

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

August 16, 1999

M I N U T E S

The Regular Meeting of August 16, 1999 was called to order by Chairman Alicia Aguilar at 4:30 PM.

PRESENT	ABSENT
Alicia Aguilar, Chairman	
Aurelio H. Padilla, Vice-Chairman	
S. T. Frank Pando, Member	
Eloy Giron, Member	
Helen Baca, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Kandy Cordova, County Clerk	
Press and Public	

EXECUTIVE SESSION

County Clerk Kandy Cordova read the agenda of the Executive Session as presented. Chairman Alicia Aguilar said Edwin Esquibel; the Adult Detention Administrator will be called into the Executive Session to discuss personnel matters.

Commissioner Frank Pando made a motion to approve the items for discussion for the Executive Session. Commissioner Al Padilla seconded the motion. Motion carried.

Commissioner Frank Pando made a motion to go into Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

Commissioner Eloy Giron made a motion to return from the Executive Session. Commissioner Frank Pando seconded the motion. Motion carried.

Carol Anaya said during the Executive Session, discussion was held on the following:

NEW HIRES:	Gabriel Facio Joseph Corey Neal Brown Mark Lovato
Part-time: Pending pre-employment physicals, drug tests and background checks.	
TRANSFERS:	Gerald Garcia Richard Garcia Anne Jojola

Commissioner Frank Pando made a motion to ratify action taken during the Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

County Attorney Tom Garde said, "During the Executive Session we discussed a number of items with regards to pending litigation. We discussed a potential lawsuit with regards to the adoption of an animal from Animal Control. We discussed a current lawsuit with regards to easement on Diebold Lane. We discussed the current litigation between the County and the Village of Los Lunas. We discussed a Writ of Mandamus requested concerning the Bonito Land & Cattle Co. against the County and lastly we discussed the appeal by Sun Valley with regards to the zone decision made by Judge Sanchez in District Court. No action was taken on those items."

Chairman Alicia Aguilar said the Adult Detention Administrator, Edwin Esquibel was also called into the Executive Session to discuss some personnel issues and no action was taken on those issues.

Commissioner Al Padilla made a motion that what was disclosed was all that was discussed in Executive Session. Commissioner Eloy Giron seconded the motion. Motion carried.

INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

Chairman Alicia Aguilar introduced Commissioner Frank Pando, Commissioner Eloy Giron, Commissioner Al Padilla, Commissioner Helen Baca, County Manager James Fernandez, Carol Anaya, County Attorney Tom Garde, County Clerk Kandy Cordova, Paula Weathersby, Sheriff Juan Julian, Mike McCartney, Mary Lou Chavez, Secretary of the Belen Chamber of Commerce, Cindy Long, President of the Belen Chamber of Commerce, Dave Pennington and Tony Abbo from the New Mexico Highway & Transportation Dept., Arley Sanchez from the Albuquerque Journal and Clara Cano from the Valencia County News Bulletin.

PLEDGE OF ALLEGIANCE

County Manager James Fernandez led the Pledge of Allegiance.

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the agenda as presented. Mike McCartney asked to add the Findings of Fact and Conclusions of Law on the Mariposa Subdivision to Item C (Public Hearings/Final Considerations). John Cherry requested to add, under EMS Ordinance, permission to advertise an amendment to an existing ordinance.

Tom Garde said, "The procedure is that we must have a request to the Commission to provide for publication. Is this ordinance with regards to EMS?" Chairman Aguilar told Mr. Cherry he would need to make a request to the County Manager for it and then this Commission would place it on the agenda for action. The County Attorney said he would prefer that procedure. He has not had a chance to review the ordinance that has been drafted.

Commissioner Frank Pando requested that Item A (Proclamation/100th Birthday, Silverio Sais) be placed on the agenda before Public Requests.

Commissioner Frank Pando made a motion to approve the agenda with the suggested changes. Commissioner Pando withdrew his motion.

Chairman Alicia Aguilar said Mr. Ronnie Baca is here to make a presentation to the Commission. He lives on BerBen Road and he has videotape to show the Commissioners. She said they would place him on the agenda before the Highway Dept.

