property? There was a glass shop and a hazardous waste disposal company, the muffler and radiator shop, Thoreau Wrecking Yard Service, a 24-hour wrecking service and now we learn it is a police impound yard. Mr. Martinez said he would show this Commission a couple of aerial photographs. The first photograph shows the property dated July 15, 1997 and the other aerial photograph is dated August 21, 2003 so you can see the changes to the property. Mr. Martinez said as he mentioned he represents Mr. Grandin and he has been at that property for fifteen years and he has enjoyed his time at that property but he is now is growing increasingly concerned because of the growing commercial activity taking place. When he first contacted Mr. Martinez's office about the situation, what he advised him that what he needed to do was to take the matter up with the appropriate County officials and did send a letter to the Planning and Zoning Commission asking that the matter be continued until his office had the opportunity to do a factual review of the entire situation. Mr. Martinez said they have not been able to find once they requested from the P & Z office the history of this file that showed when in fact it was changed from RR to C1 and to this date we still don't have that information. Mr. Martinez said that is one important thing this Commission needs to keep in mind. The other thing is that Mr. Becker is asking that the property be taken from C1 to C2 which is a very intensive use of that property and the Zoning Ordinance determines that C1 or C2 uses are that on one parcel of land that there be only one building per parcel whether it be in C1 or C2 zoning. Mr. Martinez said what Mr. Becker is asking for is a highly intensive use for a commercial development in that area which essentially has eight homeowners in that area. Mr. Martinez said there are two homes on the west side of the street where Mr. Grandin is and the other six would be on the east side of the street. Mr. Martinez said in looking at the definition of a community commercial district it requires that the scale and service requirement of the facilities do not have an adverse impact on the character of the adjacent and surrounding neighborhoods and Mr. Martinez said he would submit that with the intensive type of commercial activity that Mr. Becker is contemplating and it is going to adversely affect the adjacent surrounding neighborhoods. Mr. Martinez said that Mr. Becker has several non-conforming uses at the property of which we have now come to find out have been moved from the site, we anticipate that this was done in anticipation of this hearing so that he wouldn't have to respond to any questions about his non-conforming uses. Mr. Martinez said there are so many questions and the posture of this matter is such that this Commission should not approve any application to change the existing zoning from C1 to C2 but more importantly that a full and complete factual investigation should be undertaken by the Commission to find out why the P & Z permitted a non-conforming use to exist on the property and it has existed since April of this last year. The problem that this Commission has is that Mr. Grandin is stuck facing a situation of where his property is diminishing in value on a daily basis for its residential use. That is condemnation without due process and without a hearing, we don't want to get into a situation where we have to initiate legal action but he is left with very few options in the event that a determination is made by this body to approve the application to change the zoning for this property from C1 to C2. As a matter of public policy, Mr. Martinez said he doesn't think that this Commission can send a message to all of your constituents that it is okay to have a non-conforming use and after the fact try to get everything taken care of and approved. The proper step for this Commission is to deny the application and instruct the P & Z enforcement people to do their jobs and get to the bottom of how they are allowing non-conforming uses on this property. Without that this Commission will have a situation of where your P & Z Ordinances isn't going to mean anything.

Chairman Daves asked about Mr. Grandin's garage and what is the need for this? Mr. Martinez said it is for the sole purpose of Mr. Grandin's vehicles and to get them out of the elements and it is not used for commercial purposes.

Commissioner Aguilar said she would like to bring this back to what is before us and that is to approve the addition of a cabinet shop, welding shop and a paint and body shop. If there are two businesses already on the property, we are being asked to approve three additional businesses on 1.97 acres and staff has already clarified that that is a violation of our ordinance. Commissioner Aguilar said the road of 263 whether Los Lunas annexes six months or six years from now, we have to deal with what is there today and that is a two lane road and traffic has an impact on there that is

very severe. It is on well and septic, in addition to that in having a wrecking yard it is in violation of the C1 current zoning. In the past when we have dealt with wrecking yards, we have always been very cautious in allowing that.

