

VALENCIA COUNTY BOARD OF COMMISSIONERS

Business Meeting

January 21, 2005

The Meeting was called to order by Chairman Mary Andersen at 9:00 A.M.

PRESENT	ABSENT
Mary J. Andersen, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
Paul Edward Trujillo, Member	
Ron Gentry, Member	
Lynette Stublefield, Member	
Michael R. Trujillo County Manager	
Wimberly Law Firm, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Mary Andersen called the meeting to order at 9:00 Am.

Pledge of Allegiance led by Bill Brown

Approval of Agenda

Commissioner Trujillo made a motion to approve the agenda. Commissioner Gentry seconded. Motion carried. 5-0.

Approval of Minutes

Commissioner Trujillo made a motion to approve the minutes of January 5, 2005, Special Meeting-Organization and January 7, 2005, Business Meeting. Commissioner Gentry seconded. Motion carried. 5-0.

Public Comments

None.

Discussion (Non-Action) Items

Commission Communication/Questions.....County Commissioners

Commissioner Stublefield announced that she will be having town meetings for her district at Bosque Farms and Meadow Lake Community Center to get input from her constituents.

Vice-Chair Kirkham asked County Manager to supply an activity report on the Road Department and how money is rotated for roads that are to be maintained.

County Manager Mike Trujillo prepared a list of capitol improvement projects and better information that the Legislature will consider this year. These are projects that were passed by the commission in 2004.

Action Items

Board of Commissioners Convenes as Indigent Board

Indigent Appeals/Report.....Barbara Baker

Ms. Baker presented the commission with four appeals. First for Chris Calles in the amount of \$3,749.59 to be paid to Presbyterian Hospital. Second for Charles Gonzales in the amount of \$4,000.00 to be paid to Sandia Health Care. Third for Martha Jones in the amount of \$96.00 to be paid to Living Cross Ambulance. Last appeal for Betty Males in the amount of \$674.52 to be paid to Presbyterian Hospital. Ms. Baker recommended approval of all four. Commissioner Trujillo made a motion to approve. Commissioner Gentry seconded. Motion carried unanimously.

Total Indigent claims submitted from December 3, 2004 to January 7, 2005 is \$402,745.21 and Ms. Baker requested that \$61,255.77 be approved. Commissioner Trujillo made a motion to approve the appeals and the claims on the recommendation of Ms. Baker. Commissioner Gentry seconded. Motion carried unanimously. **Exhibit A.** Re: Tape 1-884.

Commissioner Trujillo made a motion re-convene as Board of Commissioners. Commissioner Stublefield seconded. Motion carried unanimously.

Request to Surplus OPTECH IIIP Voting Machines.....Tina Gallegos

Ms. Gallegos requested approval to move 9 Optech IIIP Voting Machines from the County Clerk's inventory to surplus. These are scanning type voting machines that no longer meet the needs when addressing the counting of absentee ballots.

Commissioner Gentry made a motion to approve and to put them, along with the 1242 Shouptronic voting machines, out for sealed bid. Commissioner Trujillo seconded. Motion carried unanimously. **Exhibit B.** Re:Tape 1-1150.

**Appointment of Selection Committee-Legal Services.....Mike Trujillo**  
The legal service contract for the County is on a month to month basis with Wimberly Law Firm. The county has received proposals from five law firms interested in representing the county. Since the legal service contract will represent the BoCC as well as all other county departments. Mike recommended the commission appoint a selection committee to review and interview. Commissioner The Commission agreed to accept the recommendations and have them at the February 4<sup>th</sup> meeting. Re: Tape 1-1158.

**Approval of Acceptance for Maintenance.....Dan Trujillo**  
**Antonio Chavez Loop- Community of Jarales**  
This road meets all the requirements necessary for emergency vehicles and meets the requirements for dedication to the county. Commissioner Stublefield asked if this would be taken out of Commissioner Trujillo's fund. Commissioner Trujillo said yes. Commissioner Trujillo made a motion to approve. Commissioner Gentry seconded. Motion carried 4-1. Vice-Chair Kirkham voted no. **Exhibit C.** Re: Tape 1-1261.

