

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

October 7, 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 Gary Daves called the meeting to order at 9:00 AM.

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

Carol Anaya, Human Resources Manager, reported as to what was discussed in executive session. New Hires Pending Pre-Employment/Physical/Drug Test, for Liza Alvarado, Treasurer's Office, Lydia Gallego, Treasurer's Office, Rescinded Hire of Clinton Simmons, Sheriff's COPS II, Disciplinary Action on two employees from the Sheriff's Department, Status Change from Probationary to Non-Probationary/Salary Adjustment of .50 cents as per budget approval for Cathy Munoz, Older American Program, Direction was given to the Personnel Director and readvertise for the Business/Fiscal Manager.

James Fernandez, County Manager, reported as to what was discussed in executive session. Mr. Fernandez reported that direction was given to administration to prepare an RFP for a County Attorney. Notice was given to this Commission of Mr. Fernandez retirement effective January 2, 2004 but due to accumulative leave his last day will be November 10, 2003. Direction was given to administration to contact an individual as a possible interim County Manager during the time this Board is formulating and looking for a replacement.

Tom Garde, County Attorney reported as to what was discussed in executive session. With regards to litigation, we discussed the status of the Environmental Department Administrative Order extension and the efforts of the County to obtain Legislative Funding to the Legislative Finance Committee and a meeting is scheduled for that on October 15, 2003 in Santa Fe. We discussed the status with regards to the Becker administrative appeal and the Leroy Aragon administrative appeal, and the Manuel Martinez administrative appeal. We discussed the existing litigation with regards to Ber Ben Road and the Yates/Burris lawsuit. We discussed the special request by the prosecutor Randall Harris for an assessment to be done at the Animal Control Facility and that is this Saturday, October 11th. No action was taken. Mr. Garde said as County Attorney he submitted his resignation to Valencia County effective November 30, 2003 and that decision was based on commitments that have been made with regards to his practice. Mr. Garde said he has enjoyed working with this Commission for six years and it has been a great experience because he has met a lot of committed people and appreciates the support and encouragement this Commission has given him while serving this County. Mr. Garde said we need to go out RFP so we can request proposals for a County Attorney.

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

Chairman Daves asked former Commissioner Salomon Montano to lead the Pledge of Allegiance.

Approval of Agenda

Barbara Garcia read the agenda for the October 7, 2003 Regular Meeting. Mr. Fernandez said Item K, the in state travel for October 20th thru October 24th, 2003, Clovis, NM IAAI Arson Conference be removed from the agenda and under Item P, Request to go out to bid, Personal Property Forms, Mr. Fernandez stated he will be speaking on this Item on behalf of Beverly Gonzales, County Assessor. Commissioner Andersen is leaving early and is interested in Item S so before she leaves that it be moved up so she can participate on this item. Commissioner Trujillo made a motion to approve the agenda with the minor changes. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Approval of Minutes

September 16, 2003 – Regular Meeting

Commissioner Trujillo made a motion for approval of the above minutes. 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

Suzanne Huerta – Emergency Services, Ms. Huerta discussed that we are beyond a crisis situation and beyond study, we need to act.

ACTION ITEMS:

GENERAL REQUESTS:

Proclamation Honoring Former County Commissioner – Board of Commissioners

Linda Wilkinson

Chairman Daves read the Proclamation in honor and memory of Linda Wilkinson. Ms. Wilkinson served as a County Commissioner in District V from 1992 to 1996. She served with fellow County Commissioners Salomon Montano, Chair District III, Frank Gurule, Vice-Chair District I, Charles Eaton, District II and Richard Smrt, District IV and County Manager Paul Gabaldon. Chairman Daves said this proclamation recognizes her as a dedicated public servant in Valencia County for her participation in County Government. Commissioner Padilla made a motion for approval of the proclamation in honor and memory of Linda Wilkinson. 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.

