

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

November 3, 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	
Michael R. Trujillo, County Manager	
Wimberly Law Firm, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Gary Daves called the meeting to order. As per Section 10-15-1 NMSA 1978, the following matters would be discussed in closed session. Limited Personnel Matters, Pending or Threatened Litigation and other specific limited topics. Commissioner Padilla made a motion to go into Executive Session. Commissioner Aguilar seconded. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0. Commissioner Trujillo was excused due to a family crisis.

Executive Session

Chairman Gary Daves called the meeting back to order and asked for a motion to go back to Regular Meeting and to report what was discussed in Executive Session. Commissioner Padilla made the motion. Commissioner Aguilar seconded. Motion carried. 3-0.
County Manager had brought the commission up to date on a proposed disciplinary action on a county employee, who had since been called back to active duty. This action was pending his return.
He had also informed them on pending litigation and what was taking place on the process.

Attorney Cynthia Wimberly had informed the commission on the status of a personnel action regarding the disciplinary action on an employee and had brought them information regarding threatened litigation involving Mr. Rockhold. No other items were discussed and no final action was taken.
Commissioner Padilla made a motion to ratify that was all that had been discussed. Commissioner Aguilar seconded. Motion carried. 3-0.

Pledge of Allegiance led by Jane Moorman

Approval of Agenda

Chairman Daves asked for a motion to approve the agenda. Commissioner Aguilar made the motion. Commissioner Andersen seconded. Motion carried. 3-0.

Approval of Minutes

Chairman Daves asked for a motion for approval of the October 6, 2004 Regular Meeting and the October 20, 2004 Regular Meeting. Commissioner Aguilar made a motion to approve both minutes. Commissioner Padilla seconded. Commissioner Andersen had not been present for the October 20th meeting, but voted yes on the October 6th meeting. Motion carried. 3-0.

Public Requests

Mr. Frank Metzger from 6 Jay Bird Loop was inquiring if anything was been done about his request at the last meeting to get the problem solved in that area. County Manager, Mike Trujillo said Planning & Zoning was reviewing both the building codes and land use codes. They would be moving on it as soon as they have the necessary documentation, with any further action that would be prohibited under the county ordinances and this would be happening in the future. They will be working on it as expeditiously as they can.

Discussion (Non-Action) Items:

Tierra Bonita Report on Monterey Park Cleanup Project.....Cyndi Sluder

Cyndi Sluder, who represents Tierra Bonita for Valencia County, handed the commission a hard copy of a project that had been done in that area and had a presentation to show. They did have a proposal submitted to the commission and have had meetings about the problems of the trash. This project had been started as a street by street clean-up. Sixty three residents on Pacifica and one other road had been sent a letter stating that they were doing a clean-up, to help them clean their property. They were informed that if they didn't comply, they were subject to court fines The project had started as a one day project, but lasted for seven days. Two hundred eighty six man hours were required. She did not have the tonnage yet, but twelve of the forty yard roll offs that generally handle one hundred and twenty five thousand lbs. were used. Thirty six dump truck loads were taken to

Conejo outside of the roll offs that were used to go to Albuquerque. One hundred and twenty five pieces of white goods (refrigerators, washers, dryers, heaters) were collected.

Mike Trujillo thanked Tierra Bonita and their staff, Conejo and staff and all the volunteers that had helped out. It was a pilot program that turned out to be very successful. The commissioners thanked Cyndi and Ruben for a job well done.

Commissioner Aguilar asked if the waste that had gone to Conejo was excluded from the allowable tonnage. Mike Trujillo said they had co-coordinated with the environment department, before, during and after. They were aware of the situation.

Chair Daves said all of this was from people's property. He hoped that the new commission with the county manager, would go forth and develop a process that works, as far as keeping the trash going to the proper disposal place. **Exhibit A**

Commissioner Communication/Questions.....County Commissioner

Commissioner Aguilar submitted a copy of petitions, to the County Manager, that came from the residents of San Martin. They are asking that San Martin Road be accepted for maintenance. The original petition would be mailed in, but asked that the project get started.

