

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

January 21, 2004

Chairman Gary Daves called the Meeting to order at 5:15 P.M.

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

Chairman Gary Daves called the meeting to order at 5:15 PM. Chairman Daves read the agenda for executive session. Matters to be discussed were Personnel Matters, New Hires, Transfers, Resignations, Terminations and Litigation.

Executive Session

Vice-chairman Trujillo made a motion to go to Executive Session. Commissioner Padilla seconded it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0

Commissioner Aguilar made a motion to re-convene as the Board of Commission Regular Meeting. Commissioner Trujillo seconded it. Without objection the board re-convened.

Interim County Manager Art Castillo reported the following discussion: New hires; June Ann DeLoia; Resignation; Martin Duran Shaiff, Probation period over for; Nathan Lopez, Clyde Joseph and Ruben Garcia. He also reported that the county had received 22 applications for the county managers position. No decision was made. Six applications were accepted for the County Resources position. He had requested to re-post the vacant position so as to fully explain the requirements of the position and hopefully get the process completed within two weeks.

Under litigation, County Attorney Adrian Nance informed the Commission on the New Mexico Environment status and that no final action was taken. Commissioner Aguilar had requested that at the next meeting, Mr. Nance provide information on a couple of pending cases. Chair Daves asked for a motion to ratify what was discussed. Commissioner Trujillo made the motion. Commissioner Padilla seconded it. Motion carried. 4-0

Pledge of Allegiance led by Joe Rizzo

Approval of Agenda

County Clerk Tina Gallegos read the agenda. Commissioner Trujillo made a motion to approve the agenda. Commissioner Andersen seconded it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 3-0. Commissioner Aguilar was not present for the vote.

Approval of Minutes

Commissioner Padilla made a motion to accept the Minutes of the December 17, 2004 Regular Meeting and the January 7, 2004 Special meeting. Commissioner Trujillo seconded it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. Commissioner Aguilar was not present for the vote.

Public Requests

Richard DeHart from Las Maravillas requested that Manzano Express was in need of re-paving because of the amount of traffic on it. He also had concerns that the 40-mile speeds limit was inadequate. The fact that there was a double line for a long stretch made it to where you cannot pass. Commissioner Aguilar said that she had faxed a memo to interim county manager and wanted him to contact Molzen-Corbin, since it was them that had made the recommendation to reduce the speed limit, and also, to look at the double line that extended for nine miles with no obstruction. Chair Daves said he had the same discussion with Mr. Castillo and supported it. Mr. Castillo was instructed.

Dorothy Peterson had petitions with signatures of residents from Las Maravillas that wanted to get four-way stop signs at the Manzano, Van Camp Road and El Cerro Mission Road. She said these were very dangerous intersections.

Art Castillo said that there had been two studies done out there and Molzen-Corbin was working on it. Chair Daves said that Molzen was going to develop a sculpt of work that would tell what it would cost. Chair Daves also said that they were doing traffic counts during those critical hours and would be taken into consideration during the process. Commissioner Aguilar said that at one time there were stop signs, but had to be removed because of the obstruction coming down over the hill, which was a worst liability and more dangerous. More accidents were occurring, because coming down they couldn't see the stop signs, so the county had taken the recommendation of Molzen-Corbin and taken them down.

Mr. William Dean had information on a meeting that the Middle Grande Water Commission District was having on 28th at 6:PM at the old Training School. They were going to present the new water plan and thought it would be of interest to the Commission.

ACTION ITEMS:

Department Requests/Reports:

Request Approval of Resolution 2004 Special Rules of Order.....Board of Commissioners

Chair Daves asked for a motion on approval on the Resolution that was not on the agenda when it should have been and was signed. Commissioner Trujillo made a motion to approve. Commissioner Andersen seconded it. Discussion; Chair Daves said this Resolution 2004-04 had to do with adopting the Roberts Rule and Order and some special rules. . Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0

Discussion of Appointments 2004; Board & Commission.....Board of Commissioners

Mr. Castillo provided the Commission with a list of Appointments/Boards for 2004 which staff had been requested to do. Chair Daves noticed that on the Animal Control Advisory Board, Ron Gustafson's name had been left out, and he was a member of the board. Chair also said that he was very happy with Mr. Holiday, who was not in his district, but served with the Planning & Zoning Commission. Laura Simons was retained, but beyond that he had no issues with the appointments. Commissioner Aguilar asked about the Older American Board. Mr. Castillo said he was not aware of that and would research it.

