

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

September 1, 2004

The Meeting was called to order by Chairman Gary Daves 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	
Mike Trujillo, County Manager	
Wimberly Law Firm, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Gary Daves called the meeting to order. Commissioner Trujillo made a motion to go into Executive Session. Under Section 10-15-1 NMSA 1978). Limited Personnel Matters (10-15-1 (h) (2) NMSA 1979), and Pending or Threatened Litigation (10-15-1 (h) (7) NMSA 1978) would be discussed. Commissioner Andersen seconded.

Executive Session

Chairman Daves called the meeting back to order and asked for a motion to go into Regular Session.

Commissioner Trujillo made the motion. Commissioner Andersen seconded. Motion carried.

County Manager Mike Trujillo reported that he had updated the commission on Personnel matters and Attorney Cynthia Wimberly had updated them on a court case. No action was taken by the commission. Chairman Daves asked for a motion to affirm that was all that was discussed. Commissioner Trujillo made the motion. Commissioner Padilla seconded. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar was present for roll call, but, had been absent for executive session. Motion carried. 3-0.

Pledge of Allegiance led by Sheriff Richard Perea

Approval of Agenda

County Clerk, Tina Gallegos, read the agenda. Commissioner Padilla made a motion to approve the agenda. Commissioner Trujillo seconded. Motion carried. 4-0.

Approval of Minutes

Commissioner Padilla made a motion to approve the Minutes of August 18, 2004 Regular Meeting. Commissioner Andersen seconded. Motion carried. 4-0. See Exhibit.

Public Requests

Pat McKelvey, President of the Rio Communities Association, discussed the subject of the lights in the median along Highway 47. He had reported the light been out and they had repaired some of them and his question was, had PNM been in touch with the county to find out if there was something that will require an expenditure by the county to repair holes or some parts of the lights. Manager Mike Trujillo said that the State Highway had paid for the installation of the lights, the county is then required to take over maintenance to the extent that we pay PNM, not only to keep the lights on, but to make any repairs. He would contact PNM to see why they had not put the lights back on

Patricia Martinez had questions on a zone change and it was suggested that she visit with County Manager and Attorney Cynthia Wimberly, to see if there was a situation where they could work together to try to settle the case. If it needs to be on the agenda, administration would notify the commission.

Discussion (Non-Action) Items:

Proclamation of Family Day-National Center on Addiction & Substance Abuse CASA Jackie Perea

County Manager Mike Trujillo read the Proclamation that he had received in the mail, since Jackie could not be present at the meeting. Commissioner Padilla made a motion to approve the proclamation. Commissioner Trujillo seconded. Motion carried. 4-0. See Exhibit.

Update on Revenue Stabilization & Tax Policy workshop.....Beverly Gonzales

County Assessor, Beverly Gonzales reported that she had attended the Revenue Stabilization & Tax Policy workshop, but by the time that her interest subject had come up, they read a statement and most of it did not pertain to Valencia County. What they said was that, they wanted to see counties take care of themselves and needed to start looking to other avenues, aside from the State. Mike Trujillo said the county was not affected by the Small Assistance Fund as other counties, however,

he could draft a letter to the committee, on the commission’s behalf, saying how important this funding is. What the legislature is not recognizing, is that there are some counties that are ready to close their doors, literally. Beverly said that they would be meeting one more time before the legislation session starts.

Another topic that had been discussed was, Film New Mexico, which the Governor is trying to promote, and those people gave a brief explanation as to what they would like to do. The other meeting she had attended was the Assessor’s Legislative Priority. One priority was on grazing land and making it so people can understand it.

Update on Belen Public Health Facility.....Mike Trujillo

County Manager Mike had two issues to report on this item. First, regarding the proposed new facility, he had an RFP for architectural services and it would close next Thursday, September 9th. He would be interviewing the following week. In the past, the commission had selected a committee member to be in this selection committee and he did not know if they wanted to do this, since this is a rather small project. He suggested that they allow staff along with the director of the Belen Public Health Facility, to be a member of the committee, and then report back to them.

Second issue, there has been discussion on, there possibly been, mold in the Belen lease facility for a number of years. It was tested and found that there was mold and they are pursuing it. If it is found to be hazardous, they will look for other sites in Belen. They are also pursuing the Legislative Appropriation to construct a new facility.

Commissioner Aguilar said she would have administration and the business manager review this because they know the criteria and also having a person from the public health department. Statute says they need an evaluation committee and usually it is always staff, Manager Mike said.

Commissioner Aguilar said that the commission was allowed to interview the top two, as far as evaluation.

Chair Daves said that the public health department would probably be interested in knowing that the proposers or the responders, be qualified for the unique kinds of concerns that relate to the public health offices.

Mike Trujillo said that one of the statutory criteria for architect engineer selection, is the specialized design in the type of project that is proposed and they would be looking at this. What he would do, is, to show the commission a list of those interviewed and make a recommendation, however, he would be happy to submit the top two and schedule a special meeting for them to interview.

Commissioner Aguilar said it didn’t have to be the top two, but would like to know who the architect is, that is recommended.

The Manager also recommended that the Director of the Belen Public Health Facility of the State of New Mexico be a member of the committee. She would be the expert.

Commissioner Padilla said that the study was based on the fact that property in Belen been offered to them and asked if it had been acquired. Mike said it had not. The RFP, was to determine if they have a tentative space analyses. Lupe, is familiar with what state property control requires and determine what amount of net square feet they need, then he would do a preliminary sketch and they would put that footprint on the proposed site. Lupe says she needs about 3400 sq.ft, but Mike is not sure that the site can accommodate it. The architect will make the evaluation and make the recommendation to us. He is also requiring Belen to have additional land in that area that would be a little larger. So, in answer to Commissioner Padilla’s question, no, the property has not yet been acquired, because he needs to be comfortable that the land can handle the building and the parking.

Chair Daves asked if this was a running commitment, and would not likely be retracted. Sally Garley had said it was a running commitment and anticipated that administration would honor it.

Commissioner Aguilar said that the Mayor, in a letter, had said it would lease it for \$1.00 a year and they were committed in helping the county obtain funding from the Legislature. It would behoove us to tie the land up, even if it is contingent upon the architects approval and meeting all of the quiteria. Mike said he would do that. They were also looking at the old PNM building.

