

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

May 5, 2004

Chairman Gary Daves called the Meeting to order at 6:00 PM.

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	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Gary Daves called the meeting to order. Under the authority of Section 10-15-1 NMSA 1978,Limited Personnel Matters (10-15-1-(h)-(2) NMSA1978 and Pending or Threatened Litigation (10-15-1-(h)-(7) NMSA1978) would be discussed. Commissioner Andersen made a motion to go into Executive Session. Commissioner Padilla seconded. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Aguilar voted yes. Commissioner Trujillo was absent for the vote. Motion carried. 3-0.

Executive Session

Chairman Daves called the meeting back to order. The above items were discussed and no action was taken. Commissioner Padilla made a motion to return to regular meeting. Commissioner Andersen seconded. Motion carried. 4-0.

Pledge of Allegiance led by Michael Trujillo

Approval of Agenda

Commissioner Trujillo made a motion to approve the Agenda. Commissioner Padilla seconded. Motion carried. 4-0.

Approval of Minutes

Commissioner Padilla made a motion to approve the Minutes. Commissioner Andersen seconded. Motion carried. 4-0.

Public Requests

Lydia Vargas from Monterey Park asked for direction or help in cleaning up the area. She also said that there was no park for recreation. Commissioner Aguilar said that there was a community center and a sub-station. There was also a park and some equipment had been bought a year ago that hadn't been put up and she was pushing administration to do that. There was another \$50,000.00 grant for soccer and Little League field next to the community center. Michael Trujillo said that he had met with the architect of the playground. The issue he had was putting playground equipment and basketball courts close to each other. He would like to have the playground separate from the bigger kids and so they had worked that out and would be releasing the installation within the next week or two. Commissioner Aguilar said she wanted to see the continuation of the soccer field and baseball field. She did not want to lose that money. County Manager Trujillo said they would not lose it, as the contract date extends until July 30, 2008, however, they would get it installed as quickly as possible.

DISCUSSION (NON-Action) ITEMS:

Report on the Great American Clean-up Day-Tierra Bonita.....Cyndi Sluder

Cyndi Sluder from Tierra Bonita said clean-up day had been a success. The Sheriff's Department, Planning & Zoning, Road Department and many more volunteers had assisted. Commercial haulers had also help in transferring. 65.33 tons of trash had been collected. San Clemente had collected 10,000 pounds of metal and 24,000 of trash within six months. She wanted to acknowledge Lydia Vargas from Monterey Park, James Magg from San Clemente, Patrick McKelvey from the Rio Communities and the Village of Los Lunas and presented them with a certificate in appreciation. The commission thanked Cyndi for a job well done.

Comments by Commission Members.....County Commission

Chairman Daves asked for any comments from the commission. He said that County Manager, Michael Trujillo had decided, and, recommended that the Animal Control Workshop be postponed, until, after the budget cycle.

Commissioner Padilla inquired on how the project at the Jarales School was going. Commissioner Trujillo said they had received additional \$125,000.00 from the legislation this year. This was an

addition to an existing amount of \$116,000.00 remaining from prior allocations. This puts them at approximately \$240,000.00 ready to go into renovating the structure. Allegations on the school being

beyond repair, and, in walking the building with engineers from UNM, the building was one of the best old structures he has seen in the state. The bricks were in better condition than he has seen throughout the state. In examine the foundation, there was a question on the pillars, but it was nothing that would prevent the renovation. A written report has not being submitted yet, but orally, he said the building could be renovated.

County Manager Trujillo said that the brick had been manufactured as firebrick. Last years money, he said, was \$125,000.00 for the project and they have not yet contacted the State of New Mexico for the money appropriated for this year and would be doing so in the next month or so.

Commissioner Padilla was concerned about losing the money. Commissioner Trujillo said he had spoken to Senator Sanchez and assured him that the money would be used this summer.

Commissioner Aguilar inquired about Cornelius Road. County Manager Trujillo said it was on the project list and as soon as they got the contract from the State of New Mexico they would proceed with the project.

