

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting Held At The

Los Lunas Consolidated Schools Board Meeting Room

November 19, 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 3:10 PM. Chairman Daves said we are meeting earlier for executive session purposes of interviewing for the selection of County Attorney. The first applicant that was scheduled for 3:00 PM has withdrawn but we will still go into executive session and the second applicant will be at 4:00 PM. Commissioner Aguilar made a motion that we recess until 4:00 PM and reconvene for executive 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.

Chairman Daves reconvened at 4:00 PM.

Executive Session

Commissioner Aguilar made a motion that we return after recess as Board of County Commissioners. 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.

Commissioner Trujillo made a motion to enter into executive 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.

Commissioner Andersen made a motion to enter into regular 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 order at 6:00 PM.

Chairman Daves reported that the Commission interviewed two law firms for legal counsel. No action taken. The applicants were the Wimberly Law Firm whose office is in Rio Communities and the Law Firm of Payne and Rocha whose office is in Los Lunas.

Carol Anaya, Human Resources Manager, reported as to what was discussed in executive session. Transfer from County Clerk's Office to Sheriff's Office as per budget for Larry Tafoya, Certificate obtained for Jose Madrid, Building Inspector, and Winton Allen, Building Inspector, International Code Council, Overview of the International Building Code Course was obtained by these two employees and the course was held in Alamogordo, NM in October. We also had International Code Council Building Inspector UVC certificate obtained by Richard Padilla, Building Inspector.

Tom Garde, County Attorney reported as to what was discussed in executive session under litigation. Provided to the Commission the status of pending legal matters before this Commission, which involves a proposed settlement of the Yates/Burris and no action was taken. The status of the Environmental Department Administrative Order, the County is seeking a two-month extension on this matter and we expect to hear a report on Tera Con who will be providing information to the Commission with regard to the Conejo Transfer Station. We discussed a proposed contract for an interim County Manager and that matter will be discussed in this open meeting. No action taken.

Commissioner Padilla made a motion to accept the reports as discussed in executive 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.

Chairman Daves asked Sheriff Richard Perea to lead the Pledge of Allegiance.

Approval of Agenda

Chairman Daves said Item C, which was a contemplated agreement with Waste Management at the request of Waste Management personnel; this Item will be removed from the agenda. Tina Gallegos, County Clerk read the agenda for the Regular Meeting of November 19, 2003. Commissioner Padilla made a motion for approval of the agenda as read with the exception that Chairman Daves asked that Item C be removed. 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

No Minutes For Approval.

Public Requests

Commissioner Padilla wanted to honor County Manager, James Fernandez with a small token of the Commission's appreciation for the years of service that he has given them. Commissioner Padilla said Mr. Fernandez has been an exemplary employee, honest, trustworthy and loyal and he will be missed by the Commission and this County. Commissioner Aguilar said she has served with Mr. Fernandez for the past five years and mentioned this at the last meeting that we will be losing a lot of experience and history in Mr. Fernandez and thank you for those years of service. Chairman Daves said Mr. Fernandez is retiring after 25 years of service to Valencia County and we appreciated him and we will miss him. Chairman Daves read the plaque out loud in honor of Mr. Fernandez. The Commission presented the plaque to Mr. Fernandez accompanied by a gift.

Dieter Hartenhoff – Upset by the changed meeting dates from Tuesdays to Wednesdays for one Commissioner.

Janie Thomas – Speeding problem on Fire Station Road and Ms. Thomas presented a petition to this effect so that speed humps can be looked at.

Mel Sisson – Mr. Sisson discussed he will be going out of business on December 31. He owns Superior Waste Systems and he and his son have been collecting trash here in Valencia County for over 22 years. Mr. Sisson said that Valencia County did not issue him a hauling permit because he refused to continue paying on a franchise fee that provided him the right to operate under rules of the County ordinance that cost him money and the County was unwilling to enforce. He had hoped that this matter would have been settled by the legal system a long time ago. The hearing keeps getting moved back for some reason or another. Mr. Sisson said he has more information for the Commission at which time he will hand out. Mr. Sisson thanked the Commission for supporting him all these years.

Ray Garcia – Mr. Garcia had questions for the Commission on the status of the Comprehensive Plan for Valencia County since the bridge issue has been raised again.

