

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

March 3, 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	
Cynthia Wimberly, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Gary Daves called the meeting to order at 5:15 PM.

Chairman Daves informed the commission that under the authority of NMSA Sec. 10-15-1-(h)-2 and (h) 7, they were going to Executive Session to discuss Limited Personnel Matters and Pending Litigation. Commissioner Padilla would not be attending the meeting. Commissioner Andersen made a motion to go into executive session. Commissioner Trujillo seconded it. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 3-0.

Executive Session

Chairman Gary Daves called the meeting back to order at 6:15PM. Commissioner Trujillo made a motion to return to regular meeting. Commissioner Andersen seconded it. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 3-0.

Art Castillo, County Manager reported that he had contacted six individuals and set up interviews for the county manager's position. Mr. Corteze and Mr. Bercher had declined. Michael Trujillo, Lester Swindle, Michael Hawkes and David Johnston were scheduled for Wednesday and Thursday.

Cynthia Wimberly, County Attorney, informed the public that under Pending Litigation (Pursuant to Sec. 10-15-1-(h)-(7), the status of the New Mexico Environment Department Compliance Order, the Crosley matter and the Aragon zoning matter had been discussed. No final action was taken.

Pledge of Allegiance led by Marlene Feuer

Approval of Agenda

County Clerk, Tina Gallegos, read the agenda. Commissioner Andersen made a motion to approve. Commissioner Trujillo seconded it. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Morton carried. 3-0.

Approval of Minutes

Commissioner Aguilar had requested that some language be added to the minutes of the last meeting. The changes had been made and copies had been given to all commissioners before the meeting. Commissioner Aguilar made a motion to approve the, amended, February 18, 2004 Regular Meeting. Commissioner Andersen seconded it. Commissioner Andersen voted yes. . Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 3-0.

Public Requests

Marlene Feuer, Manager of Waste Management of New Mexico, said that Waste Management had taken over the accounts from Superior Waste about one month ago. They were going to do a residential re-route of those customers beginning the week of March 15<sup>th</sup>. They were using a computerized routing system, which would reduce traffic and congestion, fuel consumption and reduce noise. Times and days would be changed, and they would be advising the customers. They would try to minimize any inconvenience, but if the commissioner received any calls from their constituents, the telephone number to call was: 892-1200. She would also be submitting their permit. Tri-Sect had been renamed Valencia County Regional Landfill. Commissioner Aguilar invited Marlene to come back and give them more information about the re-opening and fees.

Mr. Dean asked Commissioner Trujillo if he would give the Industrial Committee a mission statement. Commissioner Trujillo said that as a commissioner he did not think that he could state what the mission is, however he could look at the original intent, which was to study I-3 uses in Valencia County. He said the current I-3 identification uses seem to be outdated and there are questions as to what it should look like. The mission, he said, was to look at I-3 within the county and come back with some proposals. Commissioner Aguilar said that the attorneys had given them a memo that sets some perimeter as to where not to go and what to do. She had asked that a copy be sent to

each member and by reviewing it, it would let them know that they are, not looking at studying, which is the Rio Grande Industrial Park specifically or anything having to do with Peoples Energy. Commissioner Trujillo said that the intent of the memo was to clarify that there is a pending case on appeal regarding Peoples Energy and they are not to interfere with that case. He understood the nature of the memo, in terms of not disturbing a process that is currently open.

**Department/Request**

**Road Recommendations for 2004-2005.....Dan Trujillo**

Mr. Dan Trujillo presented the commission with a list of roads in each commissioner’s district. Chair Daves said he had asked Mr. Trujillo to look at Alderete Rd, where he has received inquiries on it. They had also discussed perhaps using some of the materials and some of the money for more than just patchwork, patching, on some of the chip seal roads. This was a concern of the county. Monica Road and several others in District Five are on last years list of paved roads that have gone bad.

Commissioner Trujillo said that in looking at the list, he was over-budgeted, and so he would look more carefully at two of his roads and see if he could modify it and he would get back with Mr. Dan Trujillo.