Presentation/Consideration Of Resolution In Support of – Beverly Friedman

Governor's Transportation Plan For New Mexico

Tom Raught, District Engineer for District Three with the Transportation Department said Ms. Friedman was unable to be here today but on her behalf he would present the resolution. Mr. Raught handed out a pamphlet explaining what GRIP is all about. GRIP stands for Governor Richardson's Investment Partnership and what this project is going to do is address the most critical highway needs of an aging and deteriorating system as well as the economic development that is critical to statewide connectivity of New Mexico. Mr. Raught said our goal is to enhance a multimodal transportation system that provides safety and mobility of people, goods and services. This program has a number of projects and we are hoping to do a bonding program which will pay but not affect our current STIP or (Statewide Transportation Improvement Plan). If this bonding package goes through and why we are asking for endorsement is we have a number of projects of roads that are falling apart. And if this goes through it will enable us to come to Valencia County to meet your road needs. Mr. Raught referred to the hand out that showed a grid of colors that showed blue which are the expansion projects under GRIP and red which are critical needs projects under GRIP and green which are projects under STIP. Discussion ensued on the project and needs for Valencia County, especially the three projects that Commissioner Aguilar said were they removed or can they be put back on the program projects list. Mr. Raught said he couldn't make any promises because it has to go through the proper channels but if that is what this Commission wants, we can certainly try. Commissioner Aguilar made a motion for approval of **Resolution 2003-49** with a condition upon the three projects being added back to the STIP Program and identified. (1 The extension of Hwy 47 south of (south of 263) to Rio Communities, (2 The widening of Hwy 47 from Valencia to Bosque Farms, (3 The newly revisited River Crossing as per Valencia County Resolution 2003-46. Commissioner Padilla seconded the motion. Commissioner Aguilar voted yes. Commissioner Trujillo voted no. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

Request Acknowledgement Of Calle de Baca As A County Dedicated Road – Salomon Montano

Mr. Montano said he will give a brief history of this Calle de Baca road that is in question. The County has maintained this road for a number of years. We did some straightening of the road about eight or nine years ago because of the dangerous curves that were involved. We made a deal with the adjoining landowners because it went right through the middle of their land. We paid \$7,000 for the fencing and in turn they gave us the clay to cover the landfill, which was no less than \$20,000 worth of clay. And we always took it for granted that it was part of Baca road going up to the mesa. But for the public safety of the people on the top of the mesa in case of an emergency, the rescue would save time from Jarales. Chairman Daves asked Mr. Montano what precipitated this request because you had said this road has always been maintained but you did indicate that recently it hasn't been a maintained very well and also has been fenced off and gated. Mr. Montano said the owners of the land Nino Trujillo and Leroy Baca closed it off because of the trash being dumped there and they were worried about the liability concern.

Ruben Chavez said the maps today and the inventory list at the Road Department show that Calle de Baca ends at the ditch and a road by the name of Las Piedras that goes all the way to the top by Harrison Rd. And on our list Las Piedras is a private road and Calle de Baca is a County maintained road. This is what our records reflect today.

Chairman Daves asked staff to look at the policy issues involved with the ingress and egress and the safety issues and if we have any more history on this road.

PLANNING AND ZONING MATTERS:

Request To Change Zoning From RR2 to RR1 – Ruben Chavez/Nash & Mary Jaramillo

Mr. Chavez said this Commission has had this item on the agenda a few times this year and it was the instruction of this Commission that Nash and Mary Jaramillo meet with the County Attorney and come up with some direction as to where to proceed with this request. That meeting did take place and as a result of that it has been over a year that this Commission heard this case. It was agreed because it had been a year that Nash Jaramillo be awarded the opportunity to go through the zone change process and treat this on its own merits within the new hearing. That would require an application and a Planning and Zoning recommendation. We have done all of this. Planning and Zoning heard this request on September 9, 2003 and a motion was made and approved for this request for this zone change from RR2 to RR1 in the hopes of retaining the plat that had been recorded January 19, 2000. P & Z came to three conclusions, (1 this plat was recorded of no fault of the applicant, (2 the applicant had paid a fee and it went through the process of getting the land split (3 it was approved by the County. In dealing with lot split there was no fraudulent findings and Planning and Zoning recommends a due pass. There are two mobile homes on the property. In order to meet regulations this has to be zoned RR1 and this is what the Jaramillo's have requested.