Commissioner Communication/Questions.....County Commission

Commissioner Aguilar asked if approval had been received on the final budget. Mike Trujillo said that they had not, due to the fact that they are concentrating on counties that are in dire straits. They have not indicated that there aren’t any problems, but they have not given the property tax rates, either.

Commissioner asked if they had received approval on last year’s audit. Michael Steining said that the State Auditor’s office had a concern regarding one of the comments that reflected negatively back on the State Auditor’s office. The comments were reworded and sent back and was forwarded to the State Auditor’s office and they have not heard back since then.

On the playground equipment in El Cerro Mission, the architect had never contracted for the fencing, and soil preparation, so Manager Mike had entered it into a contract of \$2,900.00 for preparing the bidding documents.

Commissioner Aguilar said if the commission would allow, for the next meeting, a proclamation for three individuals. Mr. Ray Romero, who is 79 years old, his brother Mr. Daniel Romero, 78 years old and Buddy Majors brother who is 79 had a week ago received their high school diploma from Belen High School and would like to invite them to their next commission meeting. Chairman Daves said it was a great idea.

Action Items:
Appointment:
Comprehensive Plan Steering Committee.....Paul Trujillo

Paul Trujillo recommended Sally Benavidez for the Comprehensive Plan Steering Committee. Commissioner Padilla made a motion to approve the appointment. Commissioner Trujillo seconded. Motion carried. 4-0.

**Los Chavez Fire Department.....Brian Culp/Mike Trujillo
Purchase of Additional Property & Authority to seek Geo-technical, & Topographic Services**

Mike Trujillo said he had met with Fire Chief Brian Culp on an item that had been pending. Last year they had received an appropriation of \$100,000.00 and were able to purchase about 4/5 of the property that was needed, known as Tract A. Mr. Fred Sichler had also agreed to the amount of \$20,000 for Tract B. The building being proposed is 80' by 100' and he wants to have a drive thru for his trucks. They would need both parcels. They had received an appropriation of \$150,000, and \$20,000 would be used to purchase Tract B. After purchase of that land, he was asking to hire a geotechnical engineering firm to determine the type of soil they have. He would like to do is a topographic survey, then they can design the structure. When they have the additional funds, they can go out and acquire a pre-engineered building, which they would put in the site. Mr. Cherry said Mike was correct in everything he had said.

Commissioner Trujillo said this would then imply that they would begin to develop the site for construction, prior, to obtaining the additional recommended parcel of land. Manager Mike said that was correct. Senator Sanchez has been behind this project and has told Fire Chief Culp that he will assist, and this had been done in Highland Meadows.

Commissioner Andersen wanted to be clear on this and asked Mike if they were buying the land and paying \$20,000 for it and then they were going to use the rest of the money to prepare the ground for construction. Mike said that was correct and they have the money. Commissioner Andersen started to make a motion and was interrupted for a question from Commissioner Padilla, who asked what the total amount of money was. Mike Trujillo said that last year they had \$100,000 appropriated, of which \$100 was spent for land purchase and appraisal. This year they have \$150,000 appropriated and he anticipated that \$20,000 will be used for the rest of the acquisition leaving \$130,000, anticipating that the geotechnical will cost about \$5,000 and the topo survey will cost about \$1,000, they would then have approximately \$120,000 available to do pre-engineered fill and will cost approximately \$40,000 to 60,000, which means that they would have some money left over and would not have to seek a full \$130,000 from the legislature in addition to what they have.

Commissioner Aguilar asked if they have this money today. Mike Trujillo said yes. Commissioner then asked if the Fire Department needed to come before the commission for a zone change. Mr. Ruben Chavez said no. Third question was that it had gotten split to accommodate the financing, so they were acknowledging that Parcel B was an easement, do we have to vacate that easement to use it for the construction. Mr. Chavez said that they may have to, but until they see the site plan they won't know. Do the owners along the road easement need to deed that property to the county to acknowledge it, to comply with the ordinance, Commissioner Aguilar asked. Mr. Chavez said some of the property was split prior to that provision and some of it was split after. If he recalls, half of them conform to that easement agreement. Commissioner Aguilar, for further clarification, said that it was an easement of which the county was going to improve for benefit of the fire department, but it was also going to benefit some adjoining property owners to the west, so, are we improving an easement that is a private easement, in essence. Mike Trujillo said it was, however the parcel that they were going to be using, he would consider it a public easement in terms of getting our fire vehicles in and out. Commissioner Aguilar said he was considering it a public easement and it says it's a 40' road easement. She doesn't know if it's private or public when it come to the county improving. County Attorney, Cynthia Wimberly said that an easement can be either private or public. Here, she said, she did not have the documentation regarding the creation of this easement, but what it looked like to her that it was a private easement and the county then is acting as a private property owner regarding the improvement and access. It may be a public easement as well, if it is a private easement, then normally, in terms of who maintains the easement, are described in the instrument that created the easement and they may or may not need to get the permission of the adjoining property owners.

Commissioner Andersen made a motion to authorize administrative staff to proceed with the purchase of the second parcel of land for the Los Chavez Fire Department and that they use the rest of the money to prepare for the construction of the building. Commissioner Trujillo seconded. Motion carried. 4-0. **See Exhibit.**

Approval Mutual Assistance Agreement with Central NM Correctional Facility

Mr. Cherry said that the New Mexico Central Correctional facility had requested to enter into a mutual agreement with the Los Chavez Fire Department for fire protection. It's a long standing agreement and also a working two way street. They have some equipment that they occasionally lend to the Los Chavez Fire Dept. as a back-up pumper, so he recommended that they approve this agreement. Commissioner Trujillo made a motion to approve. Commissioner Andersen seconded. Motion carried. 4-0. **See Exhibit.**

Transfer of Brush Truck Skid Unit to Meadow Lake Fire Dept

Mr. Cherry informed the commission that the Los Chavez Fire Dept. had found themselves with a spare skid unit, which is a complete unit that fits in the back of the truck that can be utilized as a brush truck. When they got a new truck from the state forestry under a grant situation they would not need this, and they could surplus. Meadow Lake needed it desperately, so they are transferring

from the Los Chavez Fire Dept. to the Meadow Lake Fire Dept. for \$8,000. Commissioner Padilla made a motion to approve the transfer. Commissioner Andersen seconded. Motion carried. 4-0.
See exhibit.

