

VALENCIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING

July 10, 2000

MINUTES

THE MEETING WAS CALLED TO ORDER BY VICE CHAIRMAN AURELIO H. PADILLA ON JULY 10, 2000 at 8:30 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

Valencia County Chief Deputy Clerk Corrine G. Sedillo read the Agenda for the Executive Session as presented. Commissioner Pando makes the motion to go into Executive Session with a second by Commissioner Baca. Motion Carried.

Chairman Aguilar states that the Commissioners are returning from Executive Session. Motion to convene into Regular session by Commissioner Pando with a second by Commissioner Baca. Motion carries.

Mrs. Carol Anaya stated that the following had been discussed in Executive Session: New Hires: Part-time Joe Perkins –Sheriff’s Department. Resignations: Lawrence Mata-Sheriff’s Department; Eufemia Duran-Maintenance; Eric Jackson-Sheriff’s Department, family medical leave; Jennifer Hawkes Baca, Position/status change & Salary Adjustments for Gemma Roselli and Orlando Montoya; Transfer of Paula Weathersby to the Sheriff’s Department from the County Clerk’s Office; Promotion and salary adjustment for Richard Perea from Sheriff’s Deputy to Sergeant; Transfer of custodial workers to Adult Detention Center: Debbie Baca, Ralph Baca, Lydia Aragon, Anita Napoleon. She also stated that she had submitted to the Commissioners a Position Specification for a Building and Physical Plant Operator and requested approval. Commissioner Pando moved for the approval of Mrs. Anaya’s recommendations, which was seconded by Commissioner Giron. Motion carried.

County Attorney Thomas Garde stated that there was no discussion under pending litigation. County Manager James Fernandez stated that there had been a discussion and gave Administration direction to proceed with the acquisition of the property just west of the County Courthouse, the Apodaca-Jarner property and requests ratification from the Commission. Commissioner Giron makes a motion on the recommendation of the County Manager, which is seconded by Commissioner Pando. Motion carries.

County Attorney Thomas Garde stated that there had been a discussion on the negotiations that had taken place between County Management and the Cornell Corrections Incorporated and Commissioners and himself and the County Manager, via telephone, to develop details to the agreement. He stated that they had gone through the various items in the agreement that would basically provide for a three-year agreement in which Cornell would run our facility beginning October 15th of this year. He stated that the agreement would provide for an activation to commence training of current employees and the recruitment of local citizens to also work with the facility that would be a priority with Cornell. He stated that this agreement, if accepted by the Commission, would provide for Cornell to adequately provide information to this County on a regular, daily basis, through a jail monitor that would be in place by the County that would allow for instant access to inmates to insure that these inmates are where they are supposed to be, that they are being taken to Court in a timely manner. He stated further that the agreement would allow for the medical treatment of the inmates through Cornell Services, will provide recreation for the inmates and would insure that this County would comply with the New Mexico Finance Authority in that the new facility would not house more than 10% of non-Valencia County residents. He stated that the facility, both the old and the new, allow for 120 inmates which would be the maximum that could be allowed in the facility. He stated that this agreement was modeled after the

agreement that was adopted in Santa Fe County. He stated that this agreement is subject to approval by the New Mexico Finance Authority, by the Attorney General and by the Department of Finance and Administration. Mr. Garde recommends that this Commission add this item to the Agenda for ratification. Chairman Aguilar states that at the time of approval of the Agenda the item will be added under the County Manager's Report. Motion is made by Commissioner Giron and seconded by Commissioner Pando. Commissioner Pando states that he wants to basically try to assure the employees who are currently working in the Valencia County Detention Center that there will be every reasonable effort made to retain all these employees. Motion carries. County Manager advises the Commission that under item C of the Agenda, which would have been a presentation by Sylvain Segal, a call had been received from him that he could not be in attendance. Motion was made by Commissioner Padilla that the foregoing was what had been discussed in Executive Session. The motion was seconded by Commissioner Giron. Motion carries.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Alfred Gomez.

Chief Deputy County Clerk Corrine G. Sedillo read the Agenda as presented. Commissioner Giron requests the addition to Item J under County Manager's Report to include discussion and action on the Adult Detention Facility contract. County Manager Fernandez requests the deletion of Item C under the Action Items. Commissioner Giron moves the approval of the Agenda as amended. Seconded by Commissioner Padilla. Motion carries.

APPROVAL OF MINUTES

The minutes of June 12, 2000, Special Meeting and the minutes of June 19, 2000, Regular Meeting was presented for Commission approval. Commissioner Padilla requested an insertion on Page 4 of the Minutes of June 19, 2000, to read," of the bridge". Commissioner Pando pointed out a Motion in the Minutes of June 19, 2000 was incorrect. Motion to approve the Minutes as presented with those two changes was made by Commissioner Giron and seconded by Commissioner Pando. Motion carries. Motion to approve the Minutes of June 12, 2000, Special Meeting made by Commissioner Pando, seconded by Commissioner Padilla. Motion carries.

