

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

MAY 1, 2000

MINUTES

Vice-Chairman Al Padilla called the Regular Meeting of May 1, 2000 to order at 8:40 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

Paula Weathersby read the agenda of the Executive Session as presented. Commissioner Eloy Giron made a motion to approve the agenda of the Executive Session and go into Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

Chairman Alicia Aguilar said the Commission has been in Executive Session for the last hour and a half and there is still additional personnel items, pending litigation and land acquisition that needs to be discussed. Executive Session will continue at the end of the meeting.

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

NEW HIRES/Pending Pre-Employment Physical and Drug Test	Fred Torres—Previous COPS Grant Fred Gabaldon—Supplemental COPS Grant Eric Jackson—Supplemental COPS Grant
RESIGNATION'S:	Wes Mallory Debra Mallory Robert Felix Larry Standard
RETURN FROM WORKMAN'S COMP.:	Rodney Jones

Commissioner Frank Pando made a motion to ratify the recommendation of Carol Anaya. Commissioner Eloy Giron seconded the motion. Motion carried.

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

Chairman Alicia Aguilar said she had to leave the meeting. She has an emergency in Albuquerque.

PLEDGE OF ALLEGIANCE

William Dean led the Pledge of Allegiance.

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the agenda as presented. County Manager James Fernandez requested that Item H (Commission/Committee Departmental Reports) by Commissioner Aguilar be deleted. Vice-Chairman Al Padilla said the Executive Session would be added as Item O at the end of the agenda. County Manager James Fernandez requested that the Joint Powers Agreement for Juvenile Detention Facility and the Update – State Land Leases be deleted from the County Manager's Report. Item K (Award RFP #128) will be presented by Carlos Montoya instead of Larry Mervine.

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

APPROVAL OF MINUTES

The Minutes of April 17, 2000 were presented for Commission approval. Commissioner Eloy Giron made a motion to approve the Minutes of April 17, 2000. Commissioner Frank Pando seconded the motion. Motion carried.

PUBLIC REQUESTS

William Scoville presented a petition signed by the residents of Sunflower Ave. requesting that the road be paved. He said he brought this same issue before the Commission on June 21, 1999. The road is in Los Chavez off of Seabell Road. Mr. Scoville said the road is graded frequently, but they would really like to have it paved. He said he was sorry that Commissioner Aguilar isn't here because she told him in May they would have some money and could schedule something. The Road Dept. also has a copy of this petition. **(See Exhibit A)**

James Fernandez said they did give Chairman Aguilar a copy of Mr. Scoville's request and a copy of the June 21st meeting for clarification as to whether this was a County dedicated road. It is a County dedicated road.

Commissioner Frank Pando asked if this road was put on the list for paving this year. Mr. Fernandez said Sunflower is in Commissioner Aguilar's district and it was not on her request for paving for this year.

Sheriff Juan Julian said Rodney Jones is a member of the Sheriff's Dept. and employed by the County. In April of last year Rodney Jones was critically wounded in the line of duty. He has not been able to work since then. The Sheriff said, "It is with great pride that I welcome Rodney back to work. Today is his first day back with the Sheriff's Dept. We're very proud to have him back. He went through a lot of pain and suffering and he has put a lot of effort into getting in shape to come back to work. I want to congratulate him. There are very few people that I tip my hat to, but this is one gentleman that I do."

Rodney Jones said he is happy to be back and he is ready to go back to work for the people of Valencia County.

Commissioner Eloy Giron thanked Mr. Jones. He said the crime that was committed was right next door to his home. Rodney put his life on the line and thank God he survived. He said he really respects him.

Commissioner Frank Pando thanked Mr. Jones for the job he has done in the past and he wished him well on this return. He said he is very proud of Mr. Jones.

ACTION ITEMS

(A) PROCLAMATION/Historical Preservation Week

County Manager James Fernandez presented a Proclamation recognizing Historical Preservation Week, May 13th through May 21st, 2000 in Valencia County. The Valencia County Board of Commissioners encourages all residents to become interested and educated in preserving the rich history and culture that surrounds us in our daily activities.

