

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

July 7, 2004

The Meeting was called to order by Chairman Gary Daves at 5:00 P.M.

PRESENT	ABSENT
	Gary Daves, Chairman
Paul Edward Trujillo, Vice-Chairman	
Aurelio H. Padilla, Member	
Alicia Aguilar, Member	
Mary J. Andersen, Member	
Mike Trujillo, County Manager	
Wimberly Law Firm, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Paul Trujillo called the meeting to order. Pursuant to Section 10-15-1 NMSA 1978, the following matters would be discussed in closed session: (Limited Personnel Matters (10-15-1 (h) (2) NMSA 1978) and Pending or Threatened Litigation (10-15-1 (h) (7) NMSA 1978) Commissioner Padilla made a motion to go into Executive Session. Commissioner Andersen seconded. Commission Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 2-0. Commissioner Aguilar was absent for the vote.

Executive Session

Commissioner Andersen made a motion to go back into Regular Session. Commissioner Padilla seconded. Motion carried. 2-0.

Commissioner Padilla made a motion to ratify what was discussed in executive session, and that no action was taken. Commissioner Andersen seconded.

Mike Trujillo, County Manager reported that hiring’s and firings were discussed. Cynthia Wimberly reported the following; status of Alba versus People’s Energy, County of Valencia Versus Joseph Chavez, Valencia County versus Lance Hess, the matter of County of Valencia before New Mexico Environment Department and Richard Raymond Harris versus Valencia County, in which Manager Trujillo had attended mediation the week before. Chair Trujillo called for the vote. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Aguilar voted yes. Motion carried. 3-0.

Pledge of Allegiance led by Michael Steininger

Approval of Agenda

County Manager, Mike Trujillo requested that Item 10, F-3 be deleted, as this was approved on September 16, 2003. Commissioner Padilla made a motion to approve the agenda as amended. Commissioner Andersen seconded. Motion carried. 3-0.

Approval of Minutes

Commissioner Padilla made a motion to approve the June 11, 2004 Primary Canvass Meeting, June 14,2004 Special Fire Protection Excise Tax Meeting and the June 23, 2004 Regular Meeting. Commissioner Andersen seconded. Commissioner Aguilar abstained. Motion carried. 2-1.

See Exhibits.

Public Requests

Mr. Charles Rumbles was before the commission in regards to Andrew Sanchez Road. He asked if they could please take some action on it. Chair Trujillo said this road was in his district and was approximately 1.19 mile long. It is on the list for 2003-2004 for chip sealing in the amount of \$18,281.00. Chip sealing does not hold up like pavement would, but to pave it would cost \$90,000 and his budget for the entire district for the year was \$100,000. He could not neglect other roads that were also problem roads.

Mr. Dean agreed that it was a bad road. He said the pot holes get covered with dirt and then graded, but this is only good for a few days. He hopes it gets repaired.

Ms. Lillie McNabb, resident of Bosque Farms, and, as a resident of Senate District 14, was endorsing Mr. James Taylor to be the Senator for her area. She said that the new Senator of District 14 would represent six precincts in Valencia County. Four of them were in Bosque Farms, one in Isleta and the other in Meadow Lake. Total voters in that district are 4,642. Commissioner Aguilar, District II, presented a letter of support for State Representative James Taylor to replace Senator Manny Aragon. See Exhibit.

Sisto Abeyta, campaign manager for State Representative James Taylor, said he has worked for Mr. Taylor for the past six years. After leaving Valencia County, he had gone to the University of New Mexico and had moved to the South Valley in Albuquerque. He wanting to stay involved with the Democratic Party and work in the community and help an elected official that reflected the needs and

concerns of the area’s where he had grown up. He said Representative Taylor had a huge impact in his career within the Democratic Party and influenced many other young people’s life in Valencia County, simply because he has always worked hard to help the county and he asked that the commission consider him.