Commissioner Aguilar also acknowledged the new commissioners. Ron Gentry, former State Legislator, who comes to the commission with a lot of experience and knowledge of the community,, Georgia Kirkham, a successful business women in Los Lunas, and Lynette Stubblefield, who has given a lot of public service from Meadow Lake. She invited the new commission to ask her on things that are going on.

Another item that Commissioner Aguilar had was that two meetings ago, she had asked for a legal opinion on the moratorium that was placed on I-3, on power plants, and the new zoning ordinance that had been adopted. Attorney Nance had mentioned that the moratorium had ended with the adoption of the new zoning ordinance, but the other attorney disagreed. This was important to get clarified. It had been done in the form of a resolution and not an ordinance, but it was a responsibility to clear before they leave office.

Commissioner Padilla also congratulated the new commission coming in and offered any help that they needed from him.

Commissioner Andersen commented that the majority of the new commission will be women. She was excited about the make up of the new commission and congratulated them and looked forward to some good productive times with them.

Action Items:

Convene as Canvassing Board for 2004 General Election.....Tina Gallegos

Commissioner Aguilar made a motion to convene as Canvassing Board for the 2004 General Election. Commissioner Padilla seconded. Motion carried. 3-0.

County Clerk, Tina Gallegos said this allows the office to continue to canvass. In the next week they would be balancing and checking all the signature rosters and verify the counts. We will open and count provisional ballots. By the end of the process, we will have official results of the General Election of 2004. By law, the canvass has to be submitted to the Secretary of State by November 12th. On that day the commission will re-convene as the Canvassing Board for final canvass and at that time she will be able to give them the total numbers.

Ms. Gallegos acknowledged her staff and was extremely proud of the fact that they worked very hard to prepare the election. They had worked many hours and had not complained.

Early voting total was 6,645. This is a record for Valencia County and was a huge success. Absentee was also a success with 4,886 ballots issued and 4,561 returned. Prior to Election Day, we had 11,531 attempted to cast a vote, that's 1/3 of registered voters.

Election day went smooth, in comparison to other counties that are still counting votes. Valencia County had the totals on Secretary of State's web page by 12:30 PM. Two or three precincts had trouble balancing, so that kept a few of us in the office until 3:00 AM. One of the machines had gone out at one of the precincts, but another one was programmed, certified, zeroed out and sent to that polling place and so there were 43 emergency ballots cast on paper. Total turnout on election day was 14,817, a 67% total turnout. Absentee counts in the machine were 10,618, for a turnout of 25,435 voters. This is not counting provisional and hand tallies.

On election day there were long lines, however they moved fairly fast and other than normal election day problems, which we do have and did have, it went smoothly. 218 provisional ballots were turned in at the polls and approximately 83 were absentee. Some of the numbers will change on some races and these are county wide and not by districts. Other than this, Ms. Gallegos said, this is my report. What she needed now was for the commission to allow her to continue with the canvass.

Commissioner Aguilar thanked Tina and her staff and extended her appreciation for a job well done. She knew that she was shorthanded, but when there was an election, they do two or three jobs and she did not hear them complain. They get the job done and she appreciated that. She also congratulated her on winning the election.

Commissioner Aguilar made a motion that there be a continuation of this meeting on November 12th 2:00 PM, at the Los Lunas Schools for final canvass. Commissioner Padilla seconded. Chair Daves also thanked Tina and staff and also appreciated the patience of the public. Motion carried. 3-0.

Jane Moorman, from the News Bulletin commented that this had been one of the easiest election that she had covered. At 10:50 PM Tina had made an extra effort to get her numbers for her eleven o'clock deadline and be able to go to press.

Commissioner Aguilar made a motion to re-convene as Board of Commissioners. Commissioner Padilla seconded. Motion carried. 3-0.

