

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

October 6, 2004

The Meeting was called to order by Chairman Gary Daves at 5:00 PM

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	

Chair Gary Daves called the meeting to order. Pursuant to Section 10-15-1 NMSA 1978, Limited Personnel Matters, Pending or Threatened Litigation and other specific limited topics would be discussed. County Manager Mike Trujillo informed the commission that Yates v. Burris et.al. lawsuit, D-1314-CV-99-418 would not be heard. The lawsuit had been settled and Mr. Yates would be coming to see him and he would do a memorandum, for them, on the status of it. Chair Daves said that Mr. Yates attorney had called to let them know that he was out of state and would not make the meeting. Chair called for a motion to go into Executive Session. Commissioner Trujillo made a motion to go into executive session. Commissioner Padilla seconded. Motion carried. 4-0.

Executive Session

Chair Daves called the meeting back to order. Commissioner Trujillo made a motion to go into open session. Commissioner Padilla seconded. Motion carried. 4-0.

County Manager reported that a personnel termination that he had made on Friday, had been appealed and it would be going to a hearing officer. Also, Mr. Sam Bregman had been named as the special prosecutor, regarding the Animal Control grand jury investigation. An ongoing case had also been discussed.

Commissioner Trujillo made a motion to ratify that this were the items discussed in Executive Session. Commissioner Padilla seconded. Commissioner Aguilar commented that the Yates v. Burris lawsuit was on the agenda, but had not been discussed. Motion carried. 4-0.

Pledge of Allegiance led by Sheriff Richard Perea

Approval of Agenda

Commissioner Aguilar made a to approve the agenda. Commissioner Padilla seconded. Motion carried. Commissioner Trujillo was absent for the vote.

Approval of Minutes:

September 1, 2004-Regular Meeting

September 15, 2004- Regular Meeting

After a correction from Commissioner Aguilar on the September 1st meeting, Commissioner made a motion to approve the September 1st meeting. Commissioner Padilla seconded. Motion carried. 4-0.

Commissioner Padilla made a motion to approve the September 15th meeting. Commissioner Andersen seconded. Commissioner Aguilar abstained, she had been absent from that meeting. Motion carried. 3-0.

Public Comments

Mr. Frank Metzner at 3 Jay Bird Loop, presented the commission with pictures of the area and had questions about the 120 Ft. rule. Was it legal to take commercial vehicles and set them permanently on property and use them for storage? He had other questions that would be addressed by County Manager Trujillo and Chair Daves wanted to be kept informed on the compliance of the law.

Discussion (Non-Action) Times:

Results of "Trek for Trash Day", September 25, 2004.....Cyndi Sluder

Ms. Cyndi Sluder reported that "Trek for Trash Day" was conducted by about 40 bicyclist, headed by former Governor Gary Johnson. It had started at Sun Land Park and ended up in Los Lunas with a dinner at the Luna Mansion. Tierra Bonita had conducted three clean-up of their own with 71 volunteers and picked up about 9.85 tons of trash and 2.5 tons of metal in the San Clemente area. This included 16 pick-ups, 2 flat beds and a half of a county dump truck. It had been a success. The total was about six mile of clean-up. Commissioner Padilla said he had attended the dinner and it was very well represented. It would be nice if everyone knew the work that these people do and would do their share of taking care of their own trash.

Commissioner Andersen thanked Cyndi for all her hard work.

County Manager Mike Trujillo also thanked Cyndi and said that in the near future, Ruben, Cyndi and himself would be work on large items that are been dumped, especially in the mesa. They would be working on solutions. Commissioner Trujillo said they could not possibly over value the work that Cyndi was doing. Commissioner Aguilar said that it hasn't been done for about three years, but at that time, in the Solid Waste Ordinance, the haulers were contacted and once a quarter , they would provide a bin, and in El Cerro Mission flyers were sent out and allowed people to dump free of charge. She was always amazed at the reception that it got. Cyndi said they would be going street by street and try to give them the opportunity to bring their stuff and people in violation would be cited in the court.