Commissioner Aguilar said she has two items to bring to the Commission's attention, emails that were sent to her. The first one was from Toby Lyon's with regard to the Martinez property and she will give a copy to Ruben Chavez, Planning and Zoning. The second one was from Lorel Campbell, a member from the Animal Control Advisory Board with regard to agenda items not on the web site.

Pat McKelvey – Bids for street lights on Golf Course Road and the Rio Grande Fire Department received legislative monies and his questions are how soon will we get lights for Golf Course Road and how soon will we get the legislative monies for the Rio Grande Fire Department.

Chairman Daves said staff will respond with regard to these public requests.

DEPARTMENT REQUESTS/REPORTS:

Appointment of Interim County Manager – County Commission

Chairman Daves said the Commission at this time will discuss the appointment of an interim manager. We have approached Art Castillo who was County Manager in the early 1990's and he has been offered the job and if the terms are acceptable, this Commission is hoping that we can take final action to hire Mr. Castillo as the interim manager for Valencia County. Chairman Daves said in his discussions with Mr. Castillo it is an interim position for a period not to exceed four months as the contract states. The compensation has been discussed at the rate of six thousand dollars per month until the expiration of the contract. Commissioner Aguilar asked when is the starting date and if Mr. Castillo has seen the contract. Staff handed a copy to Mr. Castillo for his perusal and he agreed to it. Commissioner Padilla made a motion to hire Art Castillo as the interim county manager as pursuant to the contract. 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. Commissioner's at this time welcomed Mr. Castillo on board.

Selection of County Attorney – County Commission

Chairman Daves said earlier we had interviews with two firms and no decisions have been made at this time. Commissioner Trujillo made a motion to table this item until the December 3, 2003 Regular Meeting. 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.

Solid Waste Disposal Agreement/Waste Management – James Fernandez/Marlene Feuer
Deleted from the agenda.

Request of Dedication & Maintenance of Roads:
Juniper Ave - Dan Trujillo/Mike McCartney
Willow Trace
Dogwood Lane

Mr. McCartney requested that Juniper Avenue, Willow Trace and Dogwood Lane be accepted for maintenance. These roads are located in Las Maravillas Subdivision Units 1 & 3. Mr. Trujillo said these roads do meet requirements set forth by the County. Commissioner Padilla made a motion for approval of Juniper Avenue, Willow Trace and Dogwood Lane for maintenance. 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.

Lucy Place & Menard Road – Dan Trujillo/Janell Fierro

Mr. Trujillo said Lucy Place is located in Commission District 2 off Hwy 47 in Tome. The road is 1 tenth of a mile in length and has a 20' driving area with a 38' easement. The road would need a lot of dirt or pit run brought in. It has no cul-de-sac at the end of the road required for emergency vehicles and would need bar ditches. Menard Road is also located in Commission District 2 off Hwy 47 in Tome. Menard has a length of 2 tenths of a mile. It has a 20' driving area with a 38' easement. The road would need dirt brought in and would need bar ditches and it also has no cul-de-sac at the end of the road. Janell Fierro said residents on Lucy Place and Menard Road signed a petition for maintenance. Commissioner Aguilar said these two roads have school children and postal routes and the County has gone out and graded these roads. They are older roads and as far as the cul-de-sac with the 50' radius has only been in place for a few years and this is only a matter for the County to accept them. Commissioner Aguilar made a motion for approval of maintenance for Lucy Place and Menard Road. Seconded by Commissioner Padilla. Discussion. Commissioner Andersen said while she has sympathy for the people caught in the position to where there roads are so bad but they do not meet County standards or requirements. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted no. Motion carried. 3-1.

Garley Lane also for Chip/Seal – Dan Trujillo/Harold L. Halbig

Mr. Trujillo said there is a petition for chip/seal for Garley Lane. Garley Lane is located in Commission District 2 off of Firestation Road and has a length of .290 mile. The road does have 39' easement at the beginning of the road but does go down to 24' at the second house due to a fence that is possibly in the easement. The easement does go up to 50' after the bend in the road. The road does have a driving area of 18' that would have to be built up if we accept the road. Commission discussed this road with Mr. Chavez and there appears to be an encroachment on the easement of a pipe fence that borders the front of the last two residences on the north side of Garley Lane. After further discussion, Commissioner Aguilar made a motion to table this item until the next Regular Meeting of December 3, 2003 and allow these questions to be answered. Seconded by Commissioner Andersen. Discussion. Commissioner Andersen said she wants answers per the letter from Planning and Zoning to the Road Department where it states the County will require proof of clear title and may require title insurance to be provided and paid for at the expense of the person dedicating the right of way or road to the County. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Road Update Road Projects – Dan Trujillo

Mr. Trujillo gave an update on all of the road projects within Valencia County that are completed and the ones that being chip sealed or paved at this time. The Commission thanked Mr. Trujillo for 18 road projects that have been completed in Valencia County.

