

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**Regular Meeting**

**June 2, 2004**

Chairman Gary Daves called the Meeting to order at 5:05 PM

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 5:05 PM. As per Section 10-15-1 NMSA 1978, Limited Personnel Matters (10-15-1(h)(2) and Pending or Threatened Litigation (10-15-1(h)(7) would be discussed. Commissioner Padilla made a motion to go into executive session. Commissioner Andersen seconded. Motion carried. 2-0. Commissioner Trujillo and Commissioner Aguilar were absent for the vote.

**Executive Session**

Chairman Daves called the meeting back to order. Commissioner Padilla made a motion to return to Regular Meeting. Commissioner Trujillo seconded. Motion carried. 3-0.

County Manager Michael Trujillo and County Attorney Cynthia Wimberly both reported that the two items were discussed and that no action had been taken. Commissioner Trujillo made a motion to ratify that was all that was discussed. Commissioner Padilla seconded. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted. Motion carried. 3-0.

**Pledge of Allegiance led by Sheriff Richard Perea**

**Approval of Agenda**

Commissioner Padilla made a motion to approve the agenda. Commissioner Andersen seconded. Motion carried. 3-0.

**Approval of Minutes**

Commissioner Andersen made a motion to approve the May 19, 2004 Minutes. Commissioner Trujillo seconded. Motion carried. 3-0.

**Public Requests**

There were several residents from Fire Station Road that were requesting that the county look into putting speed humps. There has been two fatalities on this road and traffic seems to get worse, according to Ms. Jamie Thomas. It hard to get out of our driveways because cars are speeding around the curve. Many accidents have happened, fences have been run into and it's not safe for their children to ride their bikes because of the danger of speeding cars. One resident said his gas meters had been taken out twice within the first four years of moving in. The second time it happened, they had been without gas and hot water for three months. Another resident said school buses use this road and now construction trucks are using it as a short cut. There are stop signs, but nobody seems to use them.

Mike Trujillo said he had not had an opportunity to look into this due to working on the budget. Speed humps, he stated, run about \$1,550.00 a piece. In this road they are looking at about eight to twelve speed humps and about \$12,486.00. One speed hump, after the stop sign, he said, would make matters worse. Commissioner Andersen asked if they needed an ordinance to impose road weight limit on some of these roads. Mr. Trujillo said yes and that they are reviewing the entire policy.

Chair Daves said there were many residents; all from Fire Station Road and this was a long road. All of this is part of the equation, in terms of the problem, he said, and hoped that our County Manager would quickly review it and bring some proposal come to the commission. He wanted administration to see what they could do and if they needed authority from the commission, he was prepared to look at it very seriously.

Commissioner Trujillo empathize with these residents of Fire Station Road and was concerned that a lot of these drivers do not realize what kind of damage they can do to a pedestrian as well as other drivers. He understood their concern about the property, their children and their lives and hoped that the sheriff could offer some help and let these drivers know that they cannot drive around this county in that manner.

**DISCUSSION (NON-ACTION ITEMS:**  
**Roads Construction Status Report.....Dan Trujillo**

County Manager Mike Trujillo reported that basically with the price of gas going up, they were informed that oil is becoming very precious. They are at the point that this schedule is based on when they can obtain oil. This is a tentative schedule and totally subject to the availability of materials. If they get the gravel they may not get the oil. This is because there is just one firm under state contact. They are now looking at a second firm out of Arizona getting a state contract for delivery of the oil that they need. Commissioner Padilla's two roads that were to be re-paved were under state contact. Commissioner Andersen said there was a the bill by Senator Michael Sanchez on Curfman Road and when was it anticipated. Mr. Mike Trujillo said it was under state contract and it would be done this summer.

Commissioner Padilla asked Dan Trujillo when Golf Course Road would be worked on. Mr. Dan Trujillo said this was one that hasn't come in yet and, La Merced is one of the ones on the agenda that they were asking for approval on.