Mr. Castillo recommended that Wilma Abril be appointed to the Multi-Line/Risk Management Board and Barbara Baker be appointed to the Worker's Compensation Board. These were positions that Carol Anaya held. Commissioner Aguilar made a motion to follow the recommendation of Mr. Castillo on the two positions. Commissioner Padilla seconded it. Discussion: Commissioner Andersen requested that the new Human Resource person be an alternate to those positions. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0

Request In-State TravelRichard Perea January 28th thru 30th 2004. Las Cruces, NM

Under-Sheriff Martinez requested permission for Detective Aaron Jones to attend a class on Cold Case Files to be held at the HIDTA Complex in Las Cruces on January 28-30, 2004. Commissioner Andersen made a motion to approve. Commissioner Padilla seconded it. Discussion: Commissioner Aguilar asked if it was in their budget. Mr. Martinez said yes. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Commissioner's Requests/Reports.....Board of Commissioners

Update Belen Health Facility.....Alicia Aguilar

Commissioner Aguilar reported that the county is acting more of a facilitator for a new public health department in Belen. Lupe Reynos, public health nurse manager in Belen, the employees, Senator Michael Sanchez, Cabinet Secretary Patricia Montoya, Commissioner Padilla and herself had all met and contacted the City of Belen and the city had agreed to lease some property at the corner of Fifth and Becker for \$1.00 per year. The Health Department had approved the site and in addition they had e-mailed the minimum requirements for space to Senator Sanchez, who had agreed to sponsor some legislature this year to get it started. Her purpose of putting it in the agenda was to ask the Commission to allow Mr. Castillo to meet with the Mayor from Belen and get this long-term lease started. She was proposing thirty years at \$1.00 a year. \$50,000.00 had been appropriated last year for the design and planning. Commissioner Aguilar requested this in the form of a motion. There was a question as to whether it was an action item or just an update. Because they were just instructing the manager to start an informal process, there would be no formality until the commission acted on an agreement

Chair Daves said that he had been asked by the Road Superintendent, that each commissioner give the road department, roads within their district that they would like to see chip seal or paved. He suggested that the Commission think about the Road Superintendent making recommendations to Commission. The Road Superintendent's priorities for these improvements, as bases for this decision, would be the commission's decision to make.

Commissioner Aguilar said she did ride around in her area and was very familiar with it. She did talk with the road superintendent, about the roads that are really bad, prior to finalizing the list. Now, she said, she has a new district. Cornelius Road, right in front of Valencia School is probably one of the worst roads in the county. Monica Road from Valencia Road was another bad one. She said these roads had not been attended to in years, so these would use up her money.

Commissioner Padilla said he also kept in contact with his constituents and some of his roads were problems. He was familiar with what the needs were because he constantly got calls on. He preferred to stay with the way they had been doing it.

Commissioner Trujillo said his understanding of what Chair Daves was proposing was simply a list of recommendations and certainly wouldn't undermine the decision of the commissioner of that district. He thought it would be helpful, because there might be roads that he hadn't become aware of, but he certainly wouldn't consider it to be compulsory, whatever the road superintendent supplied to him.

Commissioner Andersen agreed with Commissioner Trujillo in that she would appreciate the recommendations from the road superintendent, because he would have a better idea on what the priorities would be. She does not agree with splitting the money, dividing it by five and giving each commissioner an opportunity to choose roads. She realized that this has been the tradition in Valencia County, but she didn't think it served the citizens well. "It would be a goal to see this changed and see the priority for road improvements come through the road department and the county manager", she said.

Commissioner Padilla said he didn't disagree with Commissioner Andersen, but his district had a tremendous need for updating those roads. The way it was build had many miles on it and he had a very good idea what the needs were there. He wouldn't want it any other way because some road were in such dire need and he would defend it as far as having their share for his district and using it the way he sees fit.

Bill Brown from Rio Communities had questions on how the process was done, because he recognized that throughout the county, there were paved roads and a whole lot of roads that weren't paved. He believed that the county would be better served regardless of commission district.

Commissioner Trujillo said what was appalling was not the procedure by which the money is needed, but the total of money available. The cost of paving one mile of road would be about \$80,000.00 to \$85,000.00 and dividing that approximately \$500,000.00 five ways, means, that each commissioner could pave about 1.15 miles of road per year. On the other hand, the life span of chip sealing was not as great or as durable.

More appalling was the amount of money they got per year and they needed to get that funding formula changed.

Commissioner Aguilar agreed with everyone, but the true reality was, that was all they would get until things got changed. Her example was that she had a new district, but two years ago the former commissioner from that district decided to pave two roads in Commissioner Padilla's district. Pando Lane and Hobb Road got paved. Now, she has inherited that district and that is what she has to work on. She said if they were to look on needs, Chair Daves and her district could come forth and justify. There has been documentation on accidents because of parts of automobiles been left on the side of the roads. Maybe in combining the two and seeing what they need to pave, they could run it through the road superintendent and let him look at them and see if there are some additional roads that they need to consider.

