

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

MAY 15, 2000

MINUTES

The Regular Meeting of May 15, 2000 was called to order by Chairman Alicia Aguilar at 4:38 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. County Manager James Fernandez said there would be no discussion on Item C (Land Acquisition). Commissioner Frank Pando asked to discuss the County Extension Service and the increase in their budget.

Chairman Alicia Aguilar said only personnel matters, pending litigation and land acquisition can be discussed in Executive Session. The County Manager said one of the items before the Commission is to schedule a Budget Workshop and it might be appropriate to discuss this at that time. Chairman Aguilar said when they amend the agenda; they could add it as an item of discussion. That was if there are any questions, administration could bring it back to us at the next meeting.

Chairman Aguilar said they will be calling Carlos Montoya into Executive Session and Sheriff Juan Julian wants to address the Commission during Executive Session, as well as Molzen-Corbin.

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

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

NEW HIRES: Pending Pre-employment physical and Drug Test	Sandra Gutierrez Jeffrey Hogan Supple. II COPS
RESIGNATION:	Kathy Mascarenas Mary Ann Maldonado Jamie Galaz
LEAVE WITH PAY:	Dora Garcia Olinda Reneau
END TEMPORARY/Employment:	Tiffany Fuller
RETIREMENT:	Antonio Baca

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

County Manager James Fernandez said they had discussion with the County Attorney and the representative from Molzen-Corbin and gave them direction as to a study that will be brought back to the Commission with regards to Meadow Lake Road.

The County Manager said they received a letter from Judge Danny Hawkes recommending Buddy York for the vacant position of Community Service Monitor. **(See Exhibit A)**

Chairman Alicia Aguilar said Sheriff Juan Julian was called into Executive Session to discuss personnel and other issues.

Carlos Montoya was also called into Executive Session for an update on the Detention Facility. There will be a Special Meeting on May 31, 2000, at 8:30 AM regarding the Adult Detention.

The County Attorney said there was no pending litigation discussed during the Executive Session.

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

PLEDGE OF ALLEGIANCE

Sisto Abeyta led the Pledge of Allegiance.

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the agenda as presented. Commissioner Frank Pando requested that Item D (Proclamation/May 26th “Francisco X. Vigil Day”) be moved to Item A. John Cherry requested that Item F (Request Approval of Resolution/Lease Purchase of Rescue Ambulance for Valencia El Cerro Fire Dept.) be deleted. James Fernandez said under the County Manager’s Report, he has a Proclamation to present and he requested that it be moved to Item C. John Cherry said he has an emergency resolution to present and requested that he be placed close to the top of the agenda. Patty Guggino requested that the Valencia County Historical Society not get bumped too far down on the agenda. She said they have a gentleman that came from Washington D.C. to discuss a Valencia County pictorial history with them.

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

APPROVAL OF MINUTES

The Minutes of the April 27, 2000, Special Meeting and the May 1, 2000, Regular Meeting were presented for Commission approval.

Commissioner Eloy Giron made a motion to approve both sets of Minutes. Commissioner Helen Baca seconded the motion.

Chairman Alicia Aguilar said, “The only comment I would have is, I was absent last meeting and it would be on the Speed Hump Policy and I would like to see more discretion given to the agenda, as the Ordinance was passed it calls that we should have an approved budget. It is also mandatory that the people use the form provided by Molzen-Corbin and that all avenues must be exhausted prior to speed humps being installed. I’d like to see some leniency on that.”

Motion carried.

PUBLIC REQUESTS

Commissioner Frank Pando said he and Chairman Aguilar and Commissioner Padilla attended a town meeting in Belen to discuss the power plant that is being proposed on the West Mesa of Belen. He said, “We were told by the company officials, called Cobisa that they are trying to get Belen to annex them into the city limits of Belen, thus eliminating the County from having any say so as to zoning, water use, emissions, contamination, pollutants, etc. It was brought to the attention of all in attendance by Commissioner Aguilar that there would be no gross receipts tax or any tax incentives that would be collected to benefit the City of Belen or the County of Valencia. The only fees that would may be paid by Cobisa is a franchise fee and no one could tell us how much that would amount to. We were also told that Cobisa would profit approximately 17% annually. From what I could gather that would come to about 17 million dollars a year. There are a multitude of questions that need to be answered before a plant of this magnitude is allowed to locate in our vicinity. It is my hope and this is just me as a person speaking and not as a Commissioner, it is my hope and I pray that the officials in Belen will encourage further discussion, not only with Cobisa, but I feel that the officials in the Village of Los Lunas, Bosque Farms, County of Valencia and all other entities including Isleta will work together as never before on this issue. This plant will affect us all in one way or another. We’re all one community in one County and we all drink the same water and breath the same air. Clean water and clean air are two of our most precious commodities and we need to protect those commodities, not only for ourselves, but for future generations.”

