

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

OCTOBER 18, 1999

MINUTES

The Regular Meeting of October 18, 1999 was called to order by Chairman Alicia Aguilar at 4:41 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 as presented. Commissioner Al Padilla made a motion to approve the agenda of the Executive Session and go into Executive Session. Commissioner Frank Pando seconded the motion. Motion carried.

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

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

NEW HIRE: Pending Drug Test and Pre-Employment Physical	Matthew Carrasco - - Older American Program
RETURN FROM MATERNITY LEAVE:	Monica Mireles - - Manager's Office Carol Mallory - - Adult Detention
MEDICAL LEAVE:	Antonio Baca - - Maintenance Dept. Marcial Jaramillo - - Animal Control
SEASONAL EMPLOYMENT:	Gemma Roselli - - Assessor's Office
TEMPORARY EMPLOYMENT:	Jess Weston - - Animal Control
STATUS CHANGE from Part-Time to Full-Time:	Valerie Smith - - Treasurer's Office
3% SALARY INCREASE:	Anne Jojola - - Planning and Zoning Dept.

Commissioner Frank Pando asked if they were going to discuss the reconstruction of some of the departments. Chairman Alicia Aguilar stated, "Administration was given direction to look at some positions and advertise and in addition to that there was direction given to administration about the reconstruction of certain departments and administration was given a go ahead to finish with that reconstruction and come back and report to the Commission, but administration has been given direction to proceed."

Commissioner Frank Pando made a motion to ratify action taken during the Executive Session and accept Carol Anaya's recommendations. Commissioner Al Padilla seconded the motion.

Chairman Aguilar asked a question of the County Manager, "This goes with Commissioner Pando's comment. We gave direction for a salary increase for one employee, but that will be made effective and you will report back to us at the next meeting." The County Manager said, "That is correct."

Motion carried.

County Manager James Fernandez said administration was given direction to enter into negotiations and make an offer on the Pet Crematorium. The particular site would be utilized for an animal control facility. He said administration was also given direction to enter into negotiations on the Tri-Sect Landfill and make an offer on that.

County Attorney Tom Garde said, "In Executive Session we discussed the settlement of the current lawsuit between the Village of Los Lunas and Valencia County with regards to the acceptance of prisoners. The results of the settlement are the County will enter into a Joint Powers Agreement with the Village of Los Lunas through April 15, 2000. The terms are, the Village will pay \$66.00 per day, per prisoner and they will include a settlement of claims that will total \$9,000.00. and that will be paid prior to April 15, 2000."

"We also discussed the lawsuit filed with regards to Gleason versus the County and that was just a status report."

Commissioner Al Padilla made a motion that these items were all that was discussed during Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

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

PLEDGE OF ALLEGIANCE

Marcel Reynolds led the Pledge of Allegiance.

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the agenda as presented. Commissioner Frank Pando said himself or Dr. Manuel Gamez would present Item B (Hospital Committee Feasibility Study Request). He also said they were withdrawing the Hospital Committee from Item C (Public Hearing: CDBG Grant).

County Manager James Fernandez said they had an individual from the Center for the Prevention of Domestic Violence pick up a packet for the CDBG Program. They did not return the information to the Manager's Office, but he requested that if they come into the meeting that they be allowed to speak during the presentation of Item C (Public Hearing: CDBG Program).

Chairman Alicia Aguilar said Item A (Request a Board to review FEMA Maps) is being deleted and considered at another meeting. The County Manager said Mr. Diebold indicated that at the meeting of the 25th, he would like to present information to the Commission that would include a 25-minute video. He said he was under the impression that Mr. Diebold would be giving additional information this evening.

Chairman Aguilar said the County Manager received a request from Margaret Ephlin to speak under Public Requests.

Leonard Garcia requested permission to speak under Public Requests.

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

APPROVAL OF MINUTES

The Minutes of the Regular Meeting of October 4, 1999 were presented for Commission approval. Commissioner Helen Baca made a motion to approve the Minutes of October 4, 1999. Commissioner Al Padilla seconded the motion. Motion carried.

PUBLIC REQUESTS: At the Discretion of the Chairman. For Information Only.

Mike Mechenbier requested that the Commission readopt Quarry Rd. for regular county maintenance. The road was built with State Funding. At one time the County maintained it on a regular basis and then it was maintained on a courtesy basis. The road is approximately 22 miles long. There is no bus service to the area and the families have to bring school children into school. Direction was given to administration to check on the road and report back to the Commission.

Clara Rehrer presented petitions to oppose the construction of a jail next to the Los Lunas Middle School.

Chairman Alicia Aguilar said, "Let the record show that this petition is being accepted for information only. No action is being taken."

Margaret Ephlin read the following letter into the record: "This statement for the record represents a small group (thus far) of residents living north of Tome Hill and in the area of the South El Cerro Road (Highway 263)."

