

VALENCIA COUNTY BOARD OF COMMISSIONERS

Business Meeting

March 18, 2005

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	

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

Chairman Andersen asked Jane Moorman to lead the Pledge of Allegiance.

Approval of Agenda

Mike Trujillo, County Manager discussed two items on the agenda with the Commission, duplication of Lot 53,53 Item 7,I-2 and Item 7, H to be discussed in executive session and Item 7, G Findings & Conclusions be deleted. Chairman Andersen approved the amended agenda without objection.

Approval of Minutes

February 18, 2005 – Business Meeting

March 4, 2005 – Business Meeting

Mr. Trujillo discussed minor corrections with the Commission. Commissioner Stublefield moved for approval. Seconded by Commissioner Trujillo. Motion carried unanimously.

Public Requests

None

DISCUSSION (NON-ACTION) ITEMS

Presentation Valencia Regional Tri-sect landfill – Marlene Feuer

Marlene Feuer, Marketer and Manager for Public and Government Affairs for Waste Management of New Mexico gave an update for Waste Management because at the last meeting six months ago this Commission (now with new faces) had asked as the facility progressed to come back and give a presentation. Ms. Feuer stated this company is a franchise hauler in Valencia County and also owners and operators of Tri-sect Landfill which has been renamed Valencia County Regional Landfill and Recycling Facility. Ms. Feuer introduced Terry Nelson, District Manager and Jim Jordan, Consulting Environmental Engineer who were with her and asked if anybody had any technical questions to direct them to these two gentlemen. Discussion ensued on the history of the landfill. Ms. Feuer said an application had been submitted to NMED last April 2004 to permit the facility. This is for a 10 year permit and is in accordance with all the requirements of the New Mexico Environmental Department. Ms. Feuer said they will be having public hearings now in the summer in regards to permitting. Projected operating hours will be from 6:30 AM to 5:00 PM Monday thru Friday and when there is enough volume to operate, the facility will be opened on Saturday from 7:30 AM to 1:00 PM. **Exhibit A**

Report on Law Enforcement PERA Election – Sheriff Richard Perea

Mr. Perea reported that on March 2, 2005 an employee election for PERA Plan 5 was held and out of the 29 eligible, we had 26 votes cast for the plan, 1 against and 2 employees that were eligible did not vote. Mr. Perea stated he did submit the tally to the PERA board and on March 30, 2005, we will find out the results for this plan.

Commission Communication/Questions – County Commissioners

None

Reports from Boards, Commissions & Committees – County Commissioners

None

ACTION ITEMS

Board of Commissioners convene as Indigent Board

Indigent Appeals/Reports

Commissioner Trujillo made a motion to convene as the Indigent Board. Seconded by Commissioner Stublefield. Motion carried unanimously.

Mr. Trujillo reported on behalf of Barbara Baker. There were two indigent appeals, Terry Carrillo & David Larryn. Mr. Trujillo recommended approval for both appeals. Commissioner Kirkham made a motion to approve Terry Carrillo's appeal and David Larryn's appeal only for the Albuquerque Ambulance and not the amount for the Jackson Madison County General Hospital. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Kirkham voted yes. Commissioner Gentry voted no. Commissioner Stublefield voted no. Chairman Andersen voted yes. Motion carried. 3-2.

Mr. Trujillo presented the indigent claims from February 4, 2005 to March 4, 2005. There were 116 claims submitted and 32 applicant denials. Total amount of claims submitted \$414,480.18 and Ms. Baker's recommendation is to approve \$75,949.71 and to deny \$338,530.47. Commissioner Trujillo moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously. **Exhibit B**

Re-Convene Board of County Commissioners

Commissioners reconvened as Board of County Commissioners. Motion carried unanimously.

Resolution 2005-24, Safe Route to Schools Program, Rio Del Oro Path – Jacqueline Guilbault

Ms. Guilbault gave a brief background on VIA and Valencia County as partners which provides bicycle paths in Rio Communities. Ms. Guilbault requested approval of the resolution relating to bicycle and pedestrian paths, making application to the New Mexico Department of Transportation for pathways in the Rio Del Oro area. Commissioner Kirkham move for approval. Seconded by Commissioner Trujillo. Motion carried unanimously. **Exhibit C**

Resolution 2005-25, Adopting the 2005-06 County Road Improvement Program – Dan Trujillo

Dan Trujillo requested approval of the resolution adopting the 2005-06 County Road Improvement Program. Commissioners discussed the scope of work for each of the itemized roads with deletions or additions. Commissioner Gentry moved for approval. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit D**

Resolution 2005-26, Adopting the 2005 Annual Certified County Maintained Mileage Report – Dan Trujillo

Mike Trujillo requested approval of the resolution adopting the 2005 annual certified county maintained mileage report. Commissioner Trujillo moved for approval.. Seconded by Commissioner Kirkham. Motion carried unanimously. **Exhibit E**

Ordinance 2005-1, Relating to Personnel, Amending Personnel Policy Manual – Mike Trujillo

Commissioner Kirkham moved for approval amending the personnel policy manual to strike the following language, Division Directors consisting of the Road Superintendent, Older American Director and the Fire Marshall. Seconded by Commissioner Trujillo. Motion carried unanimously.