Follow up on Request Maintenance of Audra Court.....Cyndi Wimberly

County Manager, Mike Trujillo said that Mr. Norbert Sanchez, who had originally brought the request, was in the audience. There was an issue that had come up regarding the exact direction that was received from the commission and wanted that clarified so that they could proceed. Cynthia Wimberly, County Attorney, said that back in May 5th, the commission had held a meeting, where Audra Court had been discussed and at that meeting many people wanted Audra Court accepted by the county for maintenance. It is a private easement and her understanding at that time, was that as long as we receive quitclaim deeds from the folks that own the easement, the county would be willing to accept it for maintenance. There is an issue because in the easement there is no survey of the property showing the easement, but the easements are described in warranty deeds that were in the original May 5th packet. Those easements are described by meets and bounds in the deeds. In order to get quitclaim deeds they need legal descriptions and her understanding, from the commission's direction, was that if they were to receive quitclaim deeds to the easements described in these original deeds, then they could go ahead and maintain the property. The issue arises because there is irrigation ditch that encroaches on the road and the remaining width of the road is not sufficient. She had explained to the folks regarding the quitclaiming of the easement, that if the county owns that road via quitclaim deeds by everybody who owns an interest in it, then the county has the right to maintain that road as described, which would mean that the county would then have the right to move the ditch or to eliminate it, in it's easement. Chairman Daves asked if they needed to move the ditch and Mike Trujillo said that the road was too narrow. Chair Daves asked if the people in Audra Court want and need the ditch. Cyndi said yes. Chair Daves suggested that staff come to them with a suggestion and not what the commission wants. Cyndi recommended that if the remaining area is insufficient as the road superintendent had told them, that they don't accept it for maintenance. To do this would be legally difficult, because then they would have to survey the actual location of the road in order for the legal description in the quitclaim deeds to be acceptable. This puts them in a very difficult position in order to accept the road with the ditch there and so she recommended that if the people want the road maintained, then they need to give up the road. If they don't want the county to maintain the road, then they can keep the road.

Mr. Norbert Sanchez said the commission had approved the road for maintenance and the ditch was never discussed in that meeting. The issue of the road was put to a vote and the commission accepted the road for maintenance, provided, that they come to an agreement on the road situation. After the meeting, Dan Trujillo and Attorney Wimberly and the group that was with him on that day, had a discussion and it had become a different issue altogether about them giving up the ditches and moving them into their properties. The thing is that they have concreted gates. It is virtually impossible at this time to do this. He had gone out and looked at other roads and they have a 20' easement. The place is subdivided and they had inherited it that way and the county did maintain the roads. Chair Daves asked Ms. Wimberly if there was language on the deeds and would she read the language regarding the road easement. She said that every one of the deeds characterized it as a road and utility easements to adjoining tracts. Chair Daves said it can and probably ought to be construed as a grant of easement for public use, in effect, a dedication of those easements to the county. when it is a private easement, it states rights of ingress and egress for the benefit of the lots to which it belongs, but the county ought to have the right to determine whether a road that's acceptable can be dedicated, but not accepted for maintenance. He asked if there was a survey filed and Mr. Sanchez was not sure. Ms. Wimberly said that normally when there is a survey filed it's referred to in the deed with a cabinet and page number and these warranty deeds do not. Commissioner Aguilar said that back in the 1980's it wasn't unusual that there wasn't a plat filed. There were administrative splits and were identified by Tract A or B. In going back to the minutes and the motion that was done then, as far as maintenance for the road, the minutes say that it is 25', does the conservancy have any rights to that as an easement, the ditch that they were discussing? Mr. Sanchez said no, it was a private use. Commissioner Aguilar said she had difficulty going back and reverting something that was placed on the agenda and they had voted on, but all the information had not been brought to them. If the individuals are willing to deed the easement for maintenance, and she did recall discussion about the irrigation, maybe the county can maintain up to the ditch.

Commissioner Trujillo said he recalled the May 5th meeting and it was pointed out at that time that there were other roads within the same plat that were designated with the green county road marker, including Audra Court. In replacing it, a blue sign was put up instead of a green, yet all the other roads are green signs and no wider than Audra Court, which narrows at one point. As Mr. Sanchez has pointed out, historically, that road was maintained by the county until recently. The evidence presented at the May 5th hearing supported the decision to accept it as a county road, the only question that was raised then was dedication of the road and according to the description, it fits the description as a public road than a private easement. He sees no reason to deviate from the decision that was made then and he intended to stand by that.

Commissioner Andersen said that they had gone through this discussion in May and it seems to her that the only issue was the quitclaim deed that Commissioner Trujillo had asked for. If these are forthcoming, then, they have no issue. So, what were they doing?

Commissioner Trujillo said the commission had already made a decision and voted on it and all they wanted was for Attorney Wimberly to get the deeds together.

Attorney Wimberly said that the motion from that minutes was that the road was a prescriptive easement, which was something that she had misunderstood. The easement defined by the deeds as presented to them at that time, was not prescriptive, it was an express easement. The motion made by Commissioner Trujillo was 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. This is good as long as our description of the easement that already exists is the express description given here in the deeds. I can prepare quitclaim deeds based upon these easily, she said, but, it was impossible to prepare a legally sufficient quitclaim without a legal description. If its a prescriptive easement excluding the ditch, that the commission wishes her to prepare, then she will need a survey for a legal description.

Commissioner Andersen said the motion gave the attorney direction to do what was necessary to get the deeds done. These decisions should be made administratively.

Commissioner Trujillo said the intent was clear on that they were going to maintain the road and accepted, in terms of quitclaim deeds, they had to be cleared up legally. The general direction was, do whatever it takes to clean it up.

Chair Daves said that it was inappropriate for the county to go to the extent of doing surveys to remove the ditch. Within the scope of the motion and what's appropriate under policy, is that they don't spend thousands of dollars doing surveys. If the people who would like this land accepted for dedication, there might be two ways of going. To use the existing descriptions and quitclaim it over, and then, that ditch doesn't mean that Daniel is going to fill it in tomorrow, but that ditch would be county property. Or quitclaiming it over would also mean paying for the survey that would be needed to carve out the ditch. One of the things that folks want to do, is own their land, and get the county to take care of it as well. This is something that shouldn't work both ways. What he does concur is that staff has instructions and can work within those instructions, and, they don't have instructions to spend thousands of dollars to do a survey.

