

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

MARCH 27, 2000

M I N U T E S

The Regular Meeting of March 27, 2000 was called to order by Chairman Alicia Aguilar at 4:40 PM.

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

EXECUTIVE SESSION

County Clerk Kandy Cordova read the agenda of the Executive Session as presented. Commissioner Frank Pando made a motion to approve the agenda of the Executive Session and go into Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

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

NEW HIRES: Pending Pre-employment Drug and Alcohol Testing	Michael Archuleta Marvin Martinez Kathy Trevino	COPS Grant COPS Grant Treasurer’s Office
STATUS CHANGE: Probationary to Non-Probationary with Salary Adjustment	Vincent Chacon Robert Felix Lorenzo Mata Toryn Tarrell	
TEMPORARY HIRE:	Trinity Ortega	
ABANDONMENT OF JOB:	Eli Perea	

Commissioner Frank Pando made a motion to accept the recommendations of the Human Resource Manager regarding personnel. Commissioner Al Padilla seconded the motion. Motion carried.

Land Acquisition

County Manager James Fernandez said a letter was sent to Joe Gonzales, who is the real estate agent for the property west of the County Courthouse. It is approximately 1.5 acres and the County indicated that they are still looking at the option of trying to get funding from the Legislature for the purchase. The County has not heard back from Mr. Gonzales to see if that is acceptable.

The County Manager said he, Monica Mireles and Tom Garde did go and tour the Waste Management Facility in Rio Rancho. They met with Marlene Feuer, their legal counsel and their Comptroller to discuss the service agreement. No decisions were made and no action was taken.

Pending Litigation

Tom Garde said, “During the Executive Session, we discussed the hearing held in Chavez County before Judge Korn. We discussed one aspect of the Bonito Livestock Lawsuit. We discussed the pending hearing and Civil Rights Hearing with regards to the case concerning Charlotte Kear and lastly we discussed potential litigation with regards to the potential condemnation of land and no action was taken on any of those items.”

Commissioner Al Padilla made a motion to ratify that these items were all that was discussed during the Executive Session. Commissioner Eloy Giron seconded the motion. Motion carried.

PLEDGE OF ALLEGIANCE

Martin Frank Kirtley led the Pledge of Allegiance.

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the agenda as presented. County Manager James Fernandez said under Item I (County Manager’s Report, Other Matters) he would like to add a map that needs to be signed by the Commission on the Road Miles Certification, as well as bringing before the Commission the plans for the El Cerro Mission Substation for the Sheriff’s Dept. for their review, as well as the Service Agreement for the Pueblo of Isleta. Mr. Fernandez said he would also like to bring the Commission up to date on the compliance with the haulers in terms of the Hauling Contracts.

Chairman Alicia Aguilar said Wanda Williams wanted to address the Commission regarding Rio Communities Concerns under Public Requests and she received a note stating that Ms. Williams would be unable to attend the meeting. She is on her way back from Lubbock, Texas.

County Manager James Fernandez said they also received notification from Robin Ver Eecke asking for Item D (Proclamation/Keep America Beautiful and “Free Day” at Conejo Transfer Station) to be deleted from tonight’s agenda.

Chairman Aguilar said she did not see Mr. Henderson here for Item A (State Police Protection in El Cerro Area), but she would like to comment on that item.

Commissioner Al Padilla made a motion to approve the agenda with the amendments. Commissioner Helen Baca seconded the motion. Motion carried.

## **APPROVAL OF MINUTES**

There were no Minutes presented for approval.

## **PUBLIC REQUESTS**

### **(A) Highland Meadows Fire Station Update**

John Cherry said they have been working on a Fire Station in Highland Meadows for quite some time. He said he and Commissioner Pando met with Robert Samuels and Cliff Hammond last week. Mr. Cherry said they have a commitment of two acres of property in Highland Meadows. They have a class A pumper, a tanker, a four-wheel drive brush truck that can be assigned out there. They also have twelve applicants for firemen within the area. They will need to be trained, but that is no problem. They also have an excess of safety gear, which the other fire departments in the County have been setting aside to be assigned to the Highland Meadows Dept. to get them started.