Mary Jaramillo said Nash was unable to attend but their request is to split the three acres and went through the process and paid the fees and did what was requested.

Commissioner Aguilar said she finds it unfortunate that this issue came before us in 1999 and the result of one action of an employee there was reprimand, there was termination, there was an immense cost to the County and there was a terrible financial hardship to the Jaramillo's also. It did come before us and we were advised to deny it and now it comes back before us a year later and we are being advised to approve it. Commissioner Aguilar said our County Attorney has advised us and P & Z has granted approval of this request then she will make a motion to that effect. Chairman Daves said this motion needs to be clarified that the County Attorney didn't recommend approval and might not be within his either desire or prerogative. Commissioner Aguilar said she will ask our County Attorney his recommendation. Mr. Garde said in going through the facts on this issue the Jaramillo's equity have earned and they have cooperated on this issue. But based on that he is not sure he can recommend approval, the equity is in the Jaramillo's favor to consider granting them the zone change that they requested. Commissioner Padilla seconded the motion. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Permission To Publish Amendment To Section 6.1.3-O Of Subdivision Ordinance – Ruben Chavez

Mr. Chavez requested permission to publish an amendment to a subdivision ordinance requiring an agreement for a grant of easement for ingress and egress utilities and roadway maintenance agreement. Planning and Zoning was approached by two title companies and two realtors and one mortgage company (who made themselves an ad hoc committee) and he and Mr. Garde met with this committee. Commissioner Trujillo made a motion for approval to publish the amendment. 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.

Permission To Publish Ordinance Addressing Abandoned Building Structures – Ruben Chavez/Tom Garde

Mr. Chavez requested permission to publish an ordinance addressing the abandoned building structures. Valencia County has attempted to curb the ever-increasing abandoned structures in the county and with a procedure and funding in place this can be accomplished. Mr. Chavez said as funding allows we can remove the burdened homes and unsafe structures but will help to eliminate criminal gathering place while increasing property values by aesthetically improving the landscape. Commissioner Trujillo asked if any of our County buildings qualify as dangerous buildings, especially the building we are holding this meeting in? Mr. Chavez said he defers to the building inspectors because they are qualified to answer that type of question. Richard Padilla said there is a process with the uniform building code as it pertains to the public health and safety of the County. Commissioner Trujillo said his question didn't get answered but that is okay but in reading this ordinance, there are buildings that are not ready to be torn down and don't need to be torn down, especially the ones with historical significance. Chairman Daves turned the chair over to Commissioner Trujillo to allow him to make comments. Commissioner Daves said he would like to set out the legal premises of which action can be taken on this ordinance and would like to present this ordinance. If it is past repair tear it down and clean it up and given due process give them reasonable time to do this. The County has a right to go in and abate the nuisance, which involves removing the full structure because it is burned out and of no value. The cost to the County would be recoverable either through a condemnation process and ultimately through a lien that would be

triggered and a payment be made at such time the property would change hands. We can force the foreclosures and if there is a market there a foreclosure at this point would be no bidders. Commissioner Andersen said this ordinance is long over due and necessary for this County. Commissioner Andersen made a motion for permission to publish. Commissioner Daves seconded the motion. Discussion. Commissioner Daves asked if two individuals from the audience could speak. Commissioner Aguilar said there is a motion and a second and with Roberts Rules of Order we need to proceed. Commissioner Daves asked that the motion and second be withdrawn so the public can state their comments. Commissioner Daves withdrew his second and Chairman Trujillo asked for a second. Commissioner Andersen's motion failed for a lack of a second.

Joseph Griffenberg from Meadow Lake discussed his area with the Commission. On Manzano Road where he lives there is an abandoned mobile home that has been trashed; actually there are seven of them. Discussion ensued as to the vandalism that has occurred within this area. Mr. Griffenberg said why can't we work something out with the program Habitat for Humanities and fix them up but the County needs to take possession of those properties.