ACTION ITMES:

Proclamation-Respect for Law Week-Breakfast Optimist Club of Belen.....Patricia Torres

Patricia Torres from the Optimist Club of Belen and the Chairperson from the Respect for Law committee said that on May 22nd, they would be having a banquet for some officers that had been nominated as Officers Of The Year by their department heads or by their piers. She read a Proclamation and asked the commission to approve the week of May 16-22 as Respect for Law Week and to ask all citizens of Valencia County to join with the Breakfast Optimist Club of Belen in carrying the message of respect for law to other citizens, and by example, excise responsible citizenship. Commissioner Aguilar made a motion to approve the Proclamation. Commissioner Padilla seconded. Chair Daves supported the proclamation and said that law enforcement needed their support and were there in times, where, their lives were on the line, and he appreciated this coming forth to remind them of it. Motion carried. 4-0. **See Exhibit A.**

Request Approval of Acceptance of Roads for Maintenance:

Garley Lane (Tabled April 21, 2004).....Dan Trujillo/Harold Halbig

Garley Road had been on the agenda a few times and Chair Daves asked that they table it again, because, they needed more information. Commissioner Aguilar said that would be fine, but in making her motion to table it, she wanted to specify that administration survey it and come back with some facts about what is there. County Manager Trujillo said it was also a request for dedication and they did not have it on the agenda. The motion was with the understanding of the facts and the survey. Commissioner Padilla seconded. Motion carried. 4-0.

High Road (Tabled April 21, 2004).....Dan Trujillo/Jerome Gallegos

Commissioner Aguilar said Mr. Gallegos would not be attending the meeting because he was in the hospital. Mr. Dan Trujillo said that High Road needs a build up and it has no cul-de-sac at the end of the road. Commissioner Aguilar said this is a plotted subdivision. The road is 50 ft. wide and the commission approved it as such. The rules of the 50 ft. radius are new rules. She said with a 50 ft road there was enough room within the road for an emergency vehicle to turn. Chair Daves said if the county has the proper ability to accept this road in a sense that its being dedicated, they could create a 50’ turnaround within the area. County Manager Trujillo said they have the amount of right way that allows them to do the 50 ft. radius and saw no real issue. They had to make sure that the drainage continues unimpeded and may require some culverts.

Commissioner Aguilar made a motion to accept High Road for maintenance. Commissioner Trujillo seconded. Motion carried. 4-0. **See Exhibit B.**

Audra Road.....Dan Trujillo/Norbert Sanchez

Norbert Sanchez and other residents of Audra Road asked that the commission to accept the road for maintenance. He gave the commission history on this road. From 1990 to 1997, he said the road had a green sign. Sometime in 1997 a blue sign appeared and it became a private road. He said it was not right that the county would take this road for those years and then suddenly it gets pulled out of the list. He was here asking the commission to dedicate the road for maintenance.

Dan Trujillo, Road Superintendent, said halfway down Audra Ct., there is a ditch with a 30’ easement and a 15’ driving area. There is no cul-de-sac at the end of the road, so cars can’t turn around; they have to back up all the way. Chair Daves asked if the people, around there, have discussed how this concern could be accommodated?

Another resident said she has lived there for 16 years and what had happened was that the sign had been stolen. The county had been informed that it was missing. The county came back with a blue sign. She said the last quarter of the road, there was no problem because, they, all the neighbors, had pitched in and paid for gravel and sand. The road needs to be built up, she said, and then the graders will be able to get through and turn around. The problem is the huge hole in the middle of the road that consists about half of the road. Chair Daves said maybe the landowners would give up some land and allow a little more to the county to have a much better and permanent solution.

Commissioner Padilla asked Mr. Cherry if he had comments. Mr. Cherry said it had never presented a problem where they can’t get through. They use the road criteria for viewing the roads.

Commissioner Andersen said she found it difficult to look with favor on this request, in view of the fact that they have a resolution that says there are standards. She realized that there was no problem with getting equipment turned around because the lots are so big. But there is no guarantee they would stay that way, she said. There is not enough money, now, to take care of the roads already dedicated and we continue to put them into a financial bind and into a bigger hole when roads that are not of standard are accepted.