Request for In-State Travel:

Mid-Winter Conference – January 19th thru January 21st, Santa Fe, NM – James Fernandez

Mr. Fernandez requested in state travel for the Mid-Winter Conference held in Santa Fe for the New Mexico Association of Counties. Mr. Fernandez asked for one individual per department and if the elected officials have a special fund such as the Assessor's Reappraisal fund then they may take another individual from that department. Beverly Gonzales, County Assessor requested to take two of her appraisers and she will be taking this out of her 420-budget reappraisal fund. Commissioner Padilla made a motion for approval of this request by Mr. Fernandez and Ms. Gonzales. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar absent for this vote. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Legislative & Executive Board Meeting December 12th Pojoaque, NM – Beverly Gonzales

Ms. Gonzales requested per-diem for a legislative and executive board meeting on December 12, 2003 in Pojoaque and this will come out of her 420 budget. Commissioner Andersen made a motion for approval of this request. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar absent for this vote. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Approval of Professional Services Agreement for a Consulting Pharmacist –Anne N. Aragon

Ms. Aragon requested the Commissioner's signatures for the professional services agreement between the County and Eric Klaurens , the Contractor. The Contractor shall provide pharmaceutical services as required under the Animal Control Clinic Regulation of the New Mexico Board of Pharmacy pursuant to the related regulations per agreement contract. Mr. Garde recommended the terms of the contract commence on November 19, 2003 through November 8, 2005 and may be renewed by the parties for two additional years in one-year increments. Commissioner Andersen made a motion for approval of the contract. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar had a question on number five of the contract; indemnification of contractor that is if there is a lawsuit brought against this pharmacist for any actions then the County is to defend it. Mr. Garde said he would be defending himself if he commits malpractice. Discussion ensued as to how to interpret the paragraph. Mr. Garde said there are some minor errors that will need to be corrected. Commissioner Aguilar said there has been a motion made with a second but we need to look at this and table this matter because we need to allow our Attorney to review this contract and bring back a copy that has been revised for approval. Commissioner Andersen withdrew her motion. Chairman Daves said the second needed to withdraw first but in this case he called for the vote of the motion. Commissioner Aguilar voted no. Commissioner Trujillo voted no. Commissioner Padilla voted no. Commissioner Andersen voted no. Motion failed.

PLANNING & ZONING MATTERS:

Amendment to Valencia County Subdivision Regulations Article 6-1st Public Hearing – Ruben Chavez

Mr. Chavez said this is the first public hearing to amend Article 6 of the subdivision requirements. This amendment will add the requirement of a road/utility maintenance agreement to its summary review process. Mr. Chavez said title companies have approached him with concern to this process. The concern was are these properties can they be mortgaged. Chairman Daves said since this is the first public hearing we will hear their comments at this time.

Carol Romero said she serves on the executive board of the Valencia County Board of Realtors and also their Commissioner Elect. We have several members here tonight to speak on this issue. Mr. Chavez was at their meeting informing them of the amendment to the split procedures, which the realtors felt, was of importance. The consensus was a positive, effectual move on the part of the County to eliminate the serious problem we encounter with split procedures wherein the road is a private easement. This measure will eliminate some of those problems in the future.

Mr. Chavez said this is the first of two public hearings and copies will be available at Planning and Zoning Department or at the County Clerk's Office.

