

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

October 4, 1999

MINUTES

The Regular Meeting of October 4, 1999 was called to order by Chairman Alicia Aguilar at 8:40 AM.

PRESENT

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

ABSENT

EXECUTIVE SESSION

County Clerk Kandy Cordova read the agenda as presented.  
Commissioner Frank Pando made a motion to approve the agenda for the Executive Session and go into Executive Session. Commissioner Al Padilla seconded the motion. Motion carried.  
Carol Anaya stated during the Executive Session, discussion was held on the following:

<b>NEW HIRES:</b>	Robert Felix - - Adult Detention Facility Lynn Dimas - - Animal Control
<b>END OF SEASONAL EMPLOYMENT:</b>	Gemma Roselli - - Assessor's Office
<b>STATUS CHANGE:Temporary to Part-Time:</b>	Tiffany Gurule - - Older American Program
<b>TRANSFER:</b>	Joe Portio - - Detention to Sheriff's Dept.
<b>STATUS CHANGE: Part-Time to Full-Time:</b>	Mark Lovato - - Conejo Transfer Station
<b>LINE ITEM CHANGE: Budget Request:</b>	Gary Okino - - COPS to Sheriff's Dept.
<b>STATUS CHANGE/Probationary to Non-Probationary</b>	Patrick Otero - - Road Dept. Salomon Marquez - - Conejo Transfer Station Ernie Rael - - Conejo Transfer Station Arthur Chavez - - Adult Detention Facility Antonio Chavez - - Adult Detention Facility Jamie Galaz - - Adult Detention Facility Lucy Stape - - Older American Program
<b>TRANSFER/with SALARY ADJUSTMENT/ENDING PROBATIONARY STATUS</b>	Gerald Garcia - - Animal Control to Road Dept.

Commissioner Frank Pando made a motion to ratify the action taken during the Executive as per report by Carol Anaya. Commissioner Eloy Giron seconded the motion. Motion carried.

Carol Anaya said, "I forgot to mention also that in Executive Session we discussed the hire of the Asst. Director of the Adult Detention Facility of Mr. Larry Garcia and also a secretary for the Zoning Office, Rita Drake and we also did the transfer into the position promotion for Anne Jojola from secretary to Zoning Enforcement Officer and Denise Turner as secretary for the Adult Facility and Carol Mallory, secretary also for the Adult Facility."

Commissioner Eloy Giron withdrew his second to Commissioner Pando's motion for approval. Commissioner Frank Pando withdrew his motion for approval.

Commissioner Frank Pando made a motion to ratify Carol Anaya's amended report. Commissioner Eloy Giron seconded the motion. Motion carried.

County Manager James Fernandez said, "Land acquisition was discussed as it pertains to the animal control facility. Additional items are being looked at and this item will be brought back to the Commission."

County Attorney Tom Garde said, "In Executive Session we discussed the currant lawsuit with regards to the Village of Los Lunas with regards to the acceptance of State and Municipal prisoners. Sean Olivas appeared before this Commission to discuss the current status of the mediation with regards to that lawsuit."

"We also discussed in Executive Session the current lawsuit with the Village of Los Lunas with regards to the site of the proposed Valencia County Detention Center. We also discussed the process with regards to the appeals process."

"We also discussed the status of pending litigation with regards to the Sant Tana Subdivision, with regards to Lobo Valley Subdivision and with regards to the Equity Growth Subdivision and again no action was taken on those items."

INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

Chairman Alicia Aguilar introduced the members of the County Commission, Elected Officials and Staff.

### **PLEDGE OF ALLEGIANCE**

Commissioner Helen Baca led the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

County Clerk Kandy Cordova read the agenda as presented. Commissioner Frank Pando asked to add Hospital Update during the County Manager's Report. Mike McCartney requested Item I (Public Hearing/Zoning Ordinance) be deleted. He said Item H should read (Valencia County Comprehensive Zoning Ordinance) and not the Comprehensive Plan.

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

### **APPROVAL OF MINUTES**

The Minutes of September 20, 1999 were presented for Commission approval. Commissioner Eloy Giron made a motion to approve the Minutes of 9-20-99. Commissioner Frank Pando said on page 7, the last paragraph, he made the motion to grant administrative leave for the employees and not Commissioner Padilla.

Commissioner Eloy Giron withdrew his motion.

Commissioner Frank Pando made a motion to approve the Minutes of September 20, 1999 with the correction. Commissioner Eloy Giron seconded the motion. Motion carried.

The Minutes of September 28, 1999 were presented for Commission approval. Commissioner Eloy Giron made a motion to approve the Minutes of September 28, 1999. Commissioner Helen Baca seconded the motion. Motion carried.

### **PUBLIC REQUESTS**

Martin Frank Kirtley spoke to the Commission regarding the litter problem in Valencia County. He encouraged participation in the Tierra Bonita clean up of the bosque this weekend and commended them for the work that they do.