Report on Status of General Election.....Tina Gallegos

Ms. Gallegos informed the commissioners that the election process had begun. The voter registration had just closed on the 5th , so she did not have final numbers yet. Since the Primary Election, 33,905 had registered to vote and as of today, there were 36,686 with some still needing to be entered. She was expecting that they would have about 39,000 before it was over. The office have received approximately 3,000 absentee applications. Officially, the ballots started getting mailed out on Tuesday, the 5th. We have mailed out about 900 out with her staff working about twelve to thirteen hours a day trying to stay on top of the workload. In-person voting had also started on Tuesday, with 128 people voting on the machines. The traffic had increased emensously in the office, with the courthouse now a polling location so campaigning is not allowed anywhere in the facility. The Early Voting Site in Belen had changed from the Rio Community to Belen City Hall. The bases for these was that the computer software used to sign up with the Secretary of State statewide voter file requires high speed internet and the communities did not have it. she also wanted the commission to be aware that the November 3rd meeting, she would need the commission to convene as the canvassing board and then she would need them to schedule a special meeting on November 12th to finish the final canvass

Commissioner Trujillo asked what kind of statistics were public information regarding early voting. Ms. Gallegos said the only information public, was the amount of voters per day, on any machine at any location. We can provide lists of people that are voting early or absentee, and who has sent their application back and who hasn't. Candidates are requesting lists and this contains generic information and also party affiliate. Any results cannot be released until election day.

Commissioner Aguilar thanked Ms. Gallegos on doing a good job. She knows that her staff works many hours. They are doing a good job and they do appreciate their commitment. Ms. Gallegos said her whole staff is working basically twelve hours a day to get the job done. She appreciated Commissioner Aguilar's comment.

Commissioner Trujillo asked if she was using the new machines and what kind of paper trail did it leave. Ms. Gallegos said yes, to using the new machines, and also, that the State does not require a paper trail. The statutory requirement now is that the audit trail is internal and if they should have to go to court for any reason, it would show the votes that were generated in that one machine. The vote cannot be tied to any person.

Commission Communication/Questions

Commissioner Aguilar wanted clarification from the attorney, that when the zoning ordinance becomes effective, does that satisfy the requirement of the moratorium? The answer was yes.

Commissioner Andersen said there had been a couple of questions about zoning ordinance that were to come back to the commission, would they be on the October agenda?

County Manager Trujillo said that it was expected to be on that agenda once the ordinance went into effect. Commissioner Trujillo had requested that the issue regarding the I-3 zoning be considered at that next meeting, so it's still going to be scheduled for that.

Commissioner Andersen she had a request for travel on those days and was requesting that this be postponed because she would very much like to be a part of that discussion. Commissioner Aguilar supported her request.

Chair Daves said there would be adequate notice for the public and setting the agenda. He also had comments on two things. One, is that he was in the Meadow Lake area a few weeks ago and he happened to drive on a road where the developer or the builder, had essentially build a dam that doesn't withstand a five year storm. It is a road, but downstream from the road is somebody's house. Right in that area was the most magnificently developed trash pile in an abandoned house. He had taken our county planner and told him that this was priority. Today he had driven up there and it was cleaned up. He really appreciated that Ruben got it down.

Another call he had gotten was that someone had called him and said that the state was not doing enough to collect delinquent taxes. He had talked to the Mr. Steininger and to the County Treasurer and was given data on the taxes that had been paid. There are two state people and they have collected a little over a million dollars from January 1st to present. This was very impressive and very hopeful.

Action Items:

Selection on Architect for the Belen Public Health Facility Project.....Mike Trujillo

County Manager informed the commission that they had received proposals from Design Group, NCA Architects, Dyron Murphy Architects, and John Friedman, AIA Architect. Interviews were conducted with the four and the top two were Design Group and NCA Architects. The commission could approve Design Group or they could interview the top two if they wished. As of September 27th they have \$50,000 from the legislature to initiate the planning and design and, which, City of Belen proposed a second site which is at 2nd and Castillo.

Lupe Reynoso, nurse manager at the Belen Public Health office thanked Mike Trujillo for inviting them to participate in the selection. They were impressed with all architects and were in agreement with the two top selections. They were also impressed with the second site, because it allows them for expansion.