Request Approval of Programming Phase, Judicial Courthouse.....
Judge William Sanchez

Judge Sanchez was requesting approval of the programming stage of the project. A lot of work had gone into the project and he had a floor plan for their approval. County Manager said the programming phase had brought it to 50,500 sq.ft. that included all spaces. Staff and the committee was recommending approval of the programming phase of the new Judicial Courthouse. The committee had recommended that they name it the Valencia County Court House. Commissioner Aguilar wanted clarification as far as the finance part.. Mike Trujillo said that 911 had put them 500 sq. ft. over the original programs sq. footage. They will ask the architect to complete his cost estimate, so that they can go back to the other entities that are participating so they can share on that additional footage as they have said they would. The budget is in line with what they had programmed. The operating and maintenance cost are in the process of been developed, with the acceptance of the programming phase. As far as the construction budget, it is within the budget that was approved by this commission.

Commissioner Aguilar asked if they had approval for the property. Mike said the recommendation from the committee was still at the old hospital and training school site. The only issue, is a 1997 house joint resolution that says a master plan would have to be approved by the state. Two master plans have been submitted, but the state has not acted on it, although, our legislative delegation have said that in their opinion, it was the best site. Representative Fred Luna has said that within the first two days of the legislature, he will introduce, and has the backing of other legislators, to undo the house joint resolution.

Chair Daves said that what's been asked is that there really seemed to be no real ultimate barriers between the desirable site on the campus, but is this, assuming that some dead end is run into, appropriate for other locations as well. Mike said yes.

On the recommendation of Judge William Sanchez, Commissioner Aguilar moved to approve the programming request. Commissioner Andersen seconded. Motion carried. 3-0. **Exhibit B**

Request to Publish
RFP-Healthcare Management Services- Adult Detention Center.....Mike Trujillo

County Manager said there were two items that they were looking at in terms of potentially going out to contract, as they take over the operation of the adult detention center on January 1st. The first was health care management services. What most entities have been doing is to contract the medical health care services required under ACA regulations and federal and state law. The administrative committee will meet next week and will be getting this RFP, to select a new administrator, have them on board and then determine whether we will contract or hire employees to perform the services. The same goes for food services. These are under state contract and we have asked all people who are under the contract to give us a proposal based on the state contract. What they needed now was to allow them to RFP for the health care management services to insure that they meet all American Correctional Association standards as they take over the operation.

Commissioner Andersen made a motion to approve the request. Commissioner Padilla seconded. Commissioner Aguilar asked if the financial impact and knowing that we still have the contract that we owe Cornell, was this adding to the budget and are we needing an increase. Mike said no, in fact, the proposed budget for taking over for the next six months is approximately \$400, to \$500, thousand less than our current contract. This does not include the six months of operation that would have been budgeted. Chair Daves called for the vote. Motion carried. 3-0. **Exhibit C**

Establish an Airport Encroachment Overlay Zone District.....Commissioner Aguilar

Commissioner Aguilar was approached by Mr. Pete Rael and the Mid-Valley Air Park residents and learned that the zoning ordinance does not address airport encroachment. There were people here to submit information, that protect the county not only at Mid Valley, but an airport on the west mesa and with the growth it would cover all airports.

Mr. Pete Rael had put together a proposed airport zoning ordinance, which is modeled after an ordinance in Florida. It had been used, tried and time tested in one of their counties. Some changes were made to fit Valencia County situation. What this ordinance does, is protect airspace and a kind of flat cone shape area from the runways and extending out of both ends of the runway. It permits all non conforming uses to continue so that there aren't many problems.

Chair Daves asked what was needed from the commission. County Manager Mike said to allow them to publish an ordinance which would be heard on the December 1st meeting. The reason for this date is because it follows municipal airport zoning statute and requires a fifteen day publication, which takes us to that date. This ordinance follows FAA rules. People move in and develop their residential or commercial establishment and then want the airport to move out, Mr. Rael said. FAA has very strict laws to that effect. It also insures that airports or aircraft landing there follow certain noise restrictions. This is the encroachment overlay zoning that they were looking at. Chair Daves asked if Planning & Zoning had prepared the draft. Mike said that they had provided the electronic media and P & Z had put it into our own format. The attorney, Ruben and himself were condensing it.