### **ACTION ITEMS**

#### **(A) ROAD DEPARTMENT REPORT**

Road Superintendent Louie Pena presented a report on the Road Department. The report shows the money that is received from the State. The County received money from the CAP-3-98 (422) Program in the amount of \$193,054.00, from the CO-OP SP-3-98 (593) Program in the amount of \$161,667.00 and the SB-7761 (972) Program in the amount of \$206,000.00. The report names the roads that were improved, what was done to them and the amount that was spent from each program. These improvements were for each Commission district. The report also showed the amount of money received from Motor Vehicle and the Gas Tax, as well as the road mileage that was turned into the State Highway Dept. It also listed the employees of the Road Dept. and their job description. **(See Exhibit A)**

Discussion was held on the different roads in each Commission district and what type of improvement was to be done to the individual roads.

Chairman Alicia Aguilar requested that the Commissioners submit a prioritized list of the roads in their districts to administration and when the money comes in the Commission can decide on whose road is to be paved first.

Commissioner Eloy Giron said they might be able to utilize the Engineer on this issue.

The Commission commended the Road Department for the report that was given and requested that at the next meeting, the Animal Control Dept. give a report.

#### **(B) JAIL UPDATE**

Carlos Montoya presented a report on the financial impact of the housing of inmates at Milan, San Miguel, Torrance and Bernalillo jail facilities. The jail was remodeled last year to house 33 inmates. Currently the total population is 93 inmates. 60 inmates are being held elsewhere at a cost of \$46.00 per day, for a cost of \$2,760.00 per day. To transport the inmates it is 320 miles at a cost of 39 cents per mile, for a cost of \$124.00. It takes 6 man-hours to do the transports, paying the transport officer \$8.50 per hour for a cost of \$51.00. The average daily cost is \$2,935.00 per day. Mr. Montoya said last year they were taking six prisoners to Cibola County when they hit a cow on Highway 6. They are not in potential litigation over the incident. There is no cost factor to put on the risk. Another concern is that when they get past the Rio Puerco, there is a dead spot and they have no radio communication for about 10 or 15 miles.

As of September 17, 1999 the Construction Bids for the new jail have been ready, but because of the lawsuit with the Village of Los Lunas, the bid documents have been put on hold.

Commissioner Al Padilla asked if the bids have to be put on hold. The County Attorney said, "We had a discussion with the New Mexico Finance Authority and at this point we are subject to what they are requiring and they have advised us that everything is on hold. To go out to bid without having the financial backing would not be proper. The problem is if we go out to bid now and this is held up for six months, the bid figure may be of no use."

Commissioner Frank Pando said it is costing approximately \$90,000.00 per month to house the prisoners. Carlos Montoya said this is correct. He said if the appeal lasts one year, it will be a total cost of approximately \$1,027,000.00 to the county for housing prisoners. Out of the 93 prisoners, 42 of the prisoners are Valencia County prisoners and 53 are outside agencies that are being serviced because this is the County Seat.

Mr. Montoya said because we have to provide incarceration service to all municipalities within the County, it puts a strain on our budget. Our money is going to other counties.

Chairman Alicia Aguilar said, "With all of the publicity and all of the comments that have been made in the newspaper, I was thinking about it and I'd like to take a few minutes to revisit where we're at today and where we started. Two years ago the Commission decided to basically take the bull by the horns, to quote Commissioner Giron, on a thirty-year problem. We contacted the National Institute of Corrections, which is part of the Department of Justice. They sent down a technical team and for three days they interviewed District Judges, Municipal Judges, Magistrate Judges, Superintendent's of both school districts, Clergy, Civic Organizations, the Chiefs of Police, the Sheriff, the District Attorney's Office and members of the public. They did all this in three days. For the public to say "we're not aware", the second requirement that was placed on us by this team is to give them the possible sites, which we did. The four sites were the property to the east of the Courthouse, the west of the Courthouse, the Los Lunas Hospital and Training School and Morris Road. Their recommendation, based on cost, based on security, based on some other issues of criteria was the property to the east of the Courthouse. That property had not been purchased at that time. Then we went to our legislators and we said no, we don't want to fast track this operation. We want to be able to include the public and follow the procurement code. Through legislative action, it allowed us to have an election. It passed. In addition to that, we said we're going to use the New Mexico Finance Authority because it saves us money in going through that type of financing. We did that. We moved forward on this. This past week I went back and revisited the options and Mr. Fernandez and myself met with Les Swindell, with General Property Services for the State of New Mexico. We went back. The Los Lunas Hospital & Training School is not an option. The property on Morris Road is currently leased to the Village of Los Lunas and there is still a 24-½ year lease. That lease says they will use it for a youth recreation complex, which is very important, but Los Lunas has already committed and has put money into that project. The Morris site is not available. We go back to the property on the east side and I mention that because I want to reiterate that this isn't something that the Commission just said we want that site without bringing in outside help, technical assistance and talking to the entire community about this. Here we are today in litigation on the site and it is costing us roughly \$1,000,000.00 per year and I'd like to stress that when I say us, it's not the Commission, it's not the County, it's the taxpayers because it's your money and as long as this issue gets delayed, we have to pay out approximately \$90,000.00 per month. The election passed, the money is being collected, it's being held in escrow and we can't move until we get this issue resolved."