On Thursday, October 14, 1999 we learned of the rumor of a proposal by the State of New Mexico Highway Department to build a new Rio Grande bridge intersecting with Edeal Road and a four lane highway on the existing two lane highway 263 which is the South El Cerro Loop."

"Via a telephone call made to Mr. Abbo of the Highway Department, the same day, this information was confirmed."

"We have not been officially notified by any government agency nor publication of this new development and direction of this project. We and other residents in the area have not been included in any feasibility study nor been provided opportunity for input in any public hearings on this matter. This situation has, therefore, caused us to take the position of "NO BRIDGE" in the Valencia Valley."

"We request that the residents of the South El Cerro area be provided the same courtesies and opportunities that were offered to other residents near the bridge projects' affected areas. We also request sufficient notification of intent by the New Mexico State Highway Department so we may be included in public hearings that affect our lives. We must have sufficient time to mobilize and organize the area's peoples to properly gain a consensus and enable us to express the majority's wishes and official position concerning the proposed new bridge and highway project in the area."

Chairman Aguilar said she spoke with Mrs. Ephlin over the weekend and she would like the residents to know that she also spoke with Dave Pennington today. She will be meeting with him later on this week and will get additional information. They are proposing two more public hearings. They will be held on the 9th and 10th of November. One will be at Tome Elementary and the other will be at Dennis Chavez Elementary School. It will be an opportunity to get more information and voice your opinion.

Leonard Garcia spoke on behalf of the Collaborative Action Team that is based at Ann Parish Elementary School. They will be holding the East Area Health Fair on October 23, 1999 from 9:00 AM to 2:00 PM at Ann Parish Elementary School. He invited the County Commission as well as the Media and the public to attend. He said as well as the Health Fair, there will also be a Rabies Clinic for the pets that will be held at MeadowLake at the Fire Station.

Chairman Alicia Aguilar said the County is part of the Collaborative Action Team and is being represented in Little Rock, Arkansas. She said that the County Manager and herself would be going to Little Rock also.

The County Manager said the Collaborative Action Team is a community-based organization that seeks input from the public as it relates to the students and general public in the East Mesa area. They try to get as many of the residents as possible involved and get input from the general public and the residents of the East Mesa area in community projects.

ACTION ITEMS

(A) REQUEST A BOARD TO REVIEW FEMA MAPS

Charles Diebold said he has been actively involved in studying the actions of FEMA on flood control in the valley. He presented a small packet of correspondence to the Commission. **(See Exhibit A)** He presented his opinions of the FEMA response to the many letters he has written regarding the FEMA flood plain maps. He will be showing a video at the meeting of October 25th and hopes to have better answers to his questions. Mr. Diebold is requesting an impartial review board to resolve FEMA's demand to include so much Valencia County acreage in the flood plain.

Chairman Alicia Aguilar said, "This has been an ongoing thing since 1991 and the County has gone through 4 appeals on this. You did receive the memo where we did send FEMA your video and we sent FEMA all of your information. They did review that. The last letter that they sent to us said they were denying any further appeals. This was the end not only for us, but also for Los Lunas. They mentioned that the maps would be finalized and they would be effective in February of the year 2000. They did mention that there are no more appeals for the County. Everything that we have tried to address from the levies to the dams to the railroad crossings, we have provided them with cross sections and as I stated in another meeting, we've sent facts and provided a lot of information and they keep coming back and saying we'll review the levies but they don't meet the criteria so based on our federal standards, they come up with something or other. My understanding now is, there are no more appeals. The maps have been finalized and our congressional people have been asked to help since 1991. I'm not sure where we go from here. I think that if in contacting them and they can do something, the communications should be with them as far as the public contacting the congressional people and letting them know that the problem is here. I don't see how the Commission has any authority any more. We've tried."

Mr. Diebold suggested that the Commission wait to hear from Congressman Skeen's Office. He did help Carlsbad with a similar problem. He believes there is a possibility that Jeff Bingaman's Office will be interested in this. He said he is only calling it to the Commission's attention and maybe by the 25th of October they will have something to consider.

Chairman Aguilar said there is a floodplain seminar that will be held in Albuquerque in November. Michael Baker will be one of the individuals that will be making a presentation. They are the engineering firm that did all of the maps and the fee is about \$75.00. She said she would look for the brochure and forward it to Commissioner Pando so that he can pass it on to Mr. Diebold. That way he can address questions directly from the engineer.

Hector Munoz spoke to the Commission regarding a problem he is having at the Los Lunas Middle School. He lives in MeadowLake and is here representing about 20 families. The problem has to do with the dress code at the Los Lunas Middle School. He said one school staff member tells the children one thing and another tells them something else. The kids are going to school without coats because they are being harassed. Mr. Munoz said his son was suspended for having a happy face stamped on his hand at a game after school. Some of his friends were also sent home from the game because of the way they were dressed, even though they had been in school all day.

He said he has been to the Los Lunas School Board and they have not gotten any satisfaction.

Chairman Alicia Aguilar said the Commission appreciates the fact that Mr. Munoz took the time to come and address the Commission, however they have no jurisdiction over the school board. Mr. Munoz said he just wanted to bring this out so that others will know what is going on.