Commissioner Frank Pando made a motion to approve and accept the Proclamation as presented. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit B)**

(B) FINAL PUBLIC HEARING/ORDINANCE/SPEED HUMP POLICY

County Manager James Fernandez presented the Ordinance for the Speed Hump Policy for Local and Major Local Streets for Valencia County. The purpose of this Ordinance is to reduce excessive speeds on residential streets in an important objective in ensuring the safety of pedestrians, cyclists, animals, and vehicles in neighborhoods, and in creating a calmer and more livable environment. Methods for discouraging speeding include enforcement, education, and engineering efforts. While police enforcement remains the most effective means of dealing with speeding, limited resources prevent officers from covering the entire problem locations at all times. In response to this concern, Valencia County has developed this policy, which addresses engineering efforts, specifically the use of speed humps, as a "traffic calming" technique for retrofit use in existing neighborhoods. Many drivers ignore statutory and posted speed limits and, if the design of the road will allow them to do so, will drive at speeds exceeding those, which suit the conditions prevailing in residential areas. Various physical devices have been developed to discourage this behavior; one of these devices is the speed hump.

Commissioner Frank Pando said he is very pleased to see this come before the Board. He said they have been trying to do something like this for quite some time. There are many areas in the County that probably need them. He said he is also speaking for Commissioner Giron on this and they would like to have the engineering firm go out and check La Ladera Road, Valencia Road, Monica Road and Peralta Road at this time. Debbie Young presented a petition at the last meeting with 850 signatures in the Peralta area. A lady from the audience asked them to add Don Jacobo Road to the list also.

Members of the audience speaking in favor of the Speed Hump Policy were Mike McGee, William Dean, Leonard Garcia, Cindy Thompson, Nemesio Martinez and Mary Lou Martinez.

Rod Martin spoke against the Speed Hump Policy saying it is incomprehensible that the Commission would consider building speed bumps when they are expensive to build, expensive to maintain and it is not the solution to the problem.

Commissioner Eloy Giron asked the County Attorney if there was a provision in this ordinance where they could remove some of the stop signs that were not put in strategic locations.

Tom Garde said, "This ordinance only pertains to speed bumps. This is the original ordinance that came before you last week."

The County Manager asked Commissioner Giron to submit a list of the particular items and he would send a Task Order to Molzen Corbin to make sure that the engineering is correct for those traffic signs.

The County Manager said, "Within this particular ordinance, there is criteria on specifically pages 4 and 5 in terms of operational criteria, geometric criteria and some conditions that need to exist before speed humps are even addressed. I would refer you to those particular sections.

Commissioner Pando, in regards to the streets that you listed and the petitions that were to be turned over, were they to cover all of these four streets? I don't recall if it was only on Peralta."

Commissioner Pando said it was from Tome north. He said, "These were the four streets that were identified to me personally as the problem streets."

Commissioner Pando said there are school buses that travel these roads and cars are passing the school buses even when they are stopped with their lights flashing and their signs out. He said they tried to control it with stop signs and it didn't work. They hope the speed humps will help with this problem. He said they always hear the complaints, but they never hear solutions.

There was more discussion on this issue.

Commissioner Eloy Giron made a motion to approve the Speed Hump Policy for Local and Major Local Streets for Valencia County. Commissioner Frank Pando seconded the motion.

Tom Garde said if the Commission adopts this Ordinance today, it would not become effective for 30 days.

Motion carried. **(See Exhibit C)**

(C) FINAL PUBLIC HEARING/Revised Subdivision Regulations & Guidelines

Steven Chavez presented the final recommendations for the Subdivision Regulations. This is the fifth public hearing. Changes discussed at previous hearings were already incorporated into the document. The suggested changes from the last hearing are as follows:

Section 6.1.6 Access, utilities and fire protection, what was included in this section under (A) was under the second line, 5 or more parcels are paved, when you require paving in Summary Review Subdivisions, if there are five or more parcels being created. If it is 4 parcels or less, you don't have to pave.

Discussion was held on this paragraph. Steven Chavez said they could take out (5 or more parcels) and then come up with some exceptions to that, such as financial burden language so that the applicant will have to prove that it becomes so much of a financial burden that they just can't do it. The County Attorney said until that change has been done, everyone is going to have to pay. There are no exceptions.

