

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

FEBRUARY 8, 2000

MINUTES

The Regular Meeting of February 8, 2000 was called to order by Chairman Alicia Aguilar at 8:13 AM.

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

EXECUTIVE SESSION

County Clerk Kandy Cordova read the agenda of the Executive Session as presented. Commissioner Frank Pando requested discussion on an article that was printed in the newspaper either during the Executive Session or in the open meeting regarding the board that the Commission created to work with the Highway Dept.

Chairman Alicia Aguilar said she thought it came about as the results of one of the meetings where the suggestion was made that they should talk to the people. She said they could discuss it in the open meeting because she would like to update the Commission on two meetings that she attended with the Highway Dept.

Chairman Aguilar also said Edwin Esquibel requested permission to address the Commission during the Executive Session regarding personnel issues in the adult detention facility.

Commissioner Frank Pando made a motion to approve the agenda with the changes and go into Executive Session. Commissioner Al Padilla seconded the motion. Motion carried.

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

NEW HIRES:	Jodie Noah Jason Baldonado Kathy Botran
Part-Time Nurse for the Adult Detention Facility	
RESIGNATION:	Christine Henson Corine Porter
TRANSFER: Clerk's Office to Treasurer's Office	Elaine Gabaldon
END OF TEMPORARY STATUS:	Inez Anaya
PROBATIONARY TO NON-PROBATIONARY With Salary Adjustment	Billy Gallimore Carlos Perea
SALARY ADJUSTMENTS:	Heather Garcia Rose Molina Reyna Carrejo Salomon Marquez Ernest Rael Patrick Otero
ADMINISTRATIVE LEAVE WITH PAY:	Eli Griego

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

Pending Litigation

County Attorney Tom Garde said, "During the Executive Session I discussed the decision with regards to the Dudley Price Subdivision and the ramifications thereof. We expect a written decision on that in the next week or so."

Land Acquisition

County Manager James Fernandez said, in Executive Session, the counter proposal for the property just west of the County Courthouse was brought up to the Commission. They have an agreement in principal subject to funding from the legislature.

Chairman Aguilar repeated what Mr. Fernandez said because of the construction noise. She said he reported on the Commission's attempt to purchase 1.6 acres of property west of the Courthouse. It would be behind the District Attorney's Office. A bill is being sponsored at the State Legislature so if the funds become available that is what will be used to purchase that property. It is contingent upon Legislative appropriation.

County Manager James Fernandez said there was a correction of PERA contributions for Cecilia Castillo in the amount of \$991.68 and Sammy Olguin in the amount of \$3,576.14.

Commissioner Al Padilla made a motion to approve the correction of PERA contributions. Commissioner Frank Pando seconded the motion. Motion carried.

The County Manager said there was a report from the Detention's Administrator regarding certain matters that have taken place in the Detention Facility.

The County Manager said he did give the Commission a revised copy of a management agreement for their review regarding the Tri-Sect Landfill.

Commissioner Eloy Giron made a motion that these items were the only items discussed during the Executive Session. Commissioner Frank Pando seconded the motion. Motion carried.

INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

This item was dispensed with due to the length of the agenda.

PLEDGE OF ALLEGIANCE

County Clerk Kandy Cordova led the Pledge of Allegiance.

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the agenda as presented. Mike McCartney requested that Item G(Public Hearing/Revise Subdivision Regulations & Guidelines) be deleted from the agenda. County Manager James Fernandez said Item A(Presentation of Bonds Proceeds/NM Finance Authority) would be presented by Cynthia Rex and not Kathy Sylvia. He also requested that Item F(Indigent Report) be moved to Item B. Chairman Aguilar said under the County Manager's Report there will be an update on the river crossing and discussion among the Commissioners.

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

APPROVAL OF MINUTES

The Minutes of January 10, 2000, Regular Meeting, January 13, 2000, Special Meeting and January 24, 2000, Regular Meeting were presented for Commission approval.

Commissioner Frank Pando made a motion to approve the Minutes of January 10, 2000, January 13, 2000 and January 24, 2000. Commissioner Al Padilla seconded the motion. Motion carried.

PUBLIC REQUESTS

Martin Frank Kirtley said he does a lot of walking throughout the County and he has noticed there are a lot of liquor bottles on all of the streets and highways. He said it is a shame that the school kids walk to school and have to look at all of the bottles thrown around.

ACTION ITEMS

[A] PRESENTATION OF BOND PROCEEDS/NEW MEXICO FINANCE AUTHORITY

Cynthia Rex from the New Mexico Finance Authority presented a check in excess of 4.7 million dollars for the correctional facility project. She said they were happy to have the opportunity to work with the County on this project and hopes they will be able to work with the County on future projects.

Chairman Alicia Aguilar said, "This is quite a day. We've broken ground and the construction is under way. The funding has come through and now we just wait and hope that by the fall, we will be able to see the facility. It should be completed."

Chairman Aguilar said, "I'd like to thank the New Mexico Finance Authority for their patience and all their help and hanging in there with us and helping us finance this facility."

Commissioner Frank Pando said this has been a 20-year problem and finally it looks like it is going to become a reality. He thanked the citizens and said without their help they would have never realized this goal.

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

[B] INDIGENT REPORT

Barbara Baker presented the Indigent Claims from December 30, 1999 to January 29, 2000. The total amount of claims submitted is \$58,320.33. She asked the Commission to approve \$39,397.74 and to deny \$18,922.59.