Commissioner Frank Pando suggested that Mr. Munoz talk with Arley Sanchez from the Journal South or Kathy Saltzstein from the News-Bulletin about this problem.

(B) HOSPITAL COMMITTEE FEASIBILITY STUDY REQUEST

Dr. Manuel Gamez presented Resolution 99-45 for Commission approval. It is a request for the Commission to go out for RFP for consulting services for a Feasibility Study. The Feasibility Study should include the need for a medical facility, the type and size of facility and explore various sites including infrastructure and location. It should investigate costs and the best method of financing. It should explore options of financing and its management, the cost of the feasibility study and time frame and other information on the management of the facility.

The Valencia County Commission will be requesting support for this study including legislative appropriation at the 2000 Legislative Session.

The Valencia County Hospital Steering Committee has decided to rescind all past requests and will continue to update the Board of Commissioners on the status of the committee. The Valencia County Hospital Steering Committee wishes to continue to have input on the RFP process.

Commissioner Eloy Giron arrived for the meeting.

Commissioner Frank Pando made a motion to approve Resolution 99-45. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit B)**

(C) PUBLIC HEARING/CDBG PROGRAM

Valencia Counseling Service

Jill Dougherty spoke on behalf of the Valencia Counseling Service in requesting support from the Commission to sponsor a Community Development Block Grant application for the Fiscal Year 2000.

The Valencia Counseling Service has been in operation for over 18 years. The services have been targeted to low income in need of mental health services. They are hoping to raise funds for two new transitional homes. The current homes are in poor condition and remodeling would cost more than new construction. The children are in need of a long-term residential shelter care facility.

The Children, Youth and Families Department have the need for Valencia Counseling to expand the services to meet this crucial need.

They are proposing a mixture of funding sources and assistance in developing successful plans for new facilities. Some of the land may be donated to meet these projects. CDBG is only a portion of what they would use to obtain their objective.

Ms. Dougherty said Valencia Counseling Services has provided a valuable residential and community based service to almost 2000 clients every year. If the Commission selects this agency in expansion, they can continue the quality of care and assist more families in the communities.

Willie Ferguson, board member for Valencia Counseling Services stated the Valencia Counseling Service needs the support of the Commission as well as the community. She said these people are all good people who are trying to get on with their lives. They deserve a chance. She would like to see a Community Task Force made up of the people working in the community to make it a better community. They could do things such as picking up trash or painting buildings. They are good people who deserve a chance.

Discussion was held with the Commission.

Habitat for Humanity of Valencia County, Inc.

Habitat for Humanity of Valencia County is a non-profit organization as defined by the Internal Revenue Service. Its mission is to build homes for very low-income families regardless of race, creed, national origin, color, sex or age. To date Habitat has completed ten homes in Valencia County and has three additional homes under construction. They have used the services of thousands of volunteers to complete these projects. They will build six homes in Valencia County in 1999 and are planning to build seven in 2000 and ten in 2001.

Habitat selects families on the basis of need, ability to pay a zero percent mortgage (income and credit report) and the family's willingness to volunteer 500 hours of sweat equity. Qualified applicants have incomes of 25-50% of the county's median income according to HUD's income guidelines, revised annually. Homeowners are also required to attend the Homeowner's workshop at United South Broadway to educate them on matters of finance and home maintenance.

Every homeowner is assigned a Family Support Person. This volunteer is there to help the family maintain their sweat equity hours, assist them with emotional support through the process, and follow up with them for at least one year after closing. Homeowners needing assistance with English are encouraged to attend English as a Second Language Class that is offered by the University of New Mexico. Homeowners lacking High School Diplomas are encouraged to attend the GED class offered at the University. Credit counseling is available for all applicants. The Family Support Person is there as a resource to guide the family to access help that will improve their lifestyles.

Kevin Cronk, Executive Director of Habitat for Humanity of Valencia County, Inc. said they are requesting \$74,000.00 for funding the roads and infrastructure on 11 new lots, which they are purchasing on Guapo Street in Rio Communities. This will include installing utilities, curbs, gutters, sidewalks and street paving, as well as leveling the land.

Discussion was held with the Commission.

Tome Historical Association

Rita M. Padilla-Gutierrez spoke to the Commission on behalf of the Tome Historical Association. She said this is a formal request that the historic regions of Tome, Adelino and La Costancia be included in the grant proposal designed to locate funds for historic preservation in Valencia County.

The Historic Tome Neighborhood Association is committed to insuring that Tome and its neighboring villages of Adelino and La Costancia be viewed as historic places. The Historic Tome Neighborhood Association has defined its boundaries as north of Tome Hill, Adelino and up to La Costancia south of La Entrada Road. These areas are rich in historic sites which include, but are not limited to, the Tome Hill, three campo santos, Tome Plaza, Tome County Jail Building, (Tome was once the county seat), the Tome Church, the old cattle drive trails and the beautiful and ancient acequias which have provided life to the farming residents of these areas and connected these communities for centuries.