Chairman Alicia Aguilar said, “For the record, even though the newspaper didn’t print it, there was a letter read into the record where the County officially protested the public hearing and we also felt that with Belen continuing the public hearing and their process, they may be legitimizing Cobisa going into the West Mesa and the fact that the County feels that Belen does not have jurisdiction. It is still County property and the proper process would be to come through Planning and Zoning first.”

Marcel Reynolds of the Los Chavez Community Association spoke regarding the intersection of John Road and Andres Sanchez Rd. The intersection has four ditch roads coming into it, Andres Sanchez, John Rd. and Don Ramon and also three driveways into a single intersection. There are a number of subdivisions to the north that are using the west ditch road as access to I-25. The traffic on that ditch road is unbelievable. At one time a solution was to put stop signs at the road intersections. All of the roads had stop signs with the exception of the ditch road. There has been a number of near accidents at the intersection as well as several accidents along the ditch. He said they hope that something can be done regarding this issue. They are preparing a petition to request a gate on that road.

He said he had a statement that he would like to read. It is from the Policies and Procedures of the Middle Rio Grande Conservancy District.

“(Encroachments and Trespasses) It is the duty of every employee of both the District and the Bureau to report to his or her superior what may appear or definitely be any encroachment or trespass of any kind upon rights of way of the United States or the District. Failure to do so will be considered grounds for disciplinary action.”

“(Use of Operation and Maintenance Roads by the Public) The roads adjacent to the canals, laterals, levees, and drains are essential for efficient and economical operation and maintenance. Any unauthorized use shall be discontinued. The cooperation of city, county, state and federal law enforcement officers will be solicited to aid in achieving this goal.”

Keltah Narbutouskih said she is from the Highland Meadows area and was asked to report on their neighborhood association. She said they have committees formed and had a meeting about three weeks ago with about 75 members attending. They are all very interested in participating in this organization. Their next meeting is on the 6th of June and they will give all of their reports. They have been collecting historical information and all of the committee has been very active.

County Manager James Fernandez introduced Tasia Young from the Association of Counties.

Ray Garcia spoke about Lobo Valley Acres. He said they have the subdivision and they are trying to live with it. The residents that live around there are getting tired of the automatic weapons that are being discharged around there in the middle of the night. He said this is unacceptable and he would like to see about getting someone out there to talk to the people. He said they would also like for them to keep the trash to themselves. It needs to be kept clean. He said there is already a car on blocks over there and that is not what they expected. The pipe fencing is not complete. They expect the developer to live up to everything that was asked of them. He said there are some nice people that live in the subdivision and they are trying to get along with them.

They are going to stick with keeping Tome, Adelino and San Fernandez nice and clean and pretty.

They have had it with the graffiti on Dead Man's Curve. The resident's have gone out and cleaned it up themselves and they will keep on cleaning it up. He said there is somebody over there that wants to mark his or her territory. There is a brand new sign with three crosses on it and it hasn't been touched. He thinks the person is afraid of the crosses. He said, "We hope the County will go over there and see what is going on. We've cleaned it up and we've replaced the signs and we're here to tell you that there is only one gang in Tome and that's our gang."

Commissioner Eloy Giron said he has received some calls regarding the subdivision. He requested that staff check and see if the developer is living up to his end of the agreement.

Chairman Alicia Aguilar said when she checked on the pipe fencing about two months ago, she reported it to Mike McCartney and Steven Chavez because that is one of the conditions in the approval and there is a Performance Bond in place.

Commissioner Giron requested that Steven Chavez and Ruben Chavez bring a full report of what is transpiring with the subdivision and if the developer is living up to this end of the agreement.