Discussion (Non-Action) Items:

Comments by Commission Members.....County Commission

Commissioner Aguilar said that given the discussion of the results, of the Industrial Park Committee, she wanted some idea of how that was going to be scheduled and what they might look for, as a time frame, for getting this done. It was her belief that they could work on the Comprehensive Plan and the Ordinance simultaneously, so that they could get it done as quickly as possible. She asked the County Manager if he would address this. He said yes, he would and he had met with staff and other expertise in zoning ordinances. He had met with COG and they would be giving them a proposed contract for next meeting so that they could proceed with re-writing the Comprehensive Plan. His concern was that, what the commission had intended to apply for, had actually reversed itself, and what they were doing was spot zoning. At the end of this month they would be getting new Arial photography plus the one that they had recently paid for through the COG. This would take some time and effort just to take a look at the existing land use and then use it as a base point. There is money to do the Comprehensive Plan and the government division would be willing to fund them in order to help them revise the Zoning Ordinance. First, we need to prove to them that we will complete the plan. Mr. Trujillo said his effort is to try to see if they qualify for another CDBG funding grant and at the same time try to wrap-up the contract on the Comprehensive Plan. The Plan would be completed by the end of the year, according to COG.

Commissioner Andersen said that prior to her election, she was coming to commission meetings and the Zoning Ordinance was a contention at almost every meeting and has been for more than two years and she did not want to see it drag on two more. She wanted the Zoning Ordinance and the Comprehensive Plan as fast as they could possibly get it done. Manager Trujillo said zoning was a priority based on the remarks at the last meeting. Commissioner Andersen thanked Mr. Trujillo and asked to be kept updated along the way, on both the plan and the ordinance.

Commissioner Aguilar said that the important thing was that, they were fortunate, that there has not been any litigation on their actions as far as the zoning decisions, because it is the comprehensive plan that supports them and is the backbone to protect them, and the public. To be successful, what she would like to see is the template, an outline of the plan and a schedule.

Chair Trujillo said it was clear that what the commission wanted was a Plan that was simple and clarifying, on the objectives of the Comprehensive Plan, and providing them with a template. Manager Trujillo said this could be done and also he would have a timetable as part of the agreement.

Manager Trujillo informed the commission that they would get an Audit Report as soon as it was released. The Sate Auditor had decided to do more audits around the State and so that they haven’t gotten to the list. He would call them again and let them know.

Action Items:

Public Hearings

**Request to amend the Zone Maps from RR2 to RR1....Ruben Chavez/Estella Sanchez
433 Jarales Road-aka Tr. 42B2A & 42B1A1A1**

Ruben and Mr. Alfonzo Sanchez were sworn in by County Clerk, Tina Gallegos. Ruben Chavez said this request had been received at his office for the purpose of making the lots legal. It was a request to amend the zone maps from RR2 to RR1 at 433 Jarales Rd. also known as Tr 42B2A & 42B1B1A1, lands of ER Sanchez & Joe Sanchez, Map 106 MRGCD, and containing two acres combined. In 1997 Joe Sanchez sold a one-acre piece of property to Eulogio & Estella R. Sanchez. It appears that in 1997 the Planning & Zoning approved the setting of the second dwelling. Records indicate that the approval was subject to the Sanchez’s obtaining a land split. Estella Sanchez is wanting to settle her husband’s estate and this requires that each home be assigned to their proper owner. A current survey has been presented.

The Planning & Zoning commission found that since the two homes on the property had separate well and septic, they would prefer that they have different parcels. They had also permitted a manufactured house in 1997 as permanent and not rental or temporary on the 2nd dwelling. The Commission acknowledges that it has been the intent of property owners, to split their property into one acre lots before the two acre minimum went into affect, and further acknowledges, such surveys were executed but never recorded. The P & Z Commission had voted approval with a 3-0 vote.

Chair Trujillo disclosed that Estella Sanchez is his mother’s sister and Mr. Alfonso Sanchez is his first cousin. As Chairman, he would not be voting on the issue unless there was a tie. He believed that he could vote on the issue and asked County Manager, Mike Trujillo if so. Mike Trujillo said he had checked with the attorney and there was no state law that prohibited Chair Trujillo from voting, unless the board determined that there was an appearance of conflict. Chair Trujillo said he owns the adjacent property and had been notified by P & Z , on reservations, if he had any.