The next change was on page 5, dealing with the 12 exceptions. They are included in the State Statutes. Commissioner Aguilar requested that language be inserted into the exceptions to clarify some of the subdivision activity in those exceptions. She was more concerned with No. 3 and No. 5 and they included the language "and a subdivision is not created" in each of those.

On page 4, Section 1.5, "Written Decisions" Commissioner Aguilar wanted the language inserted "the Planning and Zoning Commission" and it was included.

On page 7, Section 3.1.4, Statements non-binding, this goes with the pre-application conference with the developers or applicants and the Planning and Zoning Department. We included the language "unless such statements are documented in written form." He said they can make statements at a pre-application conference and they will not be bound by them unless they are in written form.

Section 3.2.2, Additional information, Item 12, is the additional information that the developers need to provide to the County when they provide the application for the preliminary plan. The names and addresses of all property owners abutting the proposed subdivision and a self addressed stamped envelope for each property owner.

On page 20, Dedication of Roads, language was included that will change the 50% rule for dedication and maintenance of roads. Now it is 80%.

On page 11, Section 4.6.2, Minimum documentation, Item L, certification of elevation for all parcels, if applicable.

On page 13, Section 5.3.3, Affidavit, Commissioner Aguilar wanted the entire section to be included in the Disclosure Statement. It is now in the Disclosure Statement requirements in the back.

That is basically all of the amendments that were discussed at the last meeting other than the typo's and grammatical errors.

Commissioner Eloy Giron asked County Attorney Tom Garde if he had read this document. The County Attorney said, "I reviewed this document and I have gone over the language with regards to the definition of Subdivisions and these are appropriate languages. The changes are appropriate and will insure that a subdivision is a subdivision, if we're required to enforce some of the conditions. I would concur with the changes made by Mr. Chavez."

Commissioner Frank Pando thanked Steve, Mike and Tom Garde as well as the staff and the public for their input for this document. He then made a motion to approve the Revised Subdivision Regulations and Guidelines. He said it is not carved in stone and can be amended in the future.

Commissioner Eloy Giron seconded the motion. Motion carried. **(The Revised Subdivision Regulations will be recorded in the Office of the County Clerk. It will also be placed in the Ordinance Book.)**

(D) PUBLIC HEARING/Amendments/Valencia County Comprehensive Zoning Ordinance

Mike McCartney said at the April 17th meeting, permission was given to publish amendments to the Valencia County Comprehensive Zoning Ordinance. This is the first public hearing. The next public hearing will be held on May 15, 2000 and will be advertised as the final hearing. **(See Exhibit D for the amendments.)**

(E) RESOLUTION/Naming of Roads in the Unincorporated Areas of Valencia County

Mike McCartney said in the mid 1990's the Valencia County Commission directed the Planning and Zoning Office, through the Rural Addressing Department to name all new roads within the unincorporated areas of Valencia County with Hispanic or Native American words without using first names or surnames. Because of this resolution, the Rural Addresser has been limited in his ability to continue in the naming of both public and private roads to the aforesaid road names due to lack of available names. Mr. McCartney presented Resolution 2000-22 for Commission approval. This resolution is to allow the Rural Addresser to use his/her discretion in the naming of new private or public roads without using first names or surnames. Any first name or surname request must be presented to the entire Board of County Commissioners with unanimous Commission approval.

Commissioner Eloy Giron made a motion to approve Resolution 2000-22. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit E)**

(F) AMENDMENTS TO ZONE MAPS/Jose Amado & Carlota Sanchez/RR2 to RR1

Mike McCartney said this is a request for an amendment to the zone maps from RR2 to RR1 for Jose Amado and Carlota Sanchez. It came from the Planning and Zoning Commission with a recommendation for approval.

Connie Sanchez spoke to the Commission on behalf of Mr. & Mrs. Sanchez. She said they bought this property in 1972. There were 2 separate tracts, one was 1.90 acres and the other was 2.86 acres. In 1981, they split the property for their eldest daughter so that land split made the lots 12A and 12B. Lot 12B is the lot that they are now looking to split. They want to be able to split the property with the intention of giving the lots to their 2 sons and to satisfy a will. It will be all family and they have documents to insure only immediate family members will own that property. It will never be sold to anyone else.