ACTION ITEMS

(A) PROCLAMATION/May 26th "Francisco X. Vigil Day"

David Chavez spoke regarding the Proclamation on Francisco X. Vigil Day. He recognized his wife Elaine Chavez, Bosque Farms Mayor Roger Baldwin and his wife and Commissioner Frank Pando who all serve on the committee.

County Clerk Kandy Cordova read the Proclamation. Commissioner Frank Pando made a motion to approve the Proclamation designating May 26th as "Francisco X. Vigil Day." Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit B)**

(B) VALENCIA COUNTY HISTORICAL SOCIETY/Presentation of Proclamation & Award

County Manager James Fernandez said the Commission approved a Proclamation at their meeting of May 1st proclaiming May 13th through May 21st as Historical Preservation Week in Valencia County. He presented the Proclamation to Diane Martinez who is President. There were also other members in the audience.

The Historical Society would like to recognize the Arvizu Family from Bosque Farms as part of the Historical Preservation Week for the preservation of a home that they have been working on.

Richard Melzer presented an award on behalf of the Valencia County Historical Society. He said several years ago this award was created with the understanding that it would not be an annual award. It would be an award for special cases, places in the County that were determined to be well preserved with great effort and love. They found an example of great preservation existing at 930 South Bosque Loop, Bosque Farms. The Arvizu Family owns the house. They have lived there since 1992. The Bosque Farms Community was created during the Great Depression as part of the New Deal Program to relocate farmers. They built 43 houses there and helped the farmers get established on the land. The Arvizu Family has taken great care with lots of hours of labor and research to restore it as closely to the original as possible. He presented two pictures of the home. **(See Exhibit C)**

(C) RESOLUTION/Restriction and Ban on Open Burning

Valencia County Fire Marshal presented Resolution 2000-28 for Commission approval. It is for a Restriction and Ban on Open Burning within Valencia County. The ban shall be in effect until lifted by the authority of the State and Federal Forestry Divisions and the Valencia County Fire Marshal. He said during the last four weeks, there has been 184 acres burned in Valencia County alone with an estimated cost to the State of \$210,000.00.

Chairman Aguilar asked about fireworks. Mr. Cherry said they have held discussion with the municipalities and they are going to give it some time and they may have to come back with some type of restrictions on fireworks or some types of fireworks. The cutoff date for permit applications for fireworks is April 15th.

He said he and Charles Eaton went to the Middle Rio Grande Board Meeting and they are in fact locking down the bosque from Socorro County to Sandoval County. It will be accomplished in Valencia County by Friday. They do permit access to the bosque through a permit process and that will be rescinded until this ban is lifted. They are attempting to lock everyone out of the bosque.

Commissioner Eloy Giron made a motion to approve Resolution 2000-28. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit D)**

(D) PROCLAMATION/Valencia County Youth Voter Registration Days

County Manager James Fernandez presented a proclamation declaring Thursday, May 18th and Friday, May 19th as Valencia County Youth Voter Registration Days. Sisto Abeyta is here to accept the proclamation on behalf of the youth. They will be holding voter registration drives at the high schools in Belen and Los Lunas on those two days.

Sisto Abeyta said he is a National Committee member for the Young Democrats of New Mexico. He said they would like to get more young people involved so they will be prepared for the future. This is a way to begin the process.

Commissioner Al Padilla made a motion to approve the Proclamation. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit E)**

(E) UPDATE/Department of Labor/Workforce Investment Act

Chairman Alicia Aguilar introduced Herman Padilla from the New Mexico Department of Labor Job Training Division and Bill Calderon from the local Department of Labor Office. Herman Padilla said they have been implementing a program in the area called the Workforce Investment Act. The program will go into effect on July 1, 2000. There are many elected officials in Torrance County, Bernalillo County, Sandoval County and Valencia County that are extensively involved in helping to implement the program. Alicia Aguilar is the Chairman of the Chief Elected Officials. They have identified a board that is trying to implement a program in this area that is intended to coordinate resources from education, public assistance and training programs trying to make sure that a comprehensive program is delivered that will train and educate the individuals, youth, adults or dislocated workers. They are pretty well on target. They have had several meetings and identified a chairperson and committees and created a plan. Presently they are trying to identify the fiscal agents. In the interim it is Bernalillo County and they are trying to find program deliverers.