Chair Daves appreciated the comments. What he was suggesting was, that they have expertise that he thought he needed. Not necessarily for a decision, but at least some bases for a decision based on priority, based on the expertise of the professionals on the job.

Planning & Zoning Matters:

Facts/Findings:

Findings & Conclusions.....Cynthia Wimberly

19512 Hwy 314-Anthony Rodriquez

County Attorney Adrian Nance reported that this finding had been discussed at the last meeting. Mr. Rodriguez had requested a re-zoning to give his children a one-acre parcel of land. Commissioner Padilla made a motion to approve. Commissioner Andersen seconded it. . Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Aguilar voted yes. Commissioner Trujillo was not present for the vote. Motion carried. 3-0.

35 Graceland Lane-Grace Minner

County Attorney Adrian Nance informed the commission that Ms. Minner had a business in Belen for years and it had been grand fathered in. For one year she had not conducted to her business because of illness and so after awhile her business was no longer grand fathered in. Since it had been there for so long the commission decided to go ahead and change the zoning to conform to what it had always been (upon her application to do that and upon the recommendation of the planning & zoning officer). Commissioner Padilla made a motion to approve the facts & findings. Commissioner Andersen seconded it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Aguilar voted yes. Commissioner Trujillo was absent for the vote. Motion carried. 3-0.

Discussion/Approval of Zone Change Request Process.....Cynthia Wimberly

County Attorney Adrian Nance requested that the commissioners look at a form that he had attached. It was a worksheet that they were proposing to submit with the zone change request packet. The process now, is that there is a request, a decision made on the request on a certain day, and then, the ordinance requires them to do findings & facts and a decision. The process is not streamlined, in that they make a decision, and then they come back for the formality of signing the paper on the finding & facts. Because their writing would come from the worksheet, they would not come before the commission again and the commission can sign at their leisure.

Chair Daves asked Ruben Chavez if he had looked at it and if he would comment on it. Mr. Chavez said it would assist them on making a decision based on the criteria set on the ordinance.

Chair Daves commented that it had a check box for all that might apply and thought it might be a good idea to have two blocks, a yes and a no.

Commissioner Andersen asked if this would eliminate bringing back the facts & findings at the next meeting after a zoning decision is made. Mr. Nance answered yes. She wanted to point out that the ordinance says the zone change must be found consistent with the goals, policies and any other provisions. of the comprehensive plans. So if the no were checked then it would have to be denied. Commissioner Aguilar commented that the comprehensive plan has never been adapted and is still in draft form.

Chair Daves explained to the public that it was a way to put them to the test as to why they were making certain decision and whether they meet certain criteria. He thought it was a very good idea. Commissioner Aguilar made a motion to table the item until the next meeting to allow the commissioner an opportunity to provide some input. Commissioner Padilla seconded it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

General Request
Approval to Establish A Committee to Review.....Paul Edward Trujillo
Heavy Industrial Zoning District(s)

Commissioner Trujillo said that they had previously considered a resolution in conjunction with the moratorium of last May. The Commissioners each had a copy of the resolution with some amendments that were suggested by Chairman Daves. Those amendments appeared in the last paragraph of the resolution. Other than that, he said, the language was pretty much a reflection of what was written in the moratorium. He read the additions made by Chairman Daves. He proposed that each member consider and submit two names of individuals they would like see on this committee. He would like these individuals to be open-minded and who have a background that lends itself to this type of work. Commissioner Trujillo made a motion to approve this resolution. Commissioner Padilla seconded it. Discussion; Ruben Chavez said that in the ordinance they had a section 700 that consist of industrial districts which are; resource industrial districts, which is R1, light industrial district, which is R2 and heavy industrial district, which is R3. Under industrial district they show three but the resolution says heavy industrial district only and that would only be one. Commissioner Trujillo said his intent was heavy industrial, but he was open to suggestions.

Commissioner Aguilar referred them to the ordinance that said 703 is heavy industrial district, I-3. Her understanding was that they were intending I-3 and never thought that there was any reason to go with light or anything else. Commissioner Andersen agreed with Commissioner Aguilar.