Ruben Chavez said that title had already been given to the separate parties and what the family would have to do is to go to Probate Court and get an order and with that he would execute the land split.

Commissioner Aguilar asked if there were two septic systems. Ruben said yes and, also, there were two wells and would not be in any violation. For the record, she said, access would be from Jarales Road. She made a motion to approve the request. Commissioner Padilla seconded. Chair Trujillo

wanted to point out, that this land had already been divided as shown, prior to the two acre minimum coming into effect. Due to some problems in the Assessor's office, the attempt by Mr. Sanchez and his family to bring that into affect, on the records, did not occur, and so, the records did not reflect that it was already divided. Commissioner Aguilar said this was a perfect example of where the ordinance does allow for RR1.
Chair Trujillo called for the vote. Motion carried. 3-0. **See Exhibit.**

Approve Form of Findings/Decisions from May 19, 2004 Action.....
Cynthia Wimberly

Ms. Wimberly had drafted Findings of Fact, Conclusions of Law and Decision, in the matter of rezoning 19512 Hwy. 314, Belen, Valencia County, New Mexico, application by Anthony Rodriguez and Laura Rodriguez. On May 19th, the Commission had agreed to grant the zone change request and as an ongoing process, they were trying to improve the process, so as not to bring it back to the agenda. After going through it and trying to rework it, this was the best process.
Commissioner Aguilar made a motion to approve the Findings of Fact/Conclusions of Law & Decision. Commissioner Padilla seconded. Commission Padilla voted yes. Commissioner Aguilar voted yes. Commissioner Andersen voted no. Motion carried. 2-1. **See Exhibit.**

Consideration of Resolution 2004, Adopting a Multi-Year Infrastructure Capital Improvement Plan CIP).....
Ruben Chavez

Mr. Ruben Chavez presented the commission with a proposed plan for 2005-2008. They had introduced the intention of this plan at a public meeting. In the packet, they had prepared the Index, followed by last year's 2004-2008 ICIP, which were projects that had been approved last year. Following, was the Legislative Appropriations to those projects that were requested. And the last portion, was what was before them today, which was the 2005-2009 Proposed Plan. They were; Fire Department, Administrative, Solid Waste, Sheriff Department and the Road Department. Mr. Chavez also identified some of the discontinued projects that had been in the previous plan.

Last year they were successful in receiving \$3,478,000. A task taken on by the commission last year was priority ranking and DFA had submitted criteria to check mark. Every item based on criteria, would get a score and they felt that it would help more than just picking things out of the sky. This commission had directed them to use it and trusted that they would use it again this year.

Commissioner Andersen said she did not see a line item for the Older American's Kitchen. Mr. Mike Trujillo said they had \$15,000 for facility improvement and were questioning whether the \$100,000 was for the Belen site. The legislation had not appropriated to a specific facility, so they could use it in Los Lunas for \$100,000. Commissioner Andersen said this was not sufficient. The major part of it was to be in 2005 for \$350,000. Projection from last year did show \$465,000 and so they needed to reinsert it. Project was listed as 2004-11 and if they could insert the difference between \$465,000 and \$115,000, which will be \$350,000 for project year 2005 or 2006, however they wanted to approach it. One of the things they needed to take into account was that the facility in Los Lunas was owned by the Village and they would have to work with them, which was a plus, because both the county and the village could ask for funding, and maybe between the two they can make up the \$350,000 difference. He would add \$350,000 in the Older American Kitchen and put it in the 2005 column. They would check with Mary Ann Gonzales to make sure it totals to the amount that she had submitted.

Chair Trujillo wanted to know if the ranking that Mr. Chavez showed, were the rankings that were determined by the commission. Mr. Chavez said these were figures given by the guidelines from DFA. These had come from the scores. Chair asked if, at a later point, he could have a copy of the original scores.