Chairman Aguilar said, "The property to the west, we looked at that, it was being considered and we received a letter from one of the partners saying he objected to the sale of it for a jail site. The other thing is that it has a 15-ft. access, which would create a problem in coming and going and the infrastructure is not there. We must stay within the boundaries of Los Lunas. When I met with Mrs. Cordova and Mary Joy Romero they said why don't you take it and put in next to Wal-Mart? I took the liberty of asking about the Industrial Park. It is not available for a jail site because they didn't want it in their back yard. At that same meeting, I said, we've had this in the paper. I was told that she is very busy and she doesn't read the paper. I'm not being derogatory, but I can't knock on everyone's door and that seems to be what I'm being criticized about. I just wanted to go back, revisit the issue and say this is what the Commission did. We did do our homework. This was the best site."

Commissioner Frank Pando said there is not winners in this because we are all taxpayers and it is coming out of our pockets.

Carlos Montoya commended Mr. Esquibel and his staff for the job they've done in transporting the prisoners. It is fortunate there has been no major incidents with the time they are putting in on the transports.

### **(C) COLLABORATIVE ACTION TEAM**

Dolores Marquez and Lupe Garcia updated the Commission on the Los Lunas Ann Parish Collaborative Action Team. Their meetings are every third Friday of the month at 9:35 AM at Ann Parish Elementary School. The meeting for October will be held October 15, 1999 at 9:35 AM. They encourage attendance. Their meeting goal is Shared Leadership and Collaborative. They encourage participation of anyone who knows parents, families or children who live in the East Mesa area.

Southwest Development Education Lab. is sponsoring another regional conference. This training will be held in Little Rock, Arkansas on October 27, 28 and 29, 1999. Chairman Aguilar and the County Manager will be attending the conference. Ms. Marquez said Southwest Development Education Lab. from Austin has decided that their team is a roll model team and they have not been in existence a year yet.

One of the main goals for this year is to have a complete Health Clinic at the Ann Parish Elementary School. On October 23, 1999, from 9:00 AM to 2:00 PM they will be hosting a Health Fair at Ann Parish Elementary School. There will be booths set up with information that is available for the East Mesa area. If anyone wants to set up a booth, they should call Maria Elena Ayala at 866-2440. She said it is very important to get the word out that the Collaborative Action Team is in up at the school to help the people in the East Mesa area.

Ms. Marquez said she is supposed to ask for three things, one is to request support for more members of the team, the second is how they can get the word out about their meetings and activities and the third thing is, for the Health Fair they are concentrating on Bike Safety for the youngsters and if they can get helmets, please let her or Maria Elena know.

Lupe Garcia said part of the program was that they did the El Cerro Mission Clean up and the County was involved in helping them. They also had the Mentorship Program and the County gave them funds to hire students from the Alternative High School.

Mrs. Garcia said they are no longer known as the Alternative High School, they are now known as Century High School. They use their students as Mentors and they are paid with county funds through YDI. She thanked the Commission for their support.

**(D) PRESENTATION/United Way**

Mike Lowrimore, the Valencia County Chairman for United Way requested permission to conduct a workplace campaign with the county employees. The way United Way raises its money is they come into a business or organization and they solicit the employees of that business or organization to donate money directly to United Way.

The United Way of Central New Mexico serves four counties, Sandoval, Bernalillo, Valencia and Torrance. In the last year United Way has spent directly \$110,800.00 in Valencia County. They directly fund two agencies and indirectly fund many others. The Valencia Shelter for Domestic Violence along with another agency was the first agency added to the United Way in the last eight years. Last year United Way served 8,010 people in Valencia County. When the big storm came through Los Chavez and Tome, the Red Cross came in and served over 140 families and spent \$55,000.00 serving people in Valencia County. They are a United Way Agency.

They have talked to several businesses in the County and they are conducting workplace campaigns as well as the Belen Schools and the Los Lunas Schools. They will also be making presentations to the City of Belen and the Village of Los Lunas within the next few weeks.

The County Manager said it could be done through payroll deduction.

Direction was given to administration to work with Mr. Lowrimore on conducting a workplace campaign.

**(E) WORKSHOP/CDBG Application Requirements**

Commissioner Frank Pando made a motion to convene as the CDBG Workshop Board. Commissioner Eloy Giron seconded the motion. Motion carried.

County Manager James Fernandez said there is a sign-in sheet being passed around because that is one of the requirements. The more public participation that we show, the more likely any of the entities that will be applying for the CDBG Grant would have a better likelihood of getting that funding.

The CDBG Program was established under Title I of the Housing and Community Development Act of 1974, as amended, in order to assist communities in providing essential community facilities, providing decent housing for residents, promoting economic development, and maintain a suitable living environment.

Under eligible activities and some of the requirements, all counties and incorporated municipalities are eligible to apply except for the City of Albuquerque, the City of Las Cruces, the City of Santa Fe and the City of Rio Rancho since they receive funding directly from the Department of Housing and Urban Development.