Commissioner Aguilar wanted to remove Cornelius Rd. She was getting a state appropriation from Representative Fred Luna, as soon as the Governor signed the bill. She said the Los Lunas Schools had been very co-operative and had sent a letter of support to Representative Luna. He had placed it on his priority list, even though it’s not on his district and she wanted to thank him. By taking Avila Drive and Cornelius Road out, and, if Monica Rd. becomes chip sealed, this would bring her in budget. She has been getting e-mail from the people in Ponderosa Farms to finish Avenida Alegre. She realizes that the money might not be there, but at least it was on the list.

Chair Daves said that as the county goes into this in subsequent years, he hoped that there is not just the recommendations from the superintendent of roads, which are important, and the ones of the commissioners, but also a public process of looking at a public sense of priorities of roads and he hoped that they would evolve into a situation that would give a better set of priorities for the limited money that they get and a sense that the money is put where it ought to go. He thanked Mr. Dan Trujillo for all he has done.

Commissioner Andersen said she had discussed some of the changes in her District. Curfman Road had some state money coming to it and she would work with Mr. Trujillo when it did.  
**See Exhibit A.**

**Commissioner’s Requests/Reports.....Board of Commissioners**

Chair Daves had requested working towards getting a trash committee. They had met and developed a proposal and would like to have a workshop to present it to the commission. Dale Jones and Cindy Sluter said that, pending signature of the Governor, \$75,000.00 was obtained toward the program. Chair was requesting a workshop in May. Commissioner Aguilar suggested that they have a budget workshop first. Mr. Castillo scheduled the budget workshop for March 18<sup>th</sup>, at 1:00PM.

Commissioner Aguilar had attended a conference at Washington, D.C. and she had brought some material, and gained knowledge on G.A.S.B. It was not only for inventory, but public policy would be forced upon them as a result of GASB. They talked about HAVA. She also attended a Work Force Investment Act. She would get some of this information together and give it to the county manager.

**Action Items**

**Indigent Reports.....Barbara Baker**

Commissioner Aguilar made a motion to convene as Indigent Board. Commissioner Trujillo seconded it. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 3-0.  
Ms. Barbara Baker presented the Indigent Claims from January 22, 2004 to February 20, 2004. The total amount of claims submitted was \$506,721.48. She asked the commission to approve \$89,213.63 and to deny \$417,507.85. There were 103 claims submitted, and there were 27 denials. Commissioner Andersen made a motion to approve. Commissioner Trujillo seconded it. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 3-0. **See Exhibit B.**  
Commissioner Aguilar made the motion to re-convene as Board of County Commission. Commissioner Andersen seconded. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 3-0.

**Proclamation American Red Cross Month March 2004.....James Fernandez**

Mr. Fernandez was representing the Mid Rio Grande Chapter of the American Red Cross. He gave the commission a handout and gave them some statistics. He said March is National Red Cross Month. The Mid-Rio Grande Chapter of the American Red Cross was requesting that the Valencia County Commission proclaim the month of March 2004 as American Red Cross Month in Valencia County. Chair Daves asked Mr. Fernandez to read the Proclamation. Commissioner Andersen made a motion to proclaim the month of March 2004 as American Red Cross Month in Valencia County. Commissioner Trujillo seconded it. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 3-0. **See Exhibit C**