Ruben Chavez recommended denial of the zone change because he does not believe the Commission has the power to satisfy a last will. State Statute also addresses that. He said if you are going to award the land split, you do it on the basis of the land split itself and not on the will and testament. The Court, if that's where they probate this, could subdivide that land with the wishes of the will at that time. That is their jurisdiction and not the Commission's.

Commissioner Helen Baca made a motion to approve the amendment to the zone maps for Jose Amado and Carlota Sanchez. Commissioner Eloy Giron seconded the motion. Motion carried.

(G) REVIEW & ADOPT AMENDMENT TO/Resolution 99-39/Valencia Fire Chief's Council

Valencia County Fire Marshal John Cherry presented Resolution 2000-23. It is an amendment to Resolution 99-39. He said, "last Thursday at 4:00 PM we held a workshop. It was a mandatory meeting with all Fire Chief's in Valencia County including the municipalities of Belen, Los Lunas and Bosque Farms present. Also present at the workshop was Commissioner Pando, Commissioner Aguilar, County Manager James Fernandez and County Attorney Tom Garde. It was the general opinion and from a verbal vote that the Chief's Council become an advisory group to my office and further the chain of command."

John Cherry said it was agreed that the Chief's Council would become an advisory group with no authority. Tom Garde alluded to the fact that they probably would not be covered by insurance. The Association of Counties prefers that an employee of the County assume responsibility.

James Fernandez said, "There was a question as to the liability and Mr. Garde did address that one, in addition to the meeting on Thursday, Mr. Garde and myself met with Terry Baber to do the fine tuning of the resolution. This is the final result of that and we took into consideration all the requests of the Fire Chief's. Mr. Garde has reviewed this and the necessary changes have been made."

Commissioner Frank Pando made a motion to approve Resolution 2000-23. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit F)**

John Cherry said he attended a meeting in Ruidoso on Friday in regards to funding. He said Valencia County obtained \$27,000.00 towards the purchase of a new ambulance rescue for the Rio Grande Estates Fire Dept. from the EMS Bureau. They were also notified that the EMS Services has been awarded four automatic heart defibrillators from United Way to be distributed among units that don't have second units. There is a \$1,200.00 grant that is to be used for a Medical Director.

(H) COMMISSION/COMMITTEE DEPARTMENTAL REPORTS

This Item was deleted.

(I) COUNTY MANAGER'S REPORT

County Manager James Fernandez reported on the following items:

❖ **Letter of Support Habitat for Humanity**

Within the packets there is a request from Habitat for Humanity for a letter of support. They are attempting to receive funding through a grant. The letter of support would in no way commit the County to anything financially or otherwise.

Commissioner Frank Pando made a motion to submit a letter of support for Habitat of Humanity. Commissioner Eloy Giron seconded the motion. Motion carried.
Kate Potter from Habitat for Humanity thanked the Commission for their participation and said they would continue to be active in helping to solve problems in Valencia County.

❖ **JPA Juvenile Detention Facility**

This Item was deleted.

❖ **Update – State Land Leases**

This Item was deleted.

❖ **Update – Amount expended to upgrade Highland Meadows Roads**

Due to recent rains in the County, it was necessary for the County to work on the roads in Highland Meadows, specifically the 5.5 miles of dedicated County roads within the area. \$24,918.85 was expended to haul dirt and gravel from the County pit.

The County Manager said they are still waiting to see the results of a meeting with the Laguna Tribal Council to see if they will commit to help with this problem.

❖ **Other Matters**

There will be a meeting of the Workforce Investment Board in Albuquerque at 3:30 PM.

(See Exhibit G for items presented by the County Manager.)

(J) REQUEST APPROVAL

Out of State Travel – IACREOT Conference in Ohio

County Clerk Kandy Cordova requested out-of-state travel to Cleveland, Ohio to attend the 19th Annual Conference of IACREOT on June 10th through June 14th, 2000. Mrs. Cordova is the delegate from the State of New Mexico to this conference.

Commissioner Frank Pando made a motion to approve the out-of-state travel for the County Clerk. Commissioner Eloy Giron seconded the motion. Motion carried.