Commissioner Aguilar was comfortable with the selection of the committee and made a motion to select Design Group. Commissioner Padilla seconded. Motion carried. 4-0.

See Exhibit.

**Update on Judicial Complex.....Judge William Sanchez
Request Adoption of Resolution 2004-53 Endorsing Annexation of the Old Los Lunas
Hospital and Training School Property into the Village of Los Lunas.....Mike Trujillo**

Judge Sanchez updated the commission on what had been going on with the committee. The committee and interested employees had been meeting with the architects on a weekly bases and have come up with the newest and most improved floor plan. Mike Trujillo said that under the AE agreement they had several phases. They had the program phase, which is the initial phase where they get the space needs of the entity. They are presently 50,500 sq.ft.and it includes an additional space for the enhanced 911 operating center and they were proposing that some of it be reimbursed by the entities that participate. They have two key issues that they face. The first one is that the courthouse, under the 1967 Attorney General's opinion, has to be within the county seat. The county seat is within the municipal corporate limits of the Village of Los Lunas. This particular property is still within the county and not within the village limits so the next item is to ask approval of a resolution endorsing the annexation by the Village. The second item, will have to address the legislative delegation so that they can personally address it at the session. A 1997 Joint Powers resolution places restraints on county, village or school being able to utilize property without an approved master plan. Property control will endorse the use of that property for a minimum of forty years to the county.

Commissioner Aguilar has one concern that she thinks that with the Los Lunas Hospital and Training School property and that's when Property Control says that they will allow us to use the site. That's the same language that they had used when we wanted to utilize the facility for the health department and it came with a \$4.25 a ft cost for utilities. She wanted clarification on that. Mike Trujillo's said that it had already been discussed with them and it was going to be minimal since we were going to be doing the upkeep. Mike said they had made a counter offer and the Village of Los Lunas is leasing both the gymnasium and the swimming pool for \$1.00 a year.

Commissioner Padilla made a motion to approve the resolution to approve annexation. Commissioner Andersen seconded. Motion carried. 4-0. **Resolution 2004-53.**

**Request Adoption of Resolution 2004-54 Endorsing the Development of a Long
Range Transportation Plan for Valencia County.....Mike Trujillo**

Ms. Loretta Tolleson, the transportation manager for the Mid-Region Council of Governments, presented the commission with a draft of a transportation plan. Valencia County is growing rapidly and so planning is especially critical, she said. In 1990 the population was 45,000 and in 2000 it was 66,000. The work trips are mostly to areas outside the county. 54% of workers work outside the county and most of them are between Valencia County and Bernalillo County. This is 26,000 trips, 13,000 trips each direction. Average travel time has increased from about 26 minutes in 1992 to almost 31 minutes in 2000. The future effort is a long range transportation plan and is the effort that the resolution addresses. The plans are the results of work that the state had done to provide us with \$150,000 in Federal funding, and they are providing the state match for that. The purpose is to identify Valencia County's transportation goals, evaluate the needs and then develop a plan of action. The steering committee would be elected officials, the technical committee would be staff of the various local governments in the county and then provide opportunities for public involvement. They are looking at getting this done in the next year. They want to have a plan back to the commissioners in the fall of 2005. it would look at the next 20 to 25 years and it would look at past trends, current patterns, and the projected needs. It will be multimode, bikes, buses, rail and roads. She had also provided a flow chart of the process that they will be using.

The first work in terms of the goals and objectives will be to bring these together and put them in a package and look at how they overlap. They will be going out for public input and providing the information to the public about what the data says, what the census resulted and ask for their input, and, getting additional information as they need. Then they will put a set of proposals alternatives, get public comment. The final draft plan will come to the commission for approval. At this time, she said, she was looking for an endorsement from the commission.

Commissioner Aguilar asked if there was a plan for a river crossing in this plan. Ms. Tolleson said she did not know, but, it was part of the process that they will be looking at. At this point, nothing was predetermined.

Chair Daves said he expected that she was seeking approval from the various governing boards, Villages, and the Town of Belen, or was it just the county approval. She said she wanted directed from the commission on that issue. Chair Daves suggested that she involve all of the villages and municipalities and Isleta, and that she seek their approval.

