

VALENCIA COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING

JULY 24, 2000  
M I N U T E S

CHAIRWOMAN ALICIA AGUILAR Called THE MEETING TO ORDER ON JULY 24, 2000 at 6:00 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

Chairman Aguilar stated that because the Commission held a Special Budget Meeting prior to the Regular Meeting, no Executive session was held as planned.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by District Judge John Pope. Chairman Aguilar introduced and welcomed Mr. Herman Tabet, Chairman of the Valencia County Planning and Zoning Commission.

APPROVAL OF AGENDA

Valencia County Clerk Kandy Cordova read the Agenda as presented. Commissioner Pando requested that he be placed on the agenda for the Executive Session but on advice of counsel, Mr. Tom Garde, the request is withdrawn. Mr. Michael McCartney stated that under Item C. another road should have been included which is Marigold. Chairman Aguilar inquires if that particular road was advertised. Mr. Garde stated that an Agenda was not advertised, just a notice of the meeting. County Manager James Fernandez stated that under Public Requests he had a request from Mr. Bill Dean to address the Commission. Commissioner Giron makes a motion to accept the Agenda with the amendments which was seconded by Commissioner Baca. Chairman Aguilar inquires if there are any other requests. Commissioners Giron and Baca withdrew their motion and second. Mr. Robert Rubino stated that he would speak for Mr. McMahon who will not be here. Mr. David Crawford states that Mr. Lee Laney will not be at the meeting and that he will speak in his behalf. Chairman Aguilar states that Mr. Herman Tabet, Mr. Steve Crawford, Ms. Keltah Narvutobskih and Commissioner Pando will address the Commission. She states further that there is an addition on Item C of Marigold and an Executive Session to be moved under Warrants. Commissioner Pando makes a motion to accept the Agenda as amended, which is seconded by Commissioner Giron. Motion carries.

APPROVAL OF MINUTES

The minutes of July 10, 2000, Regular Meeting, were presented for approval. Commissioner Giron complimented Valencia County Clerk Kandy Cordova and her stenographer, Valencia County Deputy Clerk Corrine G. Sedillo for the preparation of the Minutes. A motion to accept the Minutes of July 10, 2000 was made by Commissioner Giron and seconded by Commissioner Padilla. Motion carries.

PUBLIC REQUESTS

Judge John Pope thanked the Commission and stated he would be brief. He stated that he understood that Judge Sanchez has already addressed the Commission at the earlier meeting. He stated that the judicial facilities in Valencia County are totally inadequate and cited a list of specific needs including the possibility that another Judge would be assigned to the District very soon, for which a courtroom and offices will have to be provided. He stated that the inadequacies have become critical because of the large caseload. He stated that he is requesting an efficient facility to meet those needs. Chairman Aguilar stated that indeed Judge Sanchez had come before the Commission during the prior meeting on the Budget and expressed similar concerns and acknowledged the mandate requiring the County to provide adequate facilities. She stated that it was requested of Judge Sanchez to get together with Mr. Fernandez and provide information on the specific needs and that Judge Sanchez had stated that the need is a complete judicial complex and that renovations or additions would not be acceptable. She acknowledged that the matter must be addressed.

Mr. David Crawford stated that his name was David Crawford, not Rob Rubino and that the Commission had spent two hours listening to him and not Mr. Rubino. He stated that he did not want the Commission to spend any money cleaning up private property. He stated what what he had personally done to assist in the cleanup he had requested. He stated that he started, with the support of the Los Lunas Hospital & training school, the local recycling effort in Los Lunas. He stated that he had written grants for equipment and worked countless hours along with the Los Lunas Community Program to make a recycling effort a reality in Los Lunas. He stated that two Governors' Administrations, Johnson and Anaya have cited him for his efforts in recycling and cleanup in Valencia County. He stated that he was Vice Chairman for Tierra Bonita and participated in cleanups throughout the County and has spent countless hours cleaning up around Tome. He stated that he fully supports the statements that the cleanups should be available to the entire county; however, he does not agree that his tax dollars should be spent on private land. He stated that the County has to mandate private landlords or stewards to clean their land at their own expense. He stated that the constituents of the Commission are not the enemy for pointing out problems of the State or County, and that we are all in this together as Commissioner Pando has pointed out. He thanked the Commission for proceeding on the agreement for the cleanup. County Manager Fernandez stated that under his report he would be bringing to the Commission a draft of that agreement.