Chair Daves said they had gotten the money for roads, but noticed that they haven't done the 2002-2003 roads, because the money hadn't come in until late. They do have the money for the 2003-2004 roads and in the next fiscal year they would get to them.

**Review Tentative project ICIP Listing.....Ruben Chavez**

Mr. Ruben Chavez presented the commission with the 2004 Legislative Appropriations received for all entities in Valencia County. Summary for Valencia was forty-four projects in the amount of \$4,680,235.00. The Proposed Projects were the Fire Department, Sheriff Department, Buildings, Planning & Recreation and Solid Waste Department. All of these would be phased out. The last category was Discontinued Projects.

Mike Trujillo said that he had noticed that he did not see the final list of the road projects that the commission had approved. One of the things that he found in reviewing last year's ICIP is that the commission was doing a lot projects that never showed up on any official list and they would be putting those projects on this list. If the commission liked, they could put the speed humps on it as well.

Chair Daves said that as far as putting speed humps, it should been done and he hoped that the legislation would look favorably for the whole county and not just for one road.

Chair Daves asked if they could have both, last year and this year's list so that they could compare. County Manager, Mike Trujillo said that those projects they had last year would be part of list and they would be ongoing. **See Exhibit.**

**Comments by Commission Members.....County Commission**

Chair Daves said that several years ago a traffic study had been done on Meadow Lake Road, in which a number of changes had been recommended, relating in a minor way to speed limits, and asked if administration would forward portions of that to be done within the existing budget. This was something he was asked by citizens in that area, not so much by the speed limit, but by people going below the speed limit and no opportunity to pass. The same request relays to Manzano Expressway.

**ACTION ITEMS:**

**Board of commissioners Convenes as Canvass Board**

**Authorized to process Canvass Primary Election.....Tina Gallegos**

Commissioner Andersen made a motion to become the Canvassing Board. Commissioner Trujillo seconded. Motion carried. 2-0. Commissioner Padilla was not present for the vote.

County Clerk, Tina Gallegos said Election Day had gone very smooth. She gave the commission an update of the election turnout, which was a very low percent. Total Registration is 29,065. Total turnout was 5,367, (18.47%). Polling place turnout was 4,218, (14.51%) and Absentee turnout was 1,149, (3.95%). In breaking it down by party, Democrat turnout was 13.40%, Republican turnout was 5.02% and Green turnout was .04%. Unofficial results could be found on the county web page.

Final Canvass was scheduled for June 11, 2004 at 10:00 AM at the Los Lunas Consolidated School, Board Meeting Room. At that time she would have final numbers and any other documents that they would want. Commissioner Andersen made a motion to give authorization for County Clerk to proceed with the canvassing. Commissioner Trujillo seconded. Motion carried 3-0.

The Commission re-convened as Board of Commissioners

**Request to Publish Ordinance to Adopt International Bldg. Coded/Fee Schedule.....**

**Richard Padilla**

Richard Padilla presented the commission with a memorandum submitted by the New Mexico Regulation & Licensing Department regarding the approved adoption of new state building codes, and a suggested fee schedule. The Construction Industries Commission had approved these on December 19, 2003.

Adopting this Ordinance will permit the County to follow the same uniformed standard set by the State and the County is obligated to follow the guidelines, he said. Along with the standards, the state has also recommended fees for the task of inspections. This recommended fee is based on value and represents a 25% increase over the current fees. All these codes would become effective on July 1, 2004.

The Construction Industries Commission implementation instructions require that construction documents submitted for plan review and building permitting from July 1<sup>st</sup> through December 30, 2004, declare compliance with either the 1997 model codes or 2003 model codes prior to plan review and issuance of a permit. In no case is a combination of the two code years to be used. Construction documents submitted for plan review and building permitting on January 1, 2005, and later must comply with all provisions of the 2002/2003 New Mexico codes listed above.

