

VALENCIA COUNTY BOARD OF COMMISSIONERS

Business Meeting

February 4, 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	

Pledge of Allegiance led by Jane Moorman

Approval of Agenda

Vice-Chair Kirkham made a motion to approve the agenda. Commissioner Stublefield seconded. Motion carried unanimously.

Approval of Minutes

The minutes will now reflect a reference where you can search a certain item by going to that point in that certain tape. Commissioner Stublefield made a motion to approve the Minutes of January 12, 2005 Public Hearing and the January 21, 2005 Business Meeting. Vice-Chair Kirkham seconded. Motion carried unanimously.

Public Requests

None.

Discussion (Non-Action Items)

Commission Communication/Questions.....County Commissioners

Vice-Chair Kirkham said the county is growing fast and some of the things that come with that growth is public safety and the issues that come with that. She directed County Manager Trujillo to research and report back to the commission the possibility of implementing impact fees. County Manager said he has started gathering information regarding subdivision impact fees and fire department impact fees.

Chair Andersen had asked for a listing of fees that each department charges for services. This is to see if the county is charging enough for things that we do for the community. One of the problems the county has is the lack of funds. Our priority in everything we do, should be at looking at how we can increase revenue, Chair Andersen said.

Commissioner Stublefield thanked the people that had attended her town hall meetings at Bosque Farms and at Meadow Lake. Many issues were discussed and the community will work with her to look at doing some clean-up and many other things that need to be done. She will be having more meetings in the future.

Commissioner Gentry had attended the Mid-Winter Conference in Santa Fe and submitted a report on the activities and the benefits of it.

Reports from Boards, Commissions & Committee.....Mike Trujillo

Commissioner Trujillo reported attending the Judicial Complex meeting. They had gone through the budget and looked at some items that could be trimmed back. They had also made some decisions regarding what should and shouldn't be budgeted for that complex. They should reach the point where they will meet the budget.

Action Items

Findings & Conclusions on Public Hearings held: 1/12 & 15, 2005.....Cyndi Wimberly Amend Zone Maps from I-1 to I-3 in all of Unit 6, Tierra Grande- Harvey Yates

In the matter of amending zone maps from I-1 to I-3 for the purpose of correcting a zone map mistake in Unit 6, Tierra Grande, this application was presented by Attorney James Sanchez on behalf of for Harvey Yates and Cibola Energy Corporation. A decision made on December 15, 2004 and now formalized in writing. Since the Board of Commissioner is an entity, this new commission could still approve it. Commissioner Gentry made a motion to approve the Facts & Findings. Chair Andersen seconded. Motion carried unanimously. Exhibit A. Re: Tape 1-620.

Liquor License Transfer of Ownership for the Wild Pony- Renata Wilder

This item was heard on January 12, 2005 and the minutes approved at this meeting of February 4, 2005. Ms Wimberly brought to the commissions attention the fact that the tape recorder was not working and it presents an issue, in that, she had testimony in her notes that are not in the minutes. As part of the motion she asked that if the facts & findings confort with their recollection, as part of their motion reaffirm that those facts and testimony were given at that hearing. Commissioner Trujillo made a motion to approve the Facts & Findings. Commissioner Stublefield seconded. Commissioner Gentry added that due to the lack of an audible record and a lack of transcript, and, because this is a quasi judicial hearing, that as part of the record, the commissioners all agree the finding of fact was the testimony given as reported and that it becomes the record. Also, within the finding of facts the transfer was denied based on safety issue of the location and testimony given of the side road traffic and not the individual personal character or those facts. Making this a part of the record would substantiate the findings & fact and the motion would be in order as it stands. Chair Andersen called for the vote. Motion carried unanimously. **Exhibit B.** Re: Tape 1-775.

**Update on Valencia County Mobility Plan-Mid-Region Council of Governments.....
Loretta Tollefson**

Update on that the Mission/Vision Statement and Goals and Objectives out for public review. They have put together a handout of frequently asked questions and have had good coverage in the newspaper. They have sent copies to the local libraries and jurisdictions asking them to post the material and the comment form, and, it can also be found on the Mid Region Council of Governments website.

Chair Andersen said this was one of the most important happenings in the county right now. This will help us make intelligent decisions on roads, fire stations and give us a base on which to make important decisions that will affect the county for a long time to come. She thanked Ms. Tollefson and the Mid Region Council of Governments. **Exhibit C.** Re: Tape 1-911.

Final Action on Public Hearing held 1-12-05.