First Public Hearing Adoption of Abatement and/or Abandoned Buildings – Ruben Chavez

Mr. Chavez said this is the first public hearing on the adoption of abatement and/or abandoned buildings. Mr. Chavez said our current ordinance has identified abatement of nuisances in the County of the procedures of this issue. This ordinance is designed to promote the public health, safety and general welfare; to secure safety from fire hazard and health hazard; and to promote the environment and preserve and improve the environmental quality of the County. This ordinance will do is outline the procedures by which this Commission would condemn the property. Then we would go in and clear out property, hire a contractor then dispose of the nuisance. After this we would have a clear piece of land and in turn we would place a lien on the property and then we would foreclose on that lien to get the money back. We are hoping this would be revolving procedure. There are enforcement procedures in this proposal that we would abide by.

Carol Romero stated she shares the concern with the Commission about these abandoned properties. Ms. Romero said the amendment that Mr. Chavez is proposing tonight is fashioned after government entities that are already using this program very successful in their own County's or cities. We are very concerned about these problems as a Board that we are willing to put our money where our mouth is. We have agreed as a Board, upon final approval of the exact expenditure by the general membership and are willing to donate money to get this project started. We are willing to donate funds that we have but we need the assistance of other chambers in the valley to raise money for this project.

Marvin Clinger said he commends Mr. Chavez in his efforts to get this project going because in their community of San Clemente they have tried to get something like this started.

Mary Work from Meadow Lake said her concern is if there are areas that have a lack of money would these types of places be last on the list or how is this clean-up project going to get started? Chairman Daves said he would hope policy would have this area as a target area and concentrate in that way.

Karen Burnhower said thanks to Mr. Chavez, she is a realtor and they have been trying to figure out a way to figure out how to solve the abandoned buildings on properties. We need to concentrate if the burned out mobile homes are cleaned off but what do we do with the junk cars and the junkyards if they are not taken care of at the same time. Are there County regulations for these types of problems or will this proposal take care of all that? Ms. Burnhower said we, as realtors will help not only financially but personally time wise volunteer time because it is our County and this is very important.

Mr. Chavez said when we identify what the violation is, we have expanded that to not only structures but that it does include debris, cars, trash, and there is quite a list that is involved so it will include anything that is a nuisance to that property.

Janie Thomas asked where is this personnel going to come from to help with this project. Mr. Chavez said this will be another task that his office will take on.

Commissioner Aguilar had some questions with the proposal on page twelve where it said the Commission would establish a special revolving account to be designated as the demolition and removal account. How is this going to affect the budget because we will start the budget process in February so this should be something that we are reminded of? Commissioner Aguilar had a concern on page three with the liability portion. If we could look at these types of questions and get them answered.

Ray Garcia said we want a community that is looking good and this builds equity on homes. We stop building when these properties are trashed out. We have to consistently work on this type of project but do blame the developers that gave this to us in the first place.

Vacation of Plat-Lots 17 thru 21 Lobo Valley Final Subdivision Plat – Ruben Chavez/Tina Gallegos

Ms. Gallegos said that on October 20, 2003 her office received a request for a vacation of plat and it came from Henry Jaramillo from Ranchers Bank. This concerns Lots 17, 18, 19, 20 & 21 of Lobo Valley Acres. Once she received that request she contacted Planning and Zoning, Mr. Chavez on how to handle the procedure. Ms. Gallegos said that Mr. Chavez directed her to the subdivision regulations and under Section 7.3 of that ordinance this is allowed. So we are before this Commission to ask for either approval or denial of this request. Commissioner Trujillo asked on a recommendation and Ms. Gallegos she was following procedure and Mr. Chavez said the applicant is here tonight representing this matter. Eloise Archuleta on behalf of Henry Jaramillo and Ranchers Bank said that presently Ranchers Bank has title to eight-acre parcel located in Lobo Valley Acres and instead of developing this area they want to dispose of it. We want this area to revert back to the agricultural state for that particular use. Chairman Daves stepped out for a moment. Vice-Chair Trujillo took over. Commissioner Aguilar said this is mostly for clarification and for Mr. Chavez, on the action you are asking for abandonment of Lots 17 thru 21 yet it is a vacation but already a plat and why was it not a replat and then vacating certain lots saying there is an increase and decrease of lot lines in the existing subdivision? Mr. Chavez said there is conditions on the subdivision which include roadways and underground utilities. When this subdivision was approved it was approved with these conditions so rather than replotting and then there still be a lot there with conditions so the request is to vacate those lots. By vacating the plat, the requirements or conditions based on the subdivision would go away because those lots no longer exist. The process of vacating a plat, the final action of vacation is an action to where the Clerk pulls out the plat and writes vacated on those lots rather than a resubmittal process. Commissioner Aguilar said then how would you answer the approval of the utility companies, are we getting their approvals also to where these eliminations of easements do not exist on their plats? Mr. Chavez said according to this procedure what we have to follow is we have to notify everyone of record inside the subdivision and everyone abutting the subdivision along with all the entities at the time that the subdivisions submittal. We have done this and not heard back from anyone. Commissioner Aguilar said since there is no bridge to access this piece of property there is no liability on the County's part for land locking any property or having to create any access? Mr. Chavez said this property as stated before was land locked at one time when the subdivision was approved about the second or third lot from the end there was an easement and a bridge requirement, this easement will remain. Commissioner Daves said is this implicit in the action before us that this easement terminate at this point or is there some change needed as far as language? Mr. Chavez said we are within our boundaries to vacate those lots, including those easements. Ms. Gallegos said approval tonight will allow her to change a recorded plat and the documentation process will be attached to that plat. Commissioner Padilla made a motion for approval of this request. Seconded by Commissioner Andersen. 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 at this time.