PUBLIC REQUESTS

Mr. Robert Rubino stated that he is a constituent of Mr. Padilla who, he stated, has done nothing for them in Las Maravillas. He stated that he is from an area that is very separated from everyone else and that they have absolutely no protection out there, they have no police protection and no fire protection. He stated that they have a firehouse, which is directly behind his home but that it is a volunteer firehouse. He stated that he has calculated that between Los Pasitos and Las Maravillas they are contributing close to half a million dollars in property taxes. He stated that he would like to know what they are getting for the property taxes of Las Maravillas and Los Pasitos and they have actually no services whatsoever. He stated that just for an example a neighbor's alarm went off and it took the Sheriff 35 minutes to arrive to even check on it and had there been something serious or anything like that, it is ridiculous. He stated that he called this taxation without representation and he proposes that there be a Sheriff's substation be put up out there to take care of the residents and that that fire station no longer be a volunteer fire department but an actual fire department. He stated that they need these services and that they pay taxes and that they have absolutely nothing. He stated that he hears all this hog....this back and forth on this bridge that is needed for people to do without and how it affects this one and that one. He stated that the words eminent domain comes to mind and he asked if anyone has ever explained eminent domain to the community so that people understand what this is all about. He stated that that is in place and a Federal law for a reason, for the betterment and protection of the public. He stated that the other issue on his agenda and that he is sure this has to do with zoning and planning is the official New Mexico speedtrap of Manzano Expressway. He stated that personally he has not been in it but that he is sick of seeing Sheriff's pulling people over because the posted speed limit is 40 miles an hour when the speed through the center of town is 45 miles an hour in areas and out there is absolutely no reason why that shouldn't be anything greater. He stated that he thinks it is just that they ran out of 55 mile an hour signs. He stated that that was a joke but all that is a New Mexico speedtrap. He stated that he hasn't had a ticket yet but for the people who he knows have he thinks it is ridiculous. He stated that this whole New Mexico game is like, you know, he's lived here for 3 years now and he has never lived in a place like this in his life. He stated that he has lost a fortune on his property because there is nothing being done, nothing added out there, nothing to bring people out there. He stated that a local can't afford to buy his house so he has to wait for someone to come from out of state and no one wants to come from out of State and he doesn't blame them, that he got suckered into it but he wants to say this, if things don't start changing in this County, I have friends in New York okay? He stated that he is from New York and he has friends at ABC. He stated that he will get 20/20 out here and he will have them investigate, he will have them investigate this County. He stated further that he will not leave any stone unturned and that he would be relentless, and that he would be "your" worst nightmare. He stated to Commissioner Padilla

that he was totally disgusted. At this time Chairman Aguilar interrupted Mr. Rubino and requested that he stick to the issue and inquires if he has made an appointment with Administration to get the information about taxes and what the County gets and explained that although you may collect a great amount of tax money, the money doesn't all come to the County. Chairman Aguilar continued to cite factors of the economic distribution of revenues and suggested a meeting with the County administrators so that he could be better informed and then a return to the Commission for any additional inquiries he may have. Commissioner Padilla interjected that he agreed with Chairman Aguilar's suggestion. The discussion continued and Chairman Aguilar requested that Mr. Rubino meet with Administration to get a better picture of the economic situation in Valencia County and then return to the Commission. Mr. Rubino then stated that something is going on with the tax dollars and he would like to know where they are going and that there is obviously an issue here with the taxes and if it's going to the State he needs to go to the Governor's Office and that he will do that too because he is not afraid, and he'll tell you what, "this State has got to come out of the dark ages and come into the 21st Century". He stated further that this is not going to end here and he wants these issues taken care of and if he has to get a vigilante group together to go to Santa Fe together he will do that. Chairman Aguilar encouraged Mr. Rubino to meet with the County Manager and he agreed to do so. Mr. Rubino then requested the Master Plan of the County. Chairman Aguilar then referred him to Ruben Chavez who was in attendance. Chairman Aguilar advised Mr. Rubino that if his homeowner's association would register with the County Manager, they would get copies of all the agendas and they will also be provided with copies of any amendments to or changes in the comprehensive plan Mr. Rubino stated that it would continue on here and that this was just the beginning. Commissioner Giron then inquired of Monica Mireles as to a pamphlet which showed the "whole piece of pie", Valencia County taxes, and asked, "who's got the littlest piece of pie out of that whole thing?". Mrs. Mireles replied that it was Valencia County. Mr. Rubino commented as to "where the taxes are going?" Chairman Aguilar replied generally how the law is structured in the distribution of monies. Discussion continued on the legislative representatives for the District in which Mr. Rubino lives.

Denise Chavez addressed the Commission on a personnel matter. Mrs. Aguilar advised Mrs. Chavez that the reason she was not invited to the Executive Session regarding her concern was on the advice of counsel. Commissioner Pando stated that the County Manager would meet with her to address her concerns.

Chairman Aguilar stated that she knew everyone was aware of the Cavco layoffs and that she had met with Clint Hartin and members of the Department of Labor and with the help of some of the local workers investment board. She said she had learned that when there are layoffs of 50 or more, we do not have to access the local force investment funds but that there are funds at the national level that are available and those funds come to us from the national reserve. She stated that the Department of Labor mentioned to her that they had met with management last week and this week they will be meeting, hopefully, with Cavco but also wanted to meet with all the employees to let the employees know that benefits are available. She stated that employees might think that they only have unemployment benefits, which are not necessarily true. She cited an example of Mr. Gomez who is in attendance, who has a disability, hearing impaired, and one of the ones that was affected by the Cavco layoff. She mentioned training for such individuals, which is also available, and the process by which they can be served.