There are many funding categories that are available to communities, however only one application per community can be submitted per funding cycle with the exception of the Colonias. The Colonias are eligible to apply for the small community CDBG Grants as well as the other CDBG Colonias Grants each funding year providing that they meet the threshold. Qualified applicants may apply for funding assistance under the following categories: Community Infrastructure, Housing, Public Service Capital Outlay, Economic Development, Emergency, Colonias and Planning.

Under the application requirements, the application for CDBG funding must be limited to specific activity or said activities that address the particular need in a designated target area of the unit of local government. Applicants are limited to projects that can be completed within a 12 to 15 month period. Applications may not exceed \$400,000.00 and planning application may not exceed \$25,000.00.

CDBG uses a rating system to decide which municipality needs grants the most. They use seven major categories to score the project. The score then helps them determine who will receive the grant money. Those rating categories are: Need, Appropriateness, Fiscal Capacity, Leveraging, Citizen Participation and Planning, Feasibility and Readiness and Cost Benefit. One of the requirements is that public meetings are to be held. In the packet there is an item that was advertised in the local newspaper. It indicates that this public hearing will be held today. Any individuals that are planning to come with a particular project must submit the information by the 12<sup>th</sup> of October. At the meeting on October 18<sup>th</sup>, each entity that will be submitting a project will be allowed 15 minutes to give a presentation. At that time the County Commission will have to select one project.

The State of New Mexico runs the CDBG Program, but it is federally funded. The funding is limited to \$400,000.00 for construction projects and \$25,000.00 for planning projects. Any proposed projects must list three objectives; eliminate slum and unhealthy conditions, benefit a reasonable number of low to moderate-income residents and address an urgent need in the community. CDBG funds may be used for: (1) Community Infrastructure such as rural property acquisition, construction or rehabilitation of water systems, sewer systems, municipal utilities, roads, streets, highways, curbs, gutters, sidewalks, storm sewers, street lighting, traffic control devices, private facilities and solid waste. (2) Housing such as property acquisition, rehabilitation, demolition and historic preservation. (3) Public Service Capital Outlay such as property acquisition, community centers, senior citizen centers and facilities for service to the handicapped. (4) Emergencies including anything that attempts to alleviate a situation that poses imminent danger to the residents. (5) Planning for development in community development areas, data gathering and special studies, base mapping, aerial photography and development of codes and ordinances. (6) Colonias including housing rehabilitation, water systems and sewer systems. Colonias must be designated as such by the County and is located within 150 miles of the Mexico U.S. border.

County's incorporated municipalities and special districts are all eligible for the funds. In order to receive a grant, the community must be able to match a certain amount of the funds for rural communities. County's with a population of less than 15,000 people or cities with a population of less than 3,000 must match 5% of the grant. For non-rural communities those entities are required to match 10% of the granted funds.

Communities can make only one application per year with the exception of Colonias. Colonias may apply in the regular category and the Colonias category. Applications for this particular CDBG Grant are due by November 8, 1999. **(See Exhibit B)**

Pamela McKenzie, County Manager for Protective Services in Valencia County said she understood one of the projects being proposed is shelter beds as well as an increased number of residential treatment center beds for children in the community. She said she is responsible for having children come into care and sometimes the alternatives they face are limited. There are times when children have been sent as far away as Dona Ana County or Taos County for residential treatment. They have no shelter beds for children in this community and they must go to Albuquerque or another community. They would strongly support having an option for children to be placed in a local community for either a quieting down period or if there is allegations of abuse and neglect and there are no foster homes for them. She said Juvenile Probation would also support that if there were children who didn't rise to the criteria of being incarcerated, but needed a safe place while issues were being sorted. They really need community-based services for children in this county.

Jill Dougherty said their organization would like the County to sponsor an application for them to serve the severely mental ill population of adults and children who need residential treatment and long term housing in Valencia County.

David Dodson said that any project that is proposed for CDBG funding must be completed in the time frame allotted by the CDBG authority. If you do not complete the project in that time frame you lose your right to apply for future funding the next following year.

Commissioner Frank Pando said he is the Chairman for the Hospital Committee and they will also be applying for this grant to do a feasibility study.

Rita Gutierrez said she is concerned and opposed to the building of a hospital on the old Tome Land Grant.

Steven Chavez said after listening to the criteria of the planning component of the grant, he believes that this Commission should seriously consider the planning grant for a hospital district. The criteria of the planning grant seems to coincide with everything the hospital district is trying to achieve. He volunteered his free time to Commissioner Pando and Dr. Gamaz to help them put together a proposal. (Mr. Chavez spoke as a concerned citizen and not as a county employee.)

Chairman Alicia Aguilar said, "It puts me in a position where, I can appreciate the comments, but I think this is a public hearing only for identification and I think, again I go back to where these other organizations may feel their need is extremely important and right now I wouldn't want for this Commission to even give an indication that one applicant is going to outweigh the other. I would like to leave it open that this is a public hearing and let people come forth and make their presentation, at which time the Commission will evaluate all of them."

Commissioner Frank Pando said he agreed with Chairman Aguilar.

Fabian Padilla, a resident of Tome said they would like to apply for some of the money for the purpose of historical preservation of Tome, Adelino and La Costancia.