County Manager, Mr. Trujillo said he had been advised by the attorneys that this property was plotted before they had subdivision regulations, as such as, the road is prescriptive easement and is not a

dedicated road, and, if they approve it, they recommended that they require a quitclaim deed or a warranty deed, so that it becomes an official county property.

Commissioner Aguilar suggested that they look at when the splits happened and when the road was created. Eight years ago the radius was 25'. Today it is 50', and has to do with subdivision and having a road maintenance agreement adhere to the subdivision regulations, and this is for new growth. So to be fair they needed to look at what was approved at the time.

Chair Daves said that a quitclaim deed would be appropriate and he recommended and asked for a motion to approve acceptance of this road, for maintenance, upon the condition that the abutting owners quitclaim, to the county, the right a way, that they agree, exists for the road.

Commissioner Trujillo made a motion for acceptance for Audra Road, contingent upon the abutting property owners issuing a quitclaim deed to the county for the prescriptive easement that already exists. Commissioner Aguilar seconded. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted no. Motion carried.

3-1.**See Exhibit C.**

Request Approval of In-State Travel:
Annual NMAC Conference June 16-18, 2004 Farmington, NM.....Michael Trujillo
Michael Trujillo, County Manager, presented the commission with information on the Annual New Mexico Association of Counties Conference that would be held in Farmington on June 16-18. Due to budgetary limitations, he was asking that the commission not to allow more than two from each department, unless that department had money in their budget. Commissioner Andersen said she was interested in attending. Commissioner Trujillo was also interested.

Appointed to Heavy Industrial Committee Dist. III.....Commissioner Trujillo
Commissioner Trujillo recommended that Rita Padilla Gutierrez replace Dr. Stephen Cohen on the Heavy Industrial Committee. Ms. Padilla Gutierrez had agreed to serve on the committee.

Adult Detention Proposal Committee Recommendation.....Commissioner Andersen
Commissioner Andersen, as a member of the committee appointed to evaluate the proposals for the operations of the Valencia County Detention Center, said they had interviewed each of the three respondents to the request to the proposals. It was very obvious at the first session that each company's proposal differed in significant factors from the other two. They were asked to review their proposal and return with more information. They did. It was not possible to compare each proposal for the facts required by the published evaluation form and the good procurement practice. It was the committee's recommendation, unanimously, that the board reject all proposals and that the county manager be instructed to re-issue a request for proposal. It should ask the prospective bidders to response to specific factors in common terms. Commissioner Andersen then made a motion to reject all bids, and, to request that proposals be re-issued at the earliest possible date. Commissioner Trujillo seconded.

County Manager Trujillo said that the format used was so confusing that the committee could not honestly make fair evaluation criteria in the RFP. The contract ends next year, he said, so it should be done soon. Commissioner Aguilar said she would not support the motion as it was stated. One, being that the Cornell contract indicated that to make any changes, they must be made ninety days prior to the anniversary date. She had a concern with encumbering a new commission going out for an RFP that would be effective July 1st of 2005. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted no. Motion carried.

3-1.

Financial Matters:
Support the Safe Neighborhood Heroes Grant.....Sheriff Perea
Sheriff Perea was asking the commission to accept the Grant and to authorize a budget adjustment for expenditure of that money. This was a Wal-Mart Foundation Safe Neighborhood Heroes Grant in the amount of \$500.00 Commissioner Trujillo made a motion to accept. Commissioner Andersen seconded. Motion carried. 4-0. **Resolution 2004-23. See Exhibit D.**

Purchase of Bus for Head start-Legislative Appropriation \$25.00.....Michael Trujillo
Mr. Trujillo said that in June of 2002, \$25,000.00 had been appropriated by DFA for a bus for the Head Start Program. The money had not been used and it was thought to be lost. Two weeks ago they were informed that they had until June 10th to spend the money. This past session, they were granted \$50,000.00 to purchase buses for Head Start. They had contracted for that and the bus had arrived on Friday. There is about \$1,800.00 left over and, with the \$25,000.00, they have a bus that will be ordered and delivered prior to June, and, Head Start has agreed to make up the difference to purchase, which will be about \$37,000.00. Commissioner Padilla made a motion to accept. Commissioner Trujillo seconded. Motion carried. 4-0. **Resolution 2004-24. See Exhibit E.**

Request Approval for Disposition of Fire Surplus Property.....John Cherry
Mr. John Cherry asked for approval to dispose of surplus fire apparatus at the Tome Adelino Fire Department. With plans to acquire both an ambulance and a new pumper they need the room. Commissioner Aguilar made a motion to approve. Commissioner Padilla seconded. Motion carried.