Leonard Garcia asked to speak to the Commission under Public Requests.

Sheriff Juan Julian requested permission to discuss negotiating contracts for civil service under Public Requests.

Commissioner Frank Pando made a motion to approve the agenda with the changes. Commissioner Eloy Giron seconded the motion. Motion carried.

APPROVAL OF MINUTES

The Minutes of August 2, 1999 were presented for Commission approval. Commissioner Eloy Giron made a motion to approve the Minutes of August 2, 1999. Commissioner Helen Baca seconded the motion. Motion carried.

(A) PROCLAMATION/100th Birthday, Silverio Sais

Commissioner Frank Pando presented a Proclamation in honor and celebration of Mr. Silverio Sais' 100th Birthday. His birthday is August 31. Mr. Sais is in the hospital and was unable to attend the meeting however his family attended on his behalf. Commissioner Pando said he has lived next to Mr. & Mrs. Sais and Cathy for many years and you couldn't ask for better neighbors.

County Clerk Kandy Cordova read the Proclamation as presented. It proclaims August 31st as Silverio Sais Day in Valencia County.

Commissioner Frank Pando made a motion to approve the Proclamation. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit A)**

PUBLIC REQUESTS

Ronnie Baca spoke to the Commission as a representative of the people who live on BerBen Road. He showed the Commissioners a video of the problem they are having. He said the road has been modified so that two vehicles can no longer pass each other on the road. He said BerBen Road is a County Road and Steven Otero has taken 16 feet of the road for his own convenience. He stretched his property line to the middle of the road.

Mike McCartney said Harvey Phillips did a survey that indicated that the road was correct. This was done during the previous administration. Mr. McCartney said the previous County Manager instructed him to accept the survey as presented. Mr. Baca said he is aware of the original deed that was made in 1962.

Chairman Aguilar said, "Mr. Baca called me today and he mentioned that because of the storage units, he has narrowed the road until it has caused problems for emergency vehicles coming and going. Because of the narrowness and the slope, it is also creating some flooding problems." Ronnie Baca said Mr. Otero modified on the east side of the property, which is State property, with a tractor and put a trench to where everyone down the hill has to deal with his water problems as well as their own water problems. He said he had water all around his house. His dogs were sitting in water in his front yard.

Mike McCartney said the County ordered the survey and it was accepted by the Road Superintendent and the County Manager. It was not James Fernandez or Louie Pena. He said he was told to stay out of it.

Ronnie Baca asked the Commission to have Steven Otero move his fence back to the property line where it exists in accordance with the deed that was made out by the original owners, Mr. Sedillo.

Chairman Aguilar recommended, since it is under Public Requests and no action can be taken, that Mr. Baca meet with County Manager James Fernandez, bring all of the information and see if they can get the facts together and come up with a solution to the problem.

Diane Martinez and Domingo Blea also spoke regarding this issue.

County Attorney Tom Garde stated, "I reviewed Mr. Baca's concerns. Due to potential litigation, I don't want to disclose what is going on, but my attention was not diverted to the 1962 survey. That's critical and needs to be addressed."

Leonard Garcia, from the MeadowLake Association spoke again to the Commission regarding the Bonito Land & Cattle Co. He said this Commission restricted them to 8 loads per day and on Saturday they took out 20 loads of gravel. They have taken out 15 to 18 loads per day and

Mr. Garcia reported it to Mike McCartney. He asked if he was supposed to monitor the trucks or is the Commission going to appoint someone to monitor the trucks.

Chairman Aguilar told Mr. Garcia that the Commission was looking into this issue.

Commissioner Eloy Giron said he received three or four calls on this issue. He said it was addressed briefly in Executive Session, however when this issue was approved he said it was approved with some conditions and one of the conditions was that he was going to have to disclose how much he is going to be taking out."

Chairman Aguilar said, "There is a subdivision called Manzano Mountain Ranch to the south." Mike McCartney said, "Mr. Garde was in my office and we discussed advising Mr. Kiehne as well as the companies that signed off on the appeal to uphold what was directed towards them until the appeal was settled. Mr. Kiehne's response was that he didn't run for forty days so he thinks he can justify running in two or three days what he didn't run for forty days. Of course that is not true, but that is his justification. Cal-Met came down here and they indicated they had over 100,000 tons of already processed gravel and they were going to take it out of there one way or the other. They preferred not to go against the county, but they really had no choice because of the finances involved."