Richard requested permission to publish, to adopt, the new codes. Commissioner Trujillo made a motion to approve the request. Commissioner Padilla seconded. Motion carried. 3-0. **See Exhibit**

**Request In-State Travel:**

**Taos, NM, June 9-11, 2004.....Beverly Gonzales**  
County Assessor, Beverly Gonzales was requested approval to attend a Property Tax Division workshop in Taos, NM and requested actual expenses, meaning receipted expenditures. Rates were \$70.00 per night. Commissioner Andersen made a motion to approve. Commissioner Padilla seconded. Motion carried.

**Raton, NM June 28-July 2, 2004.....Sheriff. Richard Perea**  
Sheriff Perea requested approval for Sergeant Martinez to attend a conference on First Line Supervisors sponsored by Law Enforcement Technologies. Sergeant Martinez is a new supervisor and this conference would benefit him and make him a more confident and knowledgeable swing shift sergeant. The cost would be \$276.00 Commissioner Trujillo made a motion to approve. Commissioner Andersen seconded. Motion carried. 3-0. **See Exhibit**

**Financial Matters:**

**Adopt Preliminary Budget for FY 2004-2005.....Michael Trujillo**  
Mr. Trujillo, County Manager said that in their haste, they had forgotten to include a \$9.8 million of the Judicial Complex. However they had budgeted monies for expenditures to June 30<sup>th</sup>. They forgot to include; in this budget the remainder of the money that they would be spending over the next two years. They would have it under a proposed budget resolution at their next meeting.  
At the last workshop they had gone back and rechecked the numbers and were able to come up with an additional \$80,000.00. He directed them to the budget binder tab 1, which was an organization chart. Among one of the things that was important was to have an organizational chart that actually request the method of operation that each works under. He had not been able to find one, so they had started from scratch. This chart included the fire districts and the senior citizens center This would be part of this budget, and so, he asked that they approve it. There were some one-person office that were called department. He renamed them as office.  
The following page was the budget transfer for the four major funds. On page two was the proposed budget. Expenditures were \$19,423,727.63, an increase from last year of \$18,166,110.00, the difference pretty much what was appropriated. Mr. Trujillo said that this one page summarizes the entire budget for the county. **See Exhibit.**  
What he was asking of them tonight was after they received public comment, entertain the budget and then from then, the proposed budget as submitted to them. Part of the process is to adopt the preliminary budget for submittal to local government division, DFA and the State. It will then be submitted to the State of New Mexico, they will make minor adjustments. When we close our books, the first part of July, we then go back and revise the numbers with ending cash balance as of June 30<sup>th</sup>, then resubmit it by adopting a resolution in late July or in August, which well be the final adjusted budget based on actual cash balance.

Commissioner Trujillo wanted to make sure that he understood correctly that on the first page, on the insert, the Total Expense in the third column was \$6,182,994.00 and Revenues over Expenses before transfers was \$3,398,325.00. Mr. Trujillo said that was correct. Total Departmental Transfers was \$3,646,250.00 and subtracting that from Revenue Expenses, gives them the figure of \$247,925.00, indicating, that they are in the red at this point. Mr. Trujillo said yes.  
Beginning Cash Balance was what was anticipated in closing the books on June 30<sup>th</sup>, which was \$2,002,210.00. We then add the Projected Revenues of \$9,581,319.00 and subtract Total Expense of \$6,182,994. and Transfers of \$3,646,250.00 and this leaves a Projected Ending Cash Balance of \$1,754,285.00. They are then required by DFA to have a beginning 3/12 Cash Balance to operate the first three months of next year, which would be \$1,545,749.00, which leaves them in the black, \$208,537.00.  
Commissioner Andersen asked what would DFA do if they sent this budget with a zero reserve instead of the \$208,537.00. Mr. Trujillo said nothing, because all they require was the 3/12, which they have in the amount of \$1,545,740.00.  
Mr. Trujillo said that one of the things he had asked of the commission was that if they would direct him to come with a balance budget, and he believes that they have done that, there were two or three issues that he felt uncomfortable giving recommendation, as they are policy issues that the board should make and this is the Sheriff's Department PERA and employees salaries versus a possible trade off with employee health insurance and annual elected official salaries.  
Commissioner Andersen asked how reliable the estimate of revenue was. Mr. Trujillo said that in terms of revenue, they had received a report from the Treasurers Office that showed the last six years of collections, they then took a look at what was collected over the past nine months, compared it with the previous six years. It was a conservative approach to revenues based on actual history and what they think they can do as staff to increase the revenues.