James Fernandez said they would have the same packet that was provided to the Commission available to the public. If they will stop by the County Manager's Office they will be able to pick one up. Written proposals should be submitted to the Manager's Office no later than October 12, 1999 at 4:30 PM. Those items can be scheduled for the October 18, 1999 Commission Meeting. Each entity will be allowed 15 minutes to make their presentation and at that point the County Commission will be required to make their decision on one applicant.

Chairman Alicia Aguilar said, "Part of this and I think when everyone reads the criteria, you have to target the low income group. Last year San Clemente made an application for electricity and they had to survey everyone there and they had to be low income. With all of the property owners, some of them live there and some of them don't. Some of them were above the low-income medium. That was a major criterion. Again, I don't want to continue the discussion on just the hospital and outweigh the other needs of Valencia County. I'd like to just move on and encourage others to attend and please be prepared to give us your presentation and let's go from there."

Jill Dougherty said she went to a CDBG Workshop in Santa Fe on Thursday and the Planning Grants can be submitted at any time. They are accepted. You are taking a chance that the money might dwindle.

Commissioner Eloy Giron made a motion to reconvene as the Board of County Commission. Commissioner Helen Baca seconded the motion. Motion carried.

#### **(F) VALENCIA COUNSELING SERVICES, INC.**

Jill Dougherty introduced Sam Vigil who is the Executive Director of the Valencia Counseling Services. Sam Vigil said this agency has been in Valencia County for 18 years serving adults and children. They need shelter beds for children and adults. They are hoping to raise funds for two new transitional homes. The current homes that they have are in poor condition and remodeling would cost more than new construction. They need to add bed capacity to meet the needs of the severely mentally ill adults who are learning to become independent. Medication management is a key function that the staff at Valencia Counseling play.

The children are in need of a long-term residential shelter care facility, which could allow children with emotional needs to have closer professional supervision, and live in a safe environment. Many of the children who are released from the inpatient program are not wanted in their family homes, or would return to the unsafe behavior. The Children, Youth and Families Department representatives have expressed the need for Valencia Counseling to expand the services to meet this crucial need.

Sam Vigil said he is willing to work together with the other people who are applying for the grant. He understands the needs of the County.

**(G) POWER PLANT PROJECT WITH BELEN**

Jack Maddox said he is a registered engineer in the State of New Mexico and President of Maddox Engineering Services in Albuquerque. He introduced Thomas M. Knox, Vice President of Cobisa Corporation. He said Cobisa is proposing a 220 megawatt gas fired combined cycle power generating facility located on State Road 548 approximately 3 miles West of the Belen city limits. The estimated cost is \$100,000,000.00.

Mr. Maddox said they are here for a presentation only and are not asking for any action by the Commission, however it might come later if there is a need for rezoning.

The Cobisa site is 160 acres and will have a gas turbine with heat recovery and steam turbine, a cooling tower, water treating and storage, an electrical switch yard, office and maintenance buildings and sits on 20 acres.

It will have lower emissions than any gas fired utility plant in New Mexico. MNED will require best available control technology. NMED will require approximately 100 to 150 foot stacks.

The fuel will be clean burning natural gas delivered by pipeline. They will have low sulfur fuel oil and back up with no other alternative fuel.

The output will be directly into El Paso Electric transmission line and no new transmission corridor. Construction will start in June 2001 and they will start commercial operation in June 2003. Cooling water will be fresh and the City of Belen will supply gray water. The city will earn additional revenues related to water and expanded infrastructure. The project would enter into an annexation agreement with Belen. Industrial revenue bonds would be used.

During construction there will 200 jobs with approximately 28 permanent jobs on completion. The permanent payroll will be approximately \$1,500,000. per year. The City Revenues will be over all improvement in city services. Cobisa will develop with the Mayor and city council and fund a package of community benefits to mitigate the impact of the facility and contribute to the quality of life in Belen.

Discussion was held. Mike McCartney said this issue has not gone before the Planning and Zoning Commission.

**(H) FIRST HEARING/Valencia County Comprehensive Zoning Ordinance**

Mike McCartney presented the fourth draft of the Valencia County Comprehensive Zoning Ordinance and said this is the first public hearing regarding the new Valencia County Comprehensive Zoning Ordinance, at which time they will also repeal the old ordinance from January 1988. He said Steven Chavez is the main architect of the document and they have gone through the document many times. He noted the document in the packets is labeled "Fourth Draft".

Steven Chavez stated, "Just for the record and to meet the requirements of our New Mexico Statutes, this Ordinance and the amendments hereto shall be known and cited or pleaded as the Comprehensive Zoning Ordinance of Valencia County."

He said, "This Ordinance is enacted pursuant to NMSA 1978, Sections 3-21-1 to 3-21-26. It specifically comports with the requirements of Section 14, which are the Summary Notice Requirements. Under the statute we are only required to give general notice in the newspaper at least two weeks prior to the first hearing. If we do extend these hearings to a third hearing, which we may need to do, we will need to put out another notice in the newspaper. The statute requires that we don't make the ordinance effective any later than 30 days from the date of the last public notice. The last public notice was September 28<sup>th</sup>, so it has to go into action, under that notice by October 28<sup>th</sup>."