ACTION ITEMS

a) Request Ban or Moratorium On Any New Billboards Under Jurisdiction of Valencia County (See Exhibit A)

Vincent Chavez stated that he didn't want to give the reasons for the Request at this time but others would state their reasons and he would speak after they did. Chairman Aguilar stated that this is his request and the Commission would hear their proposal but the process would require notice to the public and public hearings should they decide to take the proposal forward.

Earl Gleason of Belen stated that he had fought a few months back to stop a billboard on the Highway close to property he has on the west side of the freeway and Bolton was going to put the sign up. He cited certain restrictions by the State and the County. He stated that New Mexico is a beautiful place and that he has pride in our State but that he doesn't have much pride in the billboards and that Bolton had gotten mad at him because ultimately the billboard permit was denied. He stated that the county and state don't always jive together and that Belen has passed a moratorium on the signs and the little pieces of the county around it are still wide open so those signs go in. He mentioned the outgrowth of signs close to Walmart. He mentioned the sloppiness of how the signs are constructed. He also mentioned the trash problem and how he has done his part to clean it up.

Rick Roberts stated that he is known as a billboard activist, that he is a pharmaceutical salesman by trade and knows about every road in every town in the state. He said that he has come to love New Mexico and is unhappy with the proliferation of billboard signs. He cited statistics on the number of signs, which have taken away his view of the beautiful

scenery. He stated that he is a taxpayer and that he pays for these roads in the State and to allow companies to come and take away the right to see the State that he loves is wrong. He suggested that these companies should put all their signs in a circle so that people who want to can see them can, but that putting those signs on a public highway it is an act of aggression. He stated that Bernalillo has an ordinance and the County of Sandoval is considering it. He mentioned that he would be talking to the Indian representatives to enlist their support in removing these signs, which he finds unsuitable. He made an impassioned plea to the Commissioners to remove these signs, which he says are blighting the landscape.

Vincent Chavez expressed his appreciation for allowing them to address the Commission. He said that he agreed with the previous speakers and noted his awareness of the proliferation of billboards. He mentioned that he had recently been rear-ended near the Big I and that the man that hit him said that that he had looked to the side and then ran into him. He stated that he had learned about a possible revolving sign going up which might cause that kind of an accident. He stated that banning billboard signs would not hurt the sign companies because it would make the ones up more valuable and also referred to the visual pollution. He stated that the Walmart Company chooses not to use billboards. He referred the Commission to the ordinance of Edgewood and Santa Fe.

Chairman Aguilar stated that Mr. Chavez had been in touch with the County Planner Steven Chavez and that Steven Chavez needed more time to study this issue, which is very complex for an assessment at this time and recommended that the Commission take no action until he has completed his review. Commissioner Giron noted that this is the third or fourth time Mr. Vincent Chavez has been before the Commission on this issue and inquires of Mr. Vincent Chavez as to whether or not he is comfortable with the process to this point. Mr. Vincent responded that he would request that the Commission direct Mr. Steven Chavez to come up with an ordinance banning any future billboards in Valencia County. County Attorney Thomas Garde stated that he would suggest that the matter be referred to Mr. Steven Chavez for review because the Commission is not in a situation where there are any guidelines with which such an ordinance could be drafted. He stated that the Planner has to set up certain criteria and then bring it before this Commission for action. Commissioner Giron inquires the length of Mr. Steven Chavez' vacation and whether or not he would be able to bring back a report a week after he returns. He requested that Mr. Vincent Chavez be furnished a copy of the report as well. Mr. Gleason stated that he wanted to make another point regarding the danger of some of the signs and specifies a sign at Lopez Road in Belen across from Burrito Alinstantiate. Chairman Aguilar states she believes this is in the Belen City. She also stated that Mr. Steven Chavez had told her he would need to make an assessment of where the billboards are, who owns them, which is a lengthy process. Mr. Vincent Chavez requested that the Commission could put a moratorium on the signs until Mr. Steven Chavez gets back. Chairman Aguilar stated that the Commission would have to go by the legal requirements as indicated by their counsel. Mr. Garde then stated that in order to adopt a moratorium there has to be public notice, which requires advertising and other legal requirements, which would have to be met. Chairman Aguilar stated her understanding of the legal process and assures the proponents it will be followed and they will be notified. She stated that Mr. Steven Chavez would report to the Commission on the 24th and invited them to attend the meeting of the 24th. Motion is made by Commissioner Giron to send the matter to the Planner for review and for him to come back and make a recommendation and report to this Commission on the 24th. Commissioner Padilla seconded the motion. Commissioner Pando notes that the 24th would be the first day back for Mr. Steven Chavez. Chairman Aguilar requests that the motion be amended to August 7th. Commissioner Giron amends the motion, which is seconded by Commissioner Padilla. Motion carries.

b) Request To Enforce Valencia County Comprehensive Zoning Ordinance. (See Exhibit B)