Chair Daves questioned if it had gone through sufficient mastication at the county staff level, and was surprised that they had gone through Florida. He thought FAA standards were model ordinances that were essentially imposed upon counties and municipalities, by FAA, that were

standardized ordinances. Is this what we want? he asked, or might we want to make sure, with staff review at looking at other jurisdictions, before we act on it.

Commissioner Andersen said this was the first time she had seen this and would like some time to read it and see if she has any questions before she takes a vote.

Mr. Marvin Kaylor said this was a model ordinance which has been used around the country by the aircraft owners and pilots association. This was developed in conjunction with FAA regulations and the code of federal regulations. The goal is not to change anything, but to plan for the future.

Commissioner Aguilar said she had brought this up at the last meeting when Commissioner Andersen was absent. The information had gone to the County Manager two weeks ago for review and to be placed on the agenda. This information is been sent to the City of Los Lunas, City of Belen and to Bosque Farms so that there is consistency in Valencia County.

County Manager, Mike Trujillo said that the county receives federal funding from other funding sources. He gave as an example the City of Albuquerque building a two story convience center north of Alameda St. with Coronado Airport been less than half a mile away and because the building was two story and would have possibly impaired approaching aircraft, it was made to move the building sixty feet east of the site, if not the federal government could have withheld all federal monies which meant money for the airport as well as other programs.

Commissioner Andersen asked Ruben how that property was zoned. Ruben said it was zoned commercial and at this time did not have a definition as an airport in the zoning ordinance. Commissioner Andersen reiterated that she was not comfortable doing anything about this subject, this evening, because she had not looked at it and she likes to read if she is expected to consider the rules and regulation laws that govern this county.

Mr. Rael said there are at least 120 airplanes based at the Mid-Valley, which was started in 1969 and has grown tremendously. It has had no zoning the entire time and has existed on common law.

Commissioner Andersen said she is not against it, she just doesn't know enough about it to be either for it or against it. She agrees that if they are going to have airports, they need to have rules and regulations and the ordinance. She wants to know what it is that they are asked to approve and for this reason, they need to take the time to be careful, because this is an ordinance and it affects everyone of those people in the airpark and everyone surrounding it. She moved that this action be tabled until the next meeting.

Chair asked if the public wanted to speak on this issue. Ms. Dotie Hoffman, who lives on the border of the Mid-Valley Airpark, on the north side, owns land there. She asked what impact this was going to have on them who have been there since 1960. It she wanted to put in a dairy with grain silos, was she going to be forbidden to do that. She has a two story home with trees and asked if they were going to be required to cut them. These are questions that needed to be addressed before they took action.

Chair Daves said this was a bad location for an airport and was a growing concern. Airports have been going out of business. They become areas that ought to go out into open country. This has nothing to do with the need for this legislation, in fact, there might be more need for an ordinance as is been proposed, he said.

Commissioner Padilla asked Ruben if he had looked at this document. Ruben said there were three documents that were used when this was prepared and it references those as well. Not only the state statute governing airports, but part seventy seven that they hear about, though out this ordinance as is proposed. Both the state statute, part seventy seven and this ordinance, as proposed, are a tight link and all the figures that they see are referred to in the three documents

Commissioner Andersen had a question on the noise impact zone. What is the zone, because she could not find a definition. Was it protecting the people surrounding the airport from noise or was it protecting the people within the airport from noise. These were the questions she would like an answer to, before it went to publish. She did not believe that having a public hearing, for a document in which the commission is not comfortable, is wise. She again moved to table this until the next meeting. Motion died for lack of second.