Mr. Rob Rubino stated that he had brought with him a written request for a change in the speed limit on Manzano Expressway. He then referred to comments, which appeared in the local newspaper whereby he alleges Commissioner Giron had stated that Mr. Rubino had made a bad investment in Valencia County. He stated that he felt that as Commissioners it was their duty to make sure that no one makes a bad investment in Valencia County. He stated that it should be a goal of the Commission to insure the appreciation of properties in Valencia County and also the action taken by this Commission is to enhance the value, comfort and safety of all residents. He said many people had called him and shared that viewpoint with him. He then proceeded to address the trash problem and gave his suggestions on how they could be resolved as well as the bridge being proposed which he referred to as a squabble over farmland which basically produces alfalfa which he said when he first heard of it was a joke. He stated that yes, we need alfalfa but we don't need alfalfa that much. He then stated that he wished the County to produce an ordinance on A-TV's. He stated that the County should develop a study panel of elected officials and private citizens to encourage communication of issues facing the county for the enhancement of lifestyles for all. He stated that the issue of trash disposal needed to be resolved and at this time Chairman Aguilar interrupted the presentation, reminding him that two minutes was all the time allowed on Public Requests. She stated any presentation lengthier than two minutes required a request to be placed on the regular agenda. She then gave direction to Administration in clarification to be made to petitioners requesting to address the Commission. Chairman Aguilar stated that the Commission has always welcomed new people who have come to Valencia County and made every effort to respect all individuals who have requested their attention. She stated further that she and the other commissioners find it disappointing to read letters to the media and hear comments that fail to return mutual respect. Commissioner Giron stated that he too was disappointed in the divisive manner, which he and Mr. McMahon had chosen in their attempt to obtain resolution to their grievances. Chairman Aguilar also reminded Mr. Rubino that Mr. Fernandez and herself had spent two and a half hours with Mr. Rubino following the last meeting going over the budget and answering all his questions. Mr. Rubino stated that he was now talking about something else and that the Chairman was being "offensive and defensive" with him. Chairman Aguilar then reminded him of the rules by which the Commission operates in the conduct of meetings. Mr. Rubino continued his argument on how he would continue and was then escorted out of the meeting room.

Mr. William Dean stated he lived in Jarales, one block west on Cordova Road, from Jarales Road. He said he had called the Sheriff's Department and two deputies had come to his home. He said he was told that there was nothing they could do about the problem, which he said he would state later. He said he had called the Sheriff's Department on several occasions and his calls had gone unheeded. He stated that the street on which he lives is only  $\frac{3}{4}$  of a mile long and that there is a speed limit sign on each end, 25 MPH. He stated that people drive down there at 55-60 MPH. He stated that speed humps would not resolve the problem and only law enforcement would be a relief.

Mr. Herman Tabet, Chairman of the Planning and Zoning Commission, stated that he was there because he had heard someone was appearing to file a complaint, which he hadn't heard thus far and would be happy to respond if that person showed up.

Mr. David Crawford stated that they were told that personnel issues could not be discussed during public meetings and Chairman Aguilar agreed that that was correct. Commissioner Pando stated that there was an Agenda Request Form in the packet from Mr. Lee Laney, which he believed is what Mr. Tabet was referring to. (Exhibit A) Chairman Aguilar expressed her appreciation to Mr. Tabet for his commitment and the time he gives to the County. Mr. Tabet then stated that we have about 70,000 people here and twenty-two years ago when he got on the Planning and Zoning Commission, there was probably about 40,000 people. He stated that with the staff of Planning and Zoning he believes they are doing an excellent job. He stated that he would back up every one of their employees. He stated that

he calls them six to eight times a week and he does get a response. He stated that he doesn't get anything for this and he could be home swimming but he is there to back up and protect these employees.

Mr. Alberto Benavidez stated that Tome also wants to thank Mr. Mike McCartney for the way he is trying to clean up this County.