Mr. Sanchez said, so he doesn't walk away with misconceptions of any kind, are we accepting the road in the condition that it's in, with the ditch where its at, he asked? Chair Daves said that as he understands it, that the road be quitclaimed to the county, and, if they want an area exclusive of the ditch to be quitclaimed, the county does not spend the money to do the surveys. If they want the easement as described in the warranty deeds, then that would be easy to do, but that the ditch is also quitclaimed to the county.

Commissioner Aguilar asked Mr. Sanchez if he had a plat with the legal description and if he did, would he bring it to Attorney Wimberly. Another way to identity the road would be to do a title search.

Mr. Sanchez said that the property owners in the area, wanting the road bad enough, would probably agree to pay for a survey.

Request Approval of Four Hours of Administrative Leave for State Fair...Mike Trujillo

County Manager, Mike Trujillo asked for four hours of administrative leave for the county employees. Commissioner Padilla made a motion to approve four hours of administrative leave for the State Fair. Commissioner Trujillo seconded. Commissioner Aguilar asked about the Sheriff's Department and the ones that can't go during the day because they work the night shift. It will become an issue and what about the financial impact. It was also her understanding that legally they cannot grant administrative, and identified it as such. Mike Trujillo said that the Governor grants four hours of administrative leave to participate either at the Santa Fe fiesta or the State Fair, so legally ,there is a legal issue here, but it would be, if it is done for religious observance. On terms of whether they are on duty at night or not, this would be four hours of administrative leave and it's for those people who take it while they are on duty, day or night, if approved by their supervisor. In terms of financial impact, another deputy might be called in and Chair assumed that the Sheriff would do it within his budget. Commissioner Andersen said this was an administrative nightmare. Chairman Daves called for the vote. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar abstained. Commissioner Andersen voted no. Chairman Daves voted yes. Motion carried.

3-1.

Public Hearings:

Adoption of Ordinance 2004-03 Public Nuisance Ordinance, Emergency Declaration

Cyndi Wimberly

County Manager, Mike Trujillo said there were two things that they were asking. A request to publish has to get approval of the County Commission, unless there is an emergency clause. Our Public Nuisance section was tied into the 1999 Zoning Ordinance. These are usually adopted by themselves, because it involves more than zoning. Because of the interim revised ordinance that will be heard at the next meeting, he is recommending that the commission, on an emergency basis, adopt a public nuisance ordinance, separate from any other ordinance, that will deal with the issues that were in that old ordinance. The reason for this is because we issue complaints on a daily basis. Chair Daves asked Mike to characterize it. Mike said it was trash, vehicles, junk and in some cases service stations and what is left there. Attorney Wimberly said that the normal process takes about 45 days for it to go into effect. It needs to be published at least two weeks prior to the date of the hearing, then it goes into effect 30 days after that. This is without the emergency declaration. With the emergency declaration, it would be able to go into effect immediately. Planning and Zoning had brought to their attention that there are problems in the county where there are folks with collections of trash on their property. Staff would like to continue cleaning up without having any kind of issues in the enforcement of it. Chair Daves asked how soon can it go into effect. Manager Trujillo said he would have it recorded in the County Clerk's office in the morning, if approved. Commissioner Aguilar said she had read it and could not make heads of tail out of it. She would like for it to be

more specific. She knew what they were trying to say, but it leaves it open, to where, if one neighbor doesn't like the other they can report them. This is the time to clarify it, she said.

Commissioner Andersen said this is the same language as on the old ordinance and the one that they have been using to file any nuisance complaints, she asked Mr. Chavez. He said this is correct. And in his position, without at least something, he could not even go out and try to "kill mosquitoes, and that he needed something regardless of how poorly it was written. Mr. Chavez said that was correct and that they had already dismissed 40 or 50 cases in this week alone. He did not think that it was written poorly, as there's a level of standard and it is the eye of the beholder. Nuisances ordinances throughout the country are subjected to the level of standard. For instance, this same ordinance interpreted in the Village of Los Lunas, weeds and nuisance are more petty than out of the county, so it is typical language. Commissioner Andersen said she agreed with Commissioner Aguilar in that it is much too broad and there are not enough definitions and she would really like to see it totally redone, but she recognizes that he needs something and she was willing to propose that they pass this ordinance, with the condition that one of his priorities is to get it rewritten and get definitions in it as soon as he could. Mr. Chavez said that would be no problem. Commissioner Trujillo agreed with the Commissioners in that the language is too broad. Chair Daves said that what they were being asked was to restore the status quo so that staff can continue to issue citations. Commissioner Aguilar made a motion to approve the ordinance for ninety days and within in these days, she would like to see Planning and Zoning come back and give them a report. Commissioner Andersen added that Planning & Zoning was in the mist of the Comprehensive Plan and the other Ordinance to work on and perhaps ninety days was not enough. Chair Daves said that Commissioner Aguilar's motion was that they go forward with this action, but asked that a report be submitted within ninety days, and not that it expires in ninety days. Commissioner Andersen said she had misunderstood. Chair Daves said that the motion stated, to take action to approve this, with the emergency clause and in addition, and not a condition, but instructions that within ninety days, staff come forth with recommendations. Commissioner Padilla seconded. Commissioner Andersen voted yes. Commissioner Padilla voted yes. Commissioner Trujillo voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0. **Ordinance 2004-03**

See exhibit.

Request to Amend the Zone Maps:

RR2 to 12 Lot 10 Sunset Acres Sub. AKA #1 Sunset Rd. Belen

Ruben Chavez/John Gurule

Commissioner Aguilar said she needed legal advise on this, because if they do not have a zoning ordinance in place, and meetings past, they had to table all of those requests. Commissioner Trujillo said maybe that was because their assessment has gone from the ordinance being invalid to void able. He still contended that it was an inappropriate action to take at this time when they have a questionable ordinance. Commissioner Andersen agreed with the Commissioners and would not vote on any of these. Chair Daves suggested that staff give them their imperatives and see if that would change their minds. Chair asked Ruben Chavez what were his imperatives for acting on these tonight.