Commissioner Padilla made a motion to publish. Commissioner Aguilar seconded because it was important that this allows notification to the public and for it to come to the commission at the next meeting. It did not mean that they were adopting it, but it opened the dialogue and discusses the need. If Commissioner Andersen feels that they do not need it or feels a need for some changes, and a new publication on the final version, it can happen. County Manager said that because of statutory publication time period, it would not be heard until December 1st at the earliest.

Chair Daves called for the vote. Commissioner Padilla voted yes. Commissioner Aguilar voted yes. Commissioner Andersen voted no. Motion carried. 2-1. **Exhibit D**

Correction on Surplused Vehicle and Request Approval of Vehicle Transfer from Tome/Adelino Fire Department to Datil Fire Department.....John Cherry

John Cherry had come to the commission the meeting before and requested to remove a vehicle form Tome/Adelino's inventory. They had been told that it was a 1972 but in reality, it was a 1978. He was asking to correct the model date on the vehicle and also to donate it to the Datil Fire Department. Commissioner Padilla made a motion to approve. Commissioner Aguilar seconded.

She asked if this was the same one that they had surplused before. Mr. Cherry said it had been taken off the inventory record. County Manager Mike Trujillo said that a 1970 unit had been placed on the surplus list. In reviewing the letter that was been sent to the state auditor and to local government division of DFA, which is required by statute, it was referred to a 1978. This is what is been corrected today. Commissioner Aguilar said the request said transfer and nothing about surplus. She wanted them to make sure that they were following proper procedure. Mike Trujillo said the motion should be to correct the surplus to a 1978 Ford vehicle vin number as stated and after authorization or approval by the state to allow them to transfer to the Datil Fire Department. Commissioner Aguilar moved on the recommendation of the County Manager's statement. Commissioner Padilla withdrew his motion and Commissioner Aguilar withdrew her second. Commissioner Padilla seconded. Motion carried. 3-0. **Exhibit E.**

**Public Hearing-Request to Amend the Zoning Map from C-1 to C-2 Property (off Hwy 314 & I-25) known as Tract C1, Lands of Hollis Wilson & Filo Sedillo.....
Lawrence Valenzuela/Ruben Chavez**

County Clerk, Tina Gallegos swore in any one interested in this request. Ruben Chavez said request contained 8.27 acres. Mr. Valenzuela has occasionally held auctions under the use of a temporary use permit. He would like to make this auction more of a permanent nature. Auction yards are listed in the C-2 section of the zoning ordinance. He does not own the property, however the owner, Ms. Kathleen Gallegos has authorized him to ask for this request. This request was heard on August 10, 2004 by the Planning & Zoning Commission. The Commission approved findings that (1) this property, like all the properties in this area, should come into compliance. (2) There are like uses surrounding the proposed site, and (3) the site is appropriate for the suggested use. In the packet was a site plan identifying how he wants to use and also an Aerial map.

No one in the public had any comments. Commissioner Aguilar said this was in consistent with the area and made a motion to approve. Commissioner Padilla seconded. Motion carried. 3-0.
Exhibit F

Financial Matters:

LGD Approval of Final Budget for Fiscal Year 2004/2005.....Michael Steininger

Fiscal Manager, Michael Steininger reported that on October 22nd, they had received approval from the Department of Finance Local Government Division on the 2004/2005 budget. He read the letter from Francisco Vigil and asked the commission to accept the acknowledgment of Local Government approving the budget. Commissioner Andersen made a motion to accept the letter. Commissioner Padilla seconded. Motion carried. 3-0. **Exhibit G**

Commissioner Aguilar wanted Mr. Steininger to expand on the requirements that were placed on them, as far as having 50% of the cash balance. Michael said the commission had approved a budget that had them drawing off the cash reserves. Part of this item had been addressed with the commission approving the change in the Cornell contract. Expenditures are been watched. The report he had given them will be monitored so that it stays under the 50%.