Amend Zone Maps from RR2 to RR1 for 427 Jarales-Manuelita Peralta.....Ruben Chavez

This request had been tabled at the January 21, 2005 Business meeting so that an error in the assessment maps could be fixed. Mr. Chavez presented a portion of the Assessor's map indicating where the error had been corrected. Also included in their packet was the actual survey of Manuelita Peralta as recorded in Cab K Page 821. Commissioner Gentry made a motion for acceptance of final action. Commissioner Stublefield seconded. Motion carried unanimously.

Exhibit D.

Re: Tape 1-1172.

Appoint Three Registered Voters for County Board of Registration.....Tina Gallegos

As per Section 1-4-34 NMSA 1978 the County Commission must appoint three registered voters who will constitute the County Board of Registration, along with two alternates. This board oversees the purging of inactive voters. This process takes three months and they get paid per diem. Ms. Gallegos supplied the commission with the 2003-2004 list and also names submitted by the Party Chairman of both parties. She needs three appointed board members and two alternates and should be balanced in party affiliation. Commissioner Stublefield recommended appointing Edgar Cooper, David Vickers and Albert Chavez as Board Members and Joan Artiaga, Lucy Holliday as Alternates. Chair Andersen made a motion to accept the appointments. Commissioner Stublefield seconded. Motion carried unanimously. **Exhibit E.** Re: Tape 1-1352.

Permission to Purchase Property for Meadow Lake Fire Department Expansion.....

John Cherry

Mr. Cherry requested permission to buy two ¼ acre lots to the west of the present building. He did not have a cost figure, but according to the Fire Chief, they were less than \$10,000.00 ea. Barbara Nickelson, one of the two owners, indication that she would sell for market value. Max Kiehne, from Meadow Lake Properties, who owns the other lot, indicated that he would sell for half the market value. There is \$120,000.00 in the Meadow Lake Fire Department cash reserve.

Commissioner Gentry suggested that County Manager Mike Trujillo work with the Fire Chief to get an appraised value from our appraisal and then get a market value and report back, prior to purchase. Vice-Chair suggested that Mr. Kiehne, with his knowledge of property in that area and what it costs, might be able to help.

Commissioner Stublefield made a motion to approve the request in order to get a market survey and specified that it is the two lots directly west of the Fire Department. Commissioner Gentry seconded. Motion carried unanimously. **Exhibit F.** Re: Tape 1-1753.

Approval of Contract with Elections Systems & Software, Clerks Office.....

Tina Gallegos

This is for the State Wide Voter File Contract between the Counties and Elections Systems and Software (ES&S). This contract is due in the Secretary of State's office on February 1st. Commissioner Gentry noted that the contract referred to sections, for price agreement, but did not show it and asked if it could be made available. Ms. Gallegos said it was on file in the purchasing department.

Vice-Chair Kirkham made a motion for approval of the contract. Commissioner Stublefield seconded. Motion carried unanimously. **Exhibit G.** Re: Tape 1-2046.

Resolution 2005-, Moratorium on Acceptance of Roads for Maintenance.....
Commissioner Andersen

Because of having nearly 1000 miles of dirt roads and putting a 4 inch base course of gravel in order to pave it, and, the cost of material been between \$30,000 and \$35,000 per mile, Chair Andersen was requesting approval of the moratorium. Decisions are sometimes made based upon emotions and not on priorities, she said. This moratorium asks that we not accept any more dedicated roads until the mobility study and the comprehensive plan are done and until we have an ordinance which lays out specific standards for roads.

Commissioner Gentry said the problem is accepting roads that are not up to standards. He suggested that instead of imposing the moratorium, that the commission say no to some of the roads. If they do not think a road is necessary and it's not up to standard according to road department, they can say no. A moratorium would send out a message that we are not progressive and not looking at development. He would support a policy with a road standard and repeal the previous ordinance., which says they can accept sub-standard roads. Then, we can put in the ordinance, our standards as we want. He was concerned with the safety of school bus route and emergency problems.

County Manager Trujillo anticipated a rough draft, of the road standards, within 30 to 40 days and hopefully ready for the commission's review within 45 to 60 days.

Vice-Chair asked Ruben Chavez if when a land split is approved, and there is ingress and egress on the plat approval, is the developer obligated to build the road to a certain standard? Ruben said that after the land split, no. What they require is a 40ft road, a cul-de-sac and a maintenance agreement. Improvements are not required until an address is issued.

All commissioners agreed that it was a huge problem and they needed to look for a lot of money for roads. \$100,000.00 per district is not enough, Commissioner Trujillo said, we need at least \$500,000.00 per district per year and unless we go to the taxpayers or pushed on the legislators to change the funding formula, this road problem would continue.

Commissioner Stublefield felt that a moratorium was not needed, but as commissioners, they have the opportunity to vote down a road that is brought to them. She wants the county manager's office to step up the road standards and get it in place.