The youth program will begin on June 12, 2000. In this area they were due to service 55 youth and due to Commissioner Aguilar's efforts that has grown to 111 youth that will be serviced in this area and work for approximately seven weeks. Their wages will be paid by the federal funds and they will receive educational enhancement. Those who are weak in their basic skills such as reading, writing and math will get a chance to improve those skills during the summer.

Chairman Aguilar said there is about six million coming into the region and about 1.2 million for youth. She said with having the local branch college, there is training that can be done locally so there is already an office in place.

Mr. Padilla said in this area there is a grant of 6.1 million dollars and it will be administered with the chief elected officials and the local workforce development board. That money is intended to serve low-income adults who are 22 years of age or older, youth between the ages of 14 and 21 and dislocated workers who have lost their jobs due to down sizing or plant closures. The money is intended to prepare these individuals for the job market. One of the first things they will do with the money is provide immediate assistance in job placement. One of the things that would happen in this area is that they would go to a place called a "one-stop shop". The UNM-Valencia Campus here is coordinating closely with the Dept. of Labor's Development Center in providing core services such as how to do resumes, applications and how to interview for jobs. For those that are still unemployable it will provide services such as counseling and it will provide training classes in occupational skills and trade. Books and tuition fees and other related costs could be paid with these funds. It also includes childcare and transportation.

Discussion was held with members of the County Commission and the audience.

Chairman Alicia Aguilar said she invited Herman Padilla to the meeting so that the public could know what is going on with the Workforce Investment Act and she will be inviting him back in a couple of months to keep the Commission abreast of how they are progressing.

(F) UPDATE STATE HIGHWAY DEPARTMENT (River Crossing)

Tony Abbo from the State Highway Dept. reported on the progress of the proposed river crossing. He said the northern alignment or C-1 (south of the prison) is more favored by researchers than A-2 (through Los Chavez south of Adelino). There will be fewer impacts to the area.

Engineers eliminated two other proposed crossings several months ago including one that would have put the bridge through Tome.

Mr. Abbo said the crossing selection is not yet final. A report on the proposed alignment will be completed by June and there will be public meetings in July. At that time an environmental assessment will be done about the selected crossing.

There were several comments from people in the audience. They included asking for answers about the decision process. Some residents said a newsletter about the bridge that was published by the State Highway Dept. and distributed, as paid advertising in the News-Bulletin was misleading. The newsletter with color photos gives background about the bridge study and includes information about why the bridge is being considered and what the crossing will look like. There is no reference to the "no build" option. There was no information about the people who will be misplaced by the bridge and some residents said they did not receive the questionnaire in their newspaper.

Ray Garcia said this is a tremendous sales piece and does not include destroyed homes and destroyed lives. He said, "Tome and Los Chavez do not belong to the Valencia County News Bulletin and the Chamber of Commerce. The answer is no."

Commissioner Frank Pando said he would not favor the bridge unless it extends NM 47 to the Manzano Expressway. He said the bridge would not help the people of Meadow Lake and nearby areas. Traffic is coming from the east mesa and the people are not going to travel seven miles south to get onto the freeway to Albuquerque.

Chairman Alicia Aguilar suggested that the residents listen to the information. She said, "Once we get all of the information, we can tear it apart. This started 10 years ago. We inherited this." She mentioned that a previous Commission asked the State for a study of a solution to traffic problems. She said, "Once the study is done, let's get together and look at the material."

(G) FINAL PUBLIC HEARING

Amendments/Valencia County Comprehensive Zoning Ordinance

Steven Chavez said this is the final hearing on the amendments to the Comprehensive Zoning Ordinance. Permission to publish was granted on April 17, 2000 and the first public hearing was held on May 1, 2000. **(See Exhibit F)**

Michael Lundmark spoke about irrigation and irrigation easements. He said the language that was in the Subdivision Regulations was ambiguous and could be perceived as being manipulative. He said what he is asking for is that they try to explore for some hard language to mandate the continuing of irrigation for future generations.