Mr. Steve Crawford stated that he wanted to state his support for what Planning and Zoning and the entire department is doing. He stated that this is a big county and that he does business in the county and can verify that every time he has been in that office many calls have come and he has never heard an unprofessional response by anyone in that office. He stated that the public forgets all the other jobs they have besides enforcement. He stated that they provide an invaluable support to the Commission in helping re-write some major ordinances. He stated that he just wanted to express his support and Valencia County is on par with all the other counties given the constraints within which they have to work.

Keltah Narvutobskih stated she is from Highland Meadows and appreciates the problems the County is having with the tremendous growth and that it is important to work together in a cooperative manner to resolve them. She stated that the area where she lives is remote and has many needs such as better roads, a fire station and maybe a school. Commissioner Pando states that he will be meeting with Ms. Narvutobskih and Mrs. Lawrence and that he will also ask the Fire Marshal to join them to discuss their needs.

Commissioner Pando stated that he wanted to echo what Mr. Herman Tabet and Mr. Steve Crawford had to say about the Planning and Zoning Department. He stated that he had served on the Planning and Zoning Commission for many years and that all the employees are very professional and do an excellent job. He stated that unfortunately you would have individuals that no matter what you do it's never going to work but that by working together and educating each other we can move forward. Commissioner Pando stated further that he has been asked by a number of county employees, particularly those who live on the outskirts of the county who would like to take their trash to Conejo at no cost. He stated that his idea, if it has any merit, is that they take the trash and show a pay stub to give employees of the County a chance to dump their trash at Conejo free of charge. Chairman Aguilar stated that she believed that the proposal needed to be discussed with Administration. Commissioner Pando assured Chairman Aguilar that he just wanted to bring the matter up for discussion.

## **ACTION ITEMS**

### **a) Tierra Bonita**

Commissioner Pando makes a motion to table until the August 7<sup>th</sup> meeting. Commissioner Giron seconds the motion. Motion carried.

### **b) Request out of town travel to Las Vegas/Senior Olympic State Games**

Dan Vigil presented the request. County Clerk Kandy Cordova stated that she wanted the Commissioners to know that she is a member of the Senior Olympic and that she wished them to know what an excellent job Mr. Vigil is doing. She stated that he is a part-time employee but spends many extra hours on the program, which serves a number of seniors in the County. Commissioner Padilla expressed his knowledge of the program and agreed that indeed Mr. Vigil was doing an excellent job. Commissioner Giron made a motion to approve the travel, which was seconded by Commissioner Pando. There was some discussion on the amount of per diem and Commissioner Giron made a motion to amend the previous motion to reflect the corrected amount. Commissioner Pando seconded this motion. The motion carried. (Exhibit B)

### **c) Request Dedication & Maintenance of Paved Roads**

Mr. Michael McCartney presented the request on Acebo Place, Chacon, Flores Bonitas Ave., Lirio Place and Marigold. A motion to approve was made by Commissioner Padilla and seconded by Commissioner Pando. Motion carried. (Exhibit C)

### **d) Final Hearing/Amendments to Valencia Comprehensive Zoning Ordinance 99-07**

Mr. Michael McCartney presented the request. Chairman Aguilar stated that since the matter was in fact a hearing she would entertain any questions, pro or con, regarding the ordinance. None were forthcoming. Commissioner Pando stated that Planning and Zoning Department had done an excellent job in producing the ordinance, which has long been needed. Commissioner Padilla made a motion to approve the Ordinance, which was seconded by Commissioner Giron. Attorney Garde stated that he felt the ordinance would meet any legal challenge. Motion carried. (Exhibit D)

### **e) Request to Amend Zone Maps from C1 to C2/Michael and Pamela Nicholas**

Mr. Michael McCartney presented the request. Chairman Aguilar made the motion to approve with a second by Commissioner Padilla. Motion carried. (Exhibit E)

### **f) Manager's Report**

County Manager James Fernandez presented correspondence from Molzen-Corbin on speed hump installation for Don Jacobo Road. Discussion ensued on the cost as recommended by the engineers. The County Manager stated that the letter was part of his

update and did not reflect his recommendation on how or who would do the work. After some discussion and legal counsel from Mr. Garde, the County Manager was directed to install the speed humps with county labor.