Vacation of Plat – Road PUE & Ditch Easement – Ruben Chavez/Tina Gallegos
Tract 32-A-2 Lands of Augustine Chavez

Ms. Gallegos said this is the exact same item as the request before following the same procedure and following the subdivision regulations. Fred Jaramillo owner of Tract 32A2A is requesting to vacate the road, public utility easement and ditch easement at the south end of his property. Mr. Jaramillo is claiming access to his land by Tomato Farm Road and it is a County maintained road. Mr. Chavez said the applicant is trying to build a building and according to the plat he has a 30 ft road in the ditch and utility easement on the back end of his property. All the property owners have been notified that use that ditch. Fred and Deana Jaramillo formally requested to vacate the road, ditch and public utility easement from the south end of Tract 32A2A, Land of Augustine Chavez. Mr. & Mrs. Jaramillo discussed the request with the Commission. Mr. Garde had a concern with the PNM easement and if the Commission does in fact agree to vacate then it be subject to a written approval from PNM and even though they are not here they have signed off on the plat as an interested party. Commissioner Aguilar said she had the same concern on Lobo Valley and she was told the easements get vacated also. Mr. Chavez said the utility companies have been notified. Commissioner Andersen made a motion for approval of vacation of plat – road, public utility easement and ditch easement subject to concurrence with PNM. Seconded by Commissioner

Padilla. Discussion. Commissioner Aguilar abstained. Commissioner Trujillo abstained. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Chairman Daves voted yes. Motion carried. 3-2.

Amend of Zone Maps from C-1 to C-2 Roadrunner Industrial Works – Ruben Chavez/Merril Robinson

Lots 11,12 & 24 of Murphy Subdivision

Mr. Chavez said Mr. Robinson owns Roadrunner Rental in Peralta and he has requested to amend the zone maps from C1 to C2 for the purpose of expanding his business. Mr. Chavez said that Planning and Zoning Commission heard this request on October 14, 2003 and this Commission's findings are 1) Roadrunner Rental has been in existence long before the new zoning ordinance 2) Mr. Robinson's request does not change the land use but will bring his property into zoning compliance 3) Mr. Robinson has made the effort to secure more land in order to meet the County's requirements 4) County should encourage business expansion 5) That the consolidation of the property to 1.97 acres is substantial to meet County standards. Mr. Robinson discussed with the Commission how he has complied with everything and wants to have C2 so that he is conforming to proper zoning. Commissioner Trujillo made a motion for approval of this 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.

**Amend Zone Maps from C-1 to C-2 for the purpose of – Ruben Chavez/Phillip Montano
Shopping Center – Tract 44-B-2, Tr.7, Tr. 46-D-1, Map 70**

Mr. Chavez requested to amend the zone maps from C1 to C2 for the purpose of a shopping center. The Planning and Zoning Commission heard this request on October 14, 2003 and they find that -) 1 the properties existing uses have been there long before the Valencia County Ordinance.) 2 The existing uses fall into the C2 uses.) 3 that the proposed taxidermy business does not of itself require the requirements of the C2 designation.) 4 that because Mr. Montano is a landlord and his uses change based on his tenants. A classification like a shopping center would allow Mr. Montano to change tenants without Commission approval, due to the restrictions that all businesses would be restricted to the existing building. Mr. Montano said he has complied with all requirements and would like this request be granted to C2. Commissioner Aguilar asked how many buildings were on the property? Her concern is in following the ordinance it only allows two buildings per acre because in going back to Mr. Becker and how we treated him because there can only be two buildings in C2 on one lot. Mr. Chavez said there can only be one building on a single lot but you can have a residence along with that building. Mr. Chavez said there are four buildings. Commissioner Aguilar said she just wanted clarification but she would make a motion for approval of this 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.