Ruben Chavez said the commissioners had some questionable items on their plate and they've had them for quite a while. Some are probably better suited for legal advise, but they have no legal finding on any of the alleged questionable items and in the meantime they continue and these people want to operate under whatever rules that are available. Direction is that they continue to operate until someone or something tells them any different, but until that happens, they keep their doors open.

Attorney Wimberly said that staff had never stated that the ordinance was invalid. They have stated that there was an issue that exists regarding how the ordinance was adopted. She recommended that they eliminate that issue so that the county, without any questions, clouding the ordinance, can proceed. There is no judicial determination that it is void. There is our opinion that the issue exists and that it need eliminated before they can proceed criminally against people for violations of the Zoning Ordinance. However, regarding zone changes, and the commission took this stance at the last meeting when it did proceed on one zone change application, even after this was an issue. There is no prejudice to any party in proceeding on these applications, meaning, no harm, no foul. If it turns out that the commission does approve these amendments of the zone maps, then those amendments simple will be reflected if the commission adopts them legislatively next month, if not then it won't be reflected. The county needs to operate and there are individuals that have vested interest.

Commissioner Trujillo wanted to clarify what the attorney was stating. They did not proceed on that one issue because the individual was impacted on it, they proceeded because in that particular case, the zoning ordinance had no bearing on what happened to this individual. It was a mistake in the re-platting of that land, in the survey, where they joined two pieces of land and brought it under the ordinance when it should have never been that way. Also it was clear that the surrounding properties were all one acre. That land should never have been impacted by the ordinance. This is clearly a situation that they handled in the previous meeting where they decided not to act on those issues until after they have adopted an interim ordinance.

Commissioner Andersen asked Attorney Wimberly to explain what she meant when she said neither party would be at prejudice" Ms. Wimberly said it had occurred to her at the last meeting that using that phrase was not clear. What it meant was that it would not hurt the applicant, or the surrounding land owner and it won't hurt the county in a legal way. Commissioner Andersen asked Ms. Wimberly how could she know, that, if they made a decision that was prejudicial or that someone considered prejudicial to them. If they made a decision that they found offensive or wrong or that they couldn't take them to court, so how can she say that it would be without prejudice. Ms. Wimberly said that was the situation in any event, such as tabling applications. Commissioner Andersen asked, "would

not a judge or a jury consider the fact that here we have a questionable zoning ordinance and they were making decisions, wouldn't that be prejudicial to the county, it would be in her mind"? Chair Daves stated that one more set of comments from commissioners and he was prepared for a decision to be made.

Attorney Wimberly said that tabling these issues could prejudice those people because we could give them a legal deterrent, there is such a thing as reliance upon the law, changing horses midstream is a common way of stating another legal doctrine of changing the rules in middle of the game. If we hear them and they deny someone's claim, then they can sue under the ordinance, saying it isn't valid. She also understood that some of the people here are represented by council.

Commissioner Aguilar was upset because it seems that legal council come to the commission, and tell them that they have an ordinance, whether it's void able, invalid, illegal, or whatever they call it,, but, it was her understanding that when the attorney had told them this, they could not move forward on any zoning issues. First of all they follow their zoning ordinance and they have to provide facts and findings for their decisions, how can they base their decisions on an ordinance that they don't even know if they can or they can't. At that meeting, the items were tabled because they were referencing the existing ordinance. So they would wait until they had an ordinance in place. In our attorney telling us that there is an attorney in the audience, to her, if they take action, she has admitted that they prejudiced the ones that they tabled before and they seem to be getting information at one meeting and something else in another, and its making them a dysfunctional commission. She was not willing to go forward because of the decision and the information that was given to them before.

Chair Daves said he gets the sense of where three commissioner are and said she had implied something improper, of our attorney talking to another attorney. In his mind, there is nothing improper for our attorney to deal with public, including attorneys, but he suggested that they move forward and invited attorneys to speak, if they wished, but suggested that it would not make much difference.

Commissioner Padilla agreed with Commissioner Aguilar. When they had made the decision to put in the moratorium in this issue, it was his understanding that these issues wouldn't come before Planning and Zoning. The commission had made a decision to table all these matters until they cleared this point.

Commissioner Trujillo made a motion to table these items and would like to make a comment after he gets a second. Commissioner Andersen seconded. County Manager, Mike Trujillo, asked if he could make a proposed amendment to the motion. That they table them until October 20th. he proposed that on September 15th, they would look at enacting a revised interim zoning ordinance, it would then be in effect fifteen to thirty days after the publication, which would make it for the October 20th meeting. Commissioner Trujillo and Commissioner Andersen agreed to it. Commissioner Trujillo amended his motion to reflect that date of October 20th.

Commissioner Padilla asked if these requests were going to keep coming to them. Mike Trujillo said that what had occurred is prior to actions at the last meeting, these had been published in a prescribed manner, and as such they were presented to them, what they would do subsequence to these is any other public hearings will be scheduled for October 20th or subsequent meeting after that.

Commissioner Trujillo said he did not have the minutes of that meeting, but if you go back and look at the minutes of meeting where they determined that the ordinance was invalid, it was very clear that they were not to proceed on any of those zoning issues. He was surprised to find these items on the agenda, because of the understanding of not dealing with the issues until they corrected the problem. He apologized to the individuals who showed up hoping to have these matters resolved, but it was not his intent, and in his opinion, the majority of the commissioners, to lead them to believe that they were ready to move on these issues. Commissioner Andersen called for the vote, but Chair Daves had a comment to make and said that staff has been learning and he appreciated the issues that are there, but he also very clearly see the sense of the commission. He will say that the effect of the commission's decision on this vote will mean that they will have an ordinance on October 20th and they are not going to start amending it. Commissioner Aguilar interrupted to say that point of order, Roberts Rules of Order, was when someone calls for the vote all discussion ceases and you go for the vote. Chair Daves said that as a matter of fact, that was true and he had finished his comment.

Commissioner Trujillo said that since Chair had commented, he would like to add that there was no understanding that there would be no amendments to that ordinance. It has always been his understanding that they were going to look at making those essential amendments between now and then. Chair Daves said to bear with him because he was a little perturbed, and what he intended to say, amendments to the extent that they we're stuck and don't have their act together and have an ordinance in place on October 20th. He was prepared for them to, in fact, within that target, have amendments, as he had said last time. Chair Daves called for the vote. Motion carried. 4-0.