**Barela Road-Belen, West Mesa**  
Barela Road has significant road problems and would cost \$67,250.00 to bring it to county standards. County Manager recommended not accepting it. Commissioner Gentry made a motion not to approve. Commissioner Trujillo seconded. Motion carried unanimously. Re: Tape 1-1880.

**Request Approval of Service Agreements.....Michael Oliver/Mike Trujillo**  
**Regional correctional Center, Housing of Adult Detention Inmates**  
Inmates sometimes need to be housed outside of our facility. Cornell has offered to house them at \$75.00 a day and Cibola County has offered to house them at \$47.00 a day. County Manager Mike Trujillo will look at the cost and potential issues such as gang conflicts and use the most cost effective facility. He asked for approval. Commissioner Stublefield made a motion to approve. Commissioner Trujillo seconded. Motion carried unanimously. **Exhibits D & E.** Re: Tape 2-100.

**Resolution 2005-13, PERA Enhancement.....Richard Perea/Cyndi Wimberly**  
PERA Board denied the Resolution approved by the Commission on January 7, 2005. According to Sheriff Perea they would not accept an amended document. This new resolution, if approved, would be committing them to a twenty year plan and must be funded. Commissioner Trujillo wanted it made clear that in order to fund this PERA enhancement they would have to rely on projected savings from the Cornell contract. Michael Steininger said yes. Chair Andersen said the money from the excise tax imposed is to fund PERA. Sheriff Perea said if this election passed, they have 30 days to go in front of the PERA Board. Commissioner Trujillo asked County Manager Trujillo if they could afford this recurring expense without making any cuts in employees and services. Manager Trujillo said that based on projections, there is room for this type of action. Michael Steininger concurred with County Manager Trujillo. Vice-Chair Kirkham made a motion to approve the resolution based on the information received from Mr. Steininger. Commissioner Trujillo seconded the motion and said he wants to see all expenditures and indebtedness and see where they stand. Motion carried, 4-1. Commissioner Gentry voted no. **Resolution 2005-013. Exhibit F.** Re: Tape 2-245.

**Resolution 2005-14, Adopting Goals & Objectives for the Comprehensive Plan.....**  
**Joe Quintana**  
Authorizes the adoption of goals and objectives for the Valencia County Comprehensive Plan. Commissioner Stublefield made a motion to approve the resolution. Commissioner Trujillo seconded. Motion carried unanimously. **Resolution 2005-14. Exhibit G.** Re: Tape 3-211.

**Resolution 2005-15, Supporting The Enactment of a State Affordable Housing Tax Credit.....Bill Brown/Kevin Cronk**  
Authorizes supporting the enactment of a state affordable housing tax credit. Commissioner Trujillo made a motion to approve the resolution. Commissioner Gentry seconded. Motion carried unanimously. **Resolution 2005-16. Exhibit H.** Re: Tape 3-240.

**Resolution 2005-16, Supporting Establishing a New Mexico Housing Trust Fund.....**  
**Bill Brown/Kevin Cronk**  
Authorizes supporting and establishing a New Mexico housing trust fund, making it affordable for all new Mexicans regardless of their income. Commissioner Trujillo made a motion to approve the resolution. Commissioner Stublefield seconded. Motion carried unanimously. **Resolution 2005-17. Exhibit I.** Re: Tape 3-352.

Commission took a 10 minute break.

**Final actions of Public Hearings held 1/12/05:**  
**Request for Liquor License Transfer of Ownership for The Wild Pony.....Tina Gallegos**

Vice-Chair Kirkham made a motion to deny the request. Chairman Andersen seconded. The testimony heard at the public hearing was clear to Commissioner Trujillo that it was not the license but the establishment itself that had the problems. His vote would be based on location and not on the morals of the individual.

