

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

April 21, 2004

Chairman Gary Daves called the Meeting to order 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	
Michael Trujillo, County Manager	
Wimberly Law Firm, County Attorney	Adren Nance
Tina Gallegos, County Clerk	
Press and Public	

Chairman Daves called the meeting to order. Issues to be discussed were Limited Personnel Matters, possibly Sole Source Purchases over \$2,500.00 and Pending or Threatened Litigation. Under the authority of Section 10-15-1 NMSA, he asked for a motion. Commissioner Trujillo made the motion to go into Executive Session. Commissioner Padilla second it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 3-0.

Executive Session

Chair Daves called the meeting back to order. Commissioner Trujillo made a motion to return to regular meeting. Commissioner Padilla second it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 3-0. The items discussed were as listed above and were on the agenda.

Pledge of Allegiance led by Judge William Sanchez

Approval of Agenda

County Manager, Mr. Trujillo, informed the commission that Commissioner Aguilar would not be attending the meeting due to family matters. Commissioner Padilla made a motion to approve the agenda. Commissioner Trujillo second it. Motion carried. 3-0.

Approval of Minutes

Chair Daves commented that he had asked for some changes to be made on the minutes of April 7th. The word, processors, to be changed to process and also to make reference of a motion, in regards to postponing the purchase of the voting machines, that had been discussed at the meeting of April 7th,2004. Commissioner Trujillo made a motion to approve the Minutes of April 7, 2004. Commissioner Andersen second it. Motion carried. 3-0.

Public Requests

Lupe Reynoso, Public Health Nurse Manager for the Belen Public Health Office, had given each commissioner a copy of a letter that had been sent to Mr. Art Castillo, interim county manager at that time, from Mayor Ronnie Torres. Due to laboratory-limited space in her office, (the laboratory and the drugs space are located in the same room,) it will no longer be acceptable by the state, according the new legislation. Prior this this, she said, they were grand fathered in. Right now she was facing the possibility of losing her pharmacy license, and without that, many of the services would not be provided. She was submitting an official inquiry, as to the status for construction of a new Belen Public Health Office.

Mr. Trujillo, County Manager, informed the commission that he had met with City Manager, Sally Garley, regarding a site. Chair Daves asked if any money had been appropriated for the design in regards to this project? Mr. Trujillo said there were two pieces of legislation done in August of 2003. Each was for \$25,000.00, for a total of \$50,000.00, to plan, design and construct. The way the language was written, this could not be used to acquire the property, but could hire an architect to plan and design it and if any money was left over they could start construction.

Commissioner Padilla wanted to know if negotiations were still on or if a contract had been signed. Mr. Trujillo said negotiations was taking place for a parking lot on the north east corner of Fifth and Becker. They would be coming back with a schedule of funding and the site.

Mr. Pat McKelvey, president of the Rio Communities Association, on behalf of the association, wanted to commend Mr. Dan Trujillo for taking care of a sign problem in which a street had been mismarked. He also wanted to make Mr. Michael Trujillo familiar with legislative funding that had been made two years ago for lighting on Golf Course Road. The last he had heard from Mr. James Fernandez was that it was being studied by Molzen-Corbin and he wanted to know the status of it. Mr. Trujillo said that two proposals had been made by Molzen-Corbin and he would be looking into it soon.

A member of Las Maravillas was asking on the status of the survey that was been conducted on the Manzano Expressway on the passing zone and the speed bumps. Chair Daves asked her to contact

the county manager. He also suggested that many matters would be better if they were brought to the county manager’s attention or the appropriate department, and if all failed, then, it could come to the commission.

DISCUSSION (NON-ACTION) ITEMS:

Presentation Remodeling Project Courtroom.....Judge Violet Otero

Judge Otero said that the main reason she wanted to address the commission was because they had a remodeling project that "re-tooled" the old commission room to accommodate her in order to have her hearings there and also to accommodate her staff, and, for her to have an office, and so she wanted to thank each Commissioner, Mr. Fernandez, Art Castillo and his staff, and the ones who were most intrusive upon, County Clerk, Tina Gallegos and staff because they had taken over their space. She thanked them and she wanted the general public to know her appreciation for what the commission had done to make it happen.