Commissioner Aguilar said that in reviewing, she would rather see it condensed to fifteen items. It used to be that Mr. Chavez would give them the project and the amount, and, why they were requesting this. This was very helpful. Mike Trujillo apologized and said he had asked Mr. Chavez not to attach it, but now he understood why they wanted it. County Manager Mike Trujillo said that at their discretion, he would follow whatever, and, however they wished to go. Chair Trujillo said he wanted to confirm the rankings by looking at the list that was submitted. Commissioner Aguilar agreed about the rankings and was not prepared to support this. She made a motion to table the item for two weeks but, she didn't want to get bombarded with a lot of information. Administration should be able to give them the top ten projects, based on the need that they have identified for years.

Commissioner Andersen said that the priorities that are established, are established by the state. This does not necessary match what the county wants. They identify certain things by giving points and that's how the priorities are established. We cannot establish our own, because they will not accept it that way. Chair Trujillo said he was questioning the rankings as they are shown, because they are not the way he remembers them. He was suggesting that they deviate from the process. Chair said there was a motion to table and asked for a second. Commissioner Padilla seconded. Motion carried. 3-0.

Request to Renegotiate Lease with State Property Control Division, GSD.....
Sam Vigil/Mike Trujillo

Mr. Sam Vigil gave some background on the Valencia Counseling Services, Inc. It was established twenty years ago. They provide services to Valencia County, Torrance County, Cibola County and Quay and sub contract to Socorro County. The mission of the agency has been to provide treatment services for disabled individuals and the mental ill. They also provide treatment service for substance abuse. There is a staff of over eighty five, and are the only agency that has three psychiatrist on staff. One is a part-time child psychiatrist, one a full-time adult psychiatrist and the third specializes in adolescence.

The reason for his being at the meeting was that the lease for the property would run out in 2006. If they waited until the expiration date, the lease would go up for bids. What he was asking the commission, was to amend the present lease, rather than wait until it goes up for bid. He would not want services for the clients to be disrupted. The Lease ,now, is between Valencia Counseling Services and the State Property Control Division, and the County being the Lessee. He would like for the lease to be extended for a minimum of at least twenty years. The reason for this was because they were in the process of extension of the facility.

Mike Trujillo, County Manager, said that the county has ownership of the property. The fact that you are the sponsor for a CDBG addition to the facility, means that the county owns that facility, under the federal requirements for CDBG funds. It would be appropriate to approach property control and that we, be the lessee. Should Valencia Counseling cease to exist, what happens to the improvements, he said. Being the lessee, they would have to hold us harmless, yet the facility would have to revert to someone and he suggested that it be the county. We would then have to have some kind of contractual arrangement with the state. He recommended authority to negotiate with State Property Control, for a lease, with Valencia County as the lessee.

Chair Trujillo said this proposal carries some legal ramification and asked council for comments. Ms. Wimberly, County Attorney, said she would work with the county manager, depending on what the commission recommended. Chair said he had a concern as to liability issues that may accrue.

Commissioner Padilla asked if the County Manager was recommending tabling it. Mr. Trujillo said he recommended authorization, to open negotiations with State Property Control, in terms of a new lease agreement, with Valencia County. Once it was negotiated, he would bring it back to the commission for approval.

Commissioner Aguilar felt that she needed more information. She wanted to see what the policies for property control were. As she recalled, even on the old leases, that they have on the Animal Control, they lease to the county, but there are stipulations about their authority to sub-lease to someone else. She wanted all the information such as, policies, and what they are going to do, because it can have a financial impact.

Attorney Cynthia Wimberly recommended that simultaneously, on the lease with Property Control Division, they also negotiate a sub-lease, with Valencia Counseling, that has provisions with ramifications on liability.

Commissioner Aguilar said if she made the motion, that our name not be on the lease. The lease was between Valencia Counseling and Property Control. She felt they did need more information so that they have authority to step in, because, they would be negotiating on their behalf, so she moved that they table it until the next meeting, so that they can come back with a lease or a sub-lease and do it all at once. Commissioner Padilla seconded. Motion carried. 3-0.