Discussion was held with the Commission.

Chairman Alicia Aguilar stated when the Tome Association came before the Commission and said they planned to apply for the CDBG Grant she went back and checked the Local Governments Program Grants and found something she thought would benefit the Tome Association. It talks about the use of funds. She said, "Funds may be used to identify and document historic and archeological sites, to preserve sites to design preservation ordinances and programs, to pay for training of local boards or commissions, to provide materials for public information and education and other preservation related efforts. Also eligible are costs involved in nominating sites to the National Register for Historic Places." She said it also mentioned that it says the program has been under utilized and new applicants are invited. Applicants must show evidence of planning for historic preservation prior to the application. There is also another one that is the preservation act of 1989 and she made copies for Mrs. Gutierrez.

The Center for Domestic Violence was not present to make their presentation.

County Manager James Fernandez suggested that the Commission take an opportunity to review the information that was presented to them and at their Special Meeting of October 25th, make their decision at that time. A resolution will need to be developed and drawn up showing that the County will be supporting that particular item.

Tom Garde said that would be appropriate. The Commission is aware that time is of the essence.

(See Exhibit C for all presentations)

(D) ACCEPT BID FOR PHASE V/Construction Tome Hill Park

Jacqueline Guilbault presented Bid #500 for Commission approval. It is the bid for construction of Tome Hill Park for the remaining landscaping, post and cable and shrubs. Ms. Guilbault said they would like to eliminate 54 shrubs from the bid and accept the bid for the base bid amount from LTV Construction.

Commissioner Al Padilla made a motion to accept the bid from LTV Construction. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit D)**

(E) REQUEST TO PUBLISH/Re-bid for Interpretive Signs at Tome Hill Phase V

Jacqueline Guilbault requested that the proposal for the Tome Hill Park Phase V interpretive signs be rejected and give them permission to publish to rebid the project. The amount submitted by the single bidder was substantially above the budgeted amount and a negotiated cost was not reached.

Commissioner Frank Pando made a motion to reject the bid and go out for rebid. Commissioner Eloy Giron seconded the motion. Motion carried.

(F) REQUEST TO PUBLISH/Amendments to Personnel Policy Manuel Ordinance 93-03

Carol Anaya requested permission to amend the Personnel Policy Manuel Ordinance 93-03 and go out for publication of the amendments.

She said they are changing any sections that have "Personnel Director" and putting in "Human Resource Manager". Other sections to be amended are the following:

- 2.27 - adding the words - (their spouses, their children)
- 2.34 - adding the words - (A probationary employee accrues leave, receives employee benefits, but cannot avail himself/herself of the grievance procedures set forth in this personnel manual.)
- 3.3 - adding the words (Business Manager next to Finance Director and adding County Planner and Landfill Director.)
- 5.2 - adding the words - (A full-time classified employee may be selected to assume in an acting non-classified appointee position until such time as the exempt position is filled. While in acting status the classified employee shall be paid at the entry level of that exempt position. Upon the selection of the non-classified appointee position, the acting classified employee shall return to his/her previous status and pay grade.)
- 6.2 - removing the words - Subsection A (June 1st of each year and putting March 15th of each year.)
A report will be given to the County Commission in April instead of July. The County Manager said the dates were changed due to preparation of the budget during the month of June. In subsection F deleting the words - (This would include performance evaluation and citizen's complaints) and adding the words - (should be returned to the employee or discarded after five years.)
- 10.4 - adding the words - (Employees serving over fifteen years will accrue 6.16 hours per pay period adding up to four weeks of annual leave.)
- 10.6 adding the words - (Employees may contribute any of their sick leave balance to another Valencia County employee when the following criteria are met: 1. The employee is in need of sick leave time due to critical circumstances. 2. The employee in need has used all sick and annual leave. 3. The contributing employee has an accumulated balance in excess of one hundred twenty hours of leave. 4. The sick leaves hours contributed are transferred from one employee to another in hourly increments. 5. Sufficient departmental funding is available.)
- adding the words - (Administrative pending disciplinary action shall not exceed thirty calendar days.)
- 10.19 adding the words - (Family and Medical Leave is appropriate to care for the employee, employee's spouse, son, daughter, or parent if that family member has a serious health condition. A Serious health condition is an illness, injury, impairment, or physical or mental condition that involves in patient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health provider, as specifically set out in Section 825.114 of The Family and Medical Leave Act of 1993.)
- 11.7 deleting the words - (Medical examination form.)
- 11.10 adding the words - (MEDICAL/MENTAL HEALTH - The Human Resources Manager shall maintain all medical and mental health forms and evaluations in a separate file.)