Commissioner’s Comments.....Board of Commissioners

None.

Action Items:

Approval of Acceptance of Roads for Maintenance.....Dan Trujillo

The fact that Garley Lane had been tabled, and Commissioner Aguilar was not present, Mr. Trujillo asked what they wanted to do with it. Chair Daves asked if there was anyone in the audience with petition on Garley Lane. and if not they should just wait. Mr. Dan Trujillo said the other road that had been tabled, and, also in Commissioner Aguilar’s district was High Road. Mr. Michael Trujillo asked to take both roads off the table. Commissioner Andersen made a motion to untable in Mr. Michael Trujillo’s language. Commissioner Padilla second it. Motion carried. 3-0.

Mr. Michael Trujillo recommended that Garley Lane and High Road be tabled. Commissioner Andersen made a motion to table both roads until the next regular scheduled meeting. Commissioner Trujillo second it. Motion carried. 3-0.

Vice-Chair Paul Trujillo took over the meeting.

Vice-Chair Trujillo asked Mr. Dan Trujillo to proceed with the next presentation. Commissioner Daves said that there were a couple of issues that had been resolved. The concerns were that there were portions of one or the other, Camino de Manzano or Shadow Dr., that were undeveloped, and, to the north, no one lived there and it would be in-appropriate for the commission to accept those portions. The petitioner had neither desire nor request to accept, but rather, the portion to the south. The other issue related to Connor Road is that it had a green sign and so the petitioner were not aware that it had not been formerly accepted, but in fact had been dedicated by three separate instruments. The petitioners have requested the addition of Connor Road, because it is the access to these two other roads. Dan Trujillo recommended that they accept. County Manager, Michael Trujillo also recommended that it be accepted. Ruben Chavez said that the petitioners had followed all the steps and he would agree with Mr. Dan Trujillo and Mr. Michael Trujillo. Commissioner Daves made a motion to accept Camino de Manzano and Shadow Drive, the south portions, and, Connor Road, for acceptance for maintenance. Commissioner Andersen second it. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Motion carried. 3-0. **See exhibit A.**

Chair Daves resumed the Chair.

Approval for In-State Travel- Ruidoso, NM, May 5-7, 2004.....Ruben Chavez

Mr. Ruben Chavez was requesting travel to Ruidoso for two of his zoning officers, Toby E. Jaramillo and Johnny A Mirabal, and, for himself, to attend the New Mexico League of Zoning Officials Semi Annual Meeting. Commissioner Andersen made a motion to approve. Commissioner Trujillo second it. Motion carried. 3-0. **See exhibit B.**

Approval of Architect Judicial Complex Design (tabled April 7, 2004)..Judge William Sanchez

Commissioner Andersen made a motion to take this issue off the table. Commissioner Trujillo second it. Motion carried. 3-0.

Judge William Sanchez was before the commission to ask for approval on the selection of the architect for the new courthouse complex. The order of the three architects selected was: DCSW first choice and subject to negotiating an acceptable fee with the county. NCA was their second choice and third was ASCG. In evaluating the firms, DCSW came in far and above the second place choice.