Commissioner Andersen said she was a member of the Valencia County's transportation steering committee, which does include representatives from Los Lunas, Belen and Bosque Farms. They were pleased to have Isleta also represented. The committee fully expects to be aware of what this does. The comprehensive plan that they are working on for the county is fully aware of all the efforts and there is a consensus in all the groups that they need to be aware of what each of them is talking about and doing. She felt very good about the fact that communication has already been started and it was essential that the county pull together for a transportation plan. There is no way that Los

Lunas or the County can make unilateral decisions, because everything they do, affects the other entities and it is only fair that everybody be a part of this decision. In saying this, Commissioner Andersen made a motion to approve the resolution endorsing the developing of the long range transportation plan for Valencia County. Commissioner Padilla seconded. Chair Daves had a comment reflecting Commissioner Aguilar's statement and he believed that the commission with her leadership passed a resolution with regards to the bridge a couple of years ago and he would invite staff to provide that as part of the backup data and it was endorsing the need for another river crossing somewhere in this county. Chair Daves called for the vote. Motion carried. 4-0.

Resolution 2004-54.

Request for Out-of-State Travel, Phoenix, AZ-Transportation Planning Site Visit, Oct.20-22,2004.....Mary J. Andersen

Commissioner Andersen said she was asked to represent the county and the council of governments on this trip to look at strategies for land use issues and to see how Phoenix is focusing development along certain growth corridors and preserving open space. It would be advantageous to the work that she has been doing with the transportation committee and she asked for approval. Commissioner Padilla made a motion to approve the request. Commissioner Aguilar seconded. Motion carried. 4-0.

Instruct County Assessor to Impose Tax Rates for 2004.....Beverly Gonzales

County Manager provided the commission with a revised certificate of tax rates. They were informed that the school rates had been miscalculated. By statute the Department of Finance local government division is supposed to submit the tax rates, so that the commission can direct the County Assessor to implement them. Commissioner Aguilar made a motion to accept the tax rates and to direct the Assessor to calculate the rates. She also asked if staff would post them on the internet. Commissioner Padilla seconded. Motion carried. 4-0. **See Exhibit.**

Request to Accept a Portable School Building for Conejo Transfer Station..... Ruben Chavez

Mr. Ruben Chavez had been working close with Conejo who have been housed in an ice truck bed. They had met with the Los Lunas Schools who had a twenty four by thirty four school building that they will not be using. It has air conditioning and heat. The only stipulation was that the county move it and the date had been set for the 21st. The funds were secured. Commissioner Aguilar thanked Mr. Trujillo and Mr. Chavez for this. It has been ongoing for eight years. The working conditions were deplorable. Commissioner Padilla said it was time that these employees get a building and was surprised that they had let them keep it without citing the county. They truly deserve it. Commissioner Andersen thanked Ruben for making it happen. The consensus of the commission was that Ruben had done a very good job, long overdue. He got a big thank you! Commissioner Aguilar made a motion to accept the portable building and also to have administration send a letter to the Los Lunas Schools thanking them for the donation. Commissioner Padilla seconded. Motion carried. 4-0. **See Exhibit.**

**Request Permission to Publish.....John Cherry
IFB- Quick Attack Pumper-Jarales/Pubelitos Fire Department**

Mr. Cherry was requesting permission to publish and go to bid for a quick attack pumper. Commissioner Aguilar made a motion to approve. Commissioner Trujillo seconded. Motion carried. 4-0. **See Exhibit.**

Declaration of Surplus Property-Rescue Unit.....John Cherry

Mr. Cherry had a request from the Las Humana's organization for a used transfer surplus rescue unit, which had been taken out of service. This organization, to his understanding, was doing forest thinning in remote areas. Commissioner Aguilar made a motion to approve the transfer of the surplus rescue unit, contingent upon confirmation of 501C. Commissioner Trujillo seconded. Motion carried. 4-0. **See Exhibit.**

Request Adoption of Resolution 2004, A Resolution Dealing with Procurement, Adopting a Revised Procurement Policy; Meeting Requirements of Federal, State and County Procurement Laws and Regulations.....Mike Trujillo