Commissioner Helen Baca made a motion to allow the request to publish the amendments to the Personnel Policy Manuel 93-03. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit E)**

(G) PUBLIC HEARING/FINAL CONSIDERATION/Comprehensive Zoning Ordinance

Mike McCartney requested that the final hearing on this issue be scheduled for November 8th. Mr. McCartney said some of the suggestions were incorporated into the draft that is being presented tonight. He said hopefully by the next meeting the map would be ready. The Council of Governments is digitizing it.

Chairman Alicia Aguilar introduced Dennis Foltz, Executive Director for the Middle Rio Grande Council of Government. They have been instrumental in working with Steven Chavez in drafting the Comprehensive Zoning Ordinance.

Dennis Foltz commended the County for thinking ahead and trying to get a grasp on the growth in this County. He offered their continued assistance in this effort. He said they would have the map ready for the meeting that the County has requested. He said he believed it would be very useful.

He commented on the agricultural portion of the ordinance. He said the Middle Rio Grande Council of Governments represents the local governments in Sandoval County, Bernalillo County, Torrance County and Valencia County. They are involved in a project called Focus 2050, which is taking a long range look at where this region is going as it grows from 700,000 people to an anticipated 1,500,000 in the year 2050.

They held meetings here in the County and there was a very strong feeling for the maintenance of the valley, the cultural, traditional and agricultural basis. People have been living here for approximately 20,000 years and agriculture has been a way of life for every culture that has lived here. They are working very hard with a group here in the valley to preserve the agricultural process. They recommend that the County maintain the parcels in the largest size possible. In the AP Zone and the RR2 Zone, the recommendation is to keep it at 10 acres. You can always reduce the size, but it very difficult to enlarge the size later on. This has to do with traffic issues and environmental issues.

Discussion was held on the amendments pursuant to the first public hearing dated October 4, 1999. Those participating were: Commissioner Frank Pando, Commissioner Eloy Giron, Commissioner Al Padilla, Commissioner Helen Baca and Chairman Alicia Aguilar, Steven Chavez, Charles Diebold, Tony Williams, Marcel Reynolds, Patty Gustafson, Bob Davey, Michael Lundmark, David Gabaldon, Ray Garcia, John Valdez, Harvey Yates, Ambrose Chavez, John Salazar, Dale Jones, Matthew Otero, Paul Shumaker and Ron Gustafson.

Steven Chavez said there was a committee comprised of Valencia County residents that reviewed the ordinance. Among those serving on that committee was Tony Williams, Bob Davey, Albert Benavidez, and Fermin Chavez.

Commissioner Frank Pando made a motion to continue the hearing on November 1, 1999, with the final hearing being held on November 8, 1999. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit F for letters submitted to Commission)**

(H) REQUEST JOLEEN ROAD PUT ON PAVING LIST

Mike McCartney said this is a county dedicated road in District 2. It is off of Miller Road in the El Monte Subdivision. They are requesting that the road be added to the list for paving.

Chairman Alicia Aguilar made a motion that Joleen Road be put on the list for paving in the future. Commissioner Helen Baca seconded the motion. Motion carried.

(I) AWARD BID #504/Lease Finance/New Fire Apparatus

Valencia County Fire Marshal requested permission to award bid #504 on a lease purchase of new fire apparatus. Three bids were received, one from Banc One Leasing Corporation in Phoenix, one from Baystone Financial Group of Manhattan, Kansas and Commercial Equipment Finance of Albuquerque, New Mexico. Mr. Cherry recommended that the bid be awarded to Banc One Leasing Corporation at an interest rate of 5.197%.

Commissioner Eloy Giron made a motion to accept John Cherry's recommendation and award Bid #504 to Banc One Leasing Corporation of Phoenix, Arizona at an interest rate of 5.197%. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit G)**

Chairman Alicia Aguilar left the meeting.

(J) SIGN ON LEASE-FINANCE RESOLUTION

Valencia County Fire Marshal John Cherry presented Resolution 99-46 for Commission approval. He said Banc One Leasing requests a resolution be signed by the Chairman of the Commission in order to complete the financing of the fire apparatus.

Commissioner Helen Baca made a motion to approve Resolution 99-46. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit H)**

(K) REQUEST OUT OF STATE TRAVEL/Terry Baber

John Cherry requested out-of-state travel for Terry Baber to go to Hometown, Alabama to get recertified for all Accelerant K-9 Handlers. The cost is \$658.77.

Commissioner Frank Pando made a motion to approve the out-of-state travel for Terry Baber. Commissioner Helen Baca seconded the motion. Motion carried.

Chairman Alicia Aguilar returned to the meeting.

(L) COUNTY MANAGER'S REPORT

Highland Meadows

County Manager James Fernandez presented a written report as requested on the roads in Highland Meadows. He said the information that follows is the result of research done by the Valencia County Administration concerning the roads in the Highland Meadows area. In reviewing the public records, it has been determined that the platted roads located in the Highland Meadows Subdivision (all units) are designated as privately maintained public roads, that have never been formally accepted by Valencia County as dedicated county roads for regular maintenance. The restrictive covenants for the Highland Meadows make no mention of the roads having been dedicated to the county for maintenance (See attached copies of covenants and county commission minutes).