Commissioner Eloy Giron made a motion to take the recommendation of Barbara Baker and approve the Indigent Report as presented. Commissioner Helen Baca seconded the motion. Motion carried. **[See Exhibit A]**

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

[C] UNTABLED ITEMS/Amendment to Zone Maps

Extraction & Mining of rock for Twin Mountain Construction II Co. From OD to MR

Mike McCartney said this item was tabled at the January 24th meeting. This is a request to amend the zone maps from OD to MR by Twin Mountain Construction Co. The owners of the property are Grady and Jan Day. The property is located in Highland Meadows and is 651 acres.

Steve Medina from Twin Mountain Construction Co. said, Twin Mountain submitted an application to amend the zone maps for the property owned by Grady and Jan Day. Twin Mountain has committed a proposal to purchase the property. The application was submitted on December 13, 1999. The Planning and Zoning Commission met and sent recommendations for approval. The next step was the Board of County Commission that was held on January 24th. On January 24th, this item was tabled for further information.

Mr. Medina said Twin Mountain has met all criteria of the application process and more. The Valencia County Comprehensive Zoning Ordinance for the Mineral Resource District is very comprehensive and stringent. He said they have met all of the criteria. He said Twin Mountain is here for the long term. They have consulted the best and most professional companies to help them with this process. That comes into play when you look at the plan that Twin Mountain submitted.

They planned to purchase 651 acres for the project. That is a lot more than was needed for the project. An environmental impact study was done on the property and that is not required on the application. They met with residents at the site to discuss and answer any questions. The Commissioners suggested at the last meeting that only 156 acres plus the stockpile and access road be the section that would be changed to Mineral Resource. Mr. Medina said they are willing to go along with that, but he said that would leave almost 500 acres of property that Twin Mountain has made a capital investment on that will remain as it is today.

Mr. Medina said they are adopting alternative mining methods that will insure the petroglyphs will not get disturbed. They have consulted with others to develop a testing plan to test the sites that will need to be mitigated within the 156 acres and that is only 6 sites. They have expanded open lines of correspondence with the Laguna Reservation, the State Historical Preservation Office and the New Mexico State Highway Dept. and also the residents of Highland Meadows. Those are the pending issues that were left from the last meeting.

Mr. Medina started off with the notification to the Laguna Reservation for any potential problems. Phone calls were made on January 28th, February 1st and February 2nd. A letter was written and faxed on January 31st of this year, which is in the packet as of this morning. There was also a letter put in the packet this morning with regards to the acknowledgement that Mr. Medina received from Governor Harry E. Eddy who called on February 3rd and told him that he had not reviewed the packet and had forwarded it to a different department for review. As of this morning he has not had any response. They will keep open lines of communication with the Laguna Pueblo.

The next item was the notification to the State Historical Preservation Office. He said this stems from a concerned citizen of Highland Meadows urging the Commission at the last meeting not to change the designation until review from the State Historical Preservation Office. They have corresponded with Glenna Dean. Her response is also in the packet this morning.

Mr. Medina used a computer and a movie screen as part of his presentation to show the site as the work progressed for one year, for three years and for five years.

Mr. Medina said another topic that was brought up was the traffic impact study. Steven Crawford is here to help address the impact analysis. Mr. Crawford said he is a civil engineering, traffic-engineering consultant in Valencia County. They have done the original coordination on the driveway with the State Highway Dept., District Six. Mr. Crawford showed the Commissioners a preliminary version of the driveway plan. He explained the direction they were taking to make the driveway plan safer for drivers going in either direction, as well as the trucks that would be turning out of the plant or into the plant. He said they have not done the field count yet.

The important thing is to look at safety and the trucks have good site distance so that people who are driving the trucks can see any oncoming cars and have the ability to safely make a turn. He said from the types of measurements they have made, the level surface of the intersection is going to be quite high meaning minimal delays to the through traffic on the highway and minimal delays for the trucks sitting there wanting to make their left turns. There is not so much traffic to cause the truck to sit there for five minutes to find a break in the traffic. The highway is not that heavily traveled. Mr. Crawford said there is growth and development all around this area and the Highway Dept. is in the middle of addressing that. They have some long range planning programs that they do to figure out how to upgrade highways and Route 6 is in the five-year STIP. of the State Transportation improvement Program for being widened to four lanes from Los Lunas to Interstate 40. Mr. Crawford said long before this project is done and long before the truck count gets too high, we're going to have a four-lane roadway between Los Lunas and I-40. The number of trucks coming out of the driveway is not going to change in 20 years, but the number of cars driving on Route 6 and the citizens living in Highland Meadows and the surrounding areas is going to increase. That is why the Highway Dept. is widening it to four lanes. They are also widening it to four lanes in acknowledgement of the truck traffic using the Wal-Mart Distribution Center and making sure that is a good solid truck route to get from I-40 to I-25 and go around the City of Albuquerque and the Big-I.

Chairman Alicia Aguilar said, "There was a meeting here with Steve Harris and the Highway Dept. updating all of the elected officials on Friday at 1:00 PM. I have a copy of their five-year plan and their STIP. You're saying it is going to be widened to a four-lane. No, it's not. It is just going to be an improvement of the two-lane and the monies that have been appropriated are for reconstruction of bridges. The four lanes will only be widened to the Wal-Mart Distribution Center. I do have proof of that and that was information that was provided to me on Friday."

Mr. Crawford asked if Steve Harris was presenting the District Three STIP or the STIP for the entire Highway Dept. Chairman Aguilar said, "The entire Highway Dept. for Valencia County and the

projects that were there included projects to I-40." Steve Crawford said he was told the District Six engineer was widening it from two lanes to four lanes from I-40 down into Highland Meadows.