Mr. David W. Crawford stated that he had been to a number of Commission meetings and has heard concerns about water quality, power plants, blocking the beauty of New Mexico and putting park lands up for public use and the destruction of them. He stated that most of the things the Commission deals with is quality of life in New Mexico. He stated that he lives in the Tome area, which has a rich history. He stated that the Constitution of the State of New Mexico, Article 2, Section 18, "nor should any person be denied equal protection under the laws". He stated that that was a pretty basic precept and that it is in the spirit that he offers this presentation and that he is hopeful that the law will be enforced. He stated that he has received a number of letters, most unsolicited, from surrounding neighbors, covering basically the same issues that he has come to talk about. He quoted from some of the letters. He states that the letters are from neighbors who live on the property. He refers to maps, which he has brought with him, Unit 58, Rio del Oro Subdivision. He said he is not talking about one or two areas but several acres of fetid household and industrial garbage. He stated that the owners of the land, Valley Improvement Association, claim the land. He refers to the packet of documents he has provided (Exhibit B). The documents show the property belonging to Horizon Corporation but now belong to VIA. He stated that the problem is that when he started to contact the County and State for help to clean up the

mountains of trash, and disturbances of other types, I contacted and invited people to my home at different times to inspect the property behind the house: Mr. Padilla, the Vice Chair, James Fernandez, Valencia County Manager, he wrote a report and submitted it to you. He stated that the problem is in the upkeep of the property, the lack of fences and failure to repair fences that have been torn down. He stated that the lack of maintenance of this property has created a gigantic, illegal trash dump in which he has run across explosives, syringes, etc. He then told a story about his son having encountered syringes. He stated that he has found oil and chemical drums which is why he called the State and that it has created a place for wonderful parties, replete with guns, stolen cars and midnight chases by police. He stated that his original solution to this about 6 to 8 years ago was to clean at least the part of the property in my own back yard while trying to talk to the owners about the problem. He stated that he was told by the County Assessor's Office that VIA owned a great deal of the land but they could not identify a large strip of land between the two properties. He stated that they have spent in excess of \$10,000.00 in lawyers and surveys to this point and discovered it belonged to Horizon Corporation as part of the Tome Land Grant. He stated that they were informed by them as of July, 1996, they had transferred ownership to VIA. He stated that as of about a month ago the land was not registered to VIA, no taxes were being paid on it, as far as the County Assessor could tell him and have not been paid since 1968. He stated that after talking to Jackie from VIA, they did send a truck out and cleaned up a small area in the summer of 1996. He stated that when confronted the first time about this not being sufficient, VIA gave us permission to act as their agents to call the police on trespassers. He stated that the police were out there several times and even after arresting a couple of people, VIA, as far as they could ascertain never pressed charges. He mentioned instances of their efforts and said they felt that because VIA had refused to press charges in the past, this was why the police declined to be of assistance. He stated that they had stopped calling the police and then went to VIA to ask for assistance where all requests were side stepped with the excuse of we can't afford it. He stated that then he told them he would pursue legal remedies and was promptly thrown out of Mr. Davey's office with the admonition, "just go file your little lawsuit, we have lawyers to deal with that". He then stated that fastforward three years to the current efforts, with the passage of new zone ordinances they felt that they finally had a solution to the problem of landowners who refused to take care of their property to the detriment of the neighborhood. He stated that after contacting Planning and Zoning they were told to find out who owned it by seeing a piece of something with an address in the trash so they proceeded to rummage through other people's trash. He stated he was able to find one letter, he reported it to Planning and Zoning who wrote them a letter and they did indeed retrieve the bag of garbage. He then requested a copy of the zoning ordinances and learned that it was not up to him to identify and investigate the illegal activities on the VIA land behind him. He stated, "The Planning and Zoning Department has primary enforcement responsibility". He stated further that they then started the process of reporting the dumping in back of us and related problems. He stated that still no action was taken but they did receive written instructions from Planning and Zoning through Mr. James Fernandez on what they had to do. "If a license plate number can be provided, or any identifying materials obtained, Planning and Zoning will follow up to include prosecution if necessary." He stated that after having read the ordinances, he contacted Commissioner Padilla and asked for his help. He stated that he, Commissioner Padilla, had told him that he would attempt to contact VIA and resolve the problem. He stated further that Commissioner Padilla quite by accident, was able to talk to Mr. Davey, but his response, Mr. Davey's, was disappointing. He stated that he had then contacted Mr. Fernandez who came to the site and a copy of his report to the Commission is in the packet furnished to you. He stated that the response to this point has been confusing and disappointing because he felt that every one on this Commission would be appalled and disgusted that this situation could have been allowed to exist for so long next to one of the premiere, historical sites in the County and next to a park that has eaten up thousands of dollars of taxpayers money and still looks like a playground for 4-wheelers, to say nothing of being next to homes in the area. He stated that to this point, no one in the County thinks this is an important enough problem to act upon. He stated that after talking with Commissioner Padilla and Chairman Aguilar, we came to this point in presentation. He stated that he has included in the packet on the agenda request form the specific ordinances that apply to his situation. (See Exhibit B) He notes that the property is in development. Chairman Aguilar inquires as to clarification and that perhaps until the clarifications are made they should go ahead and allow any others who wish to speak on the matter to go forward. She states she wishes to make clear that the property is in development and the zoning to which he refers has just been passed in the last year. Mr. Crawford agrees that it is in the process of development. Mr. Crawford continues to read from the Ordinances. Chairman Aguilar inquires as to his contention that the owner of the land should be required to clean and maintain his property and that the land be restored to a wild state until a proper plan to develop it is filed. She inquires if this is what he is requesting. Mr. Crawford replies that that is part of it. He states that part of his request to this panel is to come out and visit the property. He stated that Commissioner Padilla and County Manager Fernandez have been there and he doubts that anyone can say that it is anything but an illegal dumping yard. He states further that he is not asking the County to clean it up, not asking for any money, but for time and attention and to enforce the spirit of these ordinances and the letter of the ordinances. He stated further that he would also request of the Commission an immediate answer on their project for this and requesting Planning and Zoning to do its job and require the owner of the property to clean it up.