Commissioner Eloy Giron said, "Since there were some disclosures on how much material they would be able to pull out, could you update the Commission on this?" Mike McCartney said, "There was another complaint about the cloud of dust this morning. I referred the gentleman to the EPA and the Environmental Dept. He did contact Salomon Romero who was going to call the State Air Quality Control. There are other entities looking into Mr. Garcia's concerns."

Sheriff Juan Julian informed the Commissioners that the Sheriff's Dept. is responsible for serving the Writs of Execution, Subpoenas, Garnishments and Summons. The problem they are having is trying to keep up with all of them. He had discussed with Commissioner Pando the possibility of going out for RFP for contracts to have a private individual serve these documents for them. In July alone, he had one deputy tied up trying to serve 90 pieces of civil documentation. Sometimes it takes two or three trips to get the papers served. He would like to meet with the County Manager and the County Attorney and see if a contract could be drawn up to get these papers served.

Kandy Cordova stated today is Paula Weathersby's birthday and she is celebrating by taking the Minutes for the Commission Meeting. She said she promised not to reveal her age.

(B) NEW MEXICO STATE HIGHWAY DEPARTMENT UPDATE

Dave Pennington and Tony Abbo made a presentation to the Commission regarding the I-25 to New Mexico 47 River Crossing Project. Phase A was completed in mid-1998 and identified 7 potential alignments as well as recommending 4 alignments for consideration. Phase B is scheduled for completion in mid-2000.

He showed slides of the four alignment alternatives and presented an outline for the project.

(See Exhibit B)

Discussion was held with the five Commissioners participating as well as members of the audience.

Commissioner Eloy Giron asked whom the Highway Dept. would be making their recommendations to. Mr. Pennington said, "The recommendations will be presented to the design team and the design team consists of representatives from the Federal Highway Administration and New Mexico State Highway and Transportation Dept. The recommendations will be those of the consulting engineering firm that is doing the study. What we will do with these recommendations is take the recommendations to the public and the public will include the neighborhoods and other community groups that are affected by the project. We would likely hold community wide public information meetings like we did a couple of months ago. We would also bring it by this body if you so choose for your feedback on our recommendations as well. Ultimately the decision on this project rests in the hands of the Federal Highway Administration, as they are the responsible agency and the one authorizing the federal funds for the project. The Federal Highway Administration will not take action without very serious consideration of what the local elected officials and the community desires."

Chairman Alicia Aguilar said, "All of these alternatives or corridors fall in my district, as far as from Southern Los Chavez all the way to Morris Road. I've been doing quite a bit of homework on it. I've also met with the Highway Dept. and Mr. Pennington. First I'd like to mention that there was a hearing that was held at the school in Tome about two months ago, at which time the Mayor of Los Lunas made a presentation and said he was not taking a position and that the Council had not made a decision on this. I went back and I did find Resolution 95-10 that was signed by Richard Aragon, Mayor of the City of Belen, Sally Garley, Carl Allen, Mayor of the Village of Bosque Farms, Louis Huning, Mayor of the Village of Los Lunas, Phillip Jaramillo, Clerk, Salomon Montano, Chairman of the Valencia County Commission." Chairman Aguilar then read the resolution. **(See Exhibit C)**

She said, "This was done back in 1995 and my whole concern in doing this is, I heard about this a year ago and I went back and asked, this was initiated years and years before, you can't just have a study that starts in two or three years and we have a river crossing. As I mentioned these are in my district and I think it's important that the public know that the resolution is already in place, but I also feel that it's important that I make my comments for my constituents in Los Chavez and

comments that I have made to the Highway Dept. The human factor here is extremely important to me as far as relocating families that would not be able to stay in the same community and creating an impact that would totally change their way of life. That's very important to my constituents and me. I think it is important that the Highway Dept. know where I stand."