Commissioner Andersen recalled a statement made at one of the last workshop, that the budget would be submitted to the State, as is, and as they worked through the year, some of the expansion items could be included, and these are items that they ought to be doing.

Commissioner Trujillo went on to the second page, which showed additional expansion requests, which, he said, would deplete the \$208,537.00. These were quite a few items listed, from the Valencia County EMS Board to the Elected Official's salaries increases, the Sheriff's 20 Year P.E.R.A Plan V. The amount for the employee's raises varies from a 2% to a 6%. What the sheriff was asking for is \$179,620.00, and there are a few other items that were important. It would take some thought and balancing to see where they want to go with what little they have available. He asked Manager Trujillo if they were required to make any kind of decision, about these additional requests,

tonight. Mr. Trujillo said they were not. The safe thing to do was to wait until they had the actual cash balance in hand. Commissioner Trujillo said he would rather wait and discuss it with the other commissioners and present a unified fund.

Commissioner Padilla asked when the budget needed to be in Santa Fe. Manager Trujillo said if they approved it tonight, it would be sent the next day. If they made adjustments, it would take a few days and so it would go to Santa Fe the following week. However, he said, they were allowed to amend the budget, by resolution, at their discretion.

Commissioner Andersen asked the Sheriff if he had to subscribe for P.E.R.A., at any specific time, during the calendar year. Sheriff Perea said what they do is get approval from the commission and then set it up for a vote with his employees. If they get a positive vote, they present it to the commission on a referendum and then sent it to P.E.R.A. All this takes about two months and then the money starts coming out of the budget.

Commissioner Andersen said sending the budget the way it is now and waiting until the 1<sup>st</sup> of July to see what that numbers would be, would give them time to talk to each other and determine what the consensus is for the priorities.

Chair Daves said if, in fact, the commission voted, for the money requested, into the budget, and, if, it is a negative vote, from the employees, could the money be rescinded. Mr. Trujillo said it would be re-allocated.

Chair Daves said that a 2% raise, which is minimal, and an action to go into the PERA, could be done by phasing, or by scheduling the implementation date of the raise and even the implementation of the PERA, then they could stay within the \$208,537 amount. Manager Trujillo said that was correct.

Commissioner Padilla asked, what would the rate of percentage be on the Sheriff's wage, comparable to the 2% on the rest of the employees? Manager Trujillo said it would be the same as all employees. Chair asked if the 2% included the sheriff's office. Manager Trujillo said yes. Commissioner Padilla said they are getting both benefits. Chair Daves said, if the 2% and the PERA co-mingle, the PERA would go up some.

Chair Daves commented that in regards to the policy, the reasons, and the need, they were talking details with regards to particulars that they were not prepared to make decisions at this time, but it looked like they were developing a commission consensus that they were going to try very hard to accommodate the sheriff at one level or another. He was also prepared to break a tie vote that would allow the sheriff to implement Plan V. Our employees and particular the sheriff's employees need to know that they are going to get something, he said. At least three commissioners were going to support a salary increase for the employees and get the Sheriff out of a plan that keeps him behind, as far as recruiting and retention of deputies and for the deputies themselves.

Commissioner Padilla asked what was the total amount of the budget that the Sheriff's Department absorbs. Manager Trujillo said about 33% of departmental expenditures, not including transfers, which is standard within the State, which was two million eighty thousand. Between the Sheriff and the employees, that need the raise, it would wipe out the \$208,537, he said, and they had a sheet full of needs from the other departments. Mr. Trujillo said that they could wait until July when they get presented actual cash balance and explanations on each.