Mr. Crawford said, "If that is not the correct information, it doesn't change the outcome of the traffic study. If it stays a two-lane road, things are still going to work, but obviously not quite as well, but I was told by the District Six Engineer that the widening from I-40 down through Highland Meadows was in the five year STIP., but I don't know whether he was erroneous or whether Steve Harris' list included only the District Three projects."

There was more discussion on the weight of the loads per truck that would be hauled.

Commissioner Frank Pando said, "I've had a lot of people call me in the last few days. There seems to be a desire to turn this thing into a State Park if possible. We all live in America and we all live on a beautiful piece of land. Fortunately we live in Valencia County and there are places here that are God made. I saw it and it is a beautiful site. I would like to see my grandchildren and my great grandchildren continue to see this type of activity as it happens out there. I have nothing against roads and I have nothing against development, but I hate to see something like this spoiled and ruined forever and ever for a dollar. I notice there are archeological sites and there are petroglyphs right where you are going to be mining. My understanding is that there was a 100 ft. wall that was going to be created between the Rio San Jose and the actual mining. I was out there three or four times. That is such a delicate situation and if you blast in one place, it is going to land someplace else. There is already erosion out there. There is an area right around the canyon that Mr. Rogers and I were walking, where you feel a weird sensation. There is a spring and if you mine 100 feet deep, I think it will affect it real desperately because when you look at the rock, it is all in layers. The water has to go somewhere. I have no quarrel with development or progress, but I also know that you guys have a pit in Artesia, you have another one I believe, I don't know where, so to me, the way I'm looking at this thing, how much would it really impact a company of your magnitude to not have this as a mining, or is it possible that you could find another site that would not affect so many people, not only for me, but for our children and our grandchildren and for future generations?"

Steve Medina said, "I would like to address an issue that wasn't brought up at the last meeting. We realize that blasting is of a concern to the residents and for that reason we have brought Mr. Donegan who is a well-respected drill expert and he will give some insight on drill and shoot. Mr. Medina said there would be scales on site and the trucks will be ticketed on site."

Commissioner Al Padilla said, "In the last couple of years we have been addressing land preservation real strongly. This Commission has taken a real stand on it. That is beautiful land and I just want to quote Chairman Tabet from the Planning and Zoning Meeting. He said, "This in all honesty, is a beautiful site."

Steve Medina said, "It is a beautiful site and I want everybody to know that it will remain as is. The petroglyphs are not being disturbed. The six sites are on 156 acres will be tested and the testing plan developed. The petroglyphs will not be disturbed, they will remain as they are today."

Wilbur Lewis, the 1st Lt. Governor of the Pueblo of Laguna spoke on behalf of the Pueblo. He expressed the concerns of the Pueblo on the proposed rezoning. The Pueblo's land is immediately adjacent to the east and north perimeters of the property of Grady Day. The Rio San Jose crosses Pueblo land from west to east as a tributary to the Rio Puerco and eventually into the Rio Grande. It also serves as a watering source to big game species of deer and antelope, which are traditionally harvested by Pueblo members and are significantly represented by their culture. He said at Laguna they know the impact of mining with the experience of the uranium mine. Their biggest concern is the blasting. It affected the residential walls in the village that was located adjacent to the uranium mine, especially the traditionally built homes. He also mentioned the drifting dust and the smell of blasting powder. The smell of diesel and smoke is prevalent in the early morning from heavy equipment. They are unsure of the blasting affects on the spring water quality and output. This is a serious concern of the Pueblo. He said they appreciate the detail that has gone into the archeological findings as far as the contamination of the immediate surroundings. They represent a part of the Pueblo History. There are shrines that are significant to the Pueblo, which is why they have acquired some of the local ranch lands to put those shrines back in the tribal land holdings. They have a concern that the blasting may disturb the shrines.

For several years, the Pueblo has imposed a moratorium on mining of Pueblo resources despite the lucrative offers that have been proposed. They have done this for aesthetics, conservation, culture and traditional use of the land. He said this gives them life. He requested that the County Commission retain the Outland District that will not change the aesthetics, purity of water and air of the private and Pueblo Lands.

Those speaking against the zone change were Roger Lawrence, Linda Lawrence, John Erickson, Clara Rehrer, Theresa Harmon, Dean Otero, Sally Guiland and Lisa Cervantes.

Attila Bality with the Rivers and Trails Program of the National Park Service spoke regarding creating a park in the area. Mr. Bality presented the County Manager with information on the services that they provide.

Those speaking in favor of the zone change were Martin McAnally, Kathy McAnally, and George Neal.

Michael Donegan a drilling and blasting expert said the blasting they would be doing would not hurt the petroglyphs or any of the things that had been brought up here today. He said they have laws and guidelines that they must follow. He said they could do some test blasting with the residents being out there to see if there are problems. He said the technology has changed as far as blasting goes.

Steve Medina again told the Commission that they had complied with all of the criteria and have met all of the things that go into the application from the beginning to where they are at right now. He said Valencia County has ordinances on the books that have to be followed as far as the times for operation.