Commissioner Padilla said there was a letter from our County Attorney to Commissioner Aguilar and on the last sentence it states issues concerning the applicant Becker's use or intended use of the property should best be addressed at the Planning and Zoning level with a decision made by that entity. Mr. Garde said it is his understanding in April of this year Mr. Chavez made an incorrect determination that in fact the property that Mr. Becker owned was C2. At that point is when he authorized the towing service and the minutes of the meeting in August he acknowledged that mistake, apparently there was a meeting between Mr. Chavez and Mr. Becker advising Mr. Becker of the mistake. At that point was when the application was made for the variance and for the zone change. As Mr. Jaramillo indicated this matter went to P & Z with their approval, it went before this Commission and during the meeting Mr. Grandin stood up and objected that he had not been notified. Mr. Garde said in his reading of case law is that due process must be given to everyone who is directly affected, at that point Mr. Garde said he recommended that this matter begin from square one again which was to go back to P & Z so that they could hear both sides of the case and then bring the matter before this Commission.

Chairman Daves said if there are any questions; please ask them at this time. Dodie Hoffman said she had a comment on process, she has sat here for an hour and half and we have cross examined each other, cross examined the applicants and she would like to seriously and humbly ask this Commission to look at coming up with a form with all the basic information that you must have before we let anyone come up here and ask or make a change. Ms. Hoffman said this would save everyone a lot of time and would get rid of the cross examinations and some of the hurt feelings that exist in this room at this moment. It would also be good if the zoning designators like C1, C2 tell us what they are and what they mean, and the difference on towing under C1 but why can't you have one under C2. This is just in the interest of the public and for those of us that are not as familiar with everything as this Commission might be.

Ray Mathias said he lives on El Cerro Road on 05 and in talking about widening of that road, the road has been referred as to a farm market road, it has no shoulder, and so if you widen that out and add a shoulder you will ruin a lot of property. This is what this gentleman is relying on is them widening out that road and taking all of the residential property into Los Lunas but Mr. Mathias said he doesn't want to be part of Los Lunas because he is Valencia and his neighbors agree with him. As for these businesses we were not notified of them going in. Mr. Mathias said behind him is an irrigation ditch which sounds like a bunch of hornets, it is the motorcycles from the motorcycle shop running up and down the ditch creating dust and noise and that is just one of the businesses, imagine the wrecking yard there. Mr. Mathias said as a homeowner he is not in favor of any it, the widening, nor the property into Los Lunas.

Mark Rosenbloom said he is here on another matter but he is familiar with that property. He doesn't know what the State does when they approve a permit for a septic system but having a paint and body shop and a welding shop and pouring air waste into the grounds as well as a yard where vehicles are being stored without any sort of provision for accepting the wastes that come off that. In addition the previous use of the property, the Environmental Co. was extremely sloppy in handling of the materials. Has any sort of pollution study been done on that property and what exist there now and how that may increase with specific kinds of businesses?

Chairman Daves said in order for the use that is on the property to continue the land should be changed to C2 so regardless whether additional uses are brought in the zone change is required to make the property conforming. Mr. Garde told us that staff made a mistake in issuing the permit to allow the present and existing towing yard on a mistake and assumption that the property was already zoned a C2. It was in fact C1.

Terry Hatcher on behalf of Mr. Becker on the radiator shop said they had to meet very strict EPA rulings on their waste system and that they have been approved on that system. They are not dumping waste in the sewers or dumping them on the ground. Everything will be subject to EPA approval to their standards when the property goes into business at that time.

Mr. Becker said in reply to Mr. Martinez when he asked for a zone change he asked for a CD for residential commercial and was approved. But at that time they did send out letters and Mr. Martinez said there are eight houses and there are not that many. We abided by the ordinance and removed the trailers because we didn't want to get a violation from the zoning ordinance. Mr. Becker said Mr. Grandin has two meters on his garage or his new commercial building. Mr. Becker discussed the traffic impact that has been there for fifteen years. Mr. Becker asked if his son could read a letter that is dated August 26, 2003 to Ruben Chavez from James Strozier.

Richard Becker read the four-page letter that his father referred to, this letter addresses the rationale for a zone change and variance request on 1.98 acres of property located at 22 El Cerro Road. Mr. Becker added to this discussion is that the County Commission should create a sustainable and economic future for ourselves as well as our children. These small businesses contribute to the economy and the sustainability to the community.