The original intent was to form a Highland Meadows substation under the Los Chavez Fire Dept. He said due to the distance from the Los Chavez Fire Dept. and the amount of residents that live in Highland Meadows, they believe it will be more beneficial to open it as an independent fire dept. It does constitute a budget problem. The State of New Mexico requires a new fire district to be operated by a municipality or a county for a period of one year prior to funding. Mr. Cherry said in contacting the State Fire Marshal’s Office, in which they have already approved going into that area as a substation, if at all possible and they get it going by the end of May, it can probably be funded by the 1<sup>st</sup> of August. He said they suggested that the residents of Highland Meadows form a homeowner’s association. In doing so they can unify. He said they found that there are four factions out there. They do not seem to get along with each other or communicate with each other. He said they believe this is a way to bring things together.

The County and the Fire Departments do not have the budget at this time to build a building. By forming an association and charging dues or whatever they have to do, it has been disclosed that there are contractors in the area. They do have licensed contractors. They could build that building themselves and we could lease it from the association or lease purchase from the association. There is an advantage to this, if the County builds it on our own, they have to meet the Macon-Davis Law, which indicates that it be done at union scale prevailing wage and materials. An association does not have to meet that. They did this with the Tierra Grande Substation south of Rio Communities. The homeowners built that one and leased it to the County for \$1.00 per year. The State does not have a problem with this plan at all.

At the present time all progress has stopped until they can get a commitment from the community through an association and get them unified.

Commissioner Frank Pando said Robert Samuel’s has a general contractor’s license and he has offered to build the building at their expense. He said John Cherry offered to lend them a set of blue prints for our portion of the building so that it will be up to standard and code. He said they would like to get together on a Sunday afternoon at the little store to discuss their concerns.

The acreage would be donated to the association and there is a well on the property.

The County Attorney said, “I don’t see a problem with pursuing it further. I would strongly advise not to raise the issue of the Macon-Davis Law with regards to what you are planning or not planning to do.”

## **ACTION ITEM**

### **(A) STATE POLICE PROTECTION IN EL CERRO AREA**

Chairman Alicia Aguilar said, “I received a call from Mr. Henderson telling me that he had spoken with the State Police and that he had also spoken with the Sheriff. He was told that if he made a formal request to the County Commission that the County Commission could, he mentioned that the State Police told him if the request was made from the County Commission to the State Police that they would assign a State Police Officer fulltime to the El Cerro Mission area. I’m not sure if it can or it can’t be done. I’m taking his word, but I invited him to be here tonight. I thought if that’s the case, I would certainly want administration to send a letter to the State Police to see if this is at all possible and let’s explore it.”

Sheriff Juan Julian said he has never heard of the State Police assigning an individual to a particular area, they might assign an officer to the County. He said he has never spoken to Mr. Henderson about assigning anybody to El Cerro Mission. He said he did not know where he got his information.

### **(B) DEDICATION OF AVENIDA DEL FUEGO/for County Maintenance & Paving**

Commissioner Al Padilla requested that Avenida del Fuego be rededicated for maintenance and paving. He said the road was on his last list and he is hoping that if there is any money left on the road projects that this road could be done. It is a county road at this time.

Chairman Aguilar said, “This is one the roads that Commissioner Padilla wanted paved, but the budget was not there. I think what he is asking is, if there are funds left at the end, he would like this road to be considered for paving. When we had our workshop, Commissioner Pando, you requested that if there were funds left over, that you wanted Shawn Court paved.”

Commissioner Pando said, “I took a road off and I put on Shawn Court. I have no quarrel with what Commissioner Padilla is trying to do.”

Chairman Aguilar asked Commissioner Padilla if that was in the form of a motion. Commissioner Padilla said, “That’s in the form of a motion.” Commissioner Frank Pando seconded the motion. Motion carried.