Dave Pennington said they had received about 230 comments on this project. That is an unusually high number for a project. Even though they requested that the comments be sent in by July, they continue to come in on a daily basis. It is a clear indication of the importance of this project. They are reviewing the comments closely and it is helping to shed light on issues and they are giving them due consideration.

Chairman Aguilar said she believes that Valencia County should be very involved since the corridors fall in the unincorporated areas of the County. She said, "I think Valencia County should be very involved in input before any final decisions are made, even though this resolution says that the Village of Los Lunas is the lead agency. I think that it wouldn't be fair to the citizens of Valencia County that have given so much of their time and concern to attend meetings and to respond and share their concerns on these issues if they didn't have the opportunity to be heard before finalization of any issues."

Ray Garcia said, "I'm from Tome and I'm here with about twenty families from Tome and I want to piggyback on what you said. This is really important to us in Tome. We've come before you a bunch of times and we've even been accused of being arrogant because we're so loud. We're very well educated and we really care about Tome. Anything we've said, nothing has been personal, and it's just that this is a very important issue to the people of Tome and Adelino and Los Chavez. We've been in touch with the people from Los Chavez quite a bit and they don't want this bridge either. We have serious problems with the bridge. We're not going to allow a bridge through the heart of Tome. We're going to do everything we can to stop it from splitting, going right by the church and through the acequia madre of Tome. People think about this as not just an abstract thing. It's just a bridge. It is going to affect human beings. It's going to affect these families right here. It is going to have a big impact on our community, so we have a real problem with this bridge. The one that is going to separate Adelino from Tome, we're sister communities. That's another big problem. Before we allow or embrace any kind of a bridge, we want to see what the affect is going to be on Tome including Highway 47. All of these things terminate on Highway 47. We think also how this affects the comprehensive plan that you guys are working on right now. So many mistakes were made in the past, let go of all of this stuff. We have serious problems with all of them and until we get some answers, that's our position. One thing you didn't mention was the no build option and that was told to all of us that was an option as well. I think the Belen Chamber and the Los Lunas Chamber, well, we're your neighbors, we live there. This is going to have a big affect on us and it is nothing personal. We have a right to be treated with some respect."

Judy Romero and Al Leath contributed to the discussion.

Chairman Aguilar said she took a drive down Peyton Road, which is one of the alternatives and tried to visualize if they had to relocate all those families and they wanted to stay in Los Chavez, they would not have that option, but we have to be realistic that the Commission is planning for the next twenty years. She asked Mr. Pennington to come back before the Commission as the alternatives are eliminated, even though the resolution says Los Lunas is the lead agency. The affect is on the citizens of Valencia County.

(C) PUBLIC HEARINGS/FINAL CONSIDERATIONS:

Ordinance Repealing Ordinance 96-02, Collection of Solid Waste

County Attorney Tom Garde stated, "This is the final public hearing with regards to the notice to repeal the existing Solid Waste Ordinance that was adopted in 1996. It provided for the exclusive franchise, which was ultimately granted by assignment to solid waste. The intent of this ordinance is to repeal the 1996 ordinance. The intent of the ordinance is set to expire on September 1st of this year."

"By law and by repealing this ordinance, this ordinance will not go into effect until 30 days after today's date, however the contract will expire September 1st. The Commission is in the process of adopting a new Solid Waste Collection Ordinance, that I understand will be done next week."

Chairman Aguilar asked if it was the recommendation of the County Attorney to take action on this item. The County Attorney said, "For all intents and purposes if this Commission adopts this ordinance, without this Commission adopting this ordinance, the ordinance will end September 1st, so I believe this Commission should take action on this repeal. This Commission is well aware that it intends to adopt a second ordinance with regards to the collection of solid waste. I recommend that this Commission adopt this repeal at this time."

Commissioner Eloy Giron made a motion to repeal Ordinance 96-02. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit D)**

EMS Ordinance

Valencia County Fire Marshal John Cherry said this should be the final hearing on the proposed EMS Ordinance. He said he received a telephone call from Mr. Vince Martinez with the Department of Transportation and the only area of concern with the new ordinance is Section 4, the Reimbursement Cost. Mr. Cherry said, "Mr. Martinez and I had quite a conversation. The Department of Transportation is against the wording of this, but they are in favor of our intentions."