Commissioner Andersen was ready to make a motion but Chair Daves asked for any other comments first.

Commissioner Trujillo said that the figures presented reflected the current expenditures on the Adult Detention as well as the Juvenile Detention Center. Both of these are programs that they are looking at presently and in terms of the Juvenile Detention Center, it was a possibility of a \$300,000.00 savings. And on the Adult Detention, Manager Trujillo said he didn't have a figure but it would in excess of \$300,000. Commissioner Trujillo said if they were to exercise those options and realize the savings, would that impact the current budget that they were looking at tonight. Manager Trujillo said yes, it would. Commissioner Trujillo said it was important that they look at these in context.

Commissioner Andersen said if they can accomplish what they are trying to do with the Adult Detention Center, and, that they can make some changes with the Juvenile Detention Center, most of the things on the expansion list could be covered. They can do, what they really need to do, with all the peoples of the county. These are the issues that have to be faced first. Unfortunately, they have been so long in getting the Adult Detention resolved. She would not like to see them pick and choose from the extension list. She would like another month to see what they can come up with the Juvenile Center and have a better idea on what was going to happen with Adult Center and then they can do what they need to do for everybody. With that, Commissioner made a motion to approve the budget as presented and that they do everything they have to do to have some better numbers by mid July. Commissioner Trujillo seconded.

Mr. Holguin said that their proposal did have a budget increase in it in the amount of \$1807.00, which was a 2% increase. Mr. Trujillo said this was recommended.

Commissioner Andersen called for the vote. Chair Daves said he would invite the commission to understand that the PERA Plan needs to be changed and that at a prudent date, as soon as possible, it will be changed.

Commissioner Trujillo said that the discussion and the amount of time devoted to the PERA plan by the Sheriff is indicative of the priority it holds with the commission. Salaries is another one and it should be clear to the deputies and to the Sheriff that it is certainly at the top of the priority list. By not moving ahead and approving these additional expenditures tonight, they had done the prudent thing, because there are still some issues that they are working on with some big budget expenditures out there that may make it a lot comfortable to go forward with that proposal as it's been proposed and at the same time be able to meet the requests from other departments who might otherwise feel that they were neglected and that was not the case. They do realize what the priorities are and it was

very prudent that they wait and see what was going to happen with the two other large expenditures before they move on.  
Commissioner Andersen said she felt the same way and fully intends to do everything in her power to see that they do something about the PERA for the Sheriff's Department. She would do everything she could to keep that promise. Tonight, she was just not ready. She voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Motion carried. 3-0. **See Exhibit.**

**Request Approval contracts for 2004 Legislative Projects.....Michael Steininger**  
Michael presented the commission with eight contracts for the Older American Program and asked for approval. They were as follow:  
Fred Luna Sr. Ctr. \$6,000,00 (Video Equipment)  
Belen Sr. Ctr. \$15,000.00 (General Equipment)  
Valencia Sr. Ctr. \$15,000.00 (Kitchen Equipment)  
Valencia County Sr. Ctr's \$48,000.00 (Vehicle Replacement)  
Meadow Lake Sr. Ctr. \$50,000.00 (Renovations)  
Valencia Sr. Ctr. Renovation \$100,000.00 (Renovations)  
Tome/Adelino \$300,000.00 (Construction of Phase II)  
Valencia County Sr. Ctr. Kitchen Equipment \$15,000.00 (  
Commissioner Trujillo made a motion to approve all the items. Commissioner Andersen seconded. Motion carried. 3-0. **See Exhibits.**