County Manager Trujillo said that the basis for the new proposed procurement policy is the general services department for the State Procurement Policy that has been modified to meet our needs. Basic issues from the state are that we have local regulatory authority, such as imposing a registration fee which we are opposing. In Section 16, there were major changes. Our existing policy allows \$250.00 for small purchase. State statute now allows us to go up \$1500.00. If they wished to lower it, they could, however, staff finds that it takes more time to do three written or telephone quote, which almost exceeds the amount that they are trying to save. He was asking the commission to up the amount. If they wished to lower it they could. Commissioner Andersen wished to reserve her questions, they were not about the amounts of money. Commissioner Trujillo made a motion to adopt the policy, but Commissioner Andersen said she was not ready to adopt until she had some answers to her questions. Chair Daves said that Commissioner Andersen was not concerned with the changes on the dollar amount, but that Commissioner Trujillo evidenced, to at least accept those and was asking for them to reach a consciences, of whether or not, in regards to the dollar amounts. Chair asked if the dollar

amount was acceptable to the commission. Commissioner Aguilar said that these changes had already been done. County Manager Trujillo said this was correct, it was staff recommendation, however, they had the discretion to make it less, if they so desired.

Commissioner Andersen said she had two questions. One was that, nowhere, did she see a tracking method for approvals. The only reference to approval of a purchase is on Sec. 16.1, that says "the purchasing office for the county is the business manager's office and, the purchasing agent of the county shall oversee and coordinate all procurement for the county". She did not understand, and, been in purchasing for many years, she was used to a system that said, that after x number of dollars, it takes one signature and after x number of dollars, it takes another signature, but, it was laid out to where a department head could approve \$250.00, and a division head could approve \$1,000.00. So there was some sort of hierarchal method for those approvals. We do not have that in this policy. Also, there is nowhere, that shows that approvals of a proposed contract comes to the commission. She was uneasy on not seeing that. County Manager said that the first concern, they would be working on, as part of an administrative policy, dealing with how paperwork flows. This, in his opinion, should not be in the procurement policy, but part of the administrative implementation policy. Commissioner Andersen asked Mr. Trujillo, if they should at least reference that policy in it. Her position was that, if they don't make reference to that policy, that in some future group of people, it will be questioned. County Manager said he agreed with Commissioner Andersen, and it was a matter of timing, and, one of the basic problems they are finding, is that the statute, which is very lengthily, incorporates that statutory authority in language to make it clear what process they have to follow, as minimum from statutory standpoint. They do need that financial management manual, and they will be working on that, but, it is a several month project. Mr. Michael Steininger now has to go through a three signature signoff, which they are trying to reduce, based on proper controls that need to be imposed, so that they can minimize the amount of time that they hold a purchase requisition.

Chair Daves asked if this was, essentially, with some amendments, the existing procurement policy of the county, or was it a totally new document. County Manager said it was a totally new document. In their packet, there is a six page document which has various small sections out of this and what they had done was enhance on those tremendously, but basically there were no other changes of significant value.

Commissioner Andersen's second question had to do with paragraph 17.1 and had to do with sole source procurement. She had a problem with how the whole section was written. She did not believe that any contract should be awarded without competitive sealed bids, and all of the language could be better written. She had not had enough time to look at it, and would like to postpone any action on it, so that she can have time to write some things that she would propose, to replace some of it and she can't do that now and vote on it also.

Commissioner Aguilar thanked Commissioner Andersen for bringing up those concerns. She was going to echo them, that they do need more time to look at this, and in going a step further, when someone is allowed to come before them, and she is speaking with eight years of experience on the commission, it is said that this is a sole source and is written and documented. They can do that administratively, it doesn't have to come to them and it's passed the test. This can be extremely dangerous. There needs to be some safety guards in place. It works fine when they have a county manager and a business manager that is trusted, but it doesn't mean that someone else can't interpret it differently and that's what her concern is. The way that it is written, as she sees it, anyone can award a contract for whatever, and say it is sole source, and, based on public health and safety. This is written documentation that can affect our budget and our future. We need to move consciously and she encouraged tabling it until November 3rd.