What Mr. Martinez asked us to do is put a contingency on this and change the language to say that the ambulance companies can physically replace supplies rather than a cost."

County Attorney Tom Garde said, "The initial concern was that we could not charge in essence, a fee for them providing services. What we felt was a reasonable solution was the reimbursement cost to the County. Given the concerns that have been addressed, at this point it sounds very reasonable that they replace what they use. I would rather the Commission table this until the next meeting so that we can discuss with them the language that they would deem appropriate. It sounds like a position that is more verifiable than us charging the fee without knowing what the actual cost is."

Commissioner Al Padilla made a motion to table this item until September 7th at 10:00 AM. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit E)**

Commissioner Eloy Giron was not in the room for this vote.

Place Moratorium on 3 or More Lot Splits

Mike McCartney presented Resolution 99-37 for Commission approval and said this is the second hearing to put a moratorium on lot splits of 3 or more (summary reviews) within the unincorporated jurisdiction of the Valencia County Board of County Commissioners until November 15, 1999, with a provision that the moratorium be extended for another 90 days if necessary.

Mr. McCartney said they wanted to revise the summary review process to where some of the requirements that apply to summary review also apply to the subdivisions.

Commissioner Frank Pando made a motion to approve Resolution 99-37. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit F)**

Mike McCartney presented the Findings of Fact and Conclusions of Law for Mariposa Subdivision. He said in the last six months they have written up Findings of Fact and Conclusions of Law, with the help of the County Attorney, regardless of whether the subdivision was approved or disapproved. These documents are to be recorded in the County Clerk's Office so they can become public records.

Chairman Alicia Aguilar made a motion to approve the Findings of Fact and Conclusions of Law for the Mariposa Subdivision. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit G)**

(D) COUNTY MANAGER'S REPORT

County Manager James Fernandez reported on the following items:

- 1) This is a carry over item from the last Commission Meeting in terms of seeking clarification from the Dept. of Finance and Administration on whether the County will have the ability to contribute to the Boys and Girls Club as well as awarding money to Youth Development Inc. They did check with the Dept. of Finance in regards to the Boys & Girls Club. The County would be prohibited from contributed to the Boys & Girls Club as long as they charge any fee to their participants. Mr. Fernandez made the Boys & Girls Club aware of this. In terms of Youth Development, Mr. Fernandez received a letter from Kathy Chavez. The \$30,000.00 they are requesting would be used solely for the purpose of youth employment and would go to participants only and not to cover the salary of any particular job developer. Under those stipulations, the County can go ahead and contribute to Youth Development. Commissioner Frank Pando expressed concern due to the fact that he thinks youth who do not get into trouble but maybe they come from a poor family should also receive consideration. He said it seems the only ones considered for these positions are the youth who get into trouble or quit school. Chairman Aguilar said she met with Kathy Chavez and they have the Stay-In-School Program as well as the Workforce Development. That is an independent program for part-time job placement in the private sector designed to enhance youth skills in the working community with the possibility of permanent employment. She mentioned that it is not just for at-risk students, it is for all students.

Commissioner Frank Pando made a motion to send YDI a letter of award of \$30,000.00. Commissioner Eloy Giron seconded the motion. Motion carried.

- 2) Commissioner Aguilar received information from the Federal Emergency Management Agency. Copies were also made available to each Commissioner as well as Steven Chavez the County Planner, Richard Chavez the Rural Addresser, Mike McCartney and Richard Padilla. Chairman Aguilar said this was the final information that will also be available to all of the surveyors and the public so that they will be informed of what maps are being used. Chairman Aguilar said she also received a copy of a letter from FEMA to Mayor Louis Huning of the Village of Los Lunas. They appealed their FEMA Study and the letter indicates that their appeal has been denied. It also gives them instructions as to the process. It looks like any changes in the maps will become effective in January 2000. The County has a few months to amend their ordinance and bring it up to date and establish the elevations. The entire County goes in an AE area and also there is a determination for the areas that are in the A area.