Chair Daves said \$300,000 sounds high, but the budget that he joined as a commissioner for the fiscal year 2001 had a million dollar deficit. This commission, staff and the county employees difficult steps of curtailing hours, has brought us from a million to three hundred thousand. He just wanted to call attention in terms of history and context.

Request Approval of Agreement with NCNMEDD for Nutrition Services.....

Mary Ann Gonzales

The above agency was offering an opportunity to increase the cash in lieu from \$22,743 to \$34,793.00. Since Mr. Steininger was not expecting to do this, he had not have staff draft a resolution to be submitted to DFA. He will have it at the next meeting. Commissioner Aguilar made a motion to approve on the basis of a resolution been prepared and brought to the commission for signatures. Commissioner Andersen seconded. Motion carried. 3-0.

Request Approval of EMS Fund Act Vehicle Purchase Program, Tome-Adelino FD.....

John Cherry

John Cherry was asking permission for the Tome/Adelino to participate in an EMS fund vehicle purchasing program. If they get the award, it requires the fire department to pay 25% of the purchase price and EMS will pay 75%. Commissioner Aguilar asked if this was for the purchase of an ambulance. Mr. Cherry answered yes, Tome/Adelino was their newest rescue squad and just this last week five new EMTS had just graduated. Commissioner Padilla made a motion to approve the request. Commissioner Aguilar seconded. Motion carried. 3-0. **Exhibit H**

Request Approval of Tanker Truck-Rio Grande Estates Fire Department.....

John Cherry

Mr. Cherry had received one bid from the Independent Fire Company in Albuquerque for \$150,636.00. They had a letter of recommendation from the Rio Grande Fire Department. Commissioner Padilla made a motion to approve Mr. Cherry's request. Commissioner Aguilar seconded. Motion carried. 3-0. **Exhibit I**

Request Approval of Change Order #1 to Contract for Golf Course Road Lighting....

Mike Trujillo

On a recent request the commission had been asked to award a contract to Vis-Com Inc for a total base bid of \$66,319.10 for a lighting project on Golf Course Road. This is a short term project and since we have money left over from the incorporation, he was asking to add an additional six light poles and accessories to the project, thus utilizing the entire legislative appropriation as allowed by statute. He recommended approval. Commissioner Padilla made a motion to approve. Commissioner Andersen seconded. Motion carried. 3-0. **Exhibit J**

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

Michael presented the commission with payroll in the amount of \$200,900.78 and warrants, one which was for postage, for the tax bills mailed out, in the amount of \$45,479.58 and another one for \$308,539.85 for a total warrants of \$554,920.21. As of November 1st, the cash balance in the general fund was \$1,281,875.80. One item that was not budgeted was for \$1,088.00 and this was for a certified inspector that the state had required us to send to the Belen Health Center, for the mold issue. We will have a similar bill in another month when they go to certify after the work has been done. Commissioner Padilla made a motion to approve payroll and warrants. Commissioner Andersen seconded. Motion carried. 3-0. **Exhibit K**

County Manager's Report:

Mike invited the commissioners to the audit exit conference on Friday, at 9:00 AM.

Staff was gathering information for the newly elected county commissioners.

Mr. Trujillo said that Channel 7 is looking into the sewer smell in the building.

Michael Steininger will be representing County Manager, Mike Trujillo during his absence this Friday.

Chair Daves said that the commission has authority to grant raises to elected officials who are coming in and he supported that. He requested that they consider it and, if at all possible, they do it at this time.

The next meeting would be on November 12, 2004, Special Meeting to Re-convene as the Canvassing Board, 2004 General Election at 2:00 PM at the Los Lunas Consolidated School Board Room.

The next Regular Meeting of the Valencia County Board of County Commission will be held on November 17, 2004 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

Adjournment 8:30 PM

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, November 3, 2004 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>
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VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
GARY DAVES, CHAIRMAN**

PAUL EDWARD TRUJILLO, VICE-CHAIRMAN

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

ALICIA AGUILAR, MEMBER

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

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: November 17, 2004