County Manager Michael Trujillo said that at the last meeting, this item had been tabled so that he could contact the Professional Technical Advisory Board to grant them a waiver or to place themselves into the evaluating process. He had received a waiver from them to proceed without a technical assistant. He had also received a protest from the second rank firm, regarding the fact that not all of the selecting committee members were at their interview. Under the procurement code certain steps need to be taken. He had met with Chairman Judge Sanchez and they had decided that of the eleven selective committee members, six took precedence over all the others and so they had adequately resolved the issue by not counting all eleven members, just the six and that should satisfy the protest by the verbiage in the RFP, had there being a definitive protest. As the Judge had mentioned, the action that would be taken is that if they award tonight, they would start negotiations with the first ranked firm and then proceed. One of the things that is good is that, in terms of negotiating, they would be using State Architect fees, and so it gives them a basic starting base. As a staff member, he recommended approval. Chair Daves asked if the people he had gotten the waiver from, had they reacted positively, in that he had remedied whatever problem there had been? Mr. Trujillo said both Jim See and Glen Falls felt that the RFP met the requirements and that the

interview adjustments were handled properly. The change from counting all who were there, to only those who were there for all four interviews, was it accepted by them, Chair Daves asked? Mr. Trujillo said yes, it met the requirements of the RFP.

Commissioner Andersen said that the reason she had made the motion to table this issue at the last meeting was because of the statute that said there had to be a licensed architectural engineer on the selection committee. She wanted it clear in her mind, that Mr. Trujillo was to solicit a waiver. Did this waiver that he was speaking of, cover that and did he have that permission? Mr. Trujillo said yes. Commissioner Andersen made a motion to approve the architect choice as recommended. Commissioner Padilla second it. Chair Daves read the names of the architects in the order that they were rated. DCSW was rated first. NCA was rated second. And ASCG third. Motion carried. 3-0.

See exhibit C.

Approval of County Manager's Contract.....Gary Daves.

Mr. Michael Trujillo said that this agreement was a one-year contract starting April 5th, 2004 through April 4th, 2005. Major provisions are that he is to fulfill his duties faithfully to Valencia County as County Manager. Compensation would be \$85,000.00 a year plus fringe benefits according, to other county employees. He served at will, at the pleasure of this commission. However, within that first year, should they terminate his contract without cause, there would be a two-month severance. If he were to act in malfeasance or contradiction to statutory of law, that clause would go away.

Cynthia Wimberly, Attorney, said that the form of this agreement was a little different than the form used before for county manager contracts. This was based from different county attorneys contracts from around the state and it had provided them with basics, based upon experience. Commissioner Andersen made a motion to approve the contract for the next year. Commissioner Trujillo second it. Motion carried. 3-0. **See exhibit D.**

**Approval of Software Maintenance Contract-Triadic Enterprises Inc.....Larry Mervine
Sole Source Procurement**

Mr. Larry Mervine was asking for approval for another three years. Explaining the sole source, Mr. Mervine said that Triadic was the only one who maintains their own software. Commissioner Trujillo made a motion to approve. Commissioner Andersen second it. Motion carried. 3-0 **See exhibit E.**

Approval of Budget Resolution Increase Expenditure-Indigent Fund.....Michael Steininger

Mr. Michael Steininger was asking for \$150,000.00 transfer reserves for the Indigent Fund to allow Ms. Barbara Baker to pay indigent fund through the end of the fiscal year of 2004. Commissioner Padilla made a motion to approve **Resolution #2004-21**. Commissioner Trujillo second it. Motion carried. 3-0. **See exhibit F.**

Approval of Agreement with NMED for Solid Waste program Appropriation.....Mike Trujillo

Mr. Trujillo said this would be two actions. One would be adoption of Resolution and approval of a contract grant agreement with the New Mexico Environment Department. On the 2003 Legislative Session, \$100,000.00 was given to Valencia County for use on a solid waste program. The county has not yet contracted for that amount and the money is appropriated from the State's General Fund, thus would revert on June 30th of this year if we did not spend the monies. He had two options to consider. The first option would be to use \$4,625.00 to do surveying of the Conejo Transfer Station. The second would be for the commission, under a lease purchase agreement, get a Semi truck, which would be about \$90,000, they as the staff, are proposing that they pay that lease purchase off with these funds, \$86,307, rather than continue with a multi-year payment which would take us into the \$90,000. range. The truck is on hand, however the first payment would not be due until August 15th of this year. The other item, which is critical in terms of the contract compliance, is that the fence around the old Valencia County Landfill west of Belen would have the south side fenced with barbwire. The west and north side have chicken wire. They would like to see barbwire around all four sides. There is enough wire to fence the west and north side but they would need posts and barbwire to fence the west side which abots with Belen property.