Dieter Hartenoff from Meadow Lake thanked Commissioner Daves and Mr. Chavez for being involved with this project. Mr. Hartenoff said he fenced off his property due to the trashed abandoned mobile homes that are nearby. Discussion ensued on the procedure of moving a mobile home out and then bringing one in at the same location without the proper steps taking place.

John Cherry added information to this issue and said his office had done a survey and identified 38 abandoned structures in that Meadow Lake area. Mr. Cherry said they found out a lot of these mobile homes are repossessions and he considers these structures a health problem for Valencia County.

Commissioner Andersen made a motion for approval to publish this ordinance and establish three hearings to hear public comment. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

RFP Management Of Adult Detention Facility (Update) – Tom Garde

Mr. Garde said in the Commission's packets is a revision with regards to a draft of the RFP of the Adult Detention facility. Mr. Garde said he took into consideration comments that the Commission made at the last meeting of September 16, 2003. He added some requirements that are currently in place that Cornell provides to the County, which includes the janitorial services and the electronic monitoring program. Mr. Garde said he has added within the bid this would be a three-year contract and would allow for two additional one-year extensions on the contract. We should get a better price and in private conversations with the Commissioners there has been a request to include annual evaluations with regard to each year that the contract is in place. And that would be added to the RFP proposal with the Commission's pleasure. Chairman Daves said he was part of that discussion and he thought it might be appropriate for some language that the County expects to enter into a three year contract within that annual renewals so that it invites discretion in the contract stage to look at proposals that would make the contract firm if we had a tradeoff of less cost associated with it. The existing contract terminates July 7, 2004. Commissioner Andersen said she had a concern with the pre-proposal conference of December 15, 2003 given Mr. Fernandez's announcement earlier on his retirement if we could change that date to the first week in November. Commissioner Andersen said she would rather see this Commission have a proposal contract while we have a County Manager. Mr. Garde said we can do this. Commission came up with the date of October 27, 2003.

Board of Commissioners Convenes as Indigent Board

Indigent Report – James Fernandez

Board Reconvenes as Valencia County Board of Commissioners

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

Mr. Fernandez reported on Ms. Baker's behalf and presented the indigent claims from August 21, 2003 to September 23, 2003. The total amount of claims submitted is \$431,290.89. Mr. Fernandez asked the Commission to approve \$45,559.89. There were 83 claims submitted and 26 applicant denials. Commissioner Andersen 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.

Chairman Daves said if there are no objections this Commission will reconvene as the Board of Commissioners.

Discussion/Consideration Of Resolution Changing Commission Meetings – James Fernandez **Date/Time**

Chairman Daves said this item has come up to accommodate a Commissioner whose hour's conflict with the regular scheduled meeting dates. If other Commissioners will be acceptable, Wednesdays might accommodate both the Courts and Commissioner Trujillo. Mr. Fernandez said the new District Judge is in Sandoval County on Tuesdays and Wednesday so either of those days would work for them. Mr. Fernandez said with your packets there were two items that were requested by staff, one of them is a listing of local entities and their meeting dates and the other is an overtime analysis of

staff based on two, three, four and five hour meetings. Commissioner Andersen said she has never seen a two-hour meeting now that she is a Commissioner and even before when she attended the meetings they were longer than two hours. Commissioner Andersen said she hates to see us go to two night meetings and would like to accommodate Mr. Trujillo and now Mr. Padilla says he is not able on Wednesday afternoons after discussion on this change. Chairman Daves said the salary the Commissioners get paid implies is that they are not going to make a living as a Commissioner, therefore we have an obligation to accommodate a reasonable schedule. The impact on overtime should fall second place to those considerations. Commissioner Aguilar said she respects what has been said and the dilemma that Commissioner Trujillo is in, we also have a budget issue and that comes first and anytime we are increasing the budget, which at this point we would need to get DFA approval. Commissioner Trujillo commented that he was not the one who requested this change and find it ironic that it is being portrayed as a budget issue and he not only finds it ironic but ingenuine and therefore his request is no change be made. He will take the time off work without pay because he is not going to be pitted against the public and the finances of this County and portrayed as a selfish individual. Commissioner Trujillo said that was never his intent and he never asked for a change and will not allow some fellow Commissioners to portray it as it is. Commissioner Trujillo made a motion that the scheduled meetings be maintained as they are now. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Request Approval of Resolution Re-establishing Trash Committee – Cyndi Sluder/Dale Jones