Commissioner Frank Pando said, "I really respect and admire what you have done Steve, but there is more to it than that. I really respect what the people from Laguna Pueblo said, that they have so much gravel out there, that they could become millionaires if they wanted to, but they don't want to lease it. They must have a reason for that. They own a lot of land and they own the same type of mineral that's in this particular area. I hate to stop anyone from trying to sell his land because Mr. Day does have the right to sell his land to whoever he can get the most money out of. I, personally, have talked to a lot of the citizens out there and I have gone out there three or four times to look at the petroglyphs and look at the entire area. I walked the perimeter of the canyon. I walked all the way down to the little spring. It's an area that should be protected. It's something that God created, we didn't create it. It should be left alone. There are millions of acres out there that are open that could be beneficial to someone. There is an issue of traffic. We just went through a big fight on that particular item and it just doesn't stop. I would hate to live with 100 semi's going through my front yard daily. If a semi goes through there, you're going to feel it if you're 100 yards away. The water, we do have a responsibility to the residents of Highland Meadows, to protect them, because we do have to protect the health, safety and welfare of everybody out there. These people have a substantial investment in their homes and wells. You're going to have to drill a whole bunch of them because you're going to have a bunch of wells to run your operation. I've been involved and worked in open pit mining. Once we destroy this, you can never bring it back. I would like to see it preserved and made into a National Park or a State Park. It is a beautiful experience. For that reason I am going to make a motion that this zone change be denied." Commissioner Al Padilla seconded the motion.

Chairman Aguilar said, "I totally agree with Commissioner Pando. I think the way he expressed himself, he put it very nicely. The other issue that is extremely important here is, when this Commission is looking at growth, we're looking at existing. We already know that there are about 3000 lots that have already been replatted. We need to look at that in the future. We have a neighbor to the west, we have to respect their concerns and we appreciate them coming. For them to come forward and say it is significant, there is an impact on them. I think we have to respect that. This Commission also has a right to look at compatibility. In my mind the water issue has not been totally resolved. The traffic issue has not been totally resolved. The compatibility issue, the fact that Valencia County and the residents especially have come forth and said, look, we're rural, this is what it's been platted, to try and change it we have to look at what impact that would have on what is existing and how we're to grow."

Motion carried to deny the zone change. **[See Exhibit B for letters and petition presented by Linda Lawrence.]**

Extracting Sand & Gravel/Redi-mix Plant for WW Construction Co. RR1 to MR

Mike McCartney said this was an item tabled at the January 10, 2000 meeting. This is a request to amend the zone maps from RR1 to Mineral Resource District for the purpose of extracting sand and gravel. If this zone change is approved, Mr. Wood will go before the Planning and Zoning Commission this afternoon for a Conditional Use Permit. There is a letter from the attorney representing the Auerbach Family and a letter from the Office of Cultural Affairs, Historic Preservation Division. This is 78.799 acres located across the street from the Industrial Park area of Solo Cup, Avonite and United Desicants.

Paul Wood said this property is now zoned for an asphalt plant and a redi-mix plant. They are not asking for an asphalt plant zoning, but in the near future there will be a hot plant and a redi-mix plant. He said they have contacted the Highway Department about an easement for the road. Dust control will be controlled with water. He said there will not be very much truck traffic.

Speaking against the zone change was Frank Scott, Bill Nebe, Albert Ussery speaking on behalf of Mr. & Mrs. Auerbach, Carol Romero, Craig Oersma and Tony Baca.

Commissioner Frank Pando asked the County Attorney if the Commission grants the zone change, is there something in the law that says it can be for a certain period of time or does that go under the conditional permit. Tom Garde said, "This Commission, under our new ordinance there is no provision that you can basically adopt a time frame in which they can provide, I think the ordinance provides it. Once they stop operation, then the zone change reverts back. If this Commission approves the zone change, then the developer still has to comply with the conditional use and there are quite a few restrictions. I think all of the restrictions that have been brought out are addressed in our procedure."

Chairman Alicia Aguilar submitted a letter from the Office of Cultural Affairs Historical Preservation Division. They did respond to the archaeological sites. They mentioned that what they would like is to make sure that the Commission stipulates consideration of the effects of the project on archaeological sites in consultation with HTP. They will assist the County and W W Construction to develop appropriate stipulations that will allow the company to mine sand and gravel without adverse impact to significant sites. **[See Exhibit C]**

Commissioner Eloy Giron asked Mike McCartney if the Commission approves or disapproves the zone change, Planning and Zoning would issue the conditional uses on it. Mike McCartney said, "That is correct. If you're not familiar with it, under the Mineral Resource District, it addresses all of the concerns that were mentioned today including operating standards etc."

Chairman Aguilar said "I did speak to Steve Harris of the traffic on that road and the impression I got when I asked him for documentation was he didn't feel there was much of an impact. He said it's a State Road and we're going to be improving the State Roads."

Commissioner Eloy Giron made a motion to grant a zone change from RR to MR for W. W. Construction. He said "This afternoon the Planning and Zoning will take our recommendations on some of the conditions to be implemented." Commissioner Helen Baca seconded the motion.

Commissioner Frank Pando said he has known Ron Gentry and Paul Wood for many years. They are not the kind of people that take responsibility lightly. They do a good job wherever they go. Mr. Wood did an excellent job on Highway 6, not only at his plant, but he also provided electricity to a number of residents out there without any cost to them. Mr. Pando said he believed these two gentlemen would do whatever this Commission asks them to do.

Commissioner Al Padilla said, "I have to abstain on this vote for personal reasons. I consider Ron a personal friend of mine and Anthony is also in the family."

Motion carried with Commissioner Baca, Commissioner Giron and Commissioner Pando voting yes. Commissioner Al Padilla abstained.

(D) REQUEST APPROVAL OF AMENDED COUNTY INVESTMENT POLICY

Danielle Jony presented Resolution 2000-8 for Commission approval, due to findings in the 1998-99 audits. Some of the items in the Investment Policy needed to be changed. The County Manager said this is only a correction in the Statute Book and it was the recommendation of the auditor that this change be made.