GENERAL REQUESTS:

Request to Create Committee – Moratorium for I-3 Zone Power Plants – Paul Edward Trujillo

Commissioner Trujillo said it was back in a May meeting that we approved a moratorium for the purpose of studying power plants in I-3 Zoning. Commissioner Trujillo said he has talked to various people in the community and felt that it was best to pursue this by means of a citizen's committee, of course with the cooperation of staff and the administration. Commissioner Trujillo said his request tonight is to create such a committee and then at the next meeting prepare a resolution that would delineate the powers of that committee and also what they should be looking at and so on. Some of the issues that have arisen are whether the existing Rio Grande Industrial Park is in fact I-3 and by virtue how is it I-3. There are concerns in his area that live close to that park, not only the location of the power plant but the operation of some of the facilities that already exist there. Commissioner Aguilar asked County Attorney, Mr. Garde since we are under litigation how do we treat this? Mr. Garde said this study is appropriate but as far as dealing with issues involving the litigation he doesn't believe that is appropriate. Commissioner Trujillo said it was clear when the moratorium was passed because it was a matter of public record that People's Energy was excluded from the moratorium because that was under litigation. But to his understanding there are more power plants waiting in line to locate within the County. And if a nuclear plant wanted to locate here we have no guidelines by which to consider that application.

Joe Rizzo commented on the ordinance on how it is stated now with the general uses of the property. Mr. Rizzo said he would volunteer to serve on this committee if the Commission so wishes.

Bill Brown said he had a question of Commissioner Trujillo, is the intent of this request to form this committee to follow through the moratorium as to the task at hand. Commissioner Trujillo answered yes. Mr. Brown said the motion in May was to affect a moratorium of all new power plants throughout the County with the exclusion of People's Energy.

Ron Gentry said he lives across from a power plant and sees the situation first hand and he has seen it grow. But his concern is if there is going to be a study of quality of life that is derived from industrial development in Valencia County. These studies get to be very expensive and the County needs to make sure that it is done professionally and if it is an in-depth study on a non bias basis for the people in Valencia County.

William Dean reminded everyone of the power plant on Broadway and everything surrounding it is heavy industry, hardly any homes around it, junk piles and that is what happens when you have an I-3 area so we have to be real careful.

Commissioner Aguilar commented to what Mr. Gentry said in that we have to be very cautious and she wanted this to go on record because we all received a letter from Mr. Alba's attorney indicating that Mr. Alba wants to be on this committee. She got a call from William Dean saying he had received a call from Mr. Alba and he wants Mr. Dean to serve on this committee so that Commissioner Trujillo can inform us as to how this committee members are going to be appointed or does this Commission get to appoint someone of their choice.

Commissioner Trujillo said the members of the committee should be residences of Valencia County and in addition every Commissioner should have input as to the names submitted for approval of that committee.

Commissioner Trujillo made a motion for approval of the request that a committee be created with the understanding a resolution is to be presented with parameters of membership and hope to have this prepared by the December 3, 2003 meeting. Seconded by Commissioner Padilla. Discussion. Commissioner Andersen said is it possible before the next meeting to set the parameters for that committee? She wants a definite set of guidelines for this committee included in the resolution. Commissioner Trujillo said in preparing the resolution he will meet this request. Chairman Daves called for the vote. Commissioner Aguilar absent for this vote. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