The first attachment will be the County Commission Minutes dated April 27, 1982, the section dealing with Mr. Clifford Hammond - Request Maintenance of Roads in Highland Meadows Subdivision. It says, "Mr. Clifford Hammond approached the commission requesting that they send a blade to Highland Meadows Subdivision periodically for blading of the roads. He informed them that they were not asking for any gravel, just for blading. County Manager Salomon Montano informed the commission that without committing the county to accept the roads for maintenance, the county can grade the roads once in a while as long as the residents of Highland Meadows know they are not county roads and have not been accepted by the county."

"They will be doing it to help the residents out until such time when they can bring the roads up to specifications. The commission is all in agreement to maintain the roads, although they will not be able to maintain them on a regular basis, but can go out and make them passable for the time being."

The other items that are attached are copies of the Restrictive Covenants for the Highland Meadows area. He said they do not mention the roads.

Mr. Fernandez continued to read the report. It says, "Valencia County accepts the following roads for maintenance based on their existing conditions and/or having been previously listed by name in the Valencia County Road Inventory:

ROAD NAME	COMMISSION DISTRICT	MILES CLAIMED
Amarillo Road (also known as Elm Road)	District 3	.70

Highland Meadows Blvd.	District 3	1.90
Calle de Llano (also known as Sanchez)	District 3	2.70
Denny Avenue	District 3	.06
Jersey Avenue	District 3	.02
King Street	District 3	.07
		Total Road Mileage Claimed 5.45

NOTE: Any other roads will first have to be brought up to county road standards and the county commission petitioned before any road will be accepted for maintenance (SEE ATTACHED VALENCIA COUNTY ROAD SPECIFICATIONS). The State Highway Department road mileage claimed in the Highland Meadows area will be adjusted/corrected to reflect 5.45 miles of the specific roads listed above rather than the 21.82 bulk miles listed in the Valencia County Road Inventory dated March 1999.

The following private roads within the Highland Meadows Subdivision, as provided by the Los Lunas School District, have been designated as school bus routes. Please note that the following school bus routes are listed by County Commission District.

ROAD NAME	COMMISSION DISTRICT	MILES CLAIMED
San Pedro	District 1	.45
San Pablo	District 1	.52
San Jose	District 1	.70
San Sebastian	District 1	.66
San Domingo	District 1	.85
San Davie	District 1	.49
		Total Miles of School Bus Routes 3.67

Further, Valencia County is establishing a road certification certificate to insure that there is proper ingress and egress for emergency vehicles to insure the health, safety, and welfare of the citizens of Valencia County. Both the Valencia County Fire Marshal and the County Rural Addresser must sign the road verification certificate.

The Valencia County Fire Marshall has also developed an Emergency Services Plan for the Highland Meadows area. Additionally, road names documentation and mapping (GIS) has been contracted with a private firm and is expected to be completed within the next six months. The information gathered is part of the GIS System and will be utilized for emergency 911 response.

The Valencia County Road Department has placed caution signs at the Amarillo Road arroyo crossing indicating that the culvert may wash out during a heavy rainfall.

The New Mexico County Insurance Authority has also provided Valencia county with court decisions (Simpson v. Lincoln County) regarding maintenance and ownership of roads. Our insurance provider has advised Valencia County that it should not accept any road for maintenance until it is brought up to county standards, and has been formally been petitioned and dedicated for maintenance, at a published public county commission meeting. It has been determined, based on advice from legal counsel, that Valencia County will not maintain private roads in the Highland Meadows area, to do so would place undue liability on the county, and would also be a violation of the state anti-donation clause.

Mr. Fernandez directed the Commission to look at the last line on the copy of the plat that says, **"NOTE: It is agreed that the County of Valencia, New Mexico is not responsible for the construction or maintenance of the roads in this subdivision."**

(See Exhibit I for attachments) The sample plat is filed in Cabinet B page 343 and 344 in the County Clerk's Office.

Commissioner Frank Pando said Cliff Hammond called him and requested a courtesy grade be done. Commissioner Pando told him that this item was going to be on the agenda and he invited him to be at the meeting this evening. He told Commissioner Pando that he was also very concerned about the fire station that was discussed for the area.

Commissioner Pando said he would like to set up a meeting with the four developers, the County Manager and Commissioner Helen Baca so that they could go out and talk to them. He said he told them they would have to come up with the money to fix the roads so that they could be accepted.

Chairman Alicia Aguilar said maybe the Fire Marshal can get together with administration and work through there and then report to the Commission. If he is already working on it the Commission can ask for a report.

Commissioner Frank Pando made a motion to ratify the report given by the County Manager regarding the roads at Highland Meadows. Commissioner Eloy Giron seconded the motion. County Attorney Tom Garde said, "One thing I would note to the Commission, to continue maintenance of private property is in violation of the Anti-Donation Clause. That is the jest of all of the legal opinions. We are not allowed to provide services to private entities and we are doing this by providing services to the developers, when they are not public roads accepted by this Commission."