Mr. Michael McCartney stated that Mr. Crawford has a good point but when Mr. Fernandez made his visit with Mr. Crawford he brought back a piece of evidence. He stated that the people were notified and brought him back a receipt. He stated that it is a problem for everyone in the county. He stated that there are 4 zoning officers, 2 on the east mesa and 2 for the rest of the county. He stated that if they don't have any identifying paperwork on who the illegal dumpers are it is very hard to prosecute and the burden does become the property owner's. He stated that for the record they have been meeting with VIA to find a solution for that particular area and he will let Mr. Davey expand on that because it has been a cooperative effort with VIA.

Mr. Bob Davey, of the Valley Improvement Association, stated that it is not a mega-rich, International consortium but a not-for-profit, home and property owners association that operates primarily in the Rio Communities. He stated that the problem about which Mr. Crawford spoke is about illegal dumping. He stated further that the problem is not one restricted to the area behind his house or the area around Tome Hill but can be seen throughout the County. He states that Mr. Crawford's recommendation for dealing with the problem is not to fine or cite those people who are dumping illegally, not to prevent them from dumping illegally, it's to punish landowners whose property has been damaged by illegal dumping and moreover to do this on a selective basis, not county-wide, but in the area where he lives. He argued Mr. Crawford's general assertion that VIA owns all the property and what would be necessary to establish ownership and stresses that most of the dumping takes place within county road right-of-ways, rights of way which the County has accepted for maintenance and does indeed maintain it. He stated that Mr. Crawford's simple solution then becomes very complicated. He stated that this is an attempt to throw dirt on the reputation of Valley Improvement Association and he is resentful. Mr. Davey said he wants to remind the County Commission that for years they have dedicated personnel to nothing but cleaning up illegally dumped trash, primarily on County road rights of way, not only in their parks but all along Manzano Expressway and Rio Communities Boulevard that goes through the Rio Communities which is Highway 47. He stated that at times they have had 2 full-time people doing nothing but picking up trash that people have thrown on the roadways. He stated that they have countless cleanups, which include Tome Hill in which Mr. Crawford has never participated. He stated that several years they collaborated with the County on a massive cleanup on the east mesa, the County provided the dumptrucks and free access to the land and they provided the personnel and equipment. He stated that in less than one month working day to day around everybody's schedule through other projects in over a one-month, you and we, have hauled off on primarily on County road rights of way, between 200 and 300 tons of trash. He stated that in April he had visited with Mr. McCartney and proposed that we do this again and that the County provide trucks and VIA would provide personnel and equipment and they are waiting on word from the County on when they will be able to do this. Mr. Davey said that they wished to take it one step further and really attack the problem, because the real problem isn't just the cleanup, it comes after the cleanup, how you stop people from coming back and making a mess that you've just taken care of and the County is limited in resources but they offered to pay for patrols during the week, to put their own personnel out there to prevent people from dumping and they have offered to retain on weekends, certified planning and zoning enforcement officers who would be able to cite and perhaps collect some fines for the County. He stated that he understood that this was presented to the Commission in Executive Session two weeks ago and he is still awaiting word on what you want them to do. He stated that he had a meeting with Mr. Fernandez on Friday to clarify some points. He stated that he wishes that he could tell the Commission that VIA would take responsibility for every person in the county who dumps their trash wherever they want to, but they can't, but what they can do is work with the County on the cleanup and the enforcement and they stand ready to do that. He thanked the Commissioners for their time.

Jacqueline Guilbault stated that she wanted to provide the Commission with some information, some of which may have been duplicated by Bob Davey. She stated that she saw several problems with information provided by Mr. Crawford. She stated that the regulations he cited were mostly incorrect. She said that the ones cited about nuisances were correct but the others were not. She generally reiterated what Mr. Davey had said about ownership and his own information shows the land was owned by Horizon. She stated that he has been confusing the land in Section 58 with a small slip of boundary land. She showed the Commissioners maps for clarification. Commissioner Padilla makes an inquiry from the map, which is clarified by Ms. Guilbault on individual lots. She continues her clarification of ownership by the maps with respect to Mr. Crawford's property. She reiterates Mr. Davey's contention that the problem is county-wide. She refers to Section 404, and states that the land is platted, which eliminates Section 404. She referred to Section 505, which she stated is a planned development district and is not outland and it is not rural residential. She stated further that 804 are not a development, which she stated is planned but not developed. She referred to I306, which she says is not storing of materials, not a junkyard and has not been subject to an abatement action. She stated Section I306; it is detrimental to health, public nuisance and an illegal activity. She stated that the location is incorrect. She refers to Mr. Crawford's map, which she said shows more area. She stated VIA has never claimed to be the owner and that his own information shows documentation that it was owned by Horizon and he has a letter from the Modrall Law firm talking about the