"The General Purpose of this ordinance is to minimize traffic congestion on all streets, roads and public ways within the County's jurisdiction; to secure safety from fire, flooding and other dangers; to promote the public health, safety and general welfare; to safeguard adequate light, and air quality; to prevent the overcrowding of land; to avert the undue concentrations of populations; to facilitate the adequate provisions for transportation systems, water quality, sewerage, schools, parks and other public facilities; to conserve the value of building and lands; to advance the goals, policies and objectives of the Comprehensive Plan; and to encourage the most appropriate use of lands throughout the unincorporated areas of Valencia County. Specifically this ordinance will repeal the Valencia County Ordinance known as the Valencia County Comprehensive Zoning Ordinance #87-3 enacted in December, 1987 and all amendments thereto." **(See Exhibit C)**

He said, "This ordinance does not refer specifically to any amendments or the 87 ordinance. The new ordinance does not reference specifically as the statutes envision. The new ordinance does not coincide and is not in harmony with the old ordinance at all. It is very different; it is a very new ordinance. It is entirely performance based."

Mr. Chavez proceeded to explain the district classification. He said he left out "Outland District", but it will be placed in Section 400 using the language from the old ordinance because it is good language.

Chairman Aguilar asked when they would see that information on a draft. Mr. Chavez said there are still some minor changes that they would like to make. He said he would go through those and they will place the changes in the ordinance within the next three days. They will be underlined or will show deletions in places where items will be deleted, so the people will be able to see what is being done. A copy will be in the County Clerk's Office.

Mr. Chavez thanked the Commission for allowing him the time to work on this document.

Chairman Alicia Aguilar stated that it is important for the public to know that once this ordinance was done, there was a committee that was brought in that represented agriculture, cluster development, members of the public and an attorney. They reviewed the document and gave Mr. Chavez their input. That is how the fourth draft came about. It did not just come from administration. She said, "Another thing that is important is, Valencia County, including Belen and Los Lunas grew

42% from 1990 through July of 1998, making us the second fastest growing county in the State, next to Torrance. Torrance County grew by 50%; Sandoval County grew by 37%. If you compare that to 14.3% population growth statewide, it will let you know that here we have been going along and with the ordinances and the regulations that we've had, in one decade or less than that, we've almost doubled our population."

Chairman Aguilar requested that Ambrose Chavez spread the word to the realtor's that the Zoning Ordinance is being reviewed and there will be another hearing at the next meeting. She made the same request of the Historical Committee.

Discussion was held on the items placed in each section and the items that the Commission would like to see addressed, as well as members of the audience.

Those participating in the discussion were the County Commissioners, Mike McCartney, Steven Chavez, James Smith, Dale Jones, Marcel Reynolds and Jacqueline Guilbault. Mr. Jones presented a letter of concerns, as did the Valley Improvement Association. **(See Exhibit D for both items.)**

There will be another public hearing on October 18, 1999 at 6:00 PM.

#### **(I) PUBLIC HEARING/Zoning Ordinance**

This Item was deleted.

**Item L (Indigent Report and Appeal) was heard before Item J (Public Hearing/Emergency Medical Ordinance) and then a break of 25 minutes was held.**

#### **(L) INDIGENT REPORT & INDIGENT APPEAL**

Barbara Baker said Kerry Kennedy is here for an appeal. There is a letter in the packets. Mrs. Baker said Mr. Kennedy has been on Social Security with no Medicaid with it. He did use Living Cross Ambulance to go to UNM Health Sciences Center due to a seizure. The amount of the bill is \$656.78. His wife was given a bonus of \$10,000.00 to be used on his property only. They are over the maximum income limit allowed by \$440.00 per month. Mr. Kennedy would like to appeal the denial.

Chairman Aguilar asked for Mrs. Baker's recommendation. Mrs. Baker said, "He is over by \$440.00 per month with the \$10,000.00 bonus. I think it is quite a bit over the amount. I think that we should stick with our guidelines and deny."

Commissioner Frank Pando made a motion to go with Barbara Baker's recommendation and deny the appeal. Commissioner Al Padilla seconded the motion. Motion carried.

Barbara Baker presented the Indigent Claims from August 26, 1999 to September 23, 1999. The total amount of claims submitted is \$64,726.81. She asked the Commission to approve \$33,086.51 and to deny \$31,640.30.

Commissioner Al Padilla made a motion to approve the Indigent Report as presented. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit E)**

Commissioner Al Padilla made a motion to reconvene as the Board of County Commission. Commissioner Helen Baca seconded the motion. Motion carried.

Commissioner Al Padilla and Commissioner Eloy Giron did not return to the meeting after the break. County Attorney Tom Garde was also absent after the break.

#### **(J) PUBLIC HEARING/Emergency Medical Ordinance/ALS**

Valencia County Fire Marshal John Cherry stated the ordinance that is being presented is an amendment to Ordinance 89-05. They are adding a Penalty Clause to Ordinance 89-05. The County Attorney said this would be the way to do it.