4-0.

Request to Publish-RFP/ITB.....Michael Steininger
Architect-Belen Health Department
Mr. Michael Steininger asked for approval to publish an RFP for Architectural Services for planning & design of a health service facility for Valencia County. Commissioner Aguilar said she was glad to

see this happening, as the Health Department had been working on it for about four years. She requested that Senator Sanchez and the two Public Health Departments be included in the RFP, Planning, Design and Construction of the facility. She also wanted to thank Senator Sanchez for bringing the appropriation. She made a motion to approve the request. Commissioner Padilla seconded. Motion carried. 4-0.

See Exhibit F.

Auditor Services for FY2003-2004

This request was for approval to publish RFP's for Auditor Services for FY 03-04 on a multi-year contract for Valencia County. State Auditor, under Rule 2.2.2 NMAC, requires that after conclusion of a three multiyear contract with an auditing firm, a new RFP, must be issued and a new auditing selection be initiated. The contract with Hinkle & Landers has run its three-year term. They still have the ability to bid again. Commissioner Padilla made a motion to approve. Commissioner Trujillo seconded.

Commissioner Aguilar was concerned that the last audit report had not been released to the commission. She had not seen it and was unaware of any findings or whether they had been corrected. County Manager said he would check with the auditors and report back to them. Chair said it was important that the audit report be made available to the commissioners and to staff, so that if anything needed fixing, they could do it. Mr. James Fernandez, prior County Manager, had informally discussed with the commission, upon invitation for the exit meeting, the audit findings and that there were no major issues. Motion carried. 4-0. **See Exhibit G.**

AS400 Computer Hardware Lease

This request informed the commission that the IBM AS/400 mainframe that serves all the offices was up for renewal. Present cost is approximately \$32,000.00 a year. It could be purchased or leased through several vendors that IBM has authorized, so they are no longer locked in with one source. It was expected that this would be a little more costly, because they were asking for more memory capacity. They had a couple of other software packages, that they are looking at possibly adding on down the road, as they look at GIS and some other systems and rather than have to come back and add it in, they would have it right the first time. Commissioner Aguilar asked if they were able to ask for an upgrade to where they could have networking within the entire county government and also Internet capability. Mr. Trujillo said this was more of an Assessor, Clerk's and Treasurer's functions. What Commissioner Aguilar was asking for would be when they started the judicial complex and renovation of the courthouse. At that time they would be talking about a separate file server that would deal with just that function. Commissioner Aguilar wanted staff to at least look into it, and, even if they had to split it up, they could come back to them if it cost too much. Mr. Trujillo said he would. Commissioner Aguilar made a motion to approve, with the information that she had requested. Commissioner Padilla seconded. Motion carried. 4-0.

See Exhibit H.

New Pumper-Tome/Adelino Fire Department.....John Cherry

Mr. John Cherry said that the Tome/Adelino requested to go out to bid for a new pumper. They had sent the specifications to the State Fire Marshall office and were approved to purchase, utilizing Fire Protection Funds. Las Maravillas Sub-Station had been approved as a Fire Department Station, so now; the yearly fire protection fund allocation would be \$85,000 instead of \$55,000. He was asking for approval of RFP for the Tome/Adelino Fire Department. Commissioner Padilla made a motion to approve. Commissioner Trujillo seconded. Motion carried. **See Exhibit I.**

Selection of alternate to MRCOG Water Resource Board.....Mike Trujillo

Commissioner Trujillo made a motion to appoint County Manager, Michael Trujillo as an alternate, in the absence of Commissioner Padilla, on the MRCOG Water Resources Board. Commissioner Andersen seconded. Motion carried. 4-0.