- 3) The County Manager said there was a letter from the General Services Department addressed to Carl Allen, the Mayor of Bosque Farms regarding the utilization of State Properties. This is the State's response to the information that has been forwarded on to them. They indicate that the information that has been forwarded on to them is not acceptable and they are requesting that each of the entities look at using a professional to gather information in terms of long range planning. Chairman Alicia Aguilar said this clarifies that they are not going to do anything until there is a comprehensive plan in place.

- 4) The County Manager reported he had received a letter from the New Mexico Symphony Orchestra in a request for funds to perform two concerts in the County. As the distances involved in performing in Los and Belen would require buses for the members of the Orchestra and payment of travel allowances, they would request a slightly higher fee for Valencia County concerts or \$9,500.00 each.
- 5) Provided the Commission with copies of where the County is at regarding the closure of the existing landfill as well as the meeting that is going to take place with the Central Solid Waste Authority. The preliminary estimate for the closure of the landfill is \$900,000.00. The Central Solid Waste Authority will be meeting on August 17th at 10:00 AM. One of the items to be considered is a report by Sauter-Miller doing an assessment of the Tri-Sect Landfill. The County Manager said he would be attending that meeting.
- 6) Presented items to be signed by the Chairman for allocation by the legislature for the Manzano Expressway.
- 7) Received a Memorandum from Richard Chavez, the Rural Addresser in regards to some road lengths and widths in Highland Meadows, information received from Buddy Major, Frances Wood, letters sent to the Governor of Laguna regarding temporary access through Pueblo land to State Highway 6 from Highland Meadows Unit 7 families stranded because of the recent rains. Mr. Fernandez thanked the Fire Marshal's Office and Charles Eaton for the effort he put forth in trying to negotiate with the Pueblo of Laguna on this matter. Received from the Pueblo of Laguna wanting the names of the developers in that particular area. They had some concerns with the development that was going on in that area as well as the roads and fire response and the way it interacts with the Pueblo. There is a meeting with representatives from the Pueblo next week. There is also a copy of the Minutes of April 27, 1982 where Clifford Hammond requested maintenance of roads in Highland Meadows. He requested that they be courtesy bladed, but the understanding was the County would not be accepting the roads for maintenance. There is also a letter from Martin McAnally with concerns regarding the roads also. Mr. Fernandez also said there is a listing of roads in County Commission District 1, which would be Commissioner Pando's that are being picked up as 21.82 miles in Highland Meadows that the County is claiming for maintenance with no clarification as to what the roads are. The roads in question in the other Highland Meadows area as well as Unit 7 basically falls in Commissioner Baca's district and they are not identified on this listing. Discussion was held on when the roads were named. Chairman Alicia Aguilar said the County has been going out there because of the twelve families that are stranded. She asked the County Attorney, "They are still selling lots and bringing mobile homes in and today they were trying to bring another mobile home and the arroyos washed out. We have a problem. Can the County take some action and not allow anymore mobile homes to come or development to come in until this issue is resolved, otherwise the problem is getting greater?" The County Attorney asked if there was an existing subdivision that had been approved. Chairman Aguilar said there is a question on that, that it is Highland Meadows and Mrs. Wood is selling as Indian Hills Subdivision, but that really doesn't exist, that is just a name that she is giving. There isn't a plat map. She would like to see the County do some homework, but not add to the problem. The County Attorney said, "If these are not County dedicated roads, then we can only provide maintenance if there is medical conditions." Chairman Aguilar asked if they could not issue any more permits until all of the issues are resolved. She said one family told them that a person had to be moved to Albuquerque because emergency vehicles couldn't get to them. The County Attorney said, "That's definitely a concern that the Commission can address and if in fact there is no access out and they are bringing people in without that access, they are basically deceiving these people that there is an access out of there." The County Manager said you do have areas where the lots are being sold with frontage easement that is part of the roadway on both sides of the road. The actual road is the owner's property. He said, "Even though it is considered a public roadway, they would have to grant permission." The County Attorney said, "We need a whole lot more information as to what is going on out there. If the property owners are the owners of the land then we've got even more problems to deal with."