Chairman Alicia Aguilar said, “We are dealing with the Zoning Ordinance.” She asked Marcel Reynolds if the appropriate language was included in the Subdivision Regulations regarding the Soil and Water Conservation Service. She also asked if the Soil and Water Conservation Service would be looking at all of the easements and making recommendations to the Commission. Mr. Reynolds said yes, however the language that they requested was not included. He said, “We did agree to review that, but what was done, we provided the County with a revised Terrain Management Plan which provided the conveyance of irrigation water to land that was recently subdivided.” Chairman Aguilar said, “I took probably 2 ½ hours where we went page by page and you were here and everything we inserted you agreed to. I wasn’t here last meeting when the Subdivision Regulations were adopted. Are you telling me that the language that we agreed on at that meeting is not in the Subdivision Regulations?” Marcel Reynolds said, “The language was included in the Terrain Management provided by the Soil and Water Conservation District. This Council did not accept that. You did not accept that.”

Commissioner Frank Pando said, “As we discussed it, the Soil and Water Conservation is also an advisory board and like I told Mike, what pertains in Tome, Los Chavez does not pertain in Meadow Lake or the West Mesa, or Highland Meadows or somewhere like this. He wants to make a deal like in Corrales. I guess you could do that if you did it to the Village of Los Lunas or to the City of Belen because it is a small area. When you’re talking as big as we are in mileage, I can’t see imposing a guide to water when there is no water. You were here when Alicia went page by page. I believe the wording is on that the Soil Conservation will look at this subdivision on its own merit and at that time will recommend whether there should be irrigation applicable and where it should pertain to and etc.”

County Attorney Tom Garde said, “This County Commission approved the Subdivision Regulations two weeks ago. That is not what is at issue. Basically at issue is an amendment to the Valencia County Comprehensive Zoning Ordinance by Planning and Zoning. I ask that your comments relate to what is on the agenda. You’re talking about irrigation rights that develop a subdivision that was adopted two weeks ago and on the agenda today is an amendment to the Zoning Comprehensive Ordinance such as recreational vehicles, such as churches, nothing to do with the Subdivision Ordinance.”

Chairman Alicia Aguilar said, “The Subdivision Ordinance addressed easements and irrigation, maybe not to the extent that you wanted. Are you asking that the same language be included in the Zoning Ordinance?” Mr. Lundmark said, “I’m asking that more ambiguous language be put into the Planning and Zoning Ordinance. The reason that I’m bringing it up is that I’ve been talking to a Planner and they have it in three places, they have it in their Subdivision Regs., they have it in their Farm Ordinance and they have it in their Planning and Zoning Regulations.”

Chairman Alicia Aguilar asked Steven Chavez, “Mr. Lundmark is asking about irrigation specifically any land that is RR1 or RR2, that there be culverts, that there be gates to allow for irrigation just like Corrales. Is that what I’m hearing?” Mr. Lundmark said, “When we follow the Middle Rio Grande, we really enforce the Middle Rio Grande Conservancy Policies and I quote them. “Additional turn offs do not install to certain subdivisions of existing ownership. The subdivider will be required to provide for irrigation deliveries.”

Chairman Aguilar said, “When this came up, and we’ve had lengthy discussions on it, Mr. Chavez mentioned that legally we could not dictate the irrigation to each piece of property.” Steven Chavez said, “That is partially correct and it is based on circumstances. What you are looking at today are four amendments to the zoning ordinance. We’re not dealing with the citing or placement of dwellings or other structures. We are dealing with zoning only. These are minor amendments to the ordinance. When we had the proposals from the Soil and Water Conservation District for irrigation easements, we adopted all of the language that was proposed except one word. I believe it was for a mandate for an irrigation easement. We thought it was not only inappropriate, but it could violate some of the Federal Constitutional Clauses. We thought it would create some legal difficulties for the County. We can require irrigation easements under certain circumstances, but we have to look at those on a case-by-case basis. We did require that they provide us with substantial information for irrigation in the analysis.”

Chairman Aguilar said, “Mr. Reynolds, we took about two and a half hours and went page by page. I remember looking at you and asking you, are you happy with this? Did I address everything? Is there anything else? You said no, it’s fine.” Marcel Reynolds said, “We provided you the language that we wanted. This Commission decided not to accept that. The Commission did not want to mandate that a conveyance, and we’re not saying that you have to irrigate the land, we’re saying that the subdivider has to provide the conveyance for them and that was not accepted.”

Chairman Aguilar said, “We’re dealing with the Planning and Zoning Ordinance. Whatever is there, there is four proposed amendments and comments on that. If there is a comment on something else, please let us know.”

There was more discussion on irrigation easements.

Ray Garcia commented on the importance of the water issues.