Mr. McAnnally said when he registered to vote he was put in District 1. He said he was told that all of Highland Meadows was in District 1. He said he lives on Taos Road, on the south side of the highway.

Mr. McAnnally asked if the county would give consideration to the school bus routes, as far as grading them. Tom Garde said, "That means the county will blade those roads if it's a school bus route and if it's available to the county."

Chairman Aguilar said, "Not on a regular basis." The County Attorney said the county would rely on the schools to request that a road be bladed and upon the review by the Road Department. He said it would depend on the condition of the road.

Chairman Aguilar said if the Road Dept. employees are working in the area they might get a road bladed, however the county employees may not be in that area every month. It could be once a month or it could be once a year.

Commissioner Frank Pando said that Cliff Hammond asked him what the charge would be to grade the roads. Commissioner Pando said he told him that the County is not in the business of grading roads. The County Attorney said it is Mr. Hammond's responsibility. He can hire a grader and grade the roads himself.

Motion carried on Commissioner Frank Pando's motion to ratify the report given by the County Manager on the roads at Highland Meadows.

Jail Update

County Manager James Fernandez said, "Administration has been directed to look at other possible sites for the proposed county jail. There is a site that is north of the Courthouse that is part of the county's existing property and is already zoned as SU. This particular site has been looked at, not by this Commission, but by the previous Commission, and it was first established as a potential site for the county jail in April of 1998. **(See Exhibit J for Exhibits)** Chairman Alicia Aguilar said, "This was a site that former County Manager David Lloyd Sais was promoting and he had John Friedman, the architect do a drawing."

Commissioner Frank Pando asked if that would have to go before the Village Council to address the zoning. The County Attorney said, "The Village Ordinance does not have a zone SU for a jail. There is no such thing in their ordinance."

The County Manager said, "The plan that was developed, we view as being deficient in that it does not meet some of the safety requirements that we have been establishing for the proposed jail. We have asked our architect to look at modifying the proposed jail plans to fit on that particular site. This is just for information, it is probably the worst site that could be chosen as it becomes closer to the Los Lunas School District." Chairman Aguilar said, "For the record, our current architect, the architect that was hired is Nims Calvani and there were four architectural firms that responded to the RFP. There was a selection committee that interviewed all of the architects and this architect was selected. Also for the record, we have met with the School Board and the School Superintendent to ask for their input and work with us on the site to the east and they do agree that the site to the north would not be the best site. We have contacted the Village of Los Lunas also and made them aware that we don't agree that the site to the north is the best site. It isn't. It puts it closer to the schools and going back to the site on the east, and I'll repeat myself, looking at that site, the facility would be in the middle. The recreation yard would be in the middle of the facility. It is surrounded by county buildings, or will be. If you look at the existing YDI Building, that's as far east as the facility would go and then you would have parking lot back there. We have changed the access to the facility to come in from Courthouse Road so that as far as taking into consideration the safety of the students, this would diminish the traffic on Luna Avenue. You wouldn't have the traffic that is there. We are looking at the schools and the safety. If you're looking at the criteria and what we have to work for and the sites, we have to be within the boundaries of the Village of Los Lunas. That puts a limitation on what properties are available. If we look at the sites, none of the sites are ideal, but we have to have a facility. That is State mandated, so let's be responsible and pick the best site and let's pick a state of the art facility that does provide a safe and secure facility. That's what we have done. We are also looking, as I mentioned of changing the access so that it comes in from another direction. We are taking into consideration the safety of the schools."

The County Manager said in response to some of the concerns that the residents have, the access has been changed. A buffer has been placed between the facility with a parking lot and a tree area as well as a walled area to minimize access that any of the residents or children in the area would have to the facility. They placed the recreation yards within the interior of the building to make sure there is no viewing of the prisoners. It is a two-story facility and it would make it virtually impossible for a prisoner to get out.

Commissioner Frank Pando asked if they could mention some of the other sites. Chairman Alicia Aguilar said, "You've got the floor."

County Attorney Tom Garde said, "Commissioner Pando, I'd ask that you not discuss what took place because that was to be held strictly confidential. We can discuss what the Commission has done."

The County Manager said, "If I might detail, the four sites that were looked at by the County, one of the sites was just west of the County Courthouse and there was a problem with that and one of the partner's indicated they would not agree to sell the property if it was going to be utilized for a jail facility and there was also a problem with the access. There was a 15-foot easement going in and that easement would be closer to the Los Lunas School District coming out specifically by the gymnasium."

"One of the other sites that was looked at, was the Morris Road property. It is roughly a 25-acre site and that was not feasible. It is currently leased to the Village of Los Lunas on a 25-year lease. In estimates of looking at what the utilities would cost and the infrastructure even if it were available, would run roughly about 1.5 million dollars. There was another site looked at in Los Lentes, I believe it was an eight acre site, but there was opposition to that site because it was within a residential area. There was also an attempt to look at property on the Los Lunas Hospital & Training School, which would be State property and that, was not available to us due to concerns and opposition from the Village of Los Lunas. There was the site just east of us and that was the site that was deemed best suited in the terms of having it closest to this facility and limiting the amount of transportation and movement of County Prisoners for public safety."