Commissioner Frank Pando said it is time that the owners take some responsibility. He said he saw a road that had been cut right through the middle of where a mobile home sets. They are also covering the arroyos. Mr. Pando said he would like to have a meeting with the developers out there as soon as possible. Chairman Aguilar said the Pueblo of Laguna has requested that and they want Valencia County to be a part of that. She said they are faxing the Governor the names of the four developers, which are Buddy Major, Robert Samuels, Frances Wood and Cliff Hammond. There is a meeting with Laguna Pueblo on the 24th.

Commissioner Pando said what upsets him is that Fran Wood and Cliff Hammond tell the people to call the County; it's their fault.

Commissioner Frank Pando made a motion to cease issuing permits to the four developments in Highland Meadows until these concerns are met and because the Commission is concerned about the health, safety and welfare of the residents. Commissioner Al Padilla seconded the motion.

Charles Eaton said this is not only occurring in Highland Meadows. They have also had some calls from residents in Sausilito Estates where homes have been built in arroyos. He commended the Commission for the action that was taken today because the fire departments are also putting their employees and volunteers in jeopardy by sending them into these areas.

The County Manager commended the Road Department for their efforts in dealing with the residents of Highland Meadows, contrary to some of the comments made by the television media that the Road Dept. has only spent one to two hours out there. He said, "That is false. They have been

out in excess of a week and a half. The County's position on those issues, unfortunately we have not been contacted as to what our comments are. It seems to be a one-sided effort on specifically one station to give that kind of slanted issue or slanted view of what is going on in that area."

Commissioner Frank Pando said he agreed with the County Manager. He said, "Even on the deal with the jail, the reporter came out here and we all saw him on TV. He counted 10 steps to his fence. He did not show an accurate picture of what is going on. I don't appreciate the way they are doing that. I don't know if we can send them a letter, but I think we should."

Motion carried. **(See Exhibit H for all documents presented by the County Manager)**

Chairman Aguilar asked the County Attorney if the County Manager should send a letter to the four developers to put them on notice. The County Attorney said, "That's the direction of this Commission, so yes that's the procedure that should follow." Chairman Aguilar asked if it would be effective tomorrow. The County Attorney said, "Basically it will be effective tomorrow, there is no 30 day requirement that it would take."

Chairman Aguilar asked Carlos Montoya if he had gotten a count on where the streetlights were. Carlos Montoya said, "We received all of the bills, but it was my understanding that someone from the Zoning Dept. was going to do a field audit on it. We have contacted Chris Baca with PNM and I haven't gotten any further direction. I have the lights identified as far as the bills, whether they are ours, that would have to be determined through PNM." Chairman Aguilar said it was important to do a field audit because we wanted to make sure that some of these are not in private yards. Mr. Montoya said, "That's correct and now that the City of Belen has annexed the I-25 Interchange by Wal-Mart, that's one of the biggest bills we're paying right now. It's almost \$2,000.00 per month. If they annexed the area, they should be responsible for the lights."

(E) RESOLUTION/INTRA BUDGET TRANSFER

Carlos Montoya presented Resolution 99-38 for Commission approval. It is for Intra Budget Transfers in the amount of \$15,100.00.

Commissioner Al Padilla made a motion to approve Resolution 99-38. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit I)**

(F) WARRANTS

Carlos Montoya presented the Warrants for Commission approval. The amount of the warrants is \$402,101.00.

Commissioner Al Padilla made a motion to approve the Warrants. Commissioner Helen Baca seconded the motion. Motion carried.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on Tuesday, September 7, 1999 at 10:00 AM in the County Commission Room at the Valencia County Courthouse.

There will be a Special Meeting on August 23, 1999 at 10:00 AM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Frank Pando made a motion to adjourn the August 16, 1999, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Eloy Giron seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the August 16, 1999, Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

SS
ALICIA AGUILAR, CHAIRMAN

SS
AURELIO H. PADILLA, VICE-CHAIRMAN

SS
S. T. FRANK PANDO, MEMBER

ELOY GIRON, MEMBER

SS
HELEN BACA, MEMBER

ATTEST: ss

KANDY CORDOVA, COUNTY CLERK

DATE: Sept. 7, 1999