Commissioner Frank Pando made a motion to approve the amendments to the Valencia County Comprehensive Zoning Ordinance. Commissioner Eloy Giron seconded the motion. Motion carried.

The amendments become effective thirty days after the Commission passes them.

(H) REQUEST APPROVAL OF RESOLUTION

Lease Purchase of Rescue Ambulance for Valencia El Cerro Fire Dept.

This item was deleted.

(I) COUNTY MANAGER’S REPORT

JPA Juvenile Detention Facility

County Manager James Fernandez presented the Joint Powers Agreement between Valencia County, Sandoval County and Bernalillo County for a regional juvenile detention operation. There is also a copy of the proposed budget for the next fiscal year.

Commissioner Frank Pando said they were told a few months ago that they were going to open the entire center, but they had to do some remodeling. He said he doesn't see the other half being opened and he wondered why.

Tom Swisstack said they are still working on it. The Commission is not interested in making a long-term commitment. The revenues at the going rate per day are \$25,000.00 over last years despite the fact that they haven't opened the other side. They are waiting for the final contracts from INS to open that other side. They want six to eight beds to themselves.

Commissioner Pando said there is a grant that comes in every year for taking care of juveniles. He asked if it was taken into consideration what Valencia County pays or what Sandoval County pays. It is his understanding that Valencia County and Sandoval County basically finances the Juvenile Detention Center and Bernalillo County operates it. Tom Swisstack said, "That's correct. What is not really in here, but we also get as a department administrative fee is the nursing services, mail house services that we do not have the staff at this particular facility that we are staffed at the Bernalillo County Juvenile Detention Centers, so we are absorbing that in our regular 24 – 7 staff pattern."

Commissioner Pando asked what was going to happen to the bills that are three, four and five years old. They keep cropping up and he asked if Valencia County and Bernalillo County were going to keep on owing each other. He would like to see everything settled. He said, "You walk in here and surprise, surprise. Carlos will say, we just got another bill for \$100,000.00 and you don't know anything about it. I think we need to sit down and work that out to everybody's satisfaction."

Mr. Swisstack said, "We are working with the administration and the legal and we're down to one bill from 1995-96 and we hope to have some closure on that by Wednesday after meeting on it and a letter from Mr. Garde. We're also waiting for some information from the CPA that did an audit on that. Prior to that, we've been operating in excellent shape for the last 2 ½ years and everything is current. We've actually been doing really well in staying on top of the bills. We're trying to correct that bill from history."

Commissioner Pando asked who serves on the Regional Board. Mr. Swisstack said, "In each of the respective County's you have the County Manager and a County Commissioner. You have one in Sandoval and one in Bernalillo." Commissioner Pando asked, "Who is our representative?"

Chairman Alicia Aguilar said, "As I mentioned to Commissioner Pando, he expressed desire to serve on this Board. I would be willing to step aside and allow him to represent Valencia County if the Commission so wishes." Commissioner Pando said, "I have no problem with that at all." Chairman Aguilar said, "I was appointed to the Board when I first was elected and it was where I started asking questions, attending meetings and that's how I landed up on it and bringing the information back to the Commission, but we've had a very good relationship. I enjoy serving on the Board."

Commissioner Pando said, "Now that we are building the new facility, I understand they will be providing the food for the juveniles." Mr. Swisstack said, "I would like to work with the Adult Facility to provide that service, obviously because it's real close and we don't have to do that traveling. Carlos and the County Manager have talked about this. We're waiting for the facility to open so we can work with you on that." Commissioner Pando asked if that would reduce our bill or will we basically stay the same. Mr. Swisstack said, "I think what happens is, we're trying to work with the kitchen part of us here and I think it's going to be a little more cost effective in providing the meals."

Chairman Aguilar said, "One thing, Commissioner Pando if you could allow me to stay on the Board for a little while, I made contact with the General Accounting Office in Washington D. C. whereby this Juvenile Detention Center when it was funded, it was funded with the stipulation that it could never be used for anything but the Juvenile Detention Center. When it was shut down, we couldn't use it for office space. In contacting the General Accounting Offices I'd like to see what they could do to change that to remove that condition. It is an old facility and if we ever wanted to build another one or relocate, we're stuck with it just sitting there which is crazy. I would like to achieve that this coming year or continue to work on it."