Option two just makes a minor change and that is if they only pay \$67,763. of the truck, they can then budget for the \$18,612, which would then give them additional money to pay for some dirt. In talking to Sally Garley, City of Belen is willing to work with us, for us to scrape off several feet of dirt on their property directly west of the site and use that as fill for the landfill. Chair Daves said that the commission remembers that at the last budget cycle there was a sense of using that money as needed to pay off that dump truck and as it turned out it did not have to be re-authorized to be able to do that. Another comment was that Representative Cordova got this money for the county for an entirely different purpose. A year ago, they were under the impression that they could not use it for that purpose and it was a program that the trash had recommended, but at this late date, it was not possible to use this money except for what the county manager had proposed. Commissioner Padilla made a motion to accept the recommendation of County Manager, Michael Trujillo, to accept Option One. Commissioner Trujillo second it. Motion carried. 3-0.

Commissioner Andersen made a motion to accept **Resolution 2004-22**. **See exhibit H**

Commissioner Padilla second it. Motion carried. 3-0.

**Approval of 2004 County Fire Protection Fund Distribution.....John Cherry
Jarales Pubelitos FD, Highland Meadows FD, Rio Grande Estates FD, Los Chavez FD,
Valencia El Cerro FD, Tome Adelino FD, Meadowlake FD, Manzano Vista FD, Peralta FD.**

Mr. John Cherry was before the commission for approval of the County Fire Protection Fund, which has to be in the State Fire Marshall's office by the end of the month. Commissioner Padilla made a motion to approve. Commissioner Trujillo second it. Motion carried. 3-0. **See exhibit I.**

Approval of disposition of Surplus Property County Clerk's Office.....Tina Gallegos

County Clerk, Tina Gallegos, was informed by County Manager, Michael Trujillo, that in order to put the voting machines up for sale, the commission needed to approve that they be discarded from the inventory list. She has attached a list of all the machines and serial numbers.

As per Section 13-6-1A-C, the commission needs to authorize that the re-sale value is less than \$5,000.00 and that they are unusable and absolute to the extent that it is no longer economical or safe to be used. She was asking for approval that the 1242 Voting Machines and additional items, be listed as surplus on the county clerks inventory list. Ms. Gallegos said she has had some counties interested in buying and that have made requests. She thought that most of the machines would be sold. Commissioner Andersen made a motion to approve. Commissioner Trujillo second it. Motion carried. 3-0. **See exhibit J.**

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

Mr. Trujillo presented a printout of Payroll in the amount of \$187,760.28 and Warrants in the amount of \$460,764.94 and asked for approval. Commissioner Trujillo made a motion to approve. Commissioner Andersen second it. Motion carried. 3-0. **See exhibit K.**

County Manager's Report

Mr. Trujillo presented the jail report. **See exhibit L.**

Mr. Trujillo informed the commission that he had asked the Juvenile Detention to produce the same type of report.

Schedule workshops

Budget workshop was scheduled for Tuesday the 27th of April at 1:00 PM.

Animal Control Ordinance workshop was scheduled for May 12th, at 6:00 PM.

Solid Waste Program would wait until June to schedule.

The next Regular Meeting of the Valencia County Board of County Commission will be held on May 5, 2004 at 6:00 PM at the Los Lunas Consolidated Schools Board Meeting Room

Adjournment Commissioner Andersen made a motion to adjourn. Commissioner Padilla second it. Motion carried. 3-0.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, April 21, 2004 Regular 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**

AURELIO H. PADILLA, MEMBER

**ss/
ALICIA AGUILAR, MEMBER**

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

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: May 5, 2004