

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

October 21, 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 5:00 PM. Tina Gallegos, County Clerk read the agenda for the executive session.

Executive Session

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

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

Carol Anaya, Human Resources Manager, reported as to what was discussed in executive session. New Hires Pending Pre-Employment Physical/Drug/Alcohol Test for Richard Barela, Sheriff's Department, Court Security as per budget, Volunteer Resignations for Joe Perkins, Sheriff's Department, Effective October 10, 2003, Joyce Chavez, Manager's Accounts Payable Office, Effective October 30, 2003, and an employee suspension from the Sheriff's Office – one day suspension without pay, Discussed was the job descriptions for the Assessor's Office Personnel of two employees and no decision was made on this issue and the job descriptions were presented to this Commission. No Action Was Taken.

Tom Garde, County Attorney, reported as to what was discussed in executive session. We discussed the status of the Ber Ben lawsuit, the conference that is scheduled for this week with regards to the Yates/Burris and Valencia County lawsuit, we discussed a lawsuit that we just received concerning David Martinez and allegations with regards to complaints held by the Zoning Office with regards to his property. Direction was given to him to report back on the Quarry Road at the next meeting. No action was taken on any of these items.

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

Chairman Daves asked Greg Ireland to lead the Pledge of Allegiance.

Approval of Agenda

Ms. Gallegos read the agenda for the October 21, 2003 Regular Meeting. Commissioner Padilla made a motion for approval of the agenda as read. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Approval of Minutes

September 26, 2003 – Special Meeting
September 26, 2003 – 2nd Special Meeting
September 30, 2003 – Canvass 2003 Statewide Election

Commissioner Andersen made a motion for approval of the above minutes. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted no. She stated she only attended one meeting. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

Public Requests

Commissioner Aguilar said the first item is that there is an important issue going on with the Health Care at the state level. They are looking at cutting the maternal health funding which is a partnership with about 20 organizations in this County. This organization has worked real hard for six years, which the County is a partner with and this will have a huge impact if funding is gone. Commissioner Aguilar said if we can ask them to be at the next meeting to give us an update and report on this issue.

Commissioner Aguilar said the second item has to do with a letter she received from the County Chairman and would like to publicly state that she has sent that letter on to her attorney for review.

Chairman Daves said at the last meeting the Commission re-established the Trash Committee and was initially established in 2001 which looked into the County's trash problems and came up with a recommendation in 2002 endorsing funding from the Legislature for seed money to implement the program. Chairman Daves said he wants feedback from the Commissioners that the loose ends from the previous resolutions be tied up.

ACTION ITEMS:

GENERAL REQUESTS:

Approval of Judicial Complex Committee – Judge William Sanchez

Judge Sanchez said he is happy to report that the bond passed last month and we are in such dire need of replacing the present facility and want to move as quickly as possible but hopefully without problems. It has been suggested to him that we form a committee or have this Commission appoint a committee on this judicial complex bond construction project. Mr. Sanchez said he had names that he would like to suggest to the Commission for this committee and possibly table this item until the next meeting so that if there are names that the Commission would like to appoint. Mr. Sanchez suggested that the committee be comprised of the three local judges, Judge Pope, Judge Otero and himself, Greg Ireland, Court Administrator, Jamie Goldberg, Court Clerk, Sheriff or designee, and a Commissioner. Mr. Fernandez said it would be appropriate for the County Manager and Fiscal Manager be on the committee because they will be the procurement officers of the project. Mr. Sanchez said the role of the committee would be to select bond counsel and determine who that attorney would be and then getting an architect on board and to select a site for this complex. Mr. Sanchez said these are the types of things a committee could get going for this project and we need to think of a contractor. Commissioner Aguilar made a motion to table this item until the next meeting of November 4, 2003 at 10:00 AM or if there is a change in meeting dates at that meeting and time. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

PLANNING & ZONING MATTERS:

FACTS/FINDINGS

Findings & Conclusion Land of Nash/Mary Jaramillo – Tom Garde

Tract 1, Peralta, NM

Mr. Garde said the item before this Commission are the findings and facts of conclusion of law with regards to the zone change from Rural Residential 2 (RR2) to a Rural Residential 1 (RR1) which involves property of 3.6 acres which was split into three separate properties of two one acre tracts and the last tract which was 1.69 acre tract. Mr. Garde said in the findings he has set forth the history of the land use and reflected that the Planning and Zoning Commission granted approval September 9, 2003 and the land is not under irrigation and a variance was granted in 1999 for the second mobile home. These findings are the reasons for the decision of this Commission in approving the zone change from RR2 to RR1. Commissioner Trujillo made a motion for approval of the facts and findings and conclusion. 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.