Request Replacement of Rescue 1, Rio Grande Estates FD.....John Cherry Cooperative Purchase Agreement-City of Belen

Mr. Cherry requested replacement of Rescue 1 due to mechanical malfunctions. The City of Belen had just purchased a unit through a company out of Texas and they had given them written permission to write their bid and the vendor had approved the pricing, which was a little over what Belen paid for their unit. He was asking permission to write that bid. Chair Trujillo asked if this implied that the purchase of this vehicle would be shared with the City of Belen. Mr. Cherry said no, it would be a county property. Manager, Mike Trujillo said that pursuant to Section 13-1-135 of State Statute, this allows them to piggyback either on state purchase agreements, federal GSA and or other agreements, where something has already been bid by somebody else if they, and, the vendor allow them. Belen allowed them to do it. He added that this was the vehicle that had burned within the fire house. Chair Trujillo asked what the source of funding was. Mr. Cherry said that they had been reimbursed by the insurance company, the Association of Counties Multi-Line Pool, which was a little less than \$36,000.00. The balance of a little under \$74,000 would come from the Fire Department Cash Reserve. No impact on the General Fund. Commissioner Padilla made a motion to approve the request. Commissioner Andersen seconded. Commissioner Aguilar said they have several of these coming out of cash reserve. Was there enough for everything that Mr. Cherry was asking, without depleting or affecting the Fire Department Cash Reserves, for other emergencies? Mr. Cherry said yes. Chair Trujillo called for the vote. Motion carried. 3-0. **See Exhibit.**

Request to Publish:

**IFB, Rio Grande Estates FD.....John Cherry
Safety Bunker Gear, All Fire Districts**

**Two New Tanker Trucks, Rio Grande Estates FD
Addition to Fire Station Building. Rio Grande Estates FD**

Mr. Cherry requested to go to bid and publish for the items listed. The first item, safety bunker gear, would pertain to all of the counties fire departments. The other items were very much needed and he recommended that they go to bid on all of them. Mr. Mike Trujillo said there was no doubt that this was needed and would like to go to a metal building in addition to what they have now. Everything had been checked out, so he also recommended that they allow them to publish for bid on those items. Commissioner Padilla made a motion to approve all three requests. Commissioner Aguilar seconded. Motion carried. 3-0. **See Exhibits.**

IFB, Fuel Tanks for County Fleet.....Mike Trujillo

Mike Trujillo said that late last year, the county had been advised that they would have to meet new state regulations, regarding the type of fuel tanks. The ones that they have now do not meet the standards. They had been leased from a firm out of Farmington, who are no longer in business, but are trying to re-coup their own tanks. They wanted to sell us the tanks, however, these are underground tanks and do not meet specifications. The county is under a strict time limit to get new fuel tanks by August 15th, so he was requesting to publish to go out and do that. \$42,000 had been budgeted for this year's budget to replace the tanks. They were hoping to move them closer up so that they could have nights and weekends access. This would be a card control system. Each vehicle would have a record of how often and how much they used.

Commissioner Aguilar asked if this was budgeted into the new budget, which we had a conditional approval and did not have final approval yet. Mr. Trujillo said it was the new budget and the conditional approval was only to correct one item and to make them aware of a secondary item. So, in fact, they did have approval to expand the budget.

Commissioner Andersen made a motion to approve. Commissioner Padilla seconded. Commissioner Aguilar said this was important, but she still had concerns with the budget and adjustment that they have to make later on. Chair Trujillo asked that Commissioner Aguilar's concern be answered. Manager Mike Trujillo said that Item G 1, which is a letter from DFA, gives them conditional certified interim operating budget, which is the same as giving them authority to expand monies for 2004-05. DFA had two concerns; one being that the road fund does not meet the 1/12 road fund requirement, which will be rectified. The second is that we are dipping into our cash balance by about \$250,000 a year and they had pointed that out as well. The only way that they can get control of that, is to look at all existing contracts, especially the Adult and Juvenile Facilities and see what savings they can generate in those areas. Chair Trujillo said this was enough information to address Commissioner Aguilar's question at this time. Commissioner Andersen said that this action they were being asked tonight was to approve the request to publish an invitation to bid and did not commit any money. It would be brought back to them when the bids come in and by that time there shouldn't be any budgetary issues. She called for the vote. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Chairman Trujillo voted yes. Motion carried. 3-0. Commissioner Aguilar abstained. **See Exhibit.**