Commissioner Trujillo moved for approval for the acceptance of the ordinance as amended, relating to personnel, amending the Valencia County personnel Policy Manual dealing with appointees, creating administrative department directors. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit F**

Ordinance 2005-2, Relating to Cable System Franchise, Comcast of New Mexico, Inc. – Mike Trujillo

Mr. Trujillo on behalf of Ken Schultz who was unable to attend requested approval for the ordinance relating to the cable system franchise. Commissioner Gentry moved for approval of the ordinance. Seconded by Commissioner Trujillo. Motion carried unanimously...**Exhibit G**

Final Action on Public Hearings held on March 9, 2005 – Cyndi Wymberly

C1 to C2-Tr. 1 Land of Tr. 72B2A & Tr. 72B1, AKA 22 & 24 El Cerro Road/Richard Becker

C1 to C2 – Tr. 1 & 2 Bobson's Unit D Inc. AKA 17 & 19 El Cerro Road/Richard Becker

Commissioner Kirkham moved for approval for final action on the public hearing held on March 9, 2005 with regard to the zone change from C1 to C2 El Cerro Road for Richard Becker. Seconded by Commissioner Trujillo. Motion carried unanimously.

Commissioner Kirkham moved for approval for final action on the public hearing held on March 9, 2005 with regard to the zone change from C1 to C2, Bobson's Unit. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit H & I**

Master Plan Amendment Unit 2 of El Cerro Mission Located off El Cerro/Van Camp Investors

Commissioner Kirkham moved for approval of the master plan. Seconded by Commissioner Stublefield. Discussion. Motion carried unanimously. **Exhibit J**

Error in Zone Map Tr. Of land being a part of 19, 29 & 30 Casa Colorado/Toby Romero

Discussion from the Commission.

Commissioner Gentry moved for approval to grant the zone request for Mr. Romero. Seconded by Commissioner Stublefield. Commissioner Gentry voted yes. Commissioner Trujillo voted no. Commissioner Stublefield voted yes. Commissioner Kirkham voted yes. Chairman Andersen voted no. Motion carried 3-2.

Exhibit K

Consideration of Donation of Property to County – Mike Trujillo

Rio Grande Estates-Unit 12 Blk 294 Lot 23, Unit H Blk 96 Lot 13-14

Unit 15 Blk 335 Lot 24, Unit 3 Blk. 65 Lot 19-20, Unit H Blk. 956 Lot 3-4

Unit 11 Blk 257 Lot 8

Rio Del Oro – Unit 7 Blk. 22, Unit 7 Blk. 33 Lot 15, Unit 57 Blk. 40 Lot 11

Unit 6 Blk 39 Lot 2, Unit 7 Blk. 22 Lot 44,45,46,52,53

Unit 8 Blk. 79 Lot 21, Unit 3 Blk. 42 Lot 4, Unit 43 Blk. 55 Lot 33

Rancho Rio Grande – Unit 1 Parcels 102 & 164

El Monte Estates – Lot 107

Canyon Del Rio – Unit 2 Blk 47 Lot 1 & 2

Mr. Trujillo stated the practice in the past has been if anyone donated property to the County, the County Manager accepted the application and signed off on it. Mr. Trujillo said this should come before the Commission. The Commission is the Board of Finance and in charge of all real property on the County's behalf. We need to set a standard policy to accept property donations. Mr. Trujillo also said we need a map showing the location of these properties. Discussion ensued. Commissioner Gentry said we know where these properties are at and these are ¼ acre or ½ acre parcels that people have abandoned. Commissioner Gentry moved that this Commission does not accept these types of properties. Seconded by Commissioner Trujillo. Motion carried unanimously.

Request on Road Issues – Shawn Ct & Lake View Acres pathway – Ruben Chavez

Mr. Chavez gave a background information on Shawn Court which is off of Miller Road by the prison. There are several issues regarding Shawn Court and map information shows Shawn Court is in the wrong place. Because alignment requires acquiring additional land so this is before the Commission to ask approval to proceed. Commissioner Trujillo stated we have two options, one have the property owner hand it over to the County or proceed with condemnation and pay the property owner fair market value. Mr. Chavez stated the first option was out. Mike Trujillo said the second option the County could do is to get an appraisal and then negotiate with the property owner and proceed. Discussion ensued. No action taken.