Cyndi Sluder, Tierra Bonita requested approval of re-establishing the trash committee. Ms. Sluder said that on February 20, 2001 a resolution was approved through the Commission to create a committee of citizens with the objective of developing a comprehensive solution to the Valencia County trash problem. A summary of recommendations was submitted to the Commission. Resolution 2002-03 was adopted and Representative Kandy Cordova submitted House Bill 82 to the State Legislature for funding of the project. Ms. Sluder said Commissioner Daves and Dale Jones were involved and supported this project and she asked if they would like to add their comments at this time. Dale Jones said this problem has not gone away from the two years we have worked on this project. A previous Commission gave the approval but now we are needing support from this Commission because it is such a needed program. Chairman Daves asked Commissioner Trujillo to take over as Chair. Commissioner Daves said this resolution that is before this Commission today is the request of Dale Jones. The essence of the proposal was based upon a model that was underway in Dona Ana County to create a process of billing occupied residences a monthly fee for solid waste costs. And that money would go into a solid waste fund to develop the program and those who had contracts with haulers that fee would not be assessed. Another fundamental was that transfer stations be accessible. Commissioner Daves said that during the legislative session Rep. Kandy Cordova introduced House Bills for the purpose of providing seed money to initiate the first phase of the solid waste program in Valencia County. But the idea is to reconvene the trash committee and maybe recruit some new members. Commissioner Aguilar said there is \$100,000 that were allocated but equipment has been purchased and her understanding is the funding has yet to be reauthorized by Rep. Kandy Cordova. Mr. Jones said there is some confusion on the allocated \$100,000. Commissioner Daves said the money was appropriated to develop a plan for solid waste handling in Valencia County that is it's legal status. There is no reference unfortunately being tied to what Rep. Kandy Cordova wanted it for, the intent was to be part of the seed money. And maybe in all good faith the money was promised in two different places. Mr. Fernandez said the funding for this project was \$100,000 and if it was not utilized by the end of 2004 fiscal year it would revert back to the State General Fund that is why there was a need for Rep. Kandy Cordova to re-authorize this for another purpose. Commissioner Padilla made a motion for approval of **Resolution 2003-50** to re-establish the trash committee. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Chairman Daves took over the Chairmanship.

Request Adoption of 2003 Valencia County Property Tax Rates – Beverly Gonzales

Margaret Garcia representing County Assessor, Beverly Gonzales and on her behalf presented her request to adopt the 2003 Valencia County Property tax rates. Mr. Fernandez explained the certificate of tax rates for the tax year 2003 residential and non-residential as well as the county, municipal and school district operational debt service. Commissioner Padilla made a motion for approval of the request. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Request For In-State Travel:

October 15th thru October 17th – Elephant Butte, NM – Flood Plain Manager's Assoc – Richard Padilla

Mr. Padilla requested in state travel for the building inspector's in Elephant Butte for the New Mexico Floodplain Manager's Assoc. Fall Conference on October 15-17, 2003. Commissioner Andersen made a motion for approval of the request. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0. Chairman Daves absent on this item.

October 15th thru October 17th – Elephant Butte, NM – Flood Plain Manager's Assoc – Ruben Chavez

Mr. Chavez requested in state travel for two of his zoning officers to the Flood Plain Manager's Assoc. Conference held in Elephant Butte, NM on October 15-17, 2003. Commissioner Aguilar made a motion for approval of the request. 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.