Commissioner Frank Pando made a motion to approve Ordinance 99-06 and repeal Ordinance 89-05. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit F)**

#### **(K) AWARD OF BID/#501/New Rescue Unit for Valencia/El Cerro Fire Dept.**

John Cherry presented Bid #501 for a new Rescue Unit for Valencia El Cerro Fire Dept. Two bids were received. One from Wheel Coach in the amount of \$75,275.00 and one from Independent Fire Co. in the amount of \$68,532.00. Mr. Cherry recommended that the bid go to the lowest bidder.

Chairman Alicia Aguilar made a motion to award Bid #501 to Independent Fire Co. in the amount of \$68,532.00. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit G)**

Commissioner Eloy Giron made a motion to convene as the Indigent Board. Commissioner Frank Pando seconded the motion. Motion carried.

#### **(M) CONCURRENCE OF RESOLUTION 99-40 AS AMENDED BY DFA**

Carlos Montoya said this item is for concurrence of Resolution 99-40 that was approved on September 7, 1999. The resolution was for budget adjustments in the General Fund and the Road Fund. It was approved on September 24, 1999 by the Department of Finance and sent back to the County Commission for concurrence at their next meeting.

Commissioner Frank Pando made a motion to approve the concurrence of Resolution 99-40 as amended by DFA. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit H)**

Commissioner Al Padilla returned to the meeting.

#### **(N) ENGINEERING SERVICES RECOMMENDATION**

Carlos Montoya presented RFP #123 for Commission approval. It is for Engineering Services for Valencia County. They received three proposals and the recommendation is to award the proposal to Molzen Corbin & Associates. There is a critical need in Valencia County with the closure of the landfill.

James Fernandez said there are two areas that need to be addressed quickly. One is the revised closure plan for the landfill as well as the impact fees.

Mr. Fernandez requested action on allowing administration to enter into negotiations with Molzen Corbin on a rate structure on a retainer basis.

Chairman Alicia Aguilar said, "Our County Manager and myself did meet with one of our congressional staff members on the cost of \$600,000.00 and the County needing help with it. We had also faxed the letter from ED to them. It has been forwarded to Washington D.C. to a grant writer who will be helping us in looking to see what grant monies and what resources are available to help us with the actual closure. They are going to try and help us intercede with ED to let them know that this is a problem that has been ongoing for five years. Nothing was done so they are going to see if we can be given a little bit more time because we can prove that we are working on this."

Commissioner Frank Pando made a motion to give administration approval to bring an engineer on board to work on the closure of the landfill, impact fees and traffic issues. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit I)**

#### **(O) COUNTY MANAGER'S REPORT**

County Manager James Fernandez reported on the following items:

- Carlos Montoya took a class through the New Mexico Environment Department and has been certified as a Manager of Recycling Operations.
- A summary prepared by the Data Processing Dept. on a Y2K Plan that is being provided for your information as to the implementation dates and the final dates that it is estimated that this project will be completed. The total plan should be completed no later than November 30, 1999.
- Report from the Environment Department. They did an inspection of our existing landfill. Within the report you will find approximately 10 violations that were found. They are detailed in the report. The closure plan should be submitted to them by October 20, 1999 as well as the violations that are detailed in the report to be corrected by November 1<sup>st</sup>.
- Received Certificate of Occupancy for the small Courtroom as well as the El Cerro Mission Community Center. As soon as the furnishings come in, the facility will be opened. There is a WIC organization that is looking to meet at the Center, and is willing to bring in furniture temporarily until the permanent furnishings come in.
- As the Legislative Session is coming up at the beginning of the year, Mr. Fernandez asked direction on how to proceed on hiring a lobbyist. Chairman Aguilar recommended that RFP's be issued for a lobbyist.
- Anne Jojola had been assigned to work on an audit with PNM on streetlights for Valencia County. The audit is being finalized. There were a number of problems found, one being the area around Wal-Mart. There were some streetlights that were replaced with new lights and the County was still being billed for the old lights that are no longer in place. Streetlights in Rio Communities, we were to be charged on an every other light basis and we were being charged for all of them. School zone traffic lights in Peralta area, we were getting two separate bills for each of the lights at a different rate. The County will be submitting a formal request for a refund on those items.
- Mr. Montoya and the County Manager went to the Los Lunas Hospital & Training School to look at the facilities being occupied by the Juvenile Probation. With the movement of Planning & Zoning, Rural Addressing and Building Inspector to the old Valencia County Title Building, they requested permission to give the State a 30-day notice of the intent to move the Juvenile Probation out of that facility. Mr. Fernandez said, "Commissioner Aguilar and myself did meet with Mr. Les Swindell and did make him aware of the fact that the County would be proceeding in that manner. Direction was given to administration to give the State 30-day notice."

Chairman Alicia Aguilar said the FEMA Ordinance needs to be amended and there are mandatory FEMA flood elevation certificate forms that go into effect in January 2000. We need to look at that the later part of October or the first part of November.