**(C) PRESENTATION OF PETITION/Fire Station Rd & Garley Lane and Fire Station Rd. & J D Rd.**

Santos Ayala presented a petition to the Commission stating the urgent need to control the speed along the curved portion of Fire Station Road between J.D. Road and Garley Lane. The residents are having extreme difficulty entering and exiting their properties safely due to the high rate of speed (50-60 MPH) on this road that is now posted at 30 MPH. Children walking on this road and those waiting for the School Bus during high traffic hour are in danger. Fire Station Rd. is one of the main traffic arteries for those living within El Cerro Loop and a short cut for those motorists who live southeast of Highways 47 and 263. They propose a three-way stop sign and speed reduction to 15 MPH at the intersection of Garley Lane and Fire Station Rd. and J. D. Rd. and Fire Station Rd. He also asked for a three-way stop sign at Los Cerritos.

Joe and Jeanette Marsh and Louie Lovato also spoke about the speeding. All of these roads are school bus stops, with the children boarding the buses when it is still dark in the morning. Mr. Lovato also said they have experienced road rage on Fire Station Rd. He said the people from Las Maravillas and El Cerro Mission are using the road to cut through to Highway 47. The cars are passing other cars on Fire Station Road. They throw their trash and beer bottles on the road.

Chairman Alicia Aguilar said they were prepared to put a sign at Los Cerritos and Fire Station. She said they received a call from a Mr. Carrillo who works for the City of Albuquerque Traffic Dept. and he was asking for a copy of the traffic report and the impact analysis report. That is why this is on the agenda.

Sheriff Juan Julian said they realize there is a problem on Fire Station Rd., as well as Otero Road. He recommended that a traffic analysis be done and have the Highway Dept. see if some three-way signs can be put up. He said he would do his best to have his officers patrol the area.

Commissioner Frank Pando said this is a problem all over the County. He said he stopped behind a school bus on La Ladera and two cars passed him and the school bus. They have asked for speed bumps and he would like for the engineers to look into this matter.

Chairman Aguilar asked if it would be appropriate to direct administration to contact Molzen-Corbin to look into this matter. Tom Garde said, "I think that would be the appropriate action. In addressing Commissioner Pando's comment. He's correct; we have gone through this a number of times. I think if we could at least get something from the engineer, it would give us some standards to go by. We have an engineer in place."

The County Manager said they have a meeting with Molzen-Corbin on Thursday. They are going to bring some sample language on ordinances and some standards and under what conditions the County can look at implementing speed bumps.

Chairman Alicia Aguilar said, "Because this is an action item on the agenda, may we ask Molzen-Corbin, and I'll make that in the form of a motion, to review three-way stop signs. There are three locations and I'll let them make a recommendation of one, two or three. That would be Fire Station and Garley, Fire Station and JD Road and Fire Station and Los Cerritos. I'm going to throw another street in there just because the Sheriff mentioned it and that would be Otero."

Commissioner Al Padilla seconded the motion.

Commissioner Eloy Giron asked if she would amend her motion to say Molzen-Corbin would go ahead and address the traffic problems in that area.

Commissioner Pando said he thought it was passed the talking stage. It is time to do something about the problem.

James Fernandez said they would be bringing before this Board, the standards that we'll look at for adoption. If they bring the information to him on Thursday, he will try to schedule it for the next Commission meeting.

Louie Lovato said, "A life was lost their once before and that's not justification. A two-year old boy was run over. The man was driving the car down Fire Station Road as a short cut. He didn't even live in that neighborhood. Here we are throwing paperwork back and forth, building a pyramid that doesn't exist. Why don't we just go get three posthole diggers and stick the signs there and ask questions later? Why are we going through all of this paperwork?"

Tom Garde said, "We've had this discussion before and the concern through our insurance carrier is that we provide adequate notice to individuals that we are in fact putting up a sign. The question that comes up is whether or not a sign is justified. To justify that, you need a traffic count and we don't have the expertise to have people out there to count cars to see what intersection needs a sign or not. What this Commission has done is basically hired an engineer to do those studies so that we can determine where appropriate signs should be. What could happen, given your scenario, if we put up a sign and someone runs that stop sign because they didn't know it was there and someone is killed, the County is liable for that."