Chair Daves asked County Manager, what kind of imperatives did he have. County Manager, Mike said that he understood their concerns and he has, mentally, already developed some language that he thinks would take care of the concerns and initiate the safeguards. It would not be hard to implement, but he would visit and propose some language to them that would implement that. Not changing the dollar numbers for one month would not hurt the county in any way.

Commissioner Andersen made a motion to table this item until November 3rd. Commissioner Aguilar seconded. Chair Daves asked if this was enough time to address the concerns. Manager Mike said that not all the concerns of financial manual, but the rest of the issues are easily remedied. Motion carried. 4-0.

Commission Appointee to Detention Administrator Selection Committee

Mike Trujillo

This next item was to request to set up a detention administrator selection committee with an appointee from the commission or the alternative, do they wish to be the committee, been that the position is the department head and falls under the personnel ordinance. They have advertised for the new Detention Administration position. Staff is recommending that a selection committee comprised of the commission or commissioners, the County Manager, the Sheriff and the Bernalillo Public Safety Director, Mr. John Danits, be authorized to review applications submitted to the county, and interviewed. He would also propose inviting a NMAC Risk Management representative to sit in as an ex-officio member. They would not like to be a member, because of the position that they fall in. The selected applicant would then be submitted to the commission for final approval, unless they wish to give that authority to the county manager.

This position is being advertised locally, state-wide and also on a regional level. We are seeking a detention administrator that is best qualified and experienced. The closing date for submittal of applications is October 22, 2004. There are several people that have volunteered to serve as ex-officio and give us technical advise because of their knowledge of corrections or detention.

Chair Daves said he had talked to all the commissioners and had invited Commissioner Andersen and Commissioner Trujillo to be on the committee, as county manager has recommended.

Commissioner Aguilar asked if there was a job description. Mike said yes, they had utilized San Miguel and McKinley Counties job description. Commissioner Aguilar asked if this was an appointed position and if it was, could the new commission coming in terminate them. Do we have the authority to bind a new commission, she asked?. Mike said that the way statute reads, they are not allowed to bind a county commission in terms of long term contracts or future debt. In terms of hiring or firing, that falls under the normal course of county operations. The new commission could determine that the person does not meet their needs and the contract can be terminated.

Commissioner Aguilar said her question was, were we advertising for an administrator that may be gone on January, or whenever the new commission comes in, because he had said yes, but it is an appointed position at the pleasure of the commission and that is not part of the personnel ordinance. The personnel ordinance says it is an appointed position by the commission and serves at the pleasure of the commission and can be let go for any reason. Her next question was that it talks about the financial impact, but it says he will give them a report at the end of October, so are they approving an expenditure that has not yet been brought before them for approval and approved by DFA, because it is a change to our budget.

Manager Trujillo said, that to the first question, in his opinion, the new commission could choose to terminate all appointees, that is their discretion, however, he would assume that with good faith, that if we hire the best and most experienced and qualified person for the job, this action would not occur and that it would be foolish in terms of just taking over a detention facility. Regarding the second question, we actually will be submitting a proposed budget to them, which they had given a draft at the last meeting, which actually would downsize the amount of the budget. As such, we are not increasing the budget and will not be impacting any future revenues from the county.

Commissioner Aguilar pointed out that Manuel Romero's name had come up as wanting to be appointed as jail administrator. We need to be cautious in individuals that are seeking the position to be on the committee, she said. Mike said that for Commissioner Aguilar' information, Mr. Romero was not interested in the job. He is just willing to assist in making sure that we make the best transition possible.

Commissioner Padilla said it seemed that it would be risky for someone to put themselves in a position where they could be fired in three months, or to find someone that would be willing to take a position like that knowing that. But, the new commission does have the right to do that, if they so desire, he asked? Manager Trujillo said yes, the way that the ordinance reads, but he would hope that the new commission would understand that if it was going to be a successful venture, which he knows that we can and will, that they will give that person the proper time limit to prove themselves.

Commissioner Aguilar asked if it would hurt if they waited until the new commission comes in and they can be part of the committee. Not so much to make a decision, but at least to have some information. The contract expires on June 30th.