Commissioner Padilla said our attorney has issued an opinion and this is in Commissioner Aguilar's District and she will be more knowledgeable about the area and he would like her to give us a recommendation.

Commissioner Aguilar said she has to go back to the ordinance, where it talks about two buildings in one lot, even though Mr. Becker got a variance, her interpretation is that it is two businesses. In the ordinance there are conditions to be complied with that have not in this case been complied with. Commissioner Aguilar said the traffic impact is there and cannot handle it. Commissioner Aguilar said in following with the ordinance she would make a motion and deny the request of the two new businesses, this should stay as a C1, and cannot see accommodating an applicant because of a staff error, as far as the towing business, it is in violation and that needs to come before this Commission separately and we deal with it as one issue so again her motion is to deny the request as C2 on the 1.98 acres. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Commissioner Andersen said she would like to make an observation and make this public. This whole exercise that we have been through in the last two hours has been extremely distasteful to her and she suspects to most of the audience here. None of this should have ever occurred, reason being is that there was a mistake made in Planning and Zoning and that should be investigated and should be stopped. Commissioner Andersen said we are now in the position of putting people in the community to unnecessary expense and to wonder what they are going to do next with their own property. This could have been stopped at Planning and Zoning immediately if they would have followed the ordinance. Commissioner Andersen said to Mr. Fernandez if he had ever done a management survey of Planning and Zoning and check out their practices and their procedures in going about doing anything and why there is never any kind of formal statement that comes to the Commission that says these are our findings and this is what we recommend. Commissioner Andersen said she proposes to Mr. Fernandez until that is done we are going to go on facing these kinds of distasteful, horrible experiences.

Mr. Becker commented that the ordinance needs to be looked at.

Chairman Daves said we will take a break and return at 12:30 PM.

Chairman Daves called the meeting back to order.

DEPARTMENT REQUESTS/REPORTS:

Board of Commissioners Convenes as Indigent Board

Indigent Reports/Appeals – Barbara Baker

Board Re-Convenes as Valencia County Board of Commissioners

Commissioner Aguilar made a motion to convene as the Indigent Board. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Ms. Baker presented the indigent claims from July 23, 2003 to August 21, 2003 and the number of claims submitted was 67. The total amount of claims submitted was \$302,203.92 and she is asking the Commission to approve \$65,248.60. Ms. Baker's recommendation is for approval. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Ms. Baker reported on an indigent appeal for Michael Taylor that was denied August 5, 2003. Mr. Taylor moved from Indiana to New Mexico to care for his mother and grandmother who are in poor health. Ms. Baker reported that Mr. Taylor's income was above the maximum allowed, but since he didn't find work until the end of July his 2003 income was below the minimum allowed. Mr. Taylor would like the Commission to reconsider the denial and if approved would pay \$425.00 to Living Cross Ambulance Service and \$1,289.75 to Presbyterian Hospital. The total amount would be \$1,714.75. Ms. Baker's recommendation is for approval. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Ms. Baker on behalf of Mr. Fernandez requests an appeal for a Valencia County inmate, Daniel Silva. Mr. Siva's University Physician Associates bill was received after the 90-day limit and if this bill is approved the total paid would be \$345.54. Ms. Baker's recommendation is for approval. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Commissioner Aguilar made a motion to reconvene as the Valencia County Board of Commissioners. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Request Approval Resolution Animal Control Advisory Board – Anne Aragon

Ms. Aragon said her request is approval of a resolution to officially establish the Valencia County Animal Control Advisory Board. After discussion and concern, Ms. Aragon is requesting this item be tabled until the next meeting so that further review of the resolution can be made. Commissioner Aguilar made a motion that we follow Ms. Aragon's request and table this item until the September

16, 2003 Regular Meeting. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Appointment of Animal Control Advisory Board Member – Anne Aragon

Ms. Aragon said that two individuals have submitted application for appointment to the Advisory Board. Ms. Aragon said her recommendation to the Commission is that Dora Jacobs be appointed as a member. This is due to the resignation of Michele Jespersen from the Advisory Board panel. Ms. Aragon said that Ms. Jacobs has been an active member in attending the meetings.