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

Mr. Trujillo presented the commission with printout of Payroll & Warrants for April 30th, 2004. Commissioner Andersen made a motion to approve. Commissioner Padilla seconded. Motion carried. 4-0. **See Exhibit J and K.**

COUNTY MANAGER'S REPORT:

Adult Detention Facility Report.

Juvenile Detention Facility Report.

Mr. Trujillo presented the commission with a printout of both the Valencia County Detention and the Valencia County Regional Juvenile Detention Center count report. One important thing to look at was how much should be contributing, in terms of operation, and, he had concerns about that. The real issue was, should they continue to run the Juvenile facility and expend the amount of money that they had been doing. Commissioner Aguilar said her understanding that even though they had a contract that ends in the coming year, its kind of an annual renewable contract, and, they have to approve the budget for it to continue, so that they do have that opportunity to review and make some changes. Now that they had a business manager, we may be able to act as our own fiscal agent, and if we want to continue giving us better control we would save 7% on administrative fees. She thanked Mr. Steinger for the information. **See Exhibit L.**

Commissioner Aguilar asked if they could have a split on the Adult Detention as to how many of those inmates were ours. In looking at the total, she sees how many are Valencia County's

responsibility and it would provide an opportunity to plan for the future. Chair Daves said that “ours” generally meant County, (Belen, Bosque Farms, etc).

The next item Mr. Trujillo presented was the Vector Control Contract. Unless the commission wants to act otherwise, the RFP is for May to October of each year. There is a flaw in the contract for next year and unless he hears opposition from them, he is going to renew the contract, so that they can continue the service. Chair Daves said that his understanding was that the RFP ask for a three-year timer performance, but the contract did not have it in it. Commissioner Aguilar said she had received a call from an individual, from the Horsemen Association, who was very concerned with the West Nile Virus, and in renewing this; the State Highway Dept. has developed ponding, where water is standing still and is the worse situation. Maybe by contacting the Extension Service and getting more information we might be able to provide better service and develop better partnerships.

Architect negotiations for the judicial complex was taking him a while to get the owner agreement that he wanted, and what he considers an inadequate judicial complex budget, but he was at that stage. He was starting negotiations with the architect on Friday and hoped to have a contract at the next meeting.

Mr. Trujillo informed the commission that Jose I Garcia Road, Baldwin Road, and Brugg Dr.had been re-chipped. The next roads would be Airport Road, Ocho Place, Manzano View and Don Felipe Road. These were in last year’s list that were not completed. This summer, they would move to the list that the commission had approved. Grading would not be done in some areas, as it was taking everyone of their road employees to do chip & seal and they were combining them as one road crew. Dan Trujillo said they would get to the 2003 roads within three weeks. The concern was that gas and oil was high and the number of roads that they would be able to do may go down and he had mentioned before. Mr. Michael Trujillo was going to verify with the Highway District Engineer, that as long as they spend the money and stay truthfully in what they are able to do, it would not be a problem.

Mr. Trujillo also informed the commission that in meeting with Marlene from Waste Management, they have started the process to permit to Tri Sect Landfill. She wanted the county to approve the seven miles of road between Highway Six and Tri Sect, but, with our budgetary limitations, he doubted that it would occur. He anticipated that permitting would take two to three years.

Commissioner Aguilar congratulated the High School Seniors at both Los Lunas High and Belen High and wished them a good future. Mr. Trujillo said he would draw up a Proclamation for the Chair to sign on behalf of the commission.

Commissioner Aguilar said that the Moving Wall was in Valencia County. A lot of effort and energy had been put into bringing it and we should all take time to go look at it.

The next Regular Meeting of the Valencia County Board of County Commission will be held on May 19, 2004 at 6:00 PM in the Los Lunas Consolidated Schools Board Meeting Room.

Adjournment Commissioner Andersen made a motion to adjourn. Commissioner Padilla seconded. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, May 5, 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: May 19, 2004