Commissioner Frank Pando made a motion to approve Resolution 2000-8. Commissioner Helen Baca seconded the motion. Motion carried. **[See Exhibit D]**

(E) PUBLIC HEARING/FINAL CONSIDERATION/AMENDMENTS TO ORDINANCE 87-1(FEMA)

Richard Padilla requested final consideration on the amendments to the Flood Damage Prevention Ordinance 87-1. The ordinance that was approved March 23, 1987 is no longer an acceptable ordinance. He said the new ordinance will become affective and all they have to do is change the dates.

Mr. Padilla said on June 7, 1999, the Valencia County Commission approved and adopted the Flood Insurance Rate Maps. The maps were dated April 6, 1998. He said, "The National Flood Insurance Study (FIS) and the Flood Insurance Rate Maps to establish the base flood elevations having been completed, the new studies, and they have been sent to my office, which I will give to you shortly, as of the new studies. I would like to ask and request that the Commissioner's adopt the new studies and the new Flood Zone Ordinance."

Commissioner Frank Pando said this thing has been beaten to death more than once. He has been against it because he thinks the County has been sold down the river. It says it's not something they need or want, but unfortunately the Federal Government decided that sometime it was going to flood. He said, "If you read the certification, it says, it is hereby found and declared by Valencia County that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future. Unfortunately we have no choice. It's a shame that we have to make people pay for something they don't need, but we don't have any control over it. I understand the Village of Los Lunas is working with Senator Domenici, but I'm sure it is not going to do much good."

Commissioner Al Padilla asked Chairman Aguilar for her recommendation since she has been involved in the FEMA issue from the start.

Chairman Alicia Aguilar said, "The question I would have is that there is no way that I, as a Commissioner could sign the Certification that says, "It is hereby found and declared by Valencia County that severe flooding has occurred and that there has been death. I would be more comfortable in a resolution that says that we are amending the articles that are pertaining to that. A previous Commission has already signed this certification. I don't feel that this Commission needs to duplicate it. To comply with the regulations, what we're doing is that we are stating that we need to amend the Article and I would adopt the new maps that become affective tomorrow. That's what my suggestion to this Commission would be. I have fought this for eight years to come back and have my signature saying what I've been asking of others, now I'm supporting. I can't do that. In talking with Allan Johnson or Bart Moore with FEMA, the only requirement is that we amend it, stating the article of amendment and fax that to them by tomorrow and that will put us in compliance."

"As far as Los Lunas and the comment that Commissioner Pando made, Mr. Charles Diebold put in a lot of time in writing to Senator Domenici several times as we did. I made seven contacts with Senator Domenici asking for his help. When I also spoke with FEMA last week, they did provide a copy of a letter sent to the Village of Los Lunas when the administrative hearing was denied three months ago. Their maps become affective April 6th. I throw that out just for information in stating that we pursued every avenue in appealing the maps and getting all of the information, but unfortunately all our appeals were denied."

Chairman Aguilar said on the County's part, the elevation was reduced from five to seven feet, to an average of about two feet. In some areas it's still about three feet. Effective tomorrow, everything in the County is in the flood plain, except the mesas. There are some spots on the mesa that is in the flood plain. She said it is valley area, county line to county line.

Commissioner Frank Pando made a motion to table this item until the end of the meeting to give Richard Padilla a chance to draft the resolution for the amendment. Commissioner Al Padilla seconded the motion. Motion carried.

Commissioner Helen Baca left the meeting due to illness.

(F) AWARD BID #510/New Slip-In Unit for Peralta Fire Dept.

John Cherry requested that the Commission award Bid #510 for a new slip-in unit for the Peralta Fire Dept. One bid was received and there was a letter received from the Peralta Fire Dept. Mr. Cherry read the letter into the record. "After review by Chief John Dear of the sealed Bids submitted on Bid #510 and with approval of the Board of Directors of the Peralta Fire Department, the Peralta Fire Department would like to accept the bid submitted by Artesia Fire Equipment. In lieu of the Foam Pro 1600, the Peralta Fire Dept. will accept the slip-in unit being built with a Hale FoamMaster 2.5V Foam System with a \$810.00 deduction of the bid price of \$16,583.50, resulting in a revised total bid price of \$15,773.50."

Commissioner Eloy Giron asked the County Attorney if there would be a problem with the Procurement Code on the bid. The County Attorney said, "Once the bid is open, the County can negotiate, in fact this was a sole source bid."

Commissioner Frank Pando made a motion to award the bid to Artesia Fire Equipment in the amount of \$15,773.50. Commissioner Eloy Giron seconded the motion. Motion carried. [See Exhibit E]

(G) PUBLIC HEARING/REVISE SUBDIVISION REGULATIONS & GUIDELINES

This Item was deleted.

(H) DISCUSSION & GUIDANCE ON ABANDONED MOBILE HOMES

Mike McCartney said this was brought up at a meeting about a month ago and he was asked by Commissioner Pando to put it on the agenda again. He said they receive reports regarding mobile homes being abandoned. If the County takes them, they have no place to put them. It is very difficult to work with the Mortgage Companies when the mobile homes are repossessed. By the time they come to get them, they are destroyed.

Commissioner Pando said at one time discussion was held on the Conejo Transfer Station and maybe get Louie to level 10 or 15 acres. Some of them are so torn up that all you can do is recycle them. Maybe they can sell the others.

Mike McCartney said there is a health issue also. The abandoned mobile homes become a haven for gang members, parties and drug deals.

Chairman Alicia Aguilar said, "My recollection and what I would like to see done is, give direction to Planning and Zoning to come back to us at the next meeting with something. Get together with our County Manager or legal counsel and have him review, that if we need to have policy, review the legality of it. If there is someone out there that says, I have a solution to this, if you could bring us that information and if you see the Conejo Property is adequate and if that is the sole solution, make a recommendation to us."