Commissioner Andersen made a motion to appoint Dora Jacobs to the Animal Control Advisory Board. Seconded by Commissioner Padilla. Discussion. Laurel Campbell said the other applicant was Faye Mitchell and a number of people feel that she is qualified. Commissioner Aguilar said Ms. Mitchell requested to be a part of this Board four or five months and got delayed. She is part of dispatch 911 so she brings perspective into this Board of the calls that are coming in and how they are handled. Commissioner Aguilar feels that Ms. Mitchell would be a good asset to the Board and she would like her to be the appointee. Commissioner Aguilar said she will not support Ms. Jacobs. Chairman Daves called for the vote. Commissioner Aguilar voted no. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 2-1.

Road Department – Dan Trujillo

Status of Road Projects

Postal Service Requests

Mr. Trujillo updated the Commission on the road projects of where they are at this time. Mr. Trujillo said the postal service has requested grading on private roads. Since receiving funding Mr. Trujillo presented a handout of the road projects on their scope of work whether it be re-chip, build up or re-pave or patch and the work that has been done. Chairman Daves asked if this work will be completed before the cold weather sets in. Mr. Trujillo said they are doing just that before the rain or cold weather sets in. Mr. Trujillo said this handout of the road project is for the month of September. Chairman Daves brought up for discussion on installation of speed humps on the listed roads in the Commission's packets. There was a quote from Albuquerque Asphalt for \$47,195.16. Mr. Fernandez said there would have to be a movement of funds from that line item for road construction for speed humps. Commissioner Aguilar was concerned about making a transfer for speed humps when we are limited under road construction, if any of these projects go over or we need to replace a culvert or we need extra work, we are depleting that line item. Commissioner Aguilar said we should wait until the end of the year and see what is there and address what is before us and look at speed humps later. Commissioner Andersen and Commissioner Padilla concurred. Chairman Daves said he doesn't disagree with the Commissioner's consensus but we need to look at the speed humps at a later date especially due to safety reasons.

Commissioner Aguilar said she and Mr. Trujillo had discussed the requests on the roads that need maintenance. This is due to the postal service making requests of private roads to be graded and maintained but they are also having the Road Department staff actually repair posts on the mailboxes so the postal service can drive up to them. This is taking a lot of time and county roads are taking a back seat on priority. Chairman Daves said we appropriately respond to post office requests with regard to allow them public access as need for mail but shouldn't extend to repair postal boxes on private roads. The private homeowner should be responsible. Commissioner Aguilar said but if it is a request by the postal service it should be at his administrative discretion to say the grader is somewhere else or we are taking care of the county roads and then we will take care of the private roads.

Commissioner Padilla complimented Mr. Trujillo and his road department on cleaning all the signs (graffiti) to Rio Communities. This was a big job and sometimes we get lax on saying thanks for a job well done.

Request Approval For In-State Travel

NMAAO Conference-Las Cruces-October 8th thru October 10th, 2003 – Beverly Gonzales

Clerk Affiliate Conference-Chama, NM October 6th thru October 9th, 2003 – Tina Gallegos

Margaret Garcia, Chief Deputy Assessor on behalf of Beverly Gonzales requested in state travel for Ms. Gonzales to the Fall Conference in Las Cruces and said she will be leaving on October 7th and returning on October 10th. This will be taken out of her 420 budget. Commissioner Aguilar said if it is in her budget then she will make a motion for approval of this request. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0. Mr. Fernandez said the amount that is being requested is \$211.00 and this is for public record.

Peggy Estrada for County Clerk, Tina Gallegos and on her behalf she does apologize, as she had to leave. She is requesting in state travel for herself and Ms. Perea to attend the Clerk's affiliate meeting in Chama, New Mexico on October 6th thru October 9th. This will come out of the Clerk's Equipment Fund to cover the registration of \$100.00 each. The General Fund will cover mileage and per diem of \$65.00 per day per person or a total of \$520.00. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Request Approval Resolution For River Crossing – Alicia Aguilar

Commissioner Aguilar presented a proposed resolution on the river crossing and this item needs to go forward and the truth needs to come out that the Commission never denied the need for a river crossing. It was the fact that the Highway Department came before us and there were concerns that they had not received approval from Corrections or Property Control to cross from I-25 to Highway 314. The other item was that the Highway Department did disclose that the funding that had been allocated for the project was now going to have to be reallocated to the Big I and the project in Farmington to finish those projects. The last item they said it was going to be six to seven years before they could get to it because of the money issue. We now have a new Governor, we have a new Highway Department Commission and the people now have recognized the need for a river crossing. Commissioner Aguilar asked Mr. Fernandez to read the resolution.