Financial Matters

LGD/DFA Interim Budget Approval.....Mike Trujillo

County Manager, Mike Trujillo introduced two letters from DFA. Part of the requirement of the letter dated June 28th, and prior to the July 1st deadline, and stated in the second letter, dated June 29th and received July 7th, is that we have received conditionally, an interim operating budget. This approval must be made a part of the Minutes of the governing body and, that what he was requesting, be done by attachment. There were two concerns. The most concern, was meeting the 1/12 reserve requirement for the Road Fund. At the next meeting or at a special meeting they would come back with a final budget to be submitted to local government, clarifying that issue again. The cash balance depletion of \$247,925 is \$250,000 more or less what they were aware of. They need to look seriously at existing contracts to see how they are going to deal with that issue, because this was for everything that they are doing in the county; in terms of future developments, which would include pay raises and or other benefits. The reason for the second letter is that there was concern that the budget would not be submitted on or before June 1st.

Commissioner Aguilar said the first letter dated June 28th says they had additional approval. The second one is dated June 29th indicates the governing bodies that do not have an approved operating budget in place by July 1st.

Mike Trujillo said that by statute, local government division must send a letter to State Auditor Domingo Martinez, notifying him, who has submitted and who hasn't, and then clarifying that if they don't have an interim operating budget, it puts the State Auditor on notice, to let the auditor know that they may be operating without an approved budget. However, we have a letter that says we have an approved operating budget.

Commissioner Andersen made a motion to approve the interim budget. Commissioner Padilla seconded. County Manager, Mike Trujillo wanted to rephrase the motion to say, the June 28th letter from local government division be made a part of the Minutes of the governing body. Commissioner Andersen made the motion to reflect what Manager Trujillo had stated. Commissioner Padilla seconded accordingly. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Aguilar voted no. Chair Trujillo voted yes. Motion carried. 3-1. **See Exhibits.**

Request Approval of Agreements/Contracts:

NCNMEDD Area on Aging for U.s. Agricultural Commodities.....Mary Ann Gonzales

NCNMEDD Area on Aging for Senior Employment Program.....Mary Ann Gonzales

Mary Ann was requesting approval for re-imbursement for the Senior Citizens meals that they provide, at the rate of \$.50 a meal. The second contract was to go into contract between the County and the Area Agency on Aging to provide a place for seniors to be employed. The agency provides the funding and the county provides the training. Currently they have a contract for two people. This did not represent any changes to what had been budgeted. County Manager Trujillo agreed that it was in the budget and recommended approval. Commissioner Aguilar made a motion to approve both contracts. Commissioner Padilla seconded. Motion carried. 3-0. **See Exhibits.**

**NM Department of Transportation for Golf Course Rd. Streetlights and Paving...
Michael Steininger**

Michael said there was a legislative appropriation for lighting and paving on Golf Course Road between Highway 304 and Highway 47 in Rio Communities. They have now received the contract between Department of Transportation and the County to go ahead and proceed with the project. He was asking for approval on the agreement. Commissioner Padilla made a motion to approve the request. Commissioner Andersen seconded. The approval was for the \$175,000. Motion carried. 3-0. **See Exhibit.**

**NM LGD/DFA for CDBG Comprehensive Planning Grant.....
Mike Trujillo/Ruben Chavez**

Mr. Trujillo said this issue had been brought to them at the last meeting, the ability to negotiate a contract with the COG to do the Comprehensive Plan. This would be the official document that would contract with the State to provide those funds. Commissioner Andersen made a motion to approve. Commissioner Padilla seconded. Commissioner Aguilar asked if they could tie in the same request that they discussed originally with the Comprehensive Plan on the negotiating with COG that there be a template and a time schedule. Chair Trujillo called for the vote. Motion carried. 3-0. **See Exhibit.**