Commissioner Pando said at one time, David Martinez submitted a proposal to us to basically destroy these mobile homes and put them in for recycling. He was willing to pay the County 5% of whatever he made. Another problem is the abandoned vehicles.

Mr. McCartney said they are abandoned on Winston Road. On the west mesa there were 10 abandoned homes. Jack Huning owned the piece of property and he wasn't aware that the homes were there.

Chairman Aguilar asked Mr. McCartney to get together with Steven Chavez and draft something for the County Attorney to review.

Tom Garde said, "We have a provision in our new ordinance with regards to the nuisances. I think we would basically follow that. I think the problem is what to do with them when we follow the procedure."

Chairman Aguilar said, "We would be asking Mr. McCartney to let us know if there is property at Conejo and if it needs to be fenced and what the cost would be and how these mobile homes would be transported there and how you resolve the removal or getting rid of them."

Commissioner Pando said he thinks the County should go into contract with someone who has a vehicle that can do it and that they are insured as long as he provides the County Manager with the proper documentation. He does not believe the County should go into the repossession business.

The County Manager said one concern he discussed with Mike McCartney was that if there should be a need to involve the Environment Dept. that we have a Transfer Station and there should be a buffer between this and the Transfer Station so that we don't jeopardize what we have now.

Dieter Hartenhoff spoke to the Commission regarding the trash in Meadow Lake, the abandoned mobile homes and the ones that are trashed.

Commissioner Frank Pando made a motion to table this item until the March meeting. Commissioner Eloy Giron seconded the motion. Motion carried.

Chairman Aguilar said there is a plan to blitz Meadow Lake with a cleanup campaign.

(I) COUNTY MANAGER'S REPORT

Intergovernmental Agreement/NM Correction Dept. & Valencia Co./Use of tower

County Manager James Fernandez said within the packets there is a copy of an Intergovernmental Cooperative Agreement between the New Mexico Corrections Department and Valencia County. This will allow the New Mexico Corrections Department to mount a wireless communications antenna on the Valencia County communications tower. It has been reviewed by the County Attorney and now needs the signature of the Chairman of the County Commission.

Tom Garde said, "I discussed this with the Corrections Department Attorney and I also discussed it with Joe Cantergiani. Mr. Cantergiani advised me that that was the best-run meeting he's seen, when he attended this meeting. He's done countless public meetings and this is the first one that he felt was actually handled well by the Commission and by the public. I asked him which meeting he was at. I've gone over the agreement and it meets our needs with regards to whether they will provide any maintenance that needs to be done and accept the responsibility if there is any injuries to our equipment or to the public."

Commissioner Al Padilla made a motion to approve the Intergovernmental Cooperative Agreement between New Mexico Corrections Department and Valencia County. Commissioner Eloy Giron seconded the motion. Motion carried.

First Choice/Request for Letter of Support

County Manager James Fernandez said in the packets there is a letter from First Choice Community Healthcare dated January 24th. He said, "I direct your attention to the last paragraph, Mr. DeFelice who works with First Choice had a conversation with Mr. Les Swindle from Property Management in Santa Fe and at this time Mr. DeFelice is requesting the County to submit a letter of support in First Choice's initiative to secure an exempt classification for the First Choice Property."

Commissioner Frank Pando said he has a problem with this. The County rents a lot of State Property and he believes they should also have exempt status.

Chairman Aguilar asked if this would obligate the County in any way. Mr. Fernandez said, "Right now the property is leased to Valencia County from the State of New Mexico. Basically we would be getting out of that lease. It would go directly to First Choice. It is one acre of property. One of the initiatives that was going to be going before the State Legislature this year and one of our requests in our legislative package was clarification of the rental of State Property to governmental entities. Right now we are being charged at a market rate per square footage. There was some concern that this item might not be brought before the legislature this year and the First Choice property is up for renewal in June of this year."

Chairman Aguilar said, "I wouldn't have a problem supporting them, but only on the transfer of the property. I wouldn't want them to misconstrue that we're supporting them in any future endeavor expansion or whatever they're doing. If we do approve this, it's with the understanding that it is only for the one acre and has nothing to do with the medical services they are providing."

The County Manager said, "We didn't have clarification and specifies specifically that we are in no way committing the County to any future obligations for the improvements to the particular piece of property."

The County Attorney said, "It appears that the only issue before this Commission is the one acre where the First Choice is. It does not pertain to any other acreage that is within our confinement. Our concern is that the State for utilizing their property not does charge us. That is what occurred to the County with regards to our utilization of the Training School. Our interest in this is to insure that we're not going to get charged by the State for providing the property to First Choice for their building."

Commissioner Pando asked if the Commission is taking a position on this. He said by the Commission backing only First Choice, are they saying that it is their position that we are going to help them. They would negotiate a new lease with First Choice directly.

Chairman Aguilar said, "My understanding of this is that First Choice is saying, we've been leasing the property, we've been sub-leasing it from Valencia County and Valencia County has been leasing it from the State. We have one acre and the lease is due to expire this year, because we're not interested in continuing the lease, they went to the State directly. The State is saying, have Valencia County provide us with a letter indicating that they are not going to pursue the re-leasing and have no problem with you dealing with us directly." The County Manager said, "That is correct."

The County Attorney said, "The Little League Field is the next issue on the agenda. I might suggest that this issue be tabled until the Little League Field issue is heard."

Commissioner Al Padilla made a motion to table this item until the end of the meeting. Commissioner Frank Pando seconded the motion. Motion carried.