Chairman Aguilar asked for the dollar amount on the Joint Powers Agreement. Mr. Swisstack said, "What happens is that you pay on a monthly basis." The County Manager said, "That is a separate document that is provided to you. The total budget for 2000-2001 is \$906,645.00." Carlos Montoya said, "The cost proposed on the budget is, the facility is running on 50%. He's budgeting a 100% facility. Our average inmate count is 19 inmates. You can house 33 there. He's budgeting on getting other contracts from other entities so he won't have to come back to this Commission and say, "we have a contract with the Federal Government so we have to increase that budget". He's budgeting for a full staff, but he bills us only for the cost that we've spent. Every month he sends me a bill. As of April of this year our average cost has been \$29,962.00 per month and you times that by 12. Our cost this year will be \$359,544.00 to run this facility. Right now we've generated \$101,000.00 in revenue. You subtract the revenue, so we're basically operating that facility for \$258,544.00."

Chairman Aguilar said, "I'm not questioning Mr. Swisstack on the efficiency of the operation. We couldn't manage it ourselves for the cost. I am saying that when you come to us and say, this is your budget, what number are you going to use?"

Carlos said, "I'm going to budget the \$386,000.00 that we have budgeted every year. We have never spent that. Each year we budget that amount, but we don't spend it."

More discussion was held on the amount that is in the budget.

Chairman Aguilar said, "Council, by approving this we are protected, I'm asking you, for the dollar amount even though it's not attached on the Joint Powers Agreement so that Bernalillo County can't come back and say there is additional cost or we have more expenditures and someone saying, "you approved it."

Tom Garde said, "If this Commission approves the Joint Powers Agreement you are in affect you are approving the budget that has been presented. What you are doing is adopting this that has been submitted, you're committing to the cap of \$453,322.50."

Commissioner Pando said, “We sat in Executive Session and discussed a few money problems and it doesn’t make any since to me to budget \$461,000.00. Last year you had \$386,000.00 that you budgeted. Carlos you said there was a 7% deal, which was \$52,000.00, what you are doing now, is you are adding \$75,000.00. Consequently we’re trying to stay under the reserve amount.”

County Manager James Fernandez recommended approval.

Chairman Aguilar asked why the JPA is for four years. Tom Garde said, “The statute provides up to four years and there is a clause in here that provided for this Commission or a future Commission can terminate so long as six months notice is given. I think any concern that a new Commission might have with this agreement will have to be dealt with through that escape clause.”

Commissioner Helen Baca made a motion to approve the Joint Powers Agreement with the correction on page 3 of adding Valencia County to Item B of the Budget-Joint Approval. Commissioner Al Padilla seconded the motion. Motion carried.

Senior Olympics

The County Manager said in the packet is a copy of a petition that was submitted by the Valencia County Senior Citizens. The petition requests that Valencia County move Dan Vigil who is currently serving as the Facilities Manager at the El Cerro Mission Community Center to the Belen area.

Chairman Aguilar said it was her understanding that they were going to leave him at El Cerro Mission Community Center until the end of the fiscal year so that it would give them time to budget and hire someone for the El Cerro Mission Community Center. The change can be approved, but will become effective July 1st.

Commissioner Frank Pando made a motion to approve the move effective July 1st. Commissioner Al Padilla seconded the motion. Motion carried.

Waste Management

The County Manager said within the packet there is a copy of a letter dated April 20, 2000 from Waste Management requesting under Section 10.5.0 that it allow the contractor to petition the County for Extraordinary Costs. These costs would be due to fuel surcharges and Waste Management is requesting an adjustment in the amount of 1.7% for fuel charges.

Commissioner Al Padilla made a motion to approve the request of Waste Management. Commissioner Helen Baca seconded the motion. Motion carried.

CDBG Project No. 00-C-NR-1-6-G-21

The County Manager said in the packet there is a letter from the Department of Finance and Administration, Local Government Division requesting the signature of the Chairman of the Board of Commissioners on the executed Grant Agreement in the amount of \$25,000.00 that was given to the Valencia Counseling Service.

Commissioner Eloy Giron made a motion to approve the signature of the Chairman for this project. Commissioner Al Padilla seconded the motion. Motion carried.