Commissioner Gentry made a motion that instead of imposing a moratorium, they direct staff to hold all requests for acceptance of roads, until the ordinance to determine the standards has been approved by the commission. Commissioner Trujillo seconded. Motion carried unanimously.

Re: Tape 1-3361, continued on tape 2 & 3.

Financial Items:

Award Bid #567, Roof & Floor System Removal & Replacement-Jarales Community Center.....Mike Trujillo

Bids were received from 3 B's LLC for \$143,890.00 plus gross receipt tax and bid from Rivercrest Construction for \$172,495.00. County Manager recommended approval of 3 B's, LLC. Under statute, GRT @ 5.9375% needs to be paid separately from the bid amount, which leaves \$18,604.34 for other phases.

Vice-Chair Kirkham made a motion to approve. Commissioner Trujillo seconded.

Commissioner Gentry wanted it clarified that these funds were past legislative appropriations community contributions and not out of our operating budget. He wants the commission to advance those projects where there's money sitting in legislative appropriations and various assets that have not been spent over the last 4-5 years. Chair Andersen called for the vote. Motion carried unanimously. **Exhibit H.** Tape 3-955.

Award Bid #568, Sale of Tanker Truck, Rio Grande Estates Fire Department.....John Cherry

This item had been approved by the commission and had been advertised for sale. Mr. Cherry recommended the bid from E. Dale Grant for \$5,156.00. Commissioner Stublefield made a motion to approve. Commissioner Trujillo seconded. Motion carried unanimously. **Exhibit I.** Re: Tape 3-1232.

Resolution 2005-17, Transfer Interest Payment JudicialMichael Steininger

Authorizes a transfer of funds from the Treasurers office to where expenses were budgeted. Chair Andersen made a motion to approve. Commissioner Stublefield seconded. Motion carried unanimously. **Resolution 2005-17. Exhibit J.** Re: Tape 3-1434.

Resolution 2005-18, Increase Road Paving-La Merced a.k.a. Alame Road.....Michael Steininger

Authorizes a 2004-2005 Legislative Appropriation line item to be incorporated into the budget that was approved last July. Vice-Chair made a motion to approve. Commissioner Trujillo seconded. Motion carried unanimously. **Resolution 2005-18. Exhibit K.** Re: Tape 3-1750.

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

Warrants totaling \$276,262.16 and Payroll totaling \$246,269.71 were presented to the commission for approval. General Fund balance is \$3,168,320.70. Vice-Chair Kirkham made a motion to approve. Commissioner Stublefield seconded. Motion carried unanimously. **Exhibits L,M,N.**
Re: Tape 3-1890.

County Manager's Report

A 2005 Legislative conference will be held on March 4-8, 2005 in Washington, DC. If any commissioner planned to attend let Marilyn know so that she can make reservations.

Legislative Update: Capitol Outlay projects have been submitted and is finalizing some backup information. A bill has been introduced to increase the Procurement Code to \$10,000.00 for a direct purchase order. Another bill generated by the Hicarria ApacheTribe has to do with taxing their elk herd. This bill exempts all animals in the state so that they cannot be taxed. Commissioner Gentry suggested that County Manager Trujillo talk with the legislators and make sure the impact is not negative to the county.

The Adult Detention re-imbursement for state prisoners bill has been introduced and he will be following it.

Bill #414 deals with animal control establishing euthanasia standards, establishing a state board to oversee local animal control shelters.

Three items coming up are:

1. Code of Conduct
2. Personnel Ordinance
3. Comcast

An officer had been assaulted in segregation unit by an inmate. He was not seriously hurt, but was a serious breach of procedure.

Mike will develop a commissioner agenda item form, as well as a constituent complaint form.

Commissioner Gentry suggested instead of attending the Washington, DC conference, the County Manager look into hiring two or three technical research assistants, or analysts, that can codify our ordinances, for example.

February 8, 2005, Special Meeting, Board of Realtors at 9:00 AM (breakfast invitation)

By three or more commissioners attending informational meetings, would not be violating the Open Meetings Act, because they would not be making decisions or discussing county policies

Attorney Cynthia Wimberly's position, is, that if they were to take the Open Meetings Act to the extent that the Foundation for Open Government wants them to, then the commission's hands are tied. As long as they understand, that the Attorney General is also fairly restrictive on how they repel the meetings act. Any time that a quorum is there and public policy is discussed, then the safest thing to do is notice it. Tape 4-870.

The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on February 9, 2005 at 5:00 PM in the County Commission Room at the Valencia County Courthouse. The next Business Meeting on February 18, 2005.

Adjournment 11:00 AM

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, February 4, 2005 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 18, 2005