Commissioner Andersen said the commission had made the decision to end the contract with Cornell at the end of December, which means that effective January 1st, we are in charge of that facility. As of November 3rd, we will have some elected officials, we will not have anybody who is sworn in as a commissioner. We have an obligation to run whatever it is that they need to do until the end of December and we cannot wait. She was prepared to make a motion.

John Lopez asked if there was going to be a probationary period for the appointee. Mike said that appointed officials are permantley probationary. Mr. Lopez asked if there was a salary in place. Mike said it was \$60,000 that was budgeted.

Mr. Bill Brown asked how many appointed positions were there in the county. Mr. Mike Trujillo said there were, about seven or eight, including himself. Mr. Brown said that at any time that the commission discharge any of them, he would think it to be totally obsurbed,to speculate, that an incoming commission, on their first meeting, would discharge seven or eight, or one or two, without having any experience of the job. Backed up by the oath of office, which says in part, to faithfully and impartially discharge the duties of said office to the best of their ability. This ain't the best of anybody's ability.

Commissioner Andersen made a motion to approve the appointment of the committee to select an a detention administrator, with the County Manager's recommendation including the two commissioners. Commissioner Trujillo seconded. He also said that they need to move forward and get someone in place. If the new commission had strong feelings, that we had made a mistake, they certainly have the power to remove that individual. He disagreed with Mr. Bill Brown's comment, in that two years ago, this is what he had wanted the commission to do. He was glad to see that he has changed his mind and agrees with him.

Commissioner Aguilar asked if this was going to be a year's contract. This was within the discretion of the commission, Mike said.

Chair Daves they were just asking to approve a committee and some of these questions would be resolved at the time someone was chosen and have negotiations.

Chair Daves called for the vote to approve. Motion carried. 3-0. Commissioner Aguilar abstained.

Commissioner Trujillo left the meeting.

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

Michael was asking approval for four sets of warrants and two payrolls. Total for warrants was \$465,000 and payroll was \$388,000. As of yesterday, the general fund was \$1,832,000. Commissioner Andersen made a motion to approve warrants. Commissioner Padilla seconded. Motion carried. 4-0. **See Exhibits.**

Michael provided the financial information that some commissioners had asked for. This is the same form that the county had used under the watch of DFA and were required to file monthly reports. This is for the first quarter, it is accurate up until the 12th. at this point we have completed 25% of the budget year. This is their first attempt to provide this information, so he invited any input.

County Managers Report

County Manager reported that there had been some flooding on the area of La Entrada. Our insurance adjuster was looking at that. Andres Chavez had about one foot of water, which we pumped last night. Cuatro Viento and Denise Street also had some flooding. He was meeting with the emergency crew to do a study of what happened and how we can respond better. All of the municipalities and county will be participating in that process.

The other item he had was that Commissioner Andersen at a meeting of the school board found out that Career Academy may actually become our second high school in the near future. There were concerns that if it occurred, Manzano Express cannot handle that many kids traveling to and from. Discussion had been held with the highway department regarding whether exchanging La Ladera Road with the Manzano Express, so that the highway department could improve it. They are willing to sit and visit with us as soon as Friday, if anyone is interested.

Commissioner Aguilar was interested in attending, but suggested that Mr. Chavez also attend, because there are major subdivision been developed in the east mesa. There are many issues that can come to the table and we can pull the developers then.

The state highway does take exchanges of roads, however, they wanted to take Jarales Road for the Manzano Expressway, and the reason we didn't do that, was because we were taking on the two railroad crossings and that liability.

The last item County Manger Trujillo had was to have a breakfast with the Legislators and asked for a date. They would take the ICIP in the order of priority and have them available for presentation. Commissioner Aguilar suggested that they wait until the election was over and do it in mid November.

The next Regular Meeting of the Valencia County Board of County Commission will be held on October 20 at 6:00 PM at the Village of Los Lunas Board Meeting Room.

Adjournment 8:15PM

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, October 6, 2004 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
GARY DAVES, CHAIRMAN**

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

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

**ss/
ALICIA AGUILAR, MEMBER**

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

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: November 3, 2004