October 19th thru October 20th – Alamogordo, NM – Re-Certification of Building Inspector's – Richard Padilla

Mr. Padilla requested in state travel for re-certification for the Building Inspector's held in Alamogordo, NM on October 19-20, 2003. Commissioner Aguilar made a motion for approval of the request. 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.

October 20th thru October 24th – Clovis, NM –IAAI Arson Conference – John Cherry
Deleted

December 1st thru December 5th – Albuquerque, NM – National Animal Control Training – Anne Aragon

Ms. Aragon requested in state travel for two animal control officers to attend the National Animal Control Training in Albuquerque on December 1-5, 2003. Commissioner Padilla made a motion for approval of the request. 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.

FINANCIAL/BUSINESS MATTERSS:

Request Funding For PC Specialist – Larry Mervine

Request Funding For Zoning Manager – Ruben Chavez

Larry Mervine requested funding for a PC specialist as also was requested in the budget but it was removed from the final budget due to other needs. Mr. Mervine asked if this item could be reconsidered as it was discussed funding this position after receiving the County Equalization money and that money has now come in and this position is desperately needed. Mr. Fernandez said this position was eliminated from the budget and the County Equalization has come in and the total amount that was budgeted was \$850,000 and the amount received was \$968,000. Mr. Fernandez discussed the budgeted salary for the two positions, PC specialist and for the zoning manager and what the fiscal impact would be. Mr. Fernandez said we need DFA approval if these two positions were to be funded. Commissioner Andersen said she fully supports the hiring of another data person because this County needs PC help and PC experience. Commissioner Andersen made a motion for approval of hiring a PC specialist. Motion failed for lack of a second. Commissioner Trujillo said both of these positions are important, however some changes that have come about with our County Manager retiring and so on he would like to table consideration of these positions so we can deal with the larger matters at hand of where we are going in terms of interim management. Commissioner Trujillo made a motion to table both of these requests funding for a PC Specialist and funding for a Zoning Manager until the November 18, 2003 Regular Meeting. 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.

Commissioner Andersen left the meeting at 1:30 PM.

County Commission Requests/Reports – Board of Commissioners

Commissioner Aguilar said it has come to her attention this past week from the Environmental Department that their policies have changed. ED is aggressively addressing any septic systems on $\frac{3}{4}$ of an acre or less. Commissioner Aguilar said her concern is this Commission has approved subdivisions, old subdivisions that are $\frac{1}{2}$ acre, $\frac{3}{4}$ acre and in some instances a home has not yet gone up and now with the new policy it does affect those subdivisions. The grandfather clause does not pertain to the subdivision that was approved so that they are subject to the old regulations. Commissioner Aguilar said she would like to ask staff to invite the District Manager from ED to address this Commission.

Chairman Daves said that Commissioner Andersen was going to bring up a need for a study review of the needs of our road department but as she had to leave was not able to bring it up. Chairman Daves said he supports this and to get appropriation to do a needs assessment for our road dept. in terms of equipment, personnel organization and so on. Chairman Daves said he regretted the outcome of our discussion of the Resolution that was before us to change the time for meetings and he as a chair and commissioner will revisit that issue.

Award Bid #546 – Courtroom Renovation – James Fernandez

Mr. Fernandez said there was two bids that were received for the courtroom renovations. First one from D.A. Baker for a bid amount of \$111,154.00 and the Second from Vigil Contracting Services for \$108,500.00. These two bids were reviewed by the architect for the completeness and the recommendation was that the bid be awarded to Vigil Contracting Services. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Motion carried. 3-0.

Request To Go Out To Bid:

Personal Property Forms – Beverly Gonzales

2000-Gallon Tanker/Pumper – John Cherry

Tome, Adelino Fire Department – Thermal Imaging Camera – John Cherry

Mr. Fernandez on behalf of Beverly Gonzales said this request is to go out to bid for personal property forms that are legally required by County Assessor's office to send out in January. The anticipated cost based on past history is roughly \$900.00 and within budget. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Motion carried. 3-0.