Commissioner Frank Pando said, "How can you put a price on liability when you are transporting prisoners."

Chairman Alicia Aguilar said, "Have we been transporting for seven years? I've been a Commissioner for almost three years and I don't remember transporting prisoners." Carlos Montoya said for the 2-½ years he has been here, they have been transporting prisoners.

Chairman Aguilar asked if the County is still being charged \$45.00 per day for prison care. Mr. Montoya said the average cost was \$47.50. There are four facilities that Valencia County uses to house

inmates. The charge is \$44.00 at Cibola and \$56.00 at Estancia and Bernalillo County. That is just for housing, it has nothing to do with the transportation cost.

Commissioner Al Padilla said he had a conversation with Sheriff Juan Julian and he said there were times in the old jail when they had as many as 70 or 80 prisoners. He said he did not believe people were aware of these situations or the safety issue. He said the current proposal is fantastic in comparison.

Continuing Agreement for Professional Engineering & Architectural Services

The County Manager said we have a Continuing Agreement for Professional Engineering and Architectural Services with Molzen - Corbin & Associates. The last Commission meeting direction was given to enter into negotiations with Molzen - Corbin. Before you is a completed document that has been reviewed by the County Attorney. Changes requested by Mr. Garde are included in this document and have been signed. On the last page of this document there is a Task Order. One item that was requested by the Commission was to look at road engineering services as they pertain to road signs and speed bumps. At the Commissions direction we can enter into task orders and Molzen - Corbin will give us an estimate as to the cost and scope of services that we can present to the County Commission to verify that it is the service that they wanted to enter into. **(See Exhibit K)**

Chairman Alicia Aguilar said she believed this was a good thing, but we need to be cautious that it is not abused. Commissioner Frank Pando said he believed that the Task Order Request should fall into the Executive Session and discuss the request.

The County Manager said they could take this information back to them to get a cost estimate and bring it back to the Commission to see if they want to take the particular action.

Chairman Alicia Aguilar said, "I feel in hiring the Engineering Services that we have, the priority should be the Landfill and the closure of the landfill."

The County Manger said, "They submitted a separate document specifying the procedure and the cost that we will be submitting to Mr. Garde for his review to see if there are any concerns that he may have on that specific task. The other item that was placed as a priority for Molzen - Corbin was the development of Impact Fees that they will be working on with Steven Chavez for implementation in the next six to nine months."

The County Attorney said the Task Order Request should be dealt with by administration. Administration should make recommendations as to what tasks the Commission should consider. It should be done in an open meeting.

The County Manager said, "One thing that I stress to the Commission is that when we bring this to you we would want it made part of the public record and what the cost will be."

Commissioner Frank Pando said he gets calls everyday regarding stop signs in Peralta and La Ladera. He doesn't want to put more stop signs. He said there is a need for something to slow the drivers down, whether it is speed bumps or dips.

Chairman Aguilar said she attended a C.O.G. Meeting and it was interesting to listen to the Mayor of Bernalillo. He said people kept wanting speed bumps and they finally got them and now they want them removed because the kids have discovered how they can hydroplane.

Commissioner Al Padilla said they need a stop sign on the West Side of Pasitos del Cielo. Chairman Aguilar said, "You all have a form, fill out your request and give it to administration."

Y2K Information

The County Manager said there was meeting on October 15th with the Department Heads. They were notified that they should have a contingency plan in writing and submitted to the County by October 25th so they can become a part of the overall Y2K Contingency Plan for the County.

Chairman Alicia Aguilar requested that Edwin Esquibel from the Adult Detention Facility at the next meeting submit a written report.

Commissioner Frank Pando said he thought the Commission was supposed to get a report from Animal Control.

The County Manager said for the November 8th meeting, the Department Report scheduled is the Fire Marshal's Office.

(M) WARRANTS

Carlos Montoya presented the Warrants for Commission approval. The total amount of the Warrants is \$243,322.00.

Commissioner Frank Pando made a motion to approve the Warrants. Commissioner Helen Baca seconded the motion. Motion carried.

There will be a Special Meeting of the Valencia County Board of County Commission held on October 25, 1999 at 10:00 AM in the County Commission Room at the Valencia County Courthouse to discuss the Solid Waste Contract and the haulers.

There will be a Special Meeting of the Valencia County Board of County Commission held on November 1, 1999 at 10:00 AM in the County Commission Room at the Valencia County Courthouse to discuss the Comprehensive Zoning Ordinance.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on November 8, 1999, at 10:00 AM. Executive Session will be held at 8:30 AM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Eloy Giron made a motion to adjourn the October 18, 1999, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Frank Pando seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the October 18, 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: Nov. 8, 1999

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