boundary line land but that that is only a 200 foot strip of property and it's not 200 feet behind Mr. Crawford's house. She stated that this is not the dumping area but the roads. She stated that undoubtedly VIA does own some lots in there but that they don't own them all. She stated further that it is a countywide problem, which needs a County resolution, and it needs for all people to be treated equally. She stated that if someone is going to highlight this area, they should go throughout the County and going after all the owners who have illegal dumping on their property. She referred to VIA's cleanup efforts and an attempt was made at one time to do some fencing. At this time there was an outburst from the audience, which Chairman Aguilar quieted. Ms. Guilbault continued her presentation on the proposal to fence and mentioned that Mr. Crawford had refused at that time to fence his property. She mentioned a 1995 cleanup project and stated that Mr. Crawford did not participate although the cleanup was advertised and he was informed of it. She stated that large signs had been put up at all the entrances to Rio del Oro that stated that VIA would prosecute illegal dumpers. She said that signs have been posted on the sand dunes. She stated that she believed personally that until countywide mandatory garbage pickup is in place that this problem will continue. She thanked the Commissioners. Chairman Aguilar stated that they have all heard that the illegal dumping is a countywide problem and states that although she has not been at Mr. Crawford's property, she has driven every road in the County and has seen the illegal dumping throughout the mesa. Mr. Rubino states that he feels that she (Ms. Guilbault) gave the answer to the problem and that is until the County basically says we're going to pick up garbage and it's going to be included in taxes, that is the solution to the problem right there. Chairman Aguilar addressed Mr. Rubino and states that mandatory trash pick up has been discussed and upon public hearings it was learned that most of the people did not want this and that there is a legal issue with that. County Attorney Tom Garde stated that the Commission had adopted a county ordinance with set out non-exclusive haulers and that ordinance is in effect. He stated that one of the concerns with a mandatory pickup is the issue of who accepts that burden. Mr. Rubino inquires why the County can't negotiate a contract. Chairman Aguilar states to Mr. Rubino that when he meets with the County Manager, he will be provided with the minutes. At this point, Mr. Rubino exits the meeting stating that he is frustrated to the point that it is nauseating. He states that it is a waste of time that nothing is accomplished. Commissioner Pando thanks Mr. Rubino for coming to the meeting. Mr. Rubino responds that he will be back again, that this is not the last one, that he will be their worst nightmare.

Chairman Aguilar began to clarify the proposed cleanup and then called on the County Manager to brief the Commissioners. County Manager James Fernandez addressed the Commission and stated that he had met with Mr. Davey and had indicated some of the concerns the County had in how a cleanup would be structured. He stated that in order for County Personnel to cite on the weekends, the County would have to assume the payment of those salaries. He stated that Mr. Davey, in an effort to cooperate with the County, said that they would pay the overtime salaries for the planning and zoning people. He stated that Mr. Davey had been made aware of costs involved in the disposal of the trash, so, they are working on a written agreement between the County and VIA that they will compensate the County for the salaries and the disposal. Commissioner Giron inquires as to possible legalities of using County equipment. Chairman Aguilar responds that that was a concern originally because the employees are County employees and would remain so to be able to prosecute, but VIA will reimburse the County for those salaries. She states that it is a total cleanup effort so that VIA will be providing labor and equipment to actually put in the location and that most of it is on county right of way property, and they will load it into the dumptruck. She stated that what the County will be doing is just taking the trash to the transfer station. County Attorney Tom Garde stated there would be no problem with the anti-donation clause because there is that compensation for use of the vehicles. Ms. Guilbault inquires when the agreement will be ready. County Manager says that he told Mr. Davey that in terms of utilization of county personnel or vehicles, that that could not take place for at least a minimum of two weeks because they are committed to existing paving projects that have already been contracted out. Chairman Aguilar states that as far as the personnel, they could start the citing and the prosecution of the illegal dumping. Commissioner Pando expresses his support for the effort but asks the Commissioners to go a little further since it is obviously a county-wide problem and states it is only fair to the rest of the community to offer that same service to the west mesa, to Jarales, to whomever needs it. He stated that is important that we shouldn't take this action to please one person but all people in the county. Chairman Aguilar states that the reason for setting a structure and it being in writing and having the attorney prepare a contract to be executed with VIA, is to set a precedent for other homeowners associations, subdivisions, developers who may want to do the same. Commissioner Pando reiterates that this is what he is proposing so that all County residents have the same benefit. Chairman Aguilar states that to begin with, it will encompass the entire east mesa, not just Rio del Oro.