Commissioners discussed the resolution at length and came to a consensus on the language changes to the resolution. Chairman Daves said we will wait until the changes are made and go on and when the Resolution is ready, the Commission can make a motion and vote on it and sign at the same time.

Commissioner Aguilar made a motion that we table this item to the bottom of the agenda to give staff ample time to make the language changes as discussed and agreed upon by the Commission. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

FINANCIAL/BUSINESS MATTERS:

Request To Go Out To Bid Construction Of Roof (Jarales Community Center) – James Fernandez

Mr. Fernandez requested permission to go out to bid for the construction of a roof for the Jarales Community Center. Mr. Fernandez said that John Friedman is currently in the process of updating the bid packet to allow Valencia County to go out to bid. The construction plans have previously been approved by the State Historical Division. Mr. Fernandez said that Valencia County has two legislative appropriations for this project that total \$125,000 to plan, design and construct the Jarales Community Center. This item is being brought forward at the request of Commissioner Trujillo. Vivian Cordova gave a brief history on the land in question where the Jarales Community Center sits. Mr. Cordova said this building is too dilapidated and in no shape for construction and asks the Commission to review this. Commissioner Padilla made a motion to table this item. Seconded by Commissioner Andersen. Discussion. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 2-0. Commissioner Aguilar was absent for this vote.

Presentation Of Approval Letter – James Fernandez

2003-2004 Final Fiscal Year Budget For Public Record

Mr. Fernandez presented the approval letter that was received from Department of Finance and Administration for the final fiscal year budget 2003-2004. Mr. Fernandez said at the last meeting just for informational purposes this Commission was handed out a copy of this approval letter. Mr. Fernandez said at this time it is before this Commission in final budget form for public record as required by state statute. Commissioner Padilla made a motion acknowledging receipt of the approval letter from Department of Finance and Administration and consenting to the changes that were made. Seconded by Commissioner Andersen. Discussion. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 2-0. Commissioner Aguilar absent for this vote.

Approval of Payroll & Warrants – James Fernandez

Mr. Fernandez presented the computer printout lists of all the checks issued by the Manager's Office on August 22, 2003 covering payroll process on that date. Payroll Check #58767 thru Payroll Check #58938 inclusive. Deduction Check #73361 thru Deduction Check #73394 inclusive for listing total of \$185,678.07 and of that amount \$128,582.84 is from the General Fund. Commissioner Padilla made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Mr. Fernandez presented computer printout lists of all the checks issued by the Manager's Office on August 29, 2003 covering vendor bills processed on that date. Check #73395 thru Check #73470 inclusive for listing total of \$246,193.70 and of that amount \$47,180.26 is from the General Fund. Mr. Fernandez said assuming the approval of this listing the cash balance in the General Fund after the deductions of these items is \$1,232,312.43. Commissioner Padilla made a motion for approval. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

MANAGER'S REPORT:

Update El Cerro Mission Community Center Playground Equipment – James Fernandez

Mr. Fernandez gave an update of the El Cerro Community Center appropriations monies.

Manager's Report – James Fernandez

Jail Monitor's Report - Informational

Mr. Fernandez reported for the period of August 15, 2003 to August 28, 2003 the average prisoner count was 135 and of that amount 119 were male and 15 were female.

Request Approval Resolution For River Crossing – Alicia Aguilar

Commissioner Aguilar said the changes were made to the Resolution and the Commission reviewed each change and agreed. Commissioner Aguilar made a motion for approval of Resolution 2003-46. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Chairman Daves said he supports this Resolution. Motion carried. 3-0.

Commissioner Andersen publicly thanked Commissioner Aguilar for doing this Resolution as did Commissioner Padilla and Chairman Daves. Commissioner Aguilar thanked the Commission and the public for their support.

The next Regular Meeting of the Valencia County Board of County Commission will be held on September 16, 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 Commission Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0. Time being 3:00 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**

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: September 16, 2003