Sandia Pueblo/County Detention Services Agreement.....Mike Trujillo

County Manager Trujillo had received a Service Agreement from the Sandia Pueblo. This agreement is the same as the other pueblos. There were some technical errors, redundancy and one substance division from the one that they were given and the one that was passed out. They had taken all of the items that he had wanted back into the agreement; they put them back into the agreement. The maintenance substance issue on item five on page two, the words “and accepted” had been taken out. Mr. Trujillo was adamant that it be in there. There had been occasion where policemen or other tribal units had brought turbulence to a jail that he was in charge of and they had not accepted them because of liability. This was why he wanted this language included. This was the only substantive change in the agreement. The rest of the agreement pretty much tracts with the minor technical corrections with other agreements that they had approved with other pueblos and other entities for having prisoners in our facility. Mr. Trujillo recommended approval. Commissioner Padilla made a motion to approve. Commissioner Andersen seconded. Commissioner Aguilar said that they were charging the pueblos \$65.00 but it seemed that they were charging Los Lunas, Bosque Farms and Belen a higher rate. Mr. Trujillo said this was the same rate that everyone was being charged. He would verify it and make it subject to the same rates that the other entities were paying. He would make sure that it was the correct amount. Commissioner Andersen said she thought it was a different rate. The motion was amended and approved, subject to the County Manager reviewing the rates to insure fairness and equality with other agreements. Commissioner Andersen seconded the amendment.

Ms. Lillie McNabb, from the Village of Bosque Farms, was also concerned about the rates being different. Mr. Mike Trujillo said he would make a report at the next meeting on the issue. He did know that all medical expenses and care are paid for by the Tribe. Approval of Sandia Pueblo County Detention Services Agreement, subject to the County Manager checking for variance. County Manager, Mike said he did know, that in this agreement, versus some of the municipalities, that all medical expenses and care are paid for by the tribe, where we pay for it for everybody else. Chair Trujillo called for the vote. Motion carried. 3-0. **See Exhibit.**

Commissioner Aguilar suggested that the county manager come before them with an action item if they need to have some sort of a schedule or some sort of approval as to what to quote these companies.

**Request Approval of Budget Resolutions:.....Michael Steininger
Resolution 2004-35, Judicial Complex Project Budget
Resolution 2004-36, End of Fiscal Year Inter-Fund Transfer
Resolution 2004-37, End of Fiscal Year Intra-Fund Transfer**

Chair Trujillo asked Mr. Steininger to give them an overview of each one and handle all resolutions as a group and discuss them and come to a vote.

The first item had been pointed out at the last commission meeting and they had inadvertently left out the funding for the Judicial Complex in the interim budget. While they could insert it in the final budget and have it approved at that time, they felt they would rather have it separately approved, given the size of nine million dollars involved in it.

On the second item, this sheet corrects the various funds that had deficit balances. Most of them were in the fire services and they transferred it out of their cash reserve or their gross receipts fund to cover any deficiencies. One exception was for sick leave and another was for three minor departments totaling \$6700.00.

The last item, is to make all the individual items in everyone’s funds positive. They were not transferring funds out of any place else, it was just making negative line items positive and reducing

the positive line items. They were not required to do this, but after talking with the auditor, it was easier to correct all the line items rather than sit and see which were positive and which were not.

Commissioner Aguilar asked if the \$9,941,087. was the cost they anticipated for the Judicial Complex. Mr. Steininger said it was the cost, less the just over \$28,000. that they have expended in the month of June. Is the \$500,000. for renovations to the courthouse included, Commissioner Aguilar asked. It was treated as a lump sum and not separated off the \$520,000. Commissioner asked about land acquisitions. Michael said it was not land acquisitions, it was the land improvements, landscaping, black topping and things like that.

Commissioner Padilla made a motion to approve Resolutions **2004-35, 2004-36, 2004-37.** Commissioner Andersen seconded. Motion carried. 3-0. **See Exhibits.**

Resolution 2004-38, Rio Grande Estates FD Cash Reserves Transfer for Rescue Unit Replacement Purchase.....John Cherry

Mr. Cherry said that in anticipation of granting approval to replace Rescue 1, this is a resolution transferring cash reserve funds into the expenditure line item in order to satisfy the funding. County Manager Trujillo said this was necessary in order to proceed with the purchase. Commissioner Padilla made a motion to approve. Commissioner Andersen seconded. Motion carried. 3-0.