Mr. Crawford, inquires further of the location of the cleanup. Mr. McCartney states that the trash will be moved to the County right away. He states further that VIA is providing the graders, the front-end loaders, all the help they need from us in the use of the dumptrucks. Commissioner Padilla inquires who will move the trash. Mr. McCartney states that VIA will do everything with the exception of the enforcement. He stated that VIA would also have one of their own employees working on the weekend who will talk to County people by radio. He stated that all equipment would be provided by VIA except the dumptrucks. He stated

they would work around the County's schedule. Commissioner Pando inquires if the removal includes the property of Mr. Crawford. Mr. Davey states that if it is within the boundary on the west side. Chairman Aguilar narrows the issue to the actual cleanup effort and whether it will include Mr. Crawford's property. Chairman Aguilar asks for the direction of the Commission in proceeding with the cleanup effort for the east mesa and the second resolution to be had would be whether or not this would include the area Mr. Crawford contends should be cleaned up. Commissioner Pando states that the problem is not a new one and has been there for many years and although he supports the proposal for cleanup of the east mesa it is not the final resolution of the problem because the problem exists for the entire county. He addresses Mr. Crawford and inquires whether he will participate in the cooperative effort by the County and VIA by assisting in the cleanup. Mr. Crawford states that he has done cleanup and offered to buy the fencing materials if they would put up the fence, which was refused. He states that his property is fenced and always has been.

Chairman Aguilar requests a motion to direct administration and legal staff to begin working out the agreement with VIA. Commissioner Padilla makes the motion, seconded by Commissioner Giron. Commissioner Pando states that the County needs to advise other homeowners associations that this type of agreement is available to them as well. Mr. Crawford states that dumping is not the only problem but fencing as well. Chairman Aguilar advises him that Valley Improvement Association does not fall under County jurisdiction. Motion carries. Chairman Aguilar thanks Mr. Crawford and Mr. Crawford expresses his appreciation to the Commissioners and VIA.

c) Presentation on Highland Meadows Road (Deleted from the Agenda)

D) Request Approval on Policies (Exhibit C)

Barbara Baker presented the Commission with two policies, Valencia County Lockout/Tagout Policy and Valencia County Personal Protective Equipment Policy (Exhibit C). County Manager James Fernandez advises the Commission that these are policies for the protection of equipment and employees. Commissioner Pando makes a motion for the approval of the policies. Commissioner Padilla seconds the motion. Motion carries.

e) Indigent Appeal (Exhibit D)

Chairman Aguilar requests motion to convene as the Indigent Board. Commissioner Padilla makes the motion to convene which Commissioner Giron seconds. Motion carries. Barbara Baker states that James Rosas has applied for assistance and was denied on June 19, 2000. She explains the change in circumstances and requests approval. Commissioner Giron, on the recommendation of Mrs. Baker, moves to approve the appeal that is seconded by Commissioner Pando. Motion carries. Commissioner Giron moves to reconvene as Board of Commissioners, seconded by Commissioner Baca. Motion carries.

f) Amendments to Valencia County Comprehensive Zoning (Exhibit E and F).

Chairman Aguilar states that this is a first hearing on Amendments to Valencia County Comprehensive Zoning Ordinance. Mr. McCartney, states the reason for the amendments, which is for people who wish to join two mobile homes. He states that there is awareness of some of the problems, the fact that a moratorium has been passed and with this amendment there will be criteria specifically to combine two mobile homes. He states that counsel has reviewed the ordinance. Commissioner Pando inquires how many applications have been approved. Mr. McCartney replies that before the moratorium they were denying the last four. Mr. McCartney stated that with these criteria the joining would have to be done professionally. Commissioner Pando expresses his pleasure with the ordinance. Mr. McCartney acknowledges the good work of Ruben Chavez. Chairman Aguilar announces that the next hearing on the ordinance will be on the 24th of July, at 6:00 PM. Chairman Aguilar states that the next item is the Request to Amend Zone Maps from RR2 to RRI, Gordan & Roz Bridger. Mr. McCartney relates the history of the Request and the vote of the Planning and Zoning Commission. Gordon and Roz Bridger request that their land be re-zoned so they are able to divide it in half and deed half to their son so he can build a home and advise the Commission the mobile home will be moved shortly. Commissioner Padilla moves the approval of the zone change, which is seconded by Commissioner Giron. Commissioner Pando states that he would also be in favor of this because it is for a member of the family and there is no monetary value to be gained. He states further that these requests have to be looked at on an individual basis and he believes the Zoning Commission made a good decision. Chairman Aguilar inquires as to whether or not the property has been surveyed for a split. There is further discussion with the applicants regarding utilities. Motion carries.

h) Award bids (Exhibits G and H)

County Manager James Fernandez presents RFP # I29, and RFP I3I, for approval by the Commission. He submits the sealed bid worksheet on Cleaning Services and Vector Control. Commissioner Padilla moves for the approval of the bid 131, Vector Control Services as recommended by the County Manager. Commissioner Baca seconds motion. Commissioner Pando inquires as to the length of the contract, which is clarified by the

County Manager. Motion carries. Mr. Fernandez next presents the bid worksheet for Cleaning Services, bid I29. Chairman Aguilar suggests to the County Manager that some of the services be offered to the Road Department and Animal Control because it is she understanding that they were excluded. Mr. Fernandez states that they make sure that those departments are included. Commissioner Giron moves the approval of the bid for Cleaning Services, seconded by Commissioner Pando. Motion carries.