Legislative Appropriations

The County Manager said in the packet there is a copy of a questionnaire from the Department of Finance and Administration, Local Government Division and one of the requirements of the Legislative Appropriations that were received by the County made reference to Section 6, Certification of Need for Issuance of Bonds requires the date of action by the governing board. The date that was submitted on the questionnaire for the appropriations to be ratified was the date of this meeting, May 15, 2000. The appropriations are as follows:

Project 00-455	\$55,000.00 to purchase Sheriff’s vehicles and equipment in Valencia County.
Project 00-574	\$25,000.00 to purchase computers, software, digital cameras and a vehicle for the Sheriff’s office for intelligence gathering on various hate groups and gang-related activities in Valencia County.
Project 00-408	\$45,000.00 for improvements, including a parking lot, paving, gutters and curbs at Las Maravillas Fire Station in Valencia County.
Project 00-409	\$50,000.00 to purchase a pumper truck for the El Cerro-Valencia Fire Dept. in Valencia County.
Project 00-573	\$25,000.00 to purchase land to relocate the fire department building to a larger lot in Los Chavez in Valencia County
Project 00-575	\$40,000.00 for a hospital feasibility study in Valencia County.
Project 00-166	\$100,000.00 to complete the paving of the Manzano Expressway in Valencia County

Commissioner Frank Pando made a motion to accept the appropriations from the State Legislature. Commissioner Helen Baca seconded the motion. Motion carried.

State Lease

The County Manager said there is no update or information on this item. He said they continue to call on a daily basis to see where they are with a master lease. They keep on telling them that it will be forthcoming.

Chairman Alicia Aguilar said these are the leases that will expire the end of May. It included the bus compound where all of the improvements are for the public schools, the Little League Fields, the First Choice and where the Road Dept. is and the State has agreed to lease it to us, but they wanted one master lease at \$1.00 per year and the County will in turn sublease to the other entities.

Letter from VIA

The County Manager said there is a letter from Valley Improvement Association dated May 8, 2000 in regards to the Greenways, Rio del Oro Pathways. Jacqueline Guilbault is making the County aware of a specific change. Mr. Fernandez read the last paragraph, "I want to inform Valencia County that these projects may be designed to standards which are acceptable to these state and federal agencies, but not necessarily to AASHTO standards. I also want to determine that Valencia County would agree to substitute standards as long as the state and federal agencies approve other standards."

Commissioner Al Padilla made a motion to substitute standards that will still be acceptable to the state and federal agencies involved. Commissioner Frank Pando seconded the motion. Motion carried.

Memorandum of Agreement

The County Manager said in the packet there is a copy of the Memorandum of Agreement between the Village of Los Lunas and Valencia County in regards to their donation to Valencia County in the amount of \$2,000.00 for the Senior Olympic Program.

Commissioner Al Padilla made a motion to approve the Memorandum of Agreement. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit G for items presented by the County Manager.)**

Other Matters

There will be a Budget Workshop on May 23, 2000 at 10:00 AM.

(J) BUDGET ADJUSTMENTS/Permanent Cash Transfers/Increase/Intra Budget Transfers

Carlos Montoya presented Resolution 2000-29 for Commission approval. It is for Budget Adjustments, Permanent Cash Transfers, Budget Increase and Intra Budget Transfers for the 1999/2000 fiscal year budgets.

Commissioner Frank Pando made a motion to approve Resolution 2000-29. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit H)**

(K) WARRANTS

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

Carlos Montoya requested permission to cut a check for postage to mail the Notice of Values for the County Assessor.

Commissioner Al Padilla made a motion to allow permission to cut a check later in the week for postage for the Notice of Value forms. Commissioner Helen Baca seconded the motion. Motion carried.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on June 5, 2000 at 10:00 AM in the County Commission Room at the Valencia County Courthouse. Executive Session will begin at 8:30 AM.

There will be a Special Meeting/Budget Hearing on May 23, 2000 at 10:00 AM.

There will be a Special Meeting/Adult Detention Facility on May 31, 2000 at 8:30 AM.

There will be a Special Meeting/Canvas of the Primary Election on June 9, 2000 at 10:00 AM.

ADJOURNMENT

Commissioner Frank Pando made a motion to adjourn the May 15, 2000, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Eloy Giron seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the May 15, 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: June 6, 2000

For an official copy of these minutes and attachments see Commission Book 37 Page 71