AVRS Agreement

The County Clerk requested approval of the AVRS Agreement. It is a professional service agreement between Triadic and Valencia County for the Secretary of State. She said the County Attorney asked her about the fees and she believes they are included in the existing contract.

The County Manager said, "Specifically on page 2, Item 2, Compensation Agreement, Mr. Garde had a concern about any fees associated with this and our understanding is that it is incorporated into our existing contract that we have with Triadic and there are no additional fees associated with this."

Triadic provides the program for the voter recording system.

Commissioner Frank Pando made a motion to approve the AVRS Agreement. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit H)**

(K) AWARD RFP #128 – Mid-Range Computer Hardware Lease & Imagery System Software

Carlos Montoya presented the award of RFP #128 for the mid-range Computer hardware lease & imagery system. Triadic Enterprises, Inc. of Deming, New Mexico was the only vendor that responded to the RFP.

Commissioner Frank Pando asked who else could work on the computer system besides Larry Mervine.

The County Manager said Larry Mervine is the principal individual who works with the implementation of the computer system. Lawrence Kaneshiro works with Larry on a part-time basis and does assist him. If there are additional program needs they are done through Triadic. We are not allowed to modify any of their programs because they are licensed programs.

Commissioner Helen Baca made a motion to award the RFP #128 to Triadic Enterprises, Inc. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit I)**

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

(L) INDIGENT REPORT

Carlos Montoya presented the Indigent Claims from February 29, 2000 to April 18, 2000. The total amount of claims submitted is \$367,200.36. He asked the Commission to approve \$193,815.95 and to deny \$173,384.41. There were 73 claims submitted.

Commissioner Eloy Giron made a motion to approve the Indigent Report as submitted. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit J)**

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

(M) RESOLUTIONS

Budget Increases/Intra-Budget Transfers/Permanent Cash Transfers

Carlos Montoya presented Resolution 2000-24 for Commission approval. It is for a budget increase in the amount of \$6,557.00.

Commissioner Frank Pando made a motion to approve Resolution 2000-24. Commissioner Eloy Giron seconded the motion. Motion carried.

Carlos Montoya presented Resolution 2000-25 for Commission approval. It is for a budget increase in the amount of \$350,000.00.

Commissioner Frank Pando made a motion to approve Resolution 2000-25. Commissioner Eloy Giron seconded the motion. Motion carried.

Carlos Montoya presented Resolution 2000-26 for Commission approval. It is for a budget increase in the amount of \$31,153.00. Commissioner Helen Baca made a motion to approve Resolution 2000-26. Commissioner Eloy Giron seconded the motion. Motion carried.

Carlos Montoya presented Resolution 2000-27 for Commission approval. It is for intra budget transfers in the amount of \$8,605.00.

Commissioner Helen Baca made a motion to approve Resolution 2000-27. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit K for all Resolutions)**

(N) WARRANTS

Carlos Montoya presented the warrants of 4-28-2000 for Commission approval. Commissioner Helen Baca made a motion to approve the warrants. Commissioner Eloy Giron seconded the motion. Motion carried.

(O) EXECUTIVE SESSION

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

Carol Anaya stated the following personnel items were discussed during the Executive Session:

NEW Voting:	HIRES/for	Early	Luz Chavez Marie Mendoza Evangeline Tafoya Charles Wright Cecile Gomez Marilyn Hotchkiss Sandra Houtz Joe R. Perea
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Also discussed was the salary adjustment for Carlos Montoya who will be assisting as liaison for the Detention Director, Edwin Esquibel. It will become effective today through September 1, 2000.

The County Manager disclosed that the County has submitted earnest money for the 1.6 acres west of the County Courthouse owned by Mark Jarner and Anthony Apodaca. Closing will be between July 1st and July 30th, 2000. **(See Exhibit L)**

Community Monitor Larry Standard resigned and they will be waiting on a recommendation from Judge Danny Hawkes for a replacement.

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

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on May 15, 2000, at 6:00 PM in the County Commission Room at the Valencia County Courthouse. Executive Session will be at 4:30 PM.

ADJOURNMENT

Commissioner Eloy Giron made a motion to adjourn the May 1, 2000, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Helen Baca seconded the/* motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the May 1, 2000, Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

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: May 15, 2000

For an official copy of these minutes and attachments see Commission Book 37 Page 11