Re-Consideration of TAC Team Appointment – Paul Edward Trujillo

Commissioner Trujillo said at a previous meeting we considered an appointment at that time of Ruben Chavez and we voted on a change of leadership with regard to the TAC Team and he would like Mr. Chavez to explain his role on this program. Mr. Chavez said the TAC Team is a subcommittee of the Regional Planning Organization, which for the past two years he has been the chairman. Mr. Chavez said as of three weeks ago he was reappointed chairman of that team. Commissioner Trujillo said by virtue of this Commission's action at the last meeting what happened to your position. Mr. Chavez said he was removed from representation of this team. Commissioner Trujillo would like this action to be reconsidered. We had appointed Daniel Trujillo, Road Superintendent so instead of replacing Mr. Chavez we would ask Mr. Trujillo to work closely together on the issues. Commissioner Trujillo made a motion to reconsider and appoint Ruben Chavez to the TAC Team and representative to the RPO. Seconded by Commissioner Andersen. Discussion. Commissioner Andersen said she would like to recommend that the Road Superintendent, Mr. Trujillo attend as many of those meetings that he can find the time to do it. Commissioner Aguilar said she was appointed as the other member to this committee and at this time she would relinquish that and she would consider that Daniel Trujillo be the alternate. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

FINANCIAL/BUSINESS MATTERS:

Request of Approval for Ground Lease Agreement – James Fernandez

Mr. Fernandez requested approval of the ground lease agreement between Valencia County and Richard Shiplet. This is for the purpose of providing security for the El Cerro Mission Community Center and Fire Station. The term of this lease shall be annual for a term not to exceed two years. The first year shall commence December 1, 2003 and to end November 30, 2004. Commissioner Aguilar said she had received a petition from that fire station and the chief mentioned that since Mr. Shiplet has been there, there has been no tagging or graffiti or theft. Commissioner Aguilar made a motion for approval of the ground lease agreement. 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.

Award Bid #547 New 2003 Gallon Tanker/Pumper – John Cherry

Mr. Cherry requested the Commission to award the bid for a 2003-gallon tanker/pumper for the Peralta Fire Department. There were five bids for this unit. The low bid was for \$114,075.00 and the high bid was for \$174,945.00. There is a letter of recommendation from the Peralta Fire Chief to award the low bid to Independent Fire Company in the amount of \$114,075.00. This does meet all specifications and requirements that was submitted by this company. Commissioner Aguilar made a motion to approve Bid #547 to the Independent Fire Company in the amount of \$114,075.00. 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.

Reject Bid #550 Tome/Adelino Fire Department – Thermal Imaging Camera – John Cherry

Mr. Cherry said this request is in reverse to reject Bid #550 for the Tome/Adelino Fire Department for a thermal imaging camera. After careful review of the bids the Fire Chief of the Tome/Adelino Department recommended that all of the bids be rejected because they did not meet the specifications for the camera. Commissioner Trujillo made a motion to reject Bid #550. 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.

Approval of Payroll & Warrants – James Fernandez

Mr. Fernandez presented the computer printout list of all the checks issued by the Manager's Office on November 14, 2003 covering payroll process on that date. Payroll Check #59849 thru Payroll

Check #60044 inclusive. Deduction Check #74243 thru Deduction Check #74275 inclusive for a listing total of \$198,840.55 and of that amount \$128,886.67 is from the General Fund. Commissioner Padilla made a motion for approval of payroll. 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 list of all the checks issued by the Manager's Office on November 19, 2003 covering vendor bills processed on that date. Check #74276 thru Check #74439 inclusive for a total of \$566,644.46 and of that amount \$101,142.39 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 reported the cash balance of \$927,734.86 in the General Fund.

MANAGER'S REPORT:

Manager's Report – James Fernandez

Financial Update

Jail Monitor's Report - Informational

Mr. Fernandez presented a financial update of the revenue and expenditure analysis for property taxes, current, delinquent or received from October 2000 to October 2003. The revenue from October 2000 to October 2003 was 20.2%. The County Equalization monies that was received was \$968,672.39 and the amount budgeted was \$850,000.00. Discussion ensued.

Mr. Fernandez reported that during the period of November 1, 2003 to November 13, 2003 the average population was 137 and of that amount 125 were male and 12 were female.

The next Regular Meeting of the Valencia County Board of County Commission will be held on Wednesday, December 3, 2003 at 4:00 Executive Session and at 6:00 PM Regular Session in the Los Lunas Consolidated Schools Board Meeting Room.

Adjournment

Commissioner Andersen made a motion to adjourn. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0. Time 10:20 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: December 17, 2003