Chair Daves allowed Gilbert Tabet to speak and said that this would hurt many small business in Valencia County. He is a restaurant owner and has been in business for 45 years and there are a lot of small restaurants that the Rainbo Company will not serve them bread anymore. They have a hard time getting it and they have to get it at Wal-Mart and pay three or four times the amount. By having the zone change, they were trying to get some big company to bring in a big semi at least twice a week and serve all the small business in the county. Rainbo Co. only serves the big chains. Chair said to take this to staff or talk to any commissioner.

Commission took a five minute break.

Commissioners Consideration of Reorganization of Board

Paul Trujillo/Cyndi Wimberly

Commissioner Trujillo said it was important that they proceed with this issue and asked Attorney Wimberly to inform them as to her reading of the Attorney General's opinion and the interpretation of that opinion. Ms. Wimberly said that she was to give a clear and concise answer to the question, whether the chairman could be replaced at this time. She had researched the issue and there were two opinions on the issue. The earlier opinion provided more case laws than the latter one, but of the two they are consistent and that the chairman is selected once a year at the beginning of each year. Ms. Wimberly read Statute 4-38-10, B. Commissioner Trujillo said this forecloses any possible action for removal of the chairman. Ms. Wimberly said in her opinion, yes, for cause or without cause.

Commissioner Aguilar thanked the attorney for the comment, but she also remembers when it was brought up, by Commissioner Trujillo, he had asked the attorney if this action could be taken and she recalls that the attorney had said that they could do it with an amendment to the resolution, this has not been brought up at all. So they proceeded with that to find out that there's statute that is clear on this. It was important to go on the record and indicate that Commissioner Trujillo did ask for the attorney, as far as her recollection, if they could do a reorganization and that's how they proceeded. In addition to that, she felt that it is important for this commission to at least have a clear understanding of the duties and responsibilities and authority of our chairman, and the duties are spelled out in a handbook that's published by the New Mexico State University. She asked administration to bring a copy of that and in following it, there would be a better balance of this commission, they would all be informed and there would be a clear understanding that one commissioner, regardless, does not have any more authority than any other commissioner and no one can represent the commission without the authority of the majority.

Commissioner Andersen said that 90% of this mess came about because they had no structured means of communication and it seemed to her, in the organization that she worked for before, and it was an idea that she would like to propose, the superintendent wrote what he called a Friday memo and it went to everyone on the board and in every memo he re-capped whatever had happened that week, with questions that anyone had and answered them so that everyone had the same information. She has felt on many occasions that she was not given the same information that other commissioners were and it leaves you feeling hanging and very uncomfortable. She would like very much to see both Mr. Mike Trujillo and Ms. Wimberly adopt that Friday memo. She wants a recap of the week's activities and what's happening. A telephone call is wonderful, but you don't know if you are getting the same information that another commissioner got. She would like to see these things in writing and asked the commission for consideration on it.

Commissioner Trujillo said he had heard several remarks within the past few weeks, some public and others privately that the commission at this point is dysfunctional. Words have a particular specific connotation, and he doesn't mean to sound absurd, but function has a connotation and the clearest one is a mathematical definition of it. Certainly there are relationships among the commissioners, but for relationships to be functional there has to be an element of predictability. In reference to Commissioner Andersen statement about communication and a weekly report, he said it was an excellent idea. This will lend functionality to this commission. The chairman has certain duties, but they are not preferential and it should not fall on the chairman to call every commission member on every issue, this is an administrative duty. They certainly should proceed with Commissioner Andersen's recommendation on a Friday report and would like to see it structured in such a way that if it is a project that concern's him, on that Friday report it's there. Any issue that's still on the table, just have it on there, either put down, no progress, new development, or if there is a question on the validity of a zoning ordinance. If this commission is properly informed, they can become a functional commission.

Commissioner Padilla agreed with both Commissioner Andersen and Commissioner Trujillo in that this is an excellent idea and if they had been better informed, this consideration for reorganization would have never come up. Things have come up before in his district that he has not had any idea and it happens and is done with and had they had this information come before them there would have been no problem.

Commissioner Aguilar thanked Commissioner Andersen for bringing this up, because this was one of the things that had been brought up that she had been waiting for. Another thing she wanted to see from Planning and Zoning, if they are bringing an issue before them, she would like to see some outline that tells her, what it is, a reference point that if it pertains to planning & zoning, let her know what section and give her a little bit of a summary if there's any issues that are involved in it. There used to be a form that pertained to all of them and that would help them, and it also identified whose district it was. This way all the commissioners are informed, and out of respect they can ask that commissioner for comments or recommendations, because people would be calling that commissioner. If they needed a workshop, she would be willing to have that. She stressed that the chairman chairs the meeting, he has no authority over any of the other commission to deny what goes on the agenda, unless administration or council say so, but arbitrarily, it would be up to the majority of the commission to do that and she used this as an example.

County Manager said he would do a draft report and do whatever he could do in terms of timing, in getting it to them. Because of the number of issues, he would be short and succinct with his response and if they need additional information they could contact him, and then he would let them all know what the additional information was. Commissioner Aguilar said she would pick hers up on Monday morning, if they put her in her mail box. The others would be emailed to them.