I) Approval of Service Agreement (Exhibit I)

County Manager James Fernandez presents the Service Agreement between Valencia County and the Pueblo of Isleta for the period of July 1, 2000 until June 30, 2001 at the rate of \$71.00 a day for housing of prisoners. Commissioner Giron, on the recommendation of Mr. Fernandez, moves for the approval of the Service Agreement (Exhibit I). Commissioner Padilla seconds the motion. Motion carries.

J) Manager's Report (Exhibits J, K, L, M)

Adult Detention Facility Update. County Attorney Thomas Garde submits a draft of the agreement, which he states, has been reviewed by himself, County Manager Fernandez and the Cornell Corporation's administration. He stated that this agreement sets out what Cornell is obligated to do and what the County is obligated to do. He states that the agreement is for a three year period. He states further that the agreement spells out the costs, the activation fees. He stated further that Cornell would take over the existing County Jail and the new County Jail. He stated that the agreement provides for the fact that Cornell will assume all liability with regards to the operation of the facility and hold the County harmless for actions they may have while running the facility. He stated that they are providing a performance bond and will provide access to their records. He stated that the County would have a jail monitor to insure that the jail is run appropriately. He stated the County would have complete access to the facility. He stated that Cornell would assist the County to secure outside revenues, which would allow the County to receive compensation for inmates that are in the facility. He states that the agreement has a clause where the County or Cornell can withdraw, subject to certain conditions, and it provides that there must be a 90-day notice of that. He stated that the agreement must be submitted for approval to the Office of the Attorney General and the Department of Finance and Administration and the New Mexico Finance Authority. County Manager James Fernandez stated to the Commission that they have verified that the financial position of the County is such as to allow the execution of this contract. Commissioner Pando inquires as to the October 15th date. Mr. Fernandez clarifies the date to October 1st. He also stated that the last report received from the contractor on the new facility which was about a week ago that is approximately 75% complete and they are running two weeks ahead of schedule, anticipated completion date would be September 15th. In reply to an inquiry from Commissioner Pando, Manager Fernandez stated that Cornell would assume operation on October 1st. He stated further that this will allow Cornell to start the hiring of officers and to be sure they are trained as well as the training of the existing officers. He stated the activation is July 15th. County Attorney Thomas Garde recommends the approval of the Agreement. (Exhibit J) County Manager Fernandez then responds to an inquiry from Mr. Rudolph regarding costs. Motion to approve the agreement is then made by Commissioner Pando with a second by Commissioner Giron. Motion carries. Chairman Aguilar then introduces the officials from Cornell to the public and press.

Sunflower Court, Accept for Maintenance. County Manager James Fernandez submits a petition from residents of Sunflower Court for maintenance. Chairman Aguilar states that this road is in her district and moves the approval of the petition for maintenance. Commissioner Pando seconds the motion. Motion carries. (Exhibit K)

County Manager James Fernandez advised the Commissioners that Chairman Aguilar had been elected to be Vice Chair of the Middle Rio Grande Council of Governments and that because of the restructuring there is a need to add an additional member to the Board, an additional representative. Chairman Aguilar stated that she is a member of the COG Board and last month was elected Vice Chair of the Board of Directors. She stated further that their By-Laws had been amended where now they have two members from the County and she asked for volunteers for the other position. Commissioner Pando is volunteering. Commissioner Pando inquires of Commissioner Baca whether or not she would be interested, to which she replied no. Chairman instructs the County Manager to notify the COG. She states the importance to the County that there is involvement because the organization has input in all planning in terms of water, transportation, etc.

County Manager James Fernandez presents to the Commission for approval Resolution No. 2000-39 and Resolution No. 2000-40, allowing the County to make a contribution of three (3%) percent of its employee's member contribution under Municipal Police Plan, and Municipal Plan 2, respectively which he states will cost the County \$125,000.00 per fiscal year. Commissioner Pando makes a motion to adopt the two resolutions, which is seconded by Commissioner Padilla. Commissioner Pando states he believes this is a better package for the employees than a 5% raise, even 6. He stated that even though you don't put the

money in your pocket, you don't pay taxes on it. Chairman Aguilar states her agreement. Motion carries.

County Manager Fernandez reminds the Commissioners that bids will be opened the following day for the sub-station in El Cerro. He stated further that the construction estimated time is three months. Commissioner Pando inquires of the County Manager as to the funding for the speed humps. The County Manager advises that funding did not go into effect until July 1. Chairman Aguilar inquires regarding a request from a family on Miller Road who have a disabled child and are requesting a sign to show hearing impaired resident at play.

k) Warrants

Mr. Carlos Montoya presented the warrants for Commission approval. (Warrants on file in County Clerk's Office). Motion to approve by Commissioner Pando, seconded by Commissioner Baca. Motion carries.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on July 24, 2000, at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

Commissioner Padilla introduced his grandchildren, Ashley, Alexandra, Brianna and Antonio, to his fellow Commissioners and the public in attendance. The introduction was met with a very nice applause. Chairman Aguilar thanks the Press for their coverage of the meeting.

ADJOURNMENT

Commissioner Padilla makes a motion to adjourn, seconded by Commissioner Pando. Motion carries.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the July 10, 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 July 24, 2000

For an official copy of these minutes or attachments see Commission Book 37 Page 478