Commissioner Andersen said there was nothing in the resolution, which prohibits the committee from understanding, and discussing what is in I-1 and I-2, but that the task defines, what is to be permissible in I-3. Commissioner Aguilar had a letter from the attorney that she wanted in the record, for clarification and direction for the committee members. It read, “because of the procedural status of this case, and we’re talking about the existing case with Alba, it is important that you as a committee do not disturb the proceeding on appeal on this matter. You are asked by the county commission not to commence a study and review and analyze the effects of the existing permitted uses in the heavy industrial districts. Report to the commission your recommendations. You are not to cuetic or otherwise review or recommend any action taken in the above referenced case. In other words, your study is to result only in prospective recommendations to the county commission regarding, for example, a list of permitted uses you believe appropriate for Valencia County based upon your study. You are not to make recommendations regarding past applications or proceedings involving particular applications”. Chair reminded the commissioners that there was a motion and a second of an un-amended resolution. Commissioner Trujillo said that they could not possibly define I-3 without looking at what isn’t I-3. There would be no contents in which to place it. His assumption would be that they would have to look at I-1 and I-2 as it pertains to defining I-3. He would hope that the committee would not only look at what are permitted uses, but what would be an appropriate location for permitted uses. This was one of his concerns. After no more discussion, Chair asked for a vote. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Commissioner Trujillo suggested that the commissioners set a time for recommending their two names as members, since what they had approved, mandated that they do this. Commissioner Aguilar named Ron Gentry and Mary Lou Chavez as her two members. Commissioner Andersen named George Cook as one of her members. The others commissioners were not ready with their names.

Financial/Business Matters:
Approval for Budget Resolution Budget Increase-Revenue & Expenditures.....Art Castillo
. Legislative Appropriations FY 2003;

Art Castillo presented the Commission with Resolution No: 2004-05; Revisions to FY2003/2004 Budget-Budget Increase-Revenue & Expenditures. This was in regards to the Health Services. Commissioner Andersen made a motion to approve. Commissioner Aguilar seconded it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

The second resolution Mr. Castillo presented was revisions to FY2003/2004 Budget; Budget Increase, Revenue & Expenditures.. Resolution No. 2004-06 was Legislative Appropriation FY2003/2004; Community Action Office (install freezers) for \$1,200.00, Head Start Program (purchase school busses) \$50,000.00, and Valencia County Courthouse (security system) \$40,000.00. Commissioner Aguilar asked Mr. Castillo if they were going to spend \$40,000.00 for a security system when a new courthouse had been approved. Mr. Castillo said he was including it in the budget because it was an appropriation and it would reconcile the budget that they would be approving. Commissioner Aguilar asked if it would be possible to ask for re-appropriation of the \$40,000. and use it for something else rather than lose it. Mr. Castillo said that he had spoken to Representative Luna and they were going forward with it. Commissioner Andersen asked where it would be earmarked, if approved. Mr. Castillo said “remodel projects around the courthouse”. Commissioner Padilla made a motion to approve Resolution 2004-06. Commissioner Anderson seconded it. Chair Daves comments were that maybe some of the money could be spent on some security, because the courts would still be here for a while. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Mid-Year Revenue Report.....Art Castillo

Mr. Castillo had some information presented to the commission in terms of revenue. The projected revenue was for the General Fund, \$9,139, 402.00 as of December 31st. Revenue projections were right on target. Commissioner Aguilar said she would like to see if the employees could get a salary increase of maybe 7 to 10%, which would be .35 to \$1.00 an hour which is minimal. She said they have not received an increase in years and insurance are up and she would like this to be a priority. Mr. Castillo said she had his complete support.

Request of Signature on Certification of Construction on.....Art Castillo
Camino de Los Chavez
Los Ranchitos

Mr. Castillo presented the commission with a Certificate for Chair Daves to sign as the county had complied with all terms and conditions in the Project Agreement Control No 7791. Commissioner Aguilar made a motion to approve on both roads. Commissioner Padilla seconded it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Approval of Payroll & Warrants.....Art Castillo

Mr. Castillo presented warrants in the amount of \$607,148.43 and payroll in the amount of \$186,256.09. Commissioner Padilla made a motion to approve. Commissioner Andersen seconded it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Manager’s Report:.....Art Castillo

Mr. Castillo handed the Commissioners a Detention Center Revenue Report. As of January 15, 2004 the actual revenue was \$173,350.86 and the accounts receivable was \$31,459.33. He also reported that the average inmate count for January 1, 2004 through January 15,2004 was a total of 154. Male count was 136 and female count was 17.

The commission scheduled a workshop with the Planning & Zoning Department on January 30th at 2:00PM at the Los Lunas Consolidated School Board Meeting Room.

The next regular meeting will be held on February 4th, with Executive Session starting at 4:00PM based upon the County Manager’s discussion, with regular meeting starting at 6:00PM.

The next Regular Meeting of the Valencia County Board of County Commission will be held on February 4, 2004 at 6:00 PM in the Los Lunas Consolidated School Board Meeting Room.

Adjournment

Commissioner Andersen made a motion to adjourn. Commissioner Padilla seconded it. Motion carried. 4-0.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, January 21,2004 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/
MARY J. ANDERSEN, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: February 4, 2003