Mr. Garde said, "The recommendation from Risk Management, the County's insurance carrier is that we do a study before that is done. We've had these engineers on board for quite some time and we're finally getting to the point where there is a meeting set up this week and we can actually see some results from that contract."

Chairman Aguilar said, "Mr. Fernandez, this will be given to them Thursday?" Mr. Fernandez said, "Yes, Ma'am." She said, "May I have an update at the next meeting?" He said, "Yes."

The Motion carried. **(See Exhibit A for Petition)**

**(D) PROCLAMATION**

**Declaring April Keep America Beautiful**

**April 29<sup>th</sup> "Free Day" at Conejo Transfer Station**

This Item was deleted.

**(E) CLARIFICATION OF SEC. 1302.06/Planning & Zoning Ordinance**

County Attorney Tom Garde stated, "I was directed by the Manager to review this particular section that is cited on the agenda. When this Commission adopted the ordinance with regards to the Comprehensive

Plan, what the County agreed to do in the prior ordinance. This County sits as a Judge. Basically any land use that comes before this Board, this Commission has the final say subject to District Court approval or disapproval. The Ordinance that is referred to here is basically to insure that every applicant that comes before you receives due process, which is basically a fair hearing. If an applicant comes before you, he ideally is coming to a Commission that basically listens to him and gives him a fair opportunity to be heard. That is not required that the Commission not go out to the site, to go out and look at the site, to go out and basically find out what the property is all about and what the land use is all about. This section, basically tracks New Mexico Law in that this Board sits as a quasi-judicial board and you have to hear all of the evidence, be it from the applicants plus from the residents who are either pro or con for that certain development. The reason that this ordinance was adopted is to reflect that requirement.”

Commissioner Pando asked the County Attorney to explain this to the audience. Tom Garde said, “Valencia County adopted a Land Use Ordinance last summer and one of the conditions on the Land Use Ordinance is that this Commission not have any contact with the developer prior to them coming before this Commission for approval or disapproval. Language in the ordinance basically insures that this Commission will give everyone a fair shake when they come before them and a hearing. For example, if somebody has a subdivision and they want this Commission to approve the subdivision, this ordinance restricts the Commission from actually meeting with the developer, sitting down with the developer, basically giving the developer a hands-up on everyone else. What this will insure is, when the developer comes in, it assures the public that the developer basically followed every step required such as submitting all of his documentation that is required to the Planning and Zoning Office, meets the requirements of the State Engineer and goes through the entire process before coming before the Board. The Board at that time will basically hear the presentation by the developer, will hear comments from the public and ultimately make a decision that gives both sides the opportunity to be heard. That is the intent of the ordinance.”

Commissioner Al Padilla said, “If a developer calls one of the Commissioners and says, we’d like to have a little meeting because we would like to show you this, that and the other.” The County Attorney said, “According to the ordinance you’re not to meet with them. Basically they are to meet with Staff. Staff is to recommend to this Board what should or should not be done.”

Chairman Alicia Aguilar said, “My concern with this and 1302.06 and its Ex Parte Contact, it’s my understanding that this really applies to attorney and Rule 4.2 as far as the Ethics Code that once a lawsuit has been filed, then that attorney cannot have any contact with the private party unless you have consent of the other attorney. When I checked on this, it seemed that if that is the case, that is my understanding of what this was, but Staff seems to have a different interpretation whereby let’s say Mr. March wants to do a subdivision and he comes and he files for it. Once he does the application he can’t have any contact with Commissioners at all. Everything has to be done with staff and we’re depending on staff to come and do the total presentation to the Commission. I’ll also ask for comments from the other Commissioners, but it was my understanding that if there is litigation filed we know what our ethical and legal responsibilities are. When there’s a subdivision first applied for and someone may call or whether it be the developer or the surveyor or whether we go out with staff and say we want to look at the subdivision, we can’t go if the developer is there. That’s what you are telling me and that’s what I understand. The legal of it and what I’ve checked on Ex Parte applies, attorney contact with a party after litigation, not before, Ethics Rule 4.2?”