**Request to Amend Zone Change from C1 to PRO for the Purpose.....Ruben Chavez**

**RV Park-Meadow Lake**

Mr. Ruben Chavez explained that the ordinance explains PRO as, Park, Recreation Open Space. He said he had met with the applicants and gone over the standards and they had provided the information that the commissioners had in their packets. The criteria in the guidelines are PRO as a one-acre minimum, but the specifics criteria is a two-acre minimum. It also requires that the property owner combine all of the adjacent lots to one parcel. The applicant applied for a variance and had some discussion with the commission and one of the items that they discussed according to the ordinance, page 58, 902-01, was it allowed to place twenty RV units per acre. And so according to our ordinance, having granted this land split, this would allow forty units. The two-acre minimum combining the property together presented a problem. The applicant owns the adjacent land, and all the commercial entities that are there, are mortgaged separately, and merging those would not prove likely for the applicant. The applicant asked for two different relief of pardon of the ordinance. One is that they not merge all the property, and two is that they only use one acre instead of two. In reaching a compromise, the applicant was applying for twelve units instead of the allowed twenty. The Planning & Zoning Commission felt this was less density than our ordinance would allow, and the merging of the documents was not beneficial to anybody. In looking at all the data from the Environment Department, they granted the variance. However, as it turned out, the typical septic system that the applicant was going to use was only approved for four spaces. They are still working with the ED to modify that system. Commissioner Andersen made a motion to table any action until the 1<sup>st</sup> +meeting in May, and they had resolved the matter with the Environmental Department. Commissioner Trujillo seconded it. He would like to see the minutes of the P & Z meeting, and time to look at the property. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted no. Motion carried. 2-1. Commissioner Aguilar's concern was that they were tabling something, for more discussion, but, on one hand they wanted ED approval and on the other hand, they are asking about getting minutes from the P&Z commission. She wasn't really sure what they were asking by tabling it. Chair Daves suggested that hopefully they would have some resolution of the ED situation.

**Request Approval In-State travel**

**Las Cruces, NM April 5<sup>th</sup> thru 9<sup>th</sup>, 2004 training.....Richard Perea**

Sheriff Perea was asking for approval to send Sergeant James Purdy & Deputy Clyde Joseph to attend an Instructor Development class sponsored by the New Mexico Department of Public Safety. This class would enable the deputies the tools to be used to teach the remaining members of the Sheriff's Department. Sheriff Perea said there were sufficient funds to cover these expenses. Commissioner Aguilar made a motion to approve. Commissioner Andersen seconded it. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 3-0.

**Socorro, NM, 3<sup>rd</sup> thru 6<sup>th</sup>, 2004 Firefighter Training.....L.E. Rubin**

Mr. Michael Steininger, Assistant Chief, was asking for hotel expenses for one of the officers to attend a Firefighter II Certification at the New Mexico Firefighter Training Academy in Socorro. He was asking for fifteen nights over the next four months. It would be three nights in the first month and four nights in the successive months. Commissioner Aguilar had concerns about approving four months and also that it should be the Fire Marshall that should have been requesting this. Commissioner Andersen said that the first session would be starting shortly and there would not be time to bring this back to the commission and it was very commendable that an individual would want to spend this much time, on his own time, doing something that would benefit the county. She made a motion to approve the travel. Commissioner Trujillo seconded it. Commissioner Aguilar could not support the motion. She would have supported the first training, but it was important that the Fire Marshall is involved. He has the budget, and, he, he takes care of it, she said, and this was being approved without his knowledge. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted no. Motion carried. 2-1.

**Request for Acceptance of Roads.....Dan Trujillo/Shawn Kiehne**

**Camino De Manzano, Mountain Shadow Dr**

Vice-Chair Trujillo took over the chair.

Sherri Kiehne was representing Shawn Kiehne.

Mr. Dan Trujillo said he the had looked at the above roads and Camino De Manzano located in the Meadow Lake area in District 5 had a total length of .720 of a mile of which .330 was undeveloped. The road has a driving area of 20', with a 60' easement. It would also need to be built up, as it has no base course.

Mountain Shadow Dr. is also in commission district 5 in Meadow Lake. It has a total length of .350 of a mile, and has a driving area of 20' with a 60' easement. It would also need to be built up, as it has no base course.

Mr. Castillo, County Manager said that it concerned him that the county did not have access through a state road, Conner Road, to the roads that are being proposed. He suggested that approval not be made on that bases, because they might be trespassing in providing services to those roads. It appears that the roads were dedicated on a plat, but there was a question of acceptance. Commissioner Daves made a motion to table this item until the information regarding Conner Road comes back to them. Was it dedicated and if so, was it accepted. Commissioner Andersen seconded it. Commissioner Andersen voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted no. She was not supporting it because she sees a bigger picture than just Conner Road. Motion carried. 2-1.