Chair Daves said that it was a total misunderstanding, in going to the agenda item of reconsideration of Board, and it related to a lack of confidence in the Chair. They have always heard him say that the commission does not run the county. The county manager runs the county, and for this Chair assuming authority, when he has said that so many times, they are contradictory kind of things. The history of commissioners and chairs in this county, in some cases, run the county and the county manager, in terms of administrative decisions. The commission is here to set policy and pass ordinances and the chair's job is to have a level playing field to allow that to happen. He would hope to have an opportunity, as a commissioner, to also input on those policies. To the extent of his assumption of authority, it resulted in something happening, that was administrations fault. He was not trying to place any blame, but was suggesting, and that, there has been a practice of a county manager thinking if he wants to keep his job, that he needs to do what a commissioner tells him to, whether its good policy or not. That's an administration decision been made by a county commissioner and to the extent that he does those things, the county manager should refuse to do them. He did not think that he has. What brought this up, was the unfortunate issue relating to the possibility of voiding the zone code and he had been asked to meet with the county manager and the attorney. He was concerned that they be very careful, and have their ducks in a row, before they went too far. He was concerned that administrative staff be closed mouthed until they felt they had their act together. This Chair told nobody, said nothing about it at all, and he worried about it, but he said and did nothing and there was an assumption that this chair had asked them not to tell other commissioners, because, in a sense was an agent for People's Energy and his concern was what had happened tonight, might happen. Perhaps it should have happened, but he was hoping that it could be headed off and he had asked staff to have their head together, but other imperatives, in fairly communicating with Commissioner Trujillo, he thinks that the attorney felt constrained to mention to him what she had found out about the zoning ordinance. There is no desire to run the county. He wants the county to be run by its government. He tries to run the meetings fairly, to the extent of elements of Robert's Rule that are not followed and he was not going to become a student of them in the three months that are remaining. If there is no reorganization of the Board, he will continue as Chair until the end of December and he will certainly make sure to exercise his authority on what's on the agenda. He does have authority on what's on the agenda, and has always deferred to any commissioners putting an item on the agenda. There was one misunderstanding, and he did not understand that Commissioner Trujillo was involved, but he felt it should not have been an action item. When he is informed on somebody been put on the agenda, he will still not allow it to be put on it. Concerning this agenda, he had asked staff to talk to the Vice-Chair and apparently they were not able to do that, in regards to the items on this agenda. He tries to be fair and allow every commissioner to say all that they have to say on any issue and the public, within reason, to make any comments.

Commissioner Trujillo said he had the agenda faxed to him at his house, had looked at it, and it was Wednesday or Thursday, prior to this, and had discussed the agenda with the County Manager and had raised concerns about the items that were addressed regarding zoning and rather than take any action to remove that item without having consulted other commissioners, it was decided the items on the agenda and if the commission majority agreed, it could be tabled and it allowed the commission to look at it. The issue was not about Chair Daves, it's about the way that they operate. It was not a matter about shifting blame to administration, but getting things in place, mechanisms and means of communications, by which misunderstandings do not occur. He commended Commissioner Andersen for recommending the Friday report and the other commissioners for sensing the importance of it and the manager for stating that he will go forth and give them a draft report. This was trying to correct a problem and not to crucify a commissioner. Simply a matter of getting things in place and allow them to be informed so that they can function.

County Manager said that the Attorney bills the county and on it, is a summary as to what was discussed and what action she took. How much detail did they want, because he did not want to take the attorney's time on issues unless it's something that needs to be brought up. Commissioner Andersen said she wanted to know what the issues were, and will expect and want to see, a recap of the lawsuits that she works on, occasionally. What I want to know is, when you see an issue coming up, like the zoning ordinance, that's the kind of thing I want to be told about, she said.

Commissioner Padilla was excused due to a prior commitment.

Request to Publish:

Adoption of Imposition of 1/16% Gross receipts Tax

Mary Andersen/Cyndi Wimberly

Commissioner Andersen said that during the last Legislation a bill was passed that permits counties to impose an additional 1/16% gross receipts tax to be used for the general fund. 1/16% turns out to be .000625 which means that if you spend \$100.00 the additional bill is six cents. The impact is small on individual purchases, but for the county it could mean about \$170,000 a year, or somewhere in the neighborhood, according to Mr. Steininger. If the ordinance were to pass, it would take effect the 1st of January and be March before we saw a penny of it. If this should bring us any revenue, she was asking the commissioner to consider this. Commissioner Trujillo said he supported this tax, because needs are stripping the revenues. Commissioner Aguilar supported the adoption of the 1/16 gross receipts tax. For the last three years they have been struggling and every year they ask the employees to bear with them. She asked the commissioner that they tie this 1/16 and prioritize it in the form of a resolution for raises for the employees, who have had to make serious sacrifices.

Chair Daves said he also supported this, and also, supported a separate resolution that would not bind by ordinance the money to be spent on raises, rather, to the extent that the resolution remains valid, and would be the bases for giving the employees a raise. Knowing that future commissions could make different decisions, is a fair decision to be made by this commission, given the history of what the employees have gone through this time. This is why he made the point that the resolution is a separate action, but that the ordinance is one where the money would be into the general fund. Commissioner Andersen made a motion to request to publish an ordinance imposing a county gross receipt tax being an excise tax of 1/16 of 1%, the 1/16 increment for county general purposes. Commissioner Aguilar seconded. Motion carried. 3-0. Commissioner Padilla was absent for the vote. **See exhibit.**

Commissioner Aguilar made a motion to bring forth a resolution and that the first year's gross receipts tax be prioritized for raises for our employees. Commissioner Trujillo seconded. Commissioner Andersen said that salary increases for the employees was a priority for her regardless of where it comes from. The whole financial budget has to be geared toward giving the employees raises and getting the Sheriff's PERA monies where they need to be. This \$160,000 will not get us there, it would not give our employees more than a 3% raise, if we had it today. It will come in increments in March and in June. She appreciates the idea of giving the employees the sense that this commission wants to help, but its not going to be there and next year, Mr. Trujillo and herself are going to have to live with this. There is money to be found, in the Assessor's Office with the State people working on bringing another \$500,000, but the biggest amount of money was to get the Cornell contract re-done, this is where the largest amount of money is to be found. This is when we can do for the employees and the Sheriff. There is not one employee in the county who is been properly paid. \$7.00 an hour in this day and age with the cost the way it is, is a crime for everyone and a resolution would be a waste of paper.

Commissioner Trujillo said she agreed with Commissioner Andersen on the issue. His concern is that we are telling the employees that they are going to have to wait for that pot of money to see raises, yet at the same time Commissioner Aguilar was saying this was some kind of a guarantee to you, that in any event, there will be money for them, and she did use the language, "prioritize it", so if those employees have already received a raise, due to circumstances in another contract, then he would say that if employees raises happen sooner, then it's no longer a priority because they've been taken care of. Then, that money could be re-allocated to some other purpose. He favors taking care of the employees raises as soon as money becomes available. He agrees that the Cornell contract has to be addressed.

Chair Daves said that early in this commission, the commission had unanimously asked that they go to a vote and dedicate the money to particular uses, and, that money is dedicated until they undo that vote. The point he was making was that an ordinance that would allow us to go in the general fund without any designated use, as opposed to resolution. It allows the commission that exists when that money comes in to spend the money. It's a significant and an appropriate action on the resolution. We are not voting on it, they were asking that a resolution be presented at the next meeting.