Tom Garde said, “This ordinance, the way that I read it being drafted was, prior to litigation. What you’re referring to is after litigation.”

Commissioner Frank Pando said, “I was on the P & Z Commission for a long time and now I’m sitting on this Commission and every year for the last 15 or 16 years there have been many zone issues that affect the County one way or another. My concern is anytime there is a subdivision, whether it be a zone change or something else, not only is the interested party going to call me, the pro’s and the con’s are going to call me. My concern is, does this make me a crook? They ask for help on the zone change and I’m going to go look at it. I feel that is part of my responsibility to look at it and find out what’s there and what’s around it. I have a lot of respect for staff. They do an excellent job, but I feel I need to go out there and see it.”

Chairman Aguilar said this not only applies to the Board of Commissioners, it also applies to the Planning and Zoning Commission.

Tom Garde said, “This is what I recommend, so long as the Commission doesn’t commit, basically you’re talking to people, you’re hearing what their representation is. That’s a fine line to walk, but I think you need to find out all of the facts in certain situations. The only way to find out the facts is to go out there to talk to people, but to avoid any appearance of impropriety, I think the best way to work this is to not commit until the public hearing.”

“Here is the problem that can crop up. I’m using a made up case. You have a situation where somebody comes to you and says, we don’t want that subdivision and you go out there and you agree with him or her that it’s bad. Then 10 people say we don’t want it and you say I agree. We get to the hearing and they are not there. All of a sudden you have a developer here presenting the subdivision and you’re the one holding the bag because the purpose of these hearings is to basically provide a forum for everyone to participate. I think for you to get the information is one thing and it’s good, but I think we need to encourage these people to attend the meetings.”

Commissioner Frank Pando said, “This is just paper, no matter how you look at it. You have to work within the rules, but you also have to have common sense. This is where this comes in. I agree with you that we should not make up our mind, but it’s not a criminal offense for me to go look at it or for me to talk to the public. They elected me, not this book.”

Chairman Aguilar said, “The way it’s written up, you have the person making application to staff and before you even come to us, it’s going through Planning and Zoning. If that Board doesn’t even have an opportunity to go and review and ask questions, and I think this Commission has been excellent as far as reviewing the information on their own. We’ve proven it. How many times have we overturned Planning and Zoning’s decision? I think what we’re saying is, it bothers me that someone can call and say that Planning and Zoning did such and such, but this is information they didn’t look at, but I think in the final process there’s fairness to where we can say, come to the meeting and present it to us. What this says is that they can’t even

call me and tell me I have some additional information because that would be in violation of the Zoning Ordinance. Clarification is what we're asking for."

Commissioner Eloy Giron said, "I think all of us understand the clarification on there right now. I think we all understand that this thing needs to be cleaned up. What would be the procedure on amending this?"

Mike McCartney said he has a request before the Commission to publish amendments to the Zoning Ordinance and he can include that.

Tom Garde said, "I think we need to sit down and develop the language or we can develop the language that we can publish for the next meeting. This isn't a criminal act. The concern is that the Commission made up their mind before the hearing."

Mike McCartney said this section was intended to protect the Commission from some of the intimidating calls that you get.

Chairman Alicia Aguilar said, "I think the intent was well taken, but I think as we go along there is always room for improvement and this is one of the sections that we're asking for clarification for the confusion and to make it better. This is an action item and Mr. Garde you are being given direction to clarify this so that there can be contact with the Commissioners so long as there isn't litigation."

#### **(F) REQUEST APPROVAL OF OUT-OF-STATE TRAVEL/Gary Hall and Juan Julian**

Sheriff Juan Julian requested out-of-state travel for Gary Hall to attend the COPS MORE Training in San Diego, California on April 10-11, 2000. He also requested out-of-state travel to attend the National Sheriff's Association Annual Conference in Kansas City, Missouri, June 17-21, 2000. He does have the money in his budget for both trips.