Chairman Daves retained the chair.

**Request Approval Budget Resolution Intra Budget Transfers (Clerks).....Art Castillo**

Mr. Castillo said that the county clerk had been required to establish a dedicated line from her office to the Secretary of State's Office. This would be to electronically transfer information. He was presenting a resolution to adjust the budget from Capitol Outlay to Telephone Line Item. Commissioner Trujillo made a motion to approve. Commissioner Andersen seconded it. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar was not present for the vote. Motion carried. 2-0. **Resolution #2004-12. See exhibit D.**

**Request Approval Expenditure Budget Increase (Sheriff's Dept).....Art Castillo**

Mr. Castillo presented the commission with a request to transfer \$11,535, insurance money that the Sheriff's Department had received as a result of an accident. The sheriff was requesting the transfer in order to replace the vehicle that had been wrecked. Commissioner Trujillo made a motion to approve the transfer. Commissioner Andersen seconded it. Motion carried. Commissioner Aguilar was not present for the vote. 2-0. **Resolution #2004-13. See exhibit E.**

**Request Approval Resolution Budget Increase (Peralta Fire Dept).....Art Castillo**

Mr. Castillo presented the commission with a budget adjustment and said that both the Peralta Fire Chief, John Deere, as well as the Fire Marshall, John Cherry, has reviewed it. Commissioner Andersen made a motion to approve. Commissioner Trujillo seconded it. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar abstained. Motion carried. 2-0. **Resolution #14. See exhibit F.**

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

Mr. Castillo presented Payroll & Warrants for approval. Commissioner Andersen made a motion to approve both. Commissioner Trujillo seconded it. Commissioner Andersen voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted no. Motion carried. 2-1.

**County Manager's Report**

**Jail Report.....Art Castillo**

Mr. Castillo provided the commission separate documents. One gave the commissioner an average of daily count of inmates in the Detention Center. **See exhibit G.** He also gave them a bi-weekly report concerning jail space within the center. As the February 29<sup>th</sup>, the county has received a little over 61% of the budgeted revenue for rental of jail beds. This was within an 8 months period.

**See exhibit H.**

He also reported that the Treasurer's Report balance for February was a little over 2.1 million dollars in the general fund.

He reported resignations. From the County Clerks Office; Gabriel Salas; from the Sheriff's Office, Marsha Robey. There were three vacant dispatchers position and they had been posted. David Nunez had been hired as part-time probationary deputy sheriff and the funds would come from the COPS grant until November 2004.

Mr. Castillo also reported that the jail RFP review committee had been established. The next meeting had been scheduled for Friday 5<sup>th</sup> at 9:00AM.

One other item he had to report was that the county had accepted four proposals for architectural services for the judicial complex. He will meet with Judge William Sanchez to establish how they are going to review the proposals and possible interview.

He had also met with architect John Friedman and he reported that the contract had been reduced by another \$1,205.00.

Chair Daves reminded all that they had a budget workshop scheduled for March 18<sup>th</sup> at 1:00PM.

Commissioner Andersen made a motion to adjourn. Commissioner Trujillo seconded it. Motion carried. 3-0.

The next Regular Meeting of the Valencia County Board of County Commission will be held on March 17, 2004 at 6:00 PM in the Los Lunas Consolidated Schools Board Meeting Room

**Adjournment 8:30PM**

<p><b>NOTE:</b> All proposals, documents, items, etc., pertaining to items on the agenda of the, March 3, 2004 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>
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**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**ss/  
GARY DAVES, CHAIRMAN**

**ss/  
PAUL EDWARD TRUJILLO, VICE-CHAIRMAN**

**AURELIO H. PADILLA, MEMBER**

**ss/  
ALICIA AGUILAR, MEMBER**

**ss/  
MARY J. ANDERSEN, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: March 17, 2004**