John Cherry requested to go out to bid for a 2000-gallon tanker/pumper for the Peralta Fire Department. Commissioner Aguilar asked if this was in the Fire Marshal's budget and Mr. Cherry stated the Peralta Fire Dept. has \$115,000 that has been approved by the State and set aside for this project. Commissioner Aguilar made a motion for approval based on the recommendation of the Fire Marshal. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Motion carried. 3-0.

Mr. Cherry requested to go out to bid for a thermal imaging camera for the Tome/Adelino Fire Department. The Tome/Adelino Fire Dept. has received a grant from the New Mexico State Forestry; an \$11,000 grant with a 10% match, so it will cost Tome/Adelino \$1100 for \$11,000 for the thermal imaging camera and \$9,000 will be reimbursed from the State Forestry project. Due to the fact the purchase price went over \$10,000 we have to base this item out to bid. Commissioner Padilla made a motion for approval of this request. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Motion carried. 3-0.

**Request Approval Of Service Agreement For Housing Adult Inmates – James Fernandez
Taos County of Valencia**

Mr. Fernandez said this item is a service agreement between Valencia County and Taos County for the housing of inmates at the adult detention facility. The proposed rate that is being asked to approve is \$45.00, in discussion with Cornell they anticipated about 10 inmates that would be housed at the facility. Commissioner Padilla made a motion for approval of this request. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Motion carried. 3-0.

Budget Increase (Sheriff's Office – Safety Equipment) – Richard Perea

Richard Perea requested a budget increase transfer for insurance recoveries. Additional monies will be used to purchase some new emergency equipment for cars. Commissioner Padilla made a motion for approval of **Resolution 2003-51** budget increase. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar stated even though there is a motion to approve nothing happens until we get something back from DFA. Mr. Fernandez said that is correct. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Motion carried. 3-0.

Approval Of Payroll And Warrants – James Fernandez

Mr. Fernandez presented the computer printout list of all the checks issued by the Manager's Office on September 19, 2003 covering payroll process on that date. Payroll Check #59152 thru Payroll Check #59322 inclusive. Deduction Check #73601 thru Deduction Check #73634 inclusive for a listing total of \$183,981.27 and of that amount \$125,947.05 was from the General Fund. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Motion carried. 3-0.

Mr. Fernandez presented the computer printout list of all the checks issued by the Manager's Office on October 3, 2003 covering payroll process on that date. Payroll Check #59323 thru Payroll Check #59497. Deduction Check #73637 thru Deduction Check #73669 inclusive for a listing total of \$188,833.02 and of that amount \$129,555.03 is from the General Fund. Commissioner Padilla made a motion for approval. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Motion carried. 3-0.

Mr. Fernandez presented the computer printout of all the checks issued by the Manager's Office on October 6, 2003 covering vendor bills processed on that date. Check #73670 thru Check #73962 inclusive for a listing total of \$490,935.68 and of that amount \$72,635.14 is from the General Fund. Commissioner Trujillo made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Motion carried. 3-0.

MANAGER'S REPORT:

Manager's Report – James Fernandez

Legislative Finance Committee

Jail Monitor's Report – Informational

Mr. Fernandez said there is a legislative finance committee meeting on October 15, 2003 at 5:15 PM and at that meeting our intentions are to see if there is a possibility of getting funding for the closure of our existing landfill.

Mr. Fernandez on behalf of the jail monitor's report stated for the period of September 12, 2003 to October 2, 2003 the average population was 136 and of that amount 122 were male and 14 were female.

Mr. Fernandez gave an update in terms of the revenue that has come into the Adult Detention facility. We have received \$102,114.23 as of October 6, 2003. We have just billed an additional \$20,605.35 that was billed yesterday for a total revenue either billed and received in the amount of \$122,719.58, as to a total budgeted anticipated revenue of \$383,500.00.

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

Adjournment

Commissioner Padilla made a motion to adjourn. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Motion carried. 3-0. Time 2:00 PM.

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.

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: November 5, 2003