Commissioner Eloy Giron made a motion to approve the out-of-state travel for Gary Hall and Sheriff Juan Julian. Commissioner Al Padilla seconded the motion.

Chairman Aguilar asked if it would be appropriate for Monica Mireles to attend the COPS MORE Training since she is the Grant Administrator. The County Manager said it would be appropriate, however the cutoff date was February 4, 2000. If there were any additional training, it would be appropriate for her to go at that time.

Motion carried.

#### **(G) REQUEST PERMISSION TO PUBLISH**

##### **Amendments to Valencia County Comprehensive Zoning Ordinance**

Mike McCartney requested permission to publish amendments to the Valencia County Comprehensive Zoning Ordinance. He said there would be two or three amendments as well as the one discussed in tonight's meeting.

Chairman Alicia Aguilar asked Mr. McCartney to clarify the sections that the amendments will be made on for the record.

Tom Garde said, "I would recommend that the Commission table this item until the next meeting and we have actual ordinances drafted to publish." Mike McCartney said, "They will when they publish. It is mostly just verbiage that needs to be cleaned up and also to place a mobile home on the property while you build a home to make it a Type A procedure."

Tom Garde said, "I would suggest that they come before this Commission with the actual language and publish that language. Whenever you amend an ordinance, you have to publish a summary of the language."

Mike McCartney said they have never been precise when requesting permission to publish. This is the way they did it three weeks ago. He said, "If this is the case in fact, why weren't we told before?"

Chairman Aguilar said, "It's Counselor's advise that we table this item and have Planning and Zoning come back with the sections that are going to be amended or Mr. McCartney is asking for approval to publish amendments to the Valencia County Comprehensive Zoning Ordinance and he will come back with the information."

Commissioner Pando said, "I guess Mike's deal is that he doesn't want to hold this up any longer than it has to be. Isn't that correct, Mike?" Mike McCartney said, "I just wish that before the packet was presented that they would have picked up the phone and called me."

The County Attorney said he was out last week.

Chairman Alicia Aguilar said, "Excuse me, I'll take control of this meeting. The question before us is, do you feel comfortable with granting permission to publish without knowing the exact sections and if you do, then Mr. McCartney is asking for approval. Mr. Garde, our attorney is saying, table this item until the sections to be amended are identified and the language so you know exactly what you are giving permission to publish for."

The County Manager said this item would not come before the Commission until the 17<sup>th</sup> because the agenda for the April 3<sup>rd</sup> meeting has already been finalized.

Chairman Aguilar said, "Can we clarify it and say for you to come back to us with changes or amendments to the zoning ordinance so that we can publish that and that would be addressed at the Commission Meeting of April 17<sup>th</sup>." Mr. Garde said that would work.

Commissioner Frank Pando made a motion to grant Planning and Zoning permission to come before the Commission with changes from the Zoning Ordinance for April 17<sup>th</sup> for review to start publishing. Commissioner Al Padilla seconded the motion. Motion carried.

#### **(H) FINAL PLAT SIGNATURE/Manzano Mountain Ranch**

Mike McCartney said the Valencia County Commission approved this request for Final Plat approval at the December 14, 1998 County Commission Meeting. The applicant has met the Conditions of Approval (Traffic Analysis from the New Mexico State Highway and Transportation Department and notified the Soil & water Department of the change and possible future change of land use and notification to the State Environmental Dept. of the change and possible future change of land use.)

There is a Performance Agreement where Manzano Mountain Ranch deeds approximately 46.0220 acres more or less to Valencia County until all requirements and conditions of the Subdivision Regulations are met. It will be filed in the Office of the County Clerk.

Tom Garde said, “It meets all conditions set up by this Commission back in December.”

Commissioner Eloy Giron made a motion to approve the final plat signature as long as all of the conditions have been met. Commissioner Helen Baca seconded the motion. Steven Crawford said the reason for the lengthy time period was because the developer had initially contemplated doing the physical construction instead of doing the financial guarantee and that is why the lengthy time period.

Motion carried.