See Exhibit.

Award of Bid #555 Re-paving of Various Fire Station Driveways and Meadow Lake Walking Track.....Mike Trujillo

Mr. Trujillo said they had gone out to bid and had received legislative funds for repaving of parking lots of various fire stations around the county. They also had separate funding for a walking path at the Meadow Lake Community Center. On the front page they had listed the bids that they had received and the project budget to show that they are with in the funds that have been appropriated legislatively. The selected bid was for \$81,591.00. He recommended approval of low bid with Albuquerque Asphalt, Inc. in the amount of \$81,591. Commissioner Padilla made a motion to approve Award 555. Commissioner Andersen seconded. Motion carried. **See Exhibit.**

Acceptance of RFP #150 Computer Hardware Lease.....Larry Mervine

Mr. Larry Mervine said that the contract with Triadic had ended on June 30th and in going out to bid, they were the only bidder. He was requesting approval. Commissioner Aguilar asked what amount was budgeted. Mr. Mervine said it was \$46,000 and if they take the \$3856. times twelve it comes to \$46,272.00. There were adjustments that they could make once they start negotiating. Manager Trujillo said this had been budgeted prior to going out to bid, so they had done it as close as they could. Commissioner Andersen said that Mr. Mervine had made a comment to go back and negotiate with Triadic. Mr. Mervine said there were options to make the mainframe look like a PC and it would increase the cost. Commissioner Andersen said that when something was brought to them to approve as a contract, it ought to be whatever that cost is going to be for the next year and not what might be negotiated for something else. If there are options available, they should be shown here. She wanted to know dollars and what her choices were and she did not want it handled some other way later. With that, Commissioner Andersen made a motion to approve. Commissioner Padilla seconded. Commissioner Aguilar said that Mr. Mervine and data processing had been coming to them and they had been so concerned about the hardware and software, she would like to see this item take a priority on the ICIP. Chair Trujillo called for the vote. Motion carried. 3-0. **See Exhibit.**

Approval of Payroll & Warrants.....Mike Trujillo

Commissioner Aguilar said that there were questions on how the stipends were being paid, a couple of years ago, audit findings showed that tax deductions were not being taken. It looked like we are still giving the total and not addressing the IRS comments. Since our manager, attorney and our business manager were not aware of this, because they had not been here at the time, that maybe, the stipends not be approved until there is a recommendation, based on information. There was also a stipend payment in warrants in addition to the others. She made a motion to approve payroll and warrants excluding any stipend payments until the next meeting, at which time they are requesting administration, attorneys and business manager to come forth with the information on how to proceeds with the stipends. Commissioner Padilla seconded. Motion carried. 3-0. **See Exhibits.**

**County Manager's Report
Adult Detention Facility Report**

County Manager did not have a report, but would present it at the next meeting.

Commissioner Aguilar said that they had a legislative appropriation for Cornelius Road to be repaved. School would be starting in about a month and she wanted this project to go out to bid. Manager Mike Trujillo said if it was for paving and chip and seal work, it did not have to go out to bid. This was under State contract and he would move on it as soon as they could.

Next Regular Meeting would be on **July 21, 2004**

County Manager, Mike Trujillo said the final budget matters would be brought to the commission on July 21st, however, a key person in the Treasurer's office will not be back until the 21st, so they might not have the ending cash balance on that day, so he was asking possibly, for a special meeting on July 28th to adopt the final budget as approved, ending cash balance, including the adjustment for the

Road Fund for the 1/12 reserve. The time would be decided at a later time and they would be contacted.

The next Regular Meeting of the Valencia County Board of County Commission will be held on July 21, 2004 at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

Adjournment 8:30 PM

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, July 7, 2004 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/

ATTEST: ss/

SALLY PEREA, CHIEF DEPUTY CLERK

DATE: July 21, 2004