**Request Approval of Contracts for 2004 Legislative Road Projects.....Dan Trujillo**  
Road Superintendent, Dan Trujillo requested approval of Contracts for 2004 Legislative Road Projects. Road Drainage improvements for Valencia County were for \$25,000.00. Repaving of La Merced Elementary School was for \$65,000.00. Asphalt paving of Cornelius Road was for \$33,000.00 and Road Improvements on Curfman Road, Don Andres Road and Los Chavez Loop was for \$100,000.00. One of these roads was not going to get done this time as the other two were going to cost more than anticipated. Senator Sanchez was to see if he could get more funds. It was not decided which road would not get done.  
Commissioner Andersen made a motion to approve the contracts. Commissioner Padilla seconded. Motion carried. 3-0. **See Exhibits.**

**Accept Bid Awards:.....Michael Steininger**  
**Bid #556-Foods-Non-Foods**  
**Bid #557-Dairy**  
**Bid #558-Meat, Fish & Poultry**  
Michael Steininger was requesting approval of the items that had gone out to bid. There were four vendors; one had chosen not to bid. Since each vendor had specific items that they were lower on, he was requesting approval to use all four vendors. Commissioner Andersen made a motion to approve the request. Commissioner Padilla seconded. Motion carried. 3-0. **See Exhibits.**

**Approve Form of Findings/Decisions from May 19,2004 Action.....Cynthia Wimberly**  
Cynthia Wimberly, County Attorney presented the commission with Findings and Decision on Re-zoning 42 Whitehouse Road, 736 Meadow Lane Road, Apache Lane, and P & Z decision denying conditional use permit for Behnke Road. She asked that they hold off on approving re-zoning on 19512 Hwy 314, Belen, because she wanted to spend more time with it and present it at the next commission meeting. She asked that they approve the four as they were corrected. Commissioner Trujillo made a motion to approve the four Findings and Decision excepting the Rodriguez decision and with the corrections stated by the County Attorney and the understanding that the Rodriguez Findings and Decision be rewrote and re-presented to the commission at a later date. Commissioner Padilla seconded. Motion carried. 3-0. **See Exhibit**  
Commissioner Aguilar arrived at the meeting.

**Approval of Payroll & Warrants.....Mike Trujillo**  
Mike Trujillo presented payroll in the amount of \$197,474.92 and general checks in the amount of \$327,257.54 and asked for approval. He informed the commission that all purchasing would be stopped effective June 15<sup>th</sup>, so that they could close out the year and only emergency items would be considered between this date and July 1<sup>st</sup>. Commissioner Andersen made a motion to approve. Commissioner Padilla seconded. Motion carried. 4-0. Commissioner Aguilar was present at this time. **See Exhibit**

**COUNTY MANAGER'S REPORT:**  
**Adult Detention Facility Report**  
Male count was 1798. Female count was 204. Total was 2004. Commissioner Aguilar asked if the total count could be split out to let them know how many were Valencia County inmates and also give them revenue that comes in from other municipalities or entities that they were selling beds to, in both adult and juvenile detention centers. See Exhibit.  
County Manager, Mike Trujillo said, that from now on the commission would be getting a monthly report on Senior Citizen Older American Program. He would also be reporting on a monthly bases, on the Sheriff's report, which he said, they had 1266 cases that they were directly involved in.

He informed the commission that on June 11, 2004 Final Canvass would take place at 10:00 AM at the School Administration Building. On June 14, 2004, the Fire Protection Excise Tax special meeting would take place at 10:00 AM, School Administration Building and,

The next Regular Meeting of the Valencia County Board of County Commission will be held on June 23, 2004 at 6:00 PM at the Courthouse building.

Commissioner Aguilar had attended a meeting at El Cerro Mission and had looked at the revised plans for the playground and commended County Manager on excellent job of separating the basketball courts for the older kids and having the younger children in a playground area so that they are separated. Manger Trujillo had assured her that the RFP would be going out for the baseball field and the soccer field.

Cameron Fisher, from the sheriff's office had been given an award, for being aggressive with drug busts and meth labs, in that area, and she wanted to publicly acknowledge him.

**Adjournment;** Motion by Commissioner Andersen. Seconded by Commissioner Padilla. Motion carried. 4-0.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, June 2, 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/**

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

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: June 23, 2004**