**(I) COUNTY MANAGER’S REPORT**

**Preliminary Drawings (El Cerro Mission Substation)**

County Manager James Fernandez presented preliminary drawings for the El Cerro Mission Substation for review. It will be on the east side of the Fire Dept.

John Cherry said he was unaware that this was going to be presented and the Fire Chief from that area was unaware of it. He would like to take a set of plans and allow Fire Chief Frank Barka to review them to see if there are any questions that he might have.

The County Manager said these are preliminary drawings that are being presented for input.

Sheriff Juan Julian said this has been a long time coming and he is glad to see it is finally becoming a reality.

**Maps to Be Certified and sent to the State**

The County Manager presented maps that need to be certified by the Board of Commissioners and sent to the State for the road funding projects. They were generated on the GIS System.

Helen Cole, Road Projects Coordinator for the Valencia County Road Department presented a letter for signatures certifying the road mileage for maintained roads in the County. The total is 1,186.821 miles. She said she would get the Road Mileage Books to the Commissioner some time this week. A breakdown for each Commission District is as follows:

Commission District	No. of Miles in District
District 1	26.61 miles
District 2	88.098 miles
District 3	70.098 miles
District 4	942.596 miles
District 5	59.410 miles

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

**Letter from FEMA**

The County Manager presented a letter from FEMA stating they have examined Ordinance 87-1 and find that it satisfactorily meets the requirements of 44 CFR, Chapter I, Part 60.3(d) of the National Flood Insurance Program regulations. They said the community’s continued participation is assured by their acceptance of this ordinance. **(See Exhibit C)**

**Budget Hearing**

The County Manager said it is time to schedule the budget workshop with the County Commission and the Elected Officials. It was decided that the Budget Workshop would be on April 10, 2000 at 10:00 AM. It was decided to allow administration to find a suitable place away from the Courthouse.

**CDBG Grant**

The County Manager said there is a copy of a letter from the Department of Finance, Local Government Division that is being presented for review regarding a loan program to complement the existing CDBG grant program. If it something the Commission wishes to pursue, it can be placed on the agenda for an upcoming meeting. The information does not have to be submitted until April 17<sup>th</sup>. By submitting this information we are not committing to any type of a loan at this time, just that we are interested in the process. Mr. Fernandez recommended that the JPA be submitted. It leaves a funding option available to the County if they choose to use it. **(See Exhibit D)**

**Public Hearing/Valencia County Older American Program**

The County Manager said the Valencia County Older American Program is in the process of preparing the Service Area Plan for the 2000/2001-program year and will be conducting a public hearing to solicit input from participants and the community on its service.

The Public Hearing will be held on April 5, 2000 at 10:00 AM, at Commission Room at the Valencia County Courthouse. They ask that if you cannot attend, you may write your concerns and drop them at any Valencia County Senior Center. **(See Exhibit E)**

**Service Agreement with Pueblo of Isleta**

The County Manager presented the Service Agreement between the Pueblo and Valencia County, which will provide housing, and care of adult persons arrested by the Pueblo of Isleta Police Dept. The fees will be \$65.00 per day with a \$15.00 booking fee. The terms of this agreement will only run through June of this year. The County has contracted with the firm of Neff & Ricci and they are doing a cost analysis on prisoner care and it should be completed by the 31<sup>st</sup> of this month, so that it can be incorporated into the service agreements that will take affect fiscal year 2000-2001.

Commissioner Al Padilla made a motion to approve the Service Agreement with the Pueblo of Isleta to run through June 30, 2000. Commissioner Frank Pando seconded the motion. Motion carried. (See Exhibit F)

Commissioner Frank Pando said he has received a number of calls regarding the Fred Luna Senior Citizen Center. He said he doesn't know what to tell them other than the Village of Los Lunas owns the building. They seem to think it is owned jointly with the County.

James Fernandez said, "I think the issue that had arisen over this is whether or not the Village is charging for usage of the facility after the regular operating hours. They are within their rights to do so. We only operate the center between the hours of 8:00 AM to 2:00 PM."