Information on Grand Opening Ceremonies at El Cerro Community Center

The County Manager said, in the packets there is a copy of the invitation that has been sent out on behalf of the Board of Commissioners inviting the public to the grand opening ceremonies of the El Cerro Community Center. It is located at 309 El Cerro Mission Road on Monday, February 21, 2000 between the hours of 2:00 - 3:00 PM.

Audit Report Update

The County Manager said the Commission requested an update on the audit findings during the last audit. The Commission wanted to know what actions have been taken by the specific departments to deal with the findings within the audit report. He said one of the items that was before the Commission in this meeting was a filing for the Treasurer's Office on the Investment Policy. That has been corrected with the action of the Commission today.

There is information from the other departments in regards to the actions they have taken. One of them is from the Adult Detention Facility, specifically outlining the items and addressing those particular issues. The other is from the Business Office. Mr. Montoya will be holding a meeting with the individual departments on 2-9-2000 at 10:00 AM to go over the purchases that each department is dealing with, more specifically the issues that the auditor had concerns with. There is an item from Data Processing and Grants, as well as information on Fixed Asset records and what is being done to correct those items. There is also documentation on Personnel Files and the last item is an audit finding from the Payroll Dept. and what they are doing to correct those issues.

Hospital Feasibility Study Update

The County Manager said last Friday, at the direction of this Commission, the individuals who submitted RFP's for the Hospital Feasibility Study were re-interviewed. They were Centre for Health Care Planning, Sandia Consulting, Neff & Ricci, Dekker/Perich/Sabatini and Fred Mondragon. The interviews took place on Friday, February 4th. The panel of six individuals, two individuals from the Fiscal Office, two individuals from Administration, Commissioner Aguilar, as well as a previous administrator of the Belen Hospital, Mr. Luis Torres. It was the recommendation of those individuals that Sandia Consulting would be the entity, based on funding from the State Legislature that the County would enter into an agreement with. The second firm was Dekker/Perich/Sabatini.

Commissioner Al Padilla made a motion to approve the recommendations of the County Manager and negotiate with the firms, plus provide the information to the Legislature. Commissioner Frank Pando seconded the motion. Motion carried.

The County Manager said he would be going to Santa Fe this afternoon to meet with the Legislator's. There is a bill that has been introduced for the feasibility study in the amount of \$25,000.00. He said they would attempt to try to raise the dollar amount. There is some doubt as to whether it can be accomplished, but they will try.

Request Approval for Out-Of-State Travel to NACo Conference in Washington, DC

James Fernandez requested approval for out-of-state travel to attend the NACo Conference in Washington, DC between the dates of March 3rd and March 8th.

Commissioner Frank Pando made a motion to approve the out-of-state travel. Commissioner Al Padilla seconded the motion. Motion carried.

Legislative Update

The County Manager presented copies of information on Valencia County's Legislative Priorities and also the bills that have been introduced by the Valencia County Legislator's. The initial part of this is a summary of the information based on the hearing that was held with the Legislator's.

Other Matters

The County Manager brought up the River Crossing Update. Chairman Aguilar said, "The Highway Dept. called a meeting last Thursday and invited the Highway Dept., the Council of Government, representation from Belen, Los Lunas, Bosque Farms and Valencia County. Belen sent their Public Works Director. Los Lunas sent Art Mondragon. Bosque Farms didn't have representation and I was there representing Valencia County. What they wanted to do was talk to us about the action taken by the Commission on a "no build" until further information is obtained. At that meeting I mentioned to them that the information that they have indicates that the crisis is on Main Street and Highway 6 as far as Los Lunas. The traffic counts are there as far as the bottleneck, the Valencia Y and north of the Valencia Y. I learned that the proposed bridge river crossing is a five-lane bridge with acquisition of land of 200 feet. They were looking at the elevation of the bridge to be 30 feet and it would have to go over all of the road, the railroad crossing, the canals, the ditches, so they are looking at that. I asked if there was a possibility, before they make their decision or go forward, if they could revisit the Manzano Expressway and not a direct shot onto I-25, because that is not possible, but maybe going across the property north of Meadow Lake Road, bringing it down by LaLadera on the northern end somewhere between Bosque Farms and Chical Blvd. I asked the possibility of improving and widening 263 from Main Street all the way to Meadow Lake/Manzano Expressway. That would relieve some traffic going up 47."

Chairman Aguilar said she would be sending them a letter and she hopes the Commission supports her on this.

She said there was a meeting on Friday and Commissioner Giron is on the RPO Board. The Highway Dept. was in the Commission Room and they invited all elected officials, discussing the STIP Projects. That tells the progress and the amounts that are funded, everything from the Tome Hill Bikeways to the widening of 6 to 309, the bridge that is being widened and improved in Belen, the Reinken Overpass. They talked about the phases south on 47 and north on 47. She asked that a copy be provided to all Commissioners.

Discussion was held with the County Commission.

Chairman Aguilar said she had some applications and the Highway Dept. is requesting what projects the County wants to be involved with them on. They can get together with the Council of Government's and if they want improvements to roads to let them know so they can start Planning and forward it on the Federal level for financing.

Chairman Aguilar said she also learned that the Highway Dept. has appointed either 10 or 12 individuals to a Citizen' Advisory Committee. David Gabaldon of Los Chavez was appointed and he attended the meeting. He looked at it as being very favorable because he said the Highway Dept.

did not know that buses actually stopped on 314 to pick up kids. Debbie Young of Peralta Homeowners Association is on the Committee, Bob Davey is on the committee, Marie Shaffner, the Superintendent of Schools, Bob Anderson was appointed by the Village, Paul Baca from Belen. This is something the Highway Dept. is doing to get input. It is their committee.