Mr. Chavez said the second issue was Lake View Acres. This subdivision has a 15 ft. alley or path. The actual property line is inside that corner and the property owner cannot mortgage because of an encroachment. We have two options, one is to abandon the 12 to 15 ft around this subdivision, or do nothing. Mike Trujillo stated that the main maintenance roadway is on the opposite side of the ditch and there is where the County would want to put the pathway. This is the only part the County owns that we are aware of in the entire length. Chairman Andersen said for Mr. Chavez to discuss the bike path with the Middle Rio Grande Conservancy. Mike Trujillo said the concerns from some Commissioners as to why we are looking at these sort of issues, it goes with the real property issues where people want to donate land to the County. We have been advised that we are encroaching on their land and they cannot close on a mortgage because their building is on County land. We need policy to set these types of issues. Commissioner Gentry said his concern is getting into title business and issues with easements and fixing encroachments and we have other business to take care of. Commissioner Kirkham said if the title company took this issue as an exception to the policy, they are not responsible for anything that happens within or around or because of that easement. Commissioner Kirkham asked counsel what would happen if the County signed an encroachment agreement? Ms. Wimberly said the County would understand that there is an encroachment on our property, and we are not assuming any liability. Ms. Wimberly said this raises an anti-donation issue that counsel is not comfortable with. Commissioner Kirkham made a motion that we don't do anything about this issue as recommended in discussion with Mr. Chavez. Motion died for a lack of a second. No action taken. **Exhibit L**

Approval Service Agreement – Mike Trujillo

Terracon Closure/Post Closure Plan for County Landfill-Belen

Commissioner Stublefield moved for approval for the service agreement with Terracon. Seconded by Commissioner Gentry. Motion carried unanimously. **Exhibit M**

Approval for Volunteer Firemen's PERA Applications – John Cherry

Mr. Cherry requested approval of the firemen's PERA applications for those who are qualified. Commissioner Stublefield moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. **Exhibit N**

Financial Items:

Resolution 2005-27, Approval of Agreement with NCNMEDD for Nutrition Services – Mary A. Gonzales

Mr. Steininger on behalf of Ms. Gonzales requested approval of the resolution agreement between North Central New Mexico Economic Development District Area Agency on Aging and Valencia County. Commissioner Stublefield moved for approval. Seconded by Chairman Andersen. Motion carried unanimously. **Exhibit O**

Resolution 2005-28, Indigent Fund Budget Transfer – Barbara Baker

Mr. Steininger on behalf of Ms. Baker requested a budget transfer to cover expected expenditures for the Indigent Fund. Commissioner Trujillo moved for approval. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit P**

PERA Employee Payback-Adren Nance

Ms. Wymberly briefed the Commission on the PERA issue. There are two past employees that the County is researching to which the County is liable. Discussion ensued. Commissioner Gentry made a motion to defer this item to legal counsel and administration for research the records as far

back as possible and the cost and present to the Commission options. Seconded by Commissioner Kirkham. Motion carried unanimously. **Exhibit Q**

Approval of Payroll & Warrants-Michael Steininger

Mr. Steininger presented the computer printout list of all the checks issued by the Manager's Office on March 11, 2005 covering vendor bills processed on that date. Check #80176 thru Check #80292 inclusive for a total of \$364,488.22 Mr. Steininger presented the computer printout list of all the checks issued by the Manager's Office on March 18, 2005 covering payroll process on that date. Payroll Check #66289 thru Payroll Check #66510 inclusive. Deduction Check #80293 thru Deduction Check #80323 inclusive for a total of \$248,195.67. Cash balance as of March 16, 2005 is \$2,521,461.02. Commissioner Trujillo moved for approval. Seconded by Commissioner Stublefield. Motion carried unanimously. **Exhibit R & S**

Executive Session

Evaluation of County Manager – Mike Trujillo

Commissioner Stublefield made a motion to enter into executive session. Seconded by Commissioner Trujillo. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Commissioner Stublefield voted yes. Motion carried.

Commissioner Trujillo made a motion to enter into regular session. Seconded by Commissioner Stublefield. Commissioner Trujillo voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Commissioner Stublefield voted yes. Motion carried.

Chairman Andersen reported during executive session discussion was the liquor license transfer at the Wild Pony Bar located in Los Chavez. The Alcohol and Gaming Director repealed the County's decision that was made at the February 4, 2005 meeting and granted the license. The Commission has (30) thirty days to appeal. The Commission decision was to appeal for a restraining order against the opening of the establishment. Commissioner Kirkham made a motion to direct the County Attorney to file a restraining order. Seconded by Commissioner Stublefield. Motion carried unanimously.

Chairman Andersen reported also during executive session discussion on the evaluation of the County Manager, Mike Trujillo. Chairman Andersen made a motion to approve the extension of Mr. Trujillo's contract for two years with the stipulation that he reside in Valencia County. Seconded by Commissioner Trujillo. Motion carried unanimously. **Exhibit T**

COUNTY MANAGER'S REPORT

Judicial Complex Report

Juvenile Detention Facility Report

Mr. Trujillo reported on the above items with regards to the legislative session.

The next Business Meeting of the Valencia County Board of County Commission will be held on April 1, 2005 at the Los Lunas Consolidated School Board Meeting Room at 9:00 AM.

Adjournmen

Commission adjourned at 1:00 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the March 18, 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: April 1, 2005