Commissioner Aguilar said this ordinance may become effective in January, but like with any other bond issue ordinance that we have, the money can't be spent prior to it coming in, in March. The raises can't take effect in January because that's when it's affective and then the money comes in, in March. She wants administration to take a strong look at how they can take care of the employees. Chair Daves reminded them that there was a motion and a second and asked for the vote.

Motion carried. 2-1.

Financial Matters:

Request Approval of Award:

IFB #562 Golf Course Rd. Lighting Project.....Michael Steininger

Michael Steininger, Fiscal Manager, reported that the above item was put out to vote and that there were two venders that had bid on it. The bid was awarded to Vis-Com, Inc in the amount of \$66,319.10. This will complete the base part of the project leaving approximately \$17,500 available for additional lighting fixtures. It was their intention that they would use up whatever is left over, one fixture at a time, until the full appropriation is used. Commissioner Aguilar made a motion to approve Commissioner Andersen seconded. Motion carried. 2-0. **See exhibit.** Commissioner Trujillo was absent for the vote.

IFB #563 Fire Safety Protective Bunker Gear.....John Cherry

Mr. Cherry was asking approval for the above item. They had gone out to bid and had gotten four bidders to response. In reviewing them the bids, he recommended that the bid be awarded to Artesia Fire Equipment. They have not gotten got a set amount because it is five options with different materials and there are discounts for numbers ordered. Commissioner Aguilar asked if it was within his budget. Mr. Cherry said yes. Commissioner made a motion to approve. Commissioner Trujillo seconded. Motion carried. 3-0. **See exhibit.**

Computer Equipment Surplus Property.....Michael Steininger

Michael Steininger said that two meetings ago the commission had approved a new lease on a new AS 400 computer system and it would be arriving on the 21st. He had given them a list of the equipment that needed to be declared as surplus so that they could remove it. Commissioner Trujillo made a motion to approve. Commissioner Andersen seconded. Motion carried. 3-0. **See exhibit.**

Resolution 2004-47, Budget Adjustment-Older American Program
Michael Steininger

This was a budget resolution delineating the Older American Program Fund. The commission had approved the contracts with the Area Agency on Aging and they have made it very clear that they were going to start enforcing their reversion clauses if we could not prove that they had spend all the federal and state money. The way that they had been budgeting in the past was, Older American was all under Fund 415 and lumped as a whole program. In having discussions with them they had agreed that if they broke down her budget into each of its various components, then they would be able to track by fund, whether they had spent that program's amount of money. The net change of the entire budget is zero. There is no increase and no decrease, all they did was break it into it's components. Commissioner Andersen made a motion to approve. Commissioner Aguilar seconded. Motion carried. 3-0. **See exhibit. Resolution 2004-47.**

Approval of Payroll & Warrants.....Michael Steininger

Michael Steininger presented the commisson with payroll of August 20th, checks #63417 through 63590, with corresponding deduction checks 77563 through 77598 for a total of \$194,764.74. Warrants were check #77598 through 77709 for \$887,577.26 and one check #77745 for \$336.00. This check fund was large because it had the Juvenile Detention Center, the Cornell payment and also payments for some road projects. The balance in the General Fund after all the disbursements was \$1,752,440.70. Regarding the CPI increment, it had resulted in about a \$3500., \$3600. monthly increase Commissioner Aguilar questioned the canteen item for the Juvenile Detention Center. Michael said that in the new Joint Powers Agreement, they had pointed out the fact that one of the problems was that they were violating their audits agreements for not having contracts and they were not in a position where they could bid it out. The arrangement was that canteen would bill the County and then the County would bill Bernalillo County. Commissioner Aguilar also questioned the space rented for the voting machines. Ms. Gallegos said that a new contract had been signed in July for the same space because there was no other place to rent and also, that the 1242 voting machines have not been sold yet. This was in her new budget. Commissioner Andersen made a motion to approve Payroll and Warrants. Motion carried. 3-0. **See Exhibits.**

County Manager's Report:
Adult Detention Facility Report

There was an average of 112 Males and 11 Females. It was a total of 2191 for the month of August. Out of the Cornell fund, they will be putting a cooler in the females area, and the refrigerator had been fixed. An item that has come up and that would require about \$4,000 plus, and would come out of our account and was not budgeted for is that a safety report had been done by a safety consultant, that says we have to replace 200 sprinkler heads in the facility. He had asked the State of New Mexico to send a plumbing inspector to look at it. The facility is only four years old and should not need to be replaced. Commissioner Aguilar said Mr. John Cherry, Fire Marshall had done an inspection of the facility for that, and as long as he is certified it, we would be okay. Chairman Daves also suggested that Los Lunas Village might be able to do it, but Mike said it that the State of New Mexico was the corresponding authority.

Juvenile Detention Faicility Report

Mike had provided that commissioner with an expense report and all the commissionees agreed that they did not have to have it for every meeting.

Zoning Ordinance Workshop

Mike said this would publish on September 15th to hear the proposed interium revised zoning ordinance . He recommended a workshop on Wednesday 8th if the commission wished. It would be the same ordinance with some formatting, but no substantive changes. Chair Daves wanted it made very clear that they had a moral obligation to get out of this legal cloud, but within that, that there can be amendments that might be beneficial to some issues, and the vote of the commission make the decisions, not the chair. Commissioner Trujillo said they would not be able to fix the whole ordinance in one workshop. He suggested two to three hours. It was tenentivley set for Friday, Sept 10th from 9-12.

Elm Leaf Beetle Infestation

Mike Trujillo said we do have it and it was in every elm tree, but it was too late to spray. We would have to worry about it for next year, and they would probably need money from the State as it would have to be an aerial spray.

Pigeon Safety Concerns

This had been cleaned out and now they needed to get rid of the pigeons...

The next Regular Meeting of the Valencia County Board of County Commission will be held on September 15, 2004 at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

Adjournment 10:00 PM

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, September 1, 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**

**ss/
AURELIO H. PADILLA, MEMBER**

**ss/
ALICIA AGUILAR, MEMBER**

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

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: October 6, 2004