Commissioner Pando said he believes the Commission should be a part of the committee either as a group or a representative because they ultimately have to make a decision.

Chairman Aguilar said she would call and ask what authority or what the purpose of the committee is and report back to the Commission in two weeks.

Janet Jarrett spoke about congestion. She said she has not heard this item addressed. Discussion was held on why the Isleta Reservation would not allow any other route to build across the reservation.

The Highway Dept. will come before the Commission on the 21st to update the Commission.

[See Exhibit F for all items presented by the County Manager.]

(J) UPDATE ON LITTLE LEAGUE FIELDS

Carlos Montoya said administration was contacted by the Village of Los Lunas on the possibility of doing a study on the Little League Fields and to see if we would be interested in relinquishing our responsibility and turning it over to the Village of Los Lunas. It is his understanding that the State Property from Animal Control to First Choice is one piece of property. He would like to get the dimensions and see exactly what is there. He would like to address the Commission at a later date. He called Mr. Montoya this morning and said Property Control is still working on it. Los Lunas is maintaining the fields. Any liability or any lawsuits that occur at the Little League Fields, the County is drawn into. Mr. Montoya said the lease expires in May 2000 on the Little League Fields and May 2002 on the Road Dept. and Animal Control.

If the County relinquishes the lease, then the lease will be directly with the Village of Los Lunas and the State and it will get the County out of the liability concern.

Commissioner Frank Pando made a motion to transfer the lease for the Little League Fields to the Village of Los Lunas. Commissioner Eloy Giron seconded the motion. Motion carried.

Commissioner Frank Pando made a motion to untable the item of the Letter of Support for First Choice. Commissioner Eloy Giron seconded the motion. Motion carried.

Carlos Montoya suggested that the Commission wait until they see what Property Control has on their records as far as what State Land is leased to the County and report back to the Commission and attack each issue separately to see what exempt status the Commission wants on each property.

Chairman Aguilar said, "We're talking one acre and First Choice is saying that they want our support, I think they are asking for more conformation that we are not going to lease that property and they can then negotiate with the State directly. The further condition is that we're not supporting tax exempt status and we're not supporting any future expansion or being involved in any of their plans."

Tom Garde said, "We're in a situation where this is not going to be the first one we're going to come up to. We're going to have Valencia Counseling who is also going to be in the same situation and they are going to be coming and asking for an exempt status. I think it is going to be a policy decision of whether or not the Commission wants to retain these properties that non-profit entities are currently housed on."

Chairman Aguilar said, "Their lease expires in May so if we don't act on this, it dies and they deal with the State directly. Am I not correct?" The County Attorney said, "What I would suggest is that this matter be tabled and if they wish to directly address the Commission, they can do so at the next meeting and find out what their intentions are."

Commissioner Al Padilla made a motion to table this item until the next meeting. Commissioner Frank Pando seconded the motion. Motion carried.

(K) EMERGENCY RESOLUTION/PURCHASE TRAILER FOR CONEJO TRANSFER STATION

Carlos Montoya presented Resolution 2000-9 for Commission approval. It is for the emergency purchase of a transfer trailer for the Conejo Transfer Station. Valencia County is currently renting two trailers at a cost of \$700.00 each per month, and the volume of solid waste has increased so much that there are not enough trailers to handle the public use.

Commissioner Frank Pando made a motion to approve Resolution 2000-9, not to exceed \$22,000.00. Commissioner Eloy Giron seconded the motion. Motion carried. **[See Exhibit G]**

(L) WARRANTS

Carlos Montoya presented the Warrants for Commission approval. Commissioner Frank Pando made a motion to approve the Warrants. Commissioner Eloy Giron seconded the motion. Motion carried.

Commissioner Al Padilla made a motion to untable the final consideration for Amendments to Ordinance 87-1 FEMA. Commissioner Frank Pando seconded the motion. Motion carried.

Richard Padilla presented the amendment to Ordinance 87-1, Flood Damage prevention Ordinance. It reads as follows:

On February 8, 2000, the Valencia County Board of Commissioners made the following amendments to Ordinance No. 87-1, the Ordinance known as the Flood Damage Prevention Ordinance.

Article 3, Section B; BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD: To amend the date from April 1, 1979, to February 9, 2000. The new date is the date the FIRM (Flood Insurance Rate Maps) and FBFM (Flood Boundary-Floodway Maps) become effective and are made a part of this Ordinance.

Article 3, Section E: ABROGATION AND GREATER RESTRICTIONS: Sentence two (2), to include easements, along with covenant, or deed restriction conflict.

Commissioner Al Padilla made a motion to approve the amendment of Ordinance 87-1. Commissioner Frank Pando seconded the motion.

Chairman Aguilar said, "If this amendment does not become effective tomorrow, we are deemed to be in violation of our National Flood Insurance Program thereby affecting all Federal Funding, affecting all VA, all FHA conventional financing, any Grants that we have in place that are funded through the Federal Government are being jeopardized."

Motion carried. Commissioner Frank Pando voted yes, Commissioner Al Padilla voted yes and Chairman Aguilar voted yes. Commissioner Eloy Giron voted no.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on February 21, 2000, at 5:00 PM in the County Commission Room at the Valencia County Courthouse, with Executive Session to begin at 4:00 PM.

ADJOURNMENT

Commissioner Eloy Giron made a motion to adjourn the February 8, 2000, 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 February 8, 2000, 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: Feb 21, 2000

For an official copy of these minutes and attachments see Commission Book 36 page 532