DEPARTMENT REQUESTS/REPORTS:

Job Description/duties of County Manager – Board of Commissioners

Mr. Fernandez handed out the position specifications for the duties of a County Manager. Mr. Fernandez said the two items that were changed, the annual salary range now reads, depending on experience, and the other item on educational experience reads requires a bachelor's or master's degree in public administration or related field. Commissioner Andersen said she would like the educational experience portion read requires a master's degree in public administration or related field preferred or a bachelor's degree and extensive experience may be substituted. Commissioner Trujillo agreed because it doesn't make it a requirement but makes it a clear preference and also clarifies the bachelor's degree with extensive experience could be substituted. Commissioner Andersen suggested and if there are no other disagreements that we go ahead and approve it tonight and then set the closing date for applications far enough into the future so we can do the proper advertising depending on where we want to advertise. Commissioner Trujillo made a motion based on Commissioner Andersen's suggestion for the educational experience to read requires a master's degree in public administration or related field, or a bachelor's degree with extensive experience may be substituted. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted no. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

Commissioner Trujillo made a motion for a closing date of December 31, 2003 for applications for the position of County Manager with the understanding that staff advertise this position in a time frame for applicants to respond. Seconded by Commissioner Andersen. Discussion. Commissioner

Aguilar voted no. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

Discussion/Consideration of Resolution Changing Commission Meetings – Commissioner Gary Daves

Chairman Daves said he brought this item up again to change the commission meeting date and time. Commissioner Trujillo said he attempted to change his schedule to accommodate him attending the Commission meetings on Tuesday, especially the first day meeting of 10:00 AM and was unsuccessful so he asked Chairman Daves to put this back on the agenda. Commissioner Trujillo said he would prefer Wednesday evenings at 5:00 PM. Chairman Daves said the overriding obligation of the Commission is to accommodate the Commissioners who are not paid a living wage as a Commissioner to allow them to attend meetings if it doesn't conflict with their work. Chairman Daves said this was done for him in 1991 when he held a day job of 8:00 AM to 5:00 PM. Chairman Daves said he also understands the preference of some people with the day meeting but that is the balancing act that this Commission has and there is an issue of the overtime pay and we are still very poor but these other issues are subservient to the larger issue of the Commissioners being reasonable accommodated with regards to attend meetings. Commissioner Andersen said that Mr. Fernandez could work out some flextime for staff but understand it wouldn't work for everyone but to mitigate the overtime issue. Chairman Daves said we have to do what is required with the overtime issue and it will have an impact on the budget but hopes it is not inordinate. Commissioner Andersen made a motion that we move our Regular Meeting from the first and third Tuesday of each month to the first and third Wednesday of each month at 5:00 PM executive session and 6:00 PM regular session **Resolution #2003-52**. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar absent for this vote. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0. Commissioner Trujillo thanked the Commissioners for accommodating him.

Commissioners' Requests/Reports – Board of Commissioners

Chairman Daves asked if any of the Commission had anything to report or request so that it could be put on the agenda for action at a later meeting. Commissioner Trujillo said a suggestion had been made to him on the moratorium for I-3 that a committee of citizens be impaneled to look into that.

FINANCIAL/BUSINESS MATTERS:

Approval of Payroll & Warrants – James Fernandez

Mr. Fernandez said assuming the approval of the four listings before you this evening the General Fund balance is \$1,422,470.56. Mr. Fernandez presented the computer printout lists of all the checks issued by the Manager's Office on September 22, 2003 covering vendor bills processed on that date. Check #73635 thru Check #73636 inclusive for a listing total of \$3,141.01 and of that amount \$2,592.30 is from the General Fund. Commissioner Andersen made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Mr. Fernandez presented the computer printout lists of all the checks issued by the Manager's Office on October 9, 2003 covering vendor bills processed on that date. Check #73963 thru Check #73964 inclusive for a listing total of \$396.76 and of that amount \$396.76 is from the General Fund. Commissioner Padilla made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Mr. Fernandez presented the computer printout lists of all the checks issued by the Manager's Office on October 17, 2003 covering payroll process on that date. Payroll Check #59498 thru Payroll Check #59678 inclusive. Deduction Check #73965 thru Deduction Check #73999 inclusive for a listing total of \$190,684.74 and of that amount \$127,740.13 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. Commissioner Andersen voted yes. Motion carried. 4-0.

Mr. Fernandez presented the computer printout lists of all the checks issued by the Manager's Office on October 17, 2003 covering vendor bills processed on that date. Check #74000 thru Check #74139 inclusive for a listing total of \$443,026.42 and of that amount \$87,841.44 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. Commissioner Andersen voted yes. Motion carried. 4-0.

MANAGER'S REPORT:

Manager's Report – James Fernandez

Jail Monitor's Report – Informational

Mr. Fernandez reported that during the period of October 3, 2003 to October 16, 2003 the average population inmate count was 140 and of that amount 124 were males and 16 were females.

Mr. Fernandez reported that the Los Lunas School Administration Office called to extend an invitation to this Commission to join them and the other local entities for a round table discussion for the purpose of collaborating efforts within the District. This meeting will be held on October 27, 2003 at 6:00 PM at the Los Lunas Administration Board Room. Dinner will be served and to please RSVP.

Mr. Fernandez said in terms of the RFP for the Operator of the Adult Detention Facility per request of this Board we have scheduled a pre-proposal conference for all interested bidders from 1:30 PM to 4:30 PM on October 27, 2003 in the County Manager's Conference Room. The bid will actually open on this particular RFP on January 15, 2004.

The next Regular Meeting of the Valencia County Board of County Commission will be held on Wednesday, November 5, 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. Commissioner Andersen voted yes. Motion carried. 4-0. Time adjourned 7:10 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