Commissioner Gentry said they heard compelling testimony, but this was about facts. He had not found substantial facts and there had been no indictments.

Attorney Wimberly informed the commission the Sheriff had additional information on reports found on 11-30-01. Two reports were prosecuted and time had been served.

Vice-Chair Kirkham withdrew her motion and made a motion to deny the application of transfer of Liquor License, based upon the safety within the surrounding location and not the applicant. Chairman Andersen withdrew her second and seconded the new motion. Motion carried unanimously. **Exhibit J.** Re: Tape 3-425.

**Request to Amend the Zone Maps.....Introduction-Ruben Chavez**  
**Zone Map change form RR2 to RR1 At 427 Jarales Rd.....Manuelita Peralta**

Commissioner Trujillo disclosed that he is related to the applicant. He also said that in 1985 a change had been made in the Assessor's office that did not match with his survey. According to Ruben Chavez the Assessor will have to correct it according to the survey. Attorney Wimberly will follow through with the Assessor's office. Chairman Andersen made a motion to approve the request based upon direction to Ms. Wimberly. Commissioner Stublefield seconded. Motion carried unanimously. **Exhibit K.** Re: Tape 3-1146

**Determine if a Zone Map Error exists in the 1999 Zoning Map.....Toby Romero**

Mr. James Sanchez presented his case on why the property should be zoned something other than rural residential. His rational was based on past use, adjacent property and rail road ownership. Attorney Wimberly suggested that they build flexibility into the public notices.

Commissioner Trujillo made a motion to approve the procedure for determining if a zone map error existed in the 1999 Zoning Map. That provides the flexibility that our attorney referred to, and that they not hear further requests to determine whether errors were made on Industrial Zones.. Commissioner Gentry seconded. Motion carried unanimously. **Exhibit L.** Re: Tape 3-1554.-

**Financial Items:**

**Approval of Payroll & Warrants.....Michael Steininger**  
Warrants totaling \$400,351.17 and Payroll totaling \$247,298.13 were presented to the commission for approval. General Fund balance is \$3,580,915.60. Commissioner Stublefield made a motion to approve. Vice-Chair Kirkham seconded. Motion carried unanimously. **Exhibits M,N,O,P.**

**Executive Session**

Pursuant to Section 10-15-1 NMSA 1978, Chairman Andersen asked for a motion to go into Executive Session. Commissioner Trujillo made the motion. Commissioner Gentry seconded. Motion carried unanimously.

Commissioner Gentry made a motion to return to Regular Session. Commissioner Trujillo seconded. Commissioner Stublefield voted yes. Vice-Chair Kirkham voted yes. Commissioner Gentry voted yes. Commissioner Trujillo voted yes. Chairman Andersen voted yes. Motion carried. 5-0.

County manager ratified that pending and threatened litigation was discussed regarding an inmate in the Detention Facility.

Attorney Wimberly gave the commission a list of active and inactive case status.

Manager presented the Commission with a list of employees hired, terminated or resigned since January 1<sup>st</sup>.

An evaluation of Mr. Steininger as a fiscal manager had been done. He agreed to continue his employment as the Administrative Services Director of the County. At this time there will not be a contract. A job description will be presented at the next meeting.

This was all that was discussed in Executive Session.

The next Business Meeting of the Valencia County Board of County Commission will be held on February 4, 2005 at 9:00 AM in the Los Lunas Consolidated School.

**Adjournment 1:00 PM**

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, January 21, 2005 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

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

**ss/  
GEORGIA OTERO-KIRKHAM, VICE-CHAIR**

**ss/  
PAUL EDWARD TRUJILLO, MEMBER**

**ss/  
RON GENTRY, MEMBER**

**ss/  
LYNETTE STUBLEFIELD, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: February 4, 2005**