Chairman Aguilar said, "On the next meeting, I would like an update on Highland Meadows, and anyone else really, but it would be policy of the Commission on how we are going to deal with the roads and what we are accepting or not accepting."

James Fernandez said they had received calls from people living in Highland Meadows wondering when this item will be brought back before the Commission for public notification as to what the County is going to be doing. They are expecting a written report from this Commission as well as in the interim you have been provided a copy of a legal matter that went before Lincoln County of a similar nature. It has been put in the mail for your consideration.

Chairman Aguilar said she, the County Manager and the County Attorney met with Steve Coppleman from Risk Management and he is giving them good direction. Commissioner Pando was also at the meeting.

The Workforce Investment Act is coming about and we will be hearing more about it. The County Manager and the Chairman attended meetings. There is a taskforce that is being formed and there will be more meetings within the region. It includes Sandoval County, Bernalillo County, Tarrant County and Valencia County.

Chairman Aguilar said she would like to see Valencia County develop a web page. Any important items can be on the web page such as the dedicated roads; items pertaining to animal



control, any information that the County has would be on the web page. The initial cost would be approximately eleven or twelve hundred dollars. Direction was given to administration to look into this item.

The County Manager asked to move the FEMA meeting from October 18<sup>th</sup> to November 1<sup>st</sup>. Permission was granted.

Chairman Aguilar said, "We will be getting a new Judge within a year and I feel that I would like the consensus of the Commission if we could ask Mr. Fernandez to send a letter to Judge William Sanchez requesting what the needs will be. That is something that we will need to ask the Legislature for help in the funding."

James Fernandez said Judge Sanchez has already been pushing for a whole new Judicial Complex.

The County Manager said the lease for the Motor Vehicle Dept. runs out in December of this year. They approached the County on the possibility of reducing the cost of the rent from \$2,350.00 to \$2,000.00 per month. Mr. Fernandez suggested that the site could be better utilized for County needs and it might be better if the Motor Vehicle Dept. looked for other facilities. They will be going out for RFP and Mr. Fernandez suggested that the County not answer the RFP.

Chairman Aguilar asked if they could call the Highway Dept. and ask for an update on the bridge. Everyone is waiting for that.

Commissioner Padilla asked about the substations. The County Manager said they were trying to finish the two projects they have been working on before they move on to the substations. They have given the architect the plans on how they would like the one in El Cerro Mission attached to the Fire Station. The one in Jarales is different; they have to involve the Historical Preservation Society.

Chairman Aguilar said the last thing is the flooding in Rio Communities. She asked Commissioner Padilla to get involved in that. She said they have until the end of the year to get that contracted. She called the Highway Dept. and met with the Conservancy District. They say they will not take the lead. VIA is not going to take the lead. There has to be a dialogue among all of the agencies and since it is in Commissioner Padilla's district, she asked for him to help out.

Commissioner Frank Pando said it seems that in talking to Los Lunas, Belen and Bosque Farms, they are going to apply for the CDBG Grant to do a feasibility study for the hospital. He said Bosque Farms already told him they would not contribute money. He said he needs everyone's help on this issue. The study will cost approximately \$25,000.00.

Chairman Alicia Aguilar said, "The application of the grant is still out there and it has to be weighed on everyone else who is making application so that the Commission may decide the need is greater on someone else. Even the attorney cautioned me on this to be very careful that because you are a Commissioner and you are the Chairman of the committee that is not perceived that a decision has been made or that your voice would have more weight than anyone else. We need to be careful there."

Commissioner Pando said he is going to apply for it, whether it is granted or not is immaterial. He said if they don't get a grant and the Commission wants him to continue, he would have to come to the Commission and Belen and Los Lunas and ask for a commitment to do the study.

Chairman Alicia Aguilar said, "Commissioner Pando you have put a lot of work into this and we have gone from Quorum that was going to do a feasibility study that said they were going to build a hospital to no they weren't going to do it to direction last meeting to go in because the committee requested an election and voting of board members. This is just a suggestion to you. What I'm listening to and what you are saying, is if the committee comes in with a criteria, if you want a feasibility study, let's go out for RFP and find out how much it is going to cost. It is just a matter of advertising and I think we can do that. Then we know exactly who is applying and what it's costing and what kind of service we're getting. We've got the beginning steps and if we have to go to the municipalities and ask if they will share in it, then we will." Commissioner Pando said he really appreciated this, that's all he was asking for was a little support and something positive to report to the Hospital Committee.

The County Manager said he failed to mention one item. He said they were asked to look at when the existing lease for the Road Department and Animal Control expires. It expires in the year 2002.

### **(P) WARRANTS**

Carlos Montoya presented the Warrants for Commission approval. Commissioner Frank Pando 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 October 18, 1999, at 6:00 PM, with Executive Session to begin at 4:30 PM in the County Commission Room at the Valencia County Courthouse.

### **ADJOURNMENT**

Commissioner Helen Baca made a motion to adjourn the October 4, 1999, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Frank Pando seconded motion. Motion carried.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the October 4, 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: Oct. 18, 1999**

**For an official copy of these minutes and attachments see Commission Book 35 Page 557**