Commissioner Eloy Giron left the meeting.

### **Hauling Ordinance**

The County Manager said they have sent notification to the local haulers in terms of their compliance with the Hauling Ordinance. There is still only one entity that is in full compliance and that is Waste Management. There are three other entities that are still having difficulty providing the Performance Bond. They came back to the County and met with the County Manager, Monica Mireles and the County Attorney about their specific concerns. They want details from the County under what conditions those Performance Bonds or Surety Bonds or Letter of Credit would be accessed. They are in the process of working out specifics on that right now.

Tom Garde said, "I contacted Dona Ana County, the New Mexico EID and one other entity. They were to get some information back to me by this past Friday. Nothing has come in yet. We learned at our meeting Friday that one other county is in the same situation as we are. That is Taos County and once we contact them, we'll get the appropriate information."

James Fernandez said there are other items that are being requested that is specific to each of the individual haulers. Those include DOT inspections of their vehicles, one check had to be resubmitted because the dollar amount was incorrect and the enforcement fees.

Chairman Aguilar asked if they had checked on the site zoning for proper compliance. The County Manager said they had not.

Commissioner Frank Pando said he could sympathize with them because he's been in the bonding business. It's impossible to get a company to issue a performance bond unless you know exactly what you are going to do.

Chairman Aguilar said, "What the haulers are saying is that they can meet one of those. They just want clarification on the performance of it."

The County Manager said they are indicating that we be specific as to what terms they would be accessed.

### **(J) WARRANTS**

Carlos Montoya presented the Warrants for Commission approval. Chairman Aguilar asked about the Belen Baseball Program Youth Employment Cleanup of \$500.00 under Recreation. Mr. Montoya said it is with Tierra Bonita. They have the kids working weekends picking up trash.

Chairman Aguilar asked about Check #60302, to Johnny's Repair Service in the amount of \$635.96. She said, "If you could provide clarification, because we hired some extra mechanics at the Road Dept. I was under the impression that all of the vehicles were to go there first. It's my understanding that our Fire Marshal prefers to take some of his vehicles to his son's mechanic's place." Carlos Montoya said the Fire Marshal said that the fire rescue units and the pumpers need the special attention of an outside mechanic and we don't have the necessary machines in our Road Dept. The only vehicles he takes to the Road Dept. are his Suburban and the white truck.

Chairman Aguilar said, "We have a couple of diesel mechanics, we have some regular mechanics that are excellent. I would like to see some confirmation that it can't be done in the Road Dept. and if so I would like to see the Road Dept. do the repairs. That's why we hired the extra mechanics."

Commissioner Padilla agreed with Chairman Aguilar. Mr. Montoya said he would make sure that John Cherry knows about that.

Sheriff Juan Julian said there are some times that the Road Dept. does not have the equipment to do the diagnostic work on the new Fords that he bought. Chairman Aguilar said, "They can't replace an air fuel filter?" The Sheriff said he did not know but you have to put it on the computer and they don't have a computer.

Chairman Aguilar said, "I'm just saying on some of these, and if there is some equipment that we need to get for the Road Dept. then we need to look at that, but let's just confirm it." She said, "My concern is that if we're taking vehicles to a specific site and we're not getting bids and the direction is to take it there. We have a Procurement Code to follow. Does Casey Luna do the work or does someone else and will they do it for less?"

Commissioner Frank Pando made a motion to approve Warrants. Commissioner Al Padilla seconded the motion. Motion carried.

### **NEXT MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on April 3, 2000, at 10:00 AM in the County Commission Room at the Valencia County Courthouse.

### **ADJOURNMENT**

Commissioner Helen Baca made a motion to adjourn the March 27, 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 March 27, 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**

**SS**  
**ELOY GIRON, MEMBER**

**SS**  
**HELEN BACA, MEMBER**

**ATTEST: ss**

**KANDY CORDOVA, COUNTY CLERK**

**DATE: April 3, 2000**

**For an official copy of these minutes and attachments see Commission Book 36 Page 782**