County Manager Fernandez presented correspondence from the U. S. Department of Interior, Fish and Wildlife Service on public hearings to be held regarding the Mexican spotted owl. He stated that he is providing a copy of the correspondence to the Valencia County Clerk so that it may be available for review by any interested party in her office. Chairman Aguilar directed Mrs. Monica Mireles to send copies to any homeowners' associations..

County Manager Fernandez presented a draft of an Agreement for Services of Zoning Enforcement and Trash Pickup between the County and the Valley Improvement Association. The Commissioners made inquiries and discussed the terms of the agreement. County Attorney Thomas Garde stated that the clause regarding the term of the agreement was inserted to give an end to the agreement. It was stated that more clarification was needed on the draft. After continued discussion Commissioner Pando stated that while he was not satisfied with some of the terms, in a spirit of trying to help the people in the area, he would vote for it Motion to approve the agreement for a two-month period was made by Chairman Aguilar with a second by Commissioner Padilla. Motion carried. (Exhibit F)

County Manager Fernandez referred Commissioners to other correspondence provided in their packets such as a letter from the New Mexico Public Regulation Commission to Brian Culp. He also referred to correspondence received from the Habitat for Humanity. A motion to send a letter of support on the request from Habitat for Humanity was made by Commissioner Giron and seconded by Commissioner Pando. Motion carried. County Manager Fernandez next referred to correspondence from the Valencia Valley Kennel Club regarding their goal for a multi-purpose sports arena. Direction was given to the County Manager that any further contact should be made through him. Mr. Fernandez then referred to documents presented to him for approval by the Commission on the Cooperative Severance Tax Agreement with the State Highway Department. (Exhibit G)

Chairman Aguilar stated that Mr. Rubino had handed her a letter prior to his leaving the meeting requesting that the speed limit be changed on Manzano Expressway to 45 MPM.

County Manager Fernandez stated that he is submitting to the Commission for their information the Financial Report as of July 24, 2000. (Exhibit H). He stated further that they are trying to finalize the Web Site for the Commission. He stated further that the last item was a letter from the Fire Marshal, which gives notice that Charles Eaton and Terry Baber will be attending fire school as well as notice from Mr. Cherry that he will be having surgery.

g) Award Bid #514 – El Cerro Community Sub-Station

Mr. Carlos Montoya, County Business Manager, presented the Bid Worksheet, the low bid being LTV Construction at a cost of \$84,000.00. (Exhibit I) Chairman Aguilar inquires if the amount for the bid has been budgeted to which Mr. Montoya replied in the affirmative. Commissioner Pando moves the approval of the bid, which was seconded by Commissioner Giron. Motion carried.

h) Warrants

Mr. Carlos Montoya presented the warrants for approval. A motion to approve was made by Commissioner Pando, with a second by Commissioner Giron. Motion carried. Mr. Montoya then submitted a separate warrant for payment on the land purchased by the County. Commissioner inquired as to the closing of the transaction. Motion to approve the warrant was made by Commissioner Giron with a second by Commissioner Baca. Motion carried. (Warrants on file in the Office of the Valencia County Clerk)

EXECUTIVE SESSION

Chairman Aguilar entertained a motion to go into Executive Session and presented an agenda of the following: New Hires, Transfers, Resignations, Terminations, Other Personnel Matters, Pending/Potential Litigation and Land Acquisition. Commissioner Padilla made motion with a second by Commissioner Giron. Motion carried.

Chairman Aguilar entertained a motion to return from Executive Session. Commissioner Pando made motion with a second by Commissioner Giron. Motion carried.

Mrs. Carol Anaya presented the report as follows: New Hires Catherine Novak, Ralph Izared, Estevan Castillo and Carmen Sanchez. Resignations: Salomon Marquez, Eugene Nestor, Evangel Maldonado, Richard Smith, Toryn Terrell, Michael Archuleta, Marvin Martinez, Moises Grosette, Pauline Alvarado, Eric Vas Conselles. Temporary Lt.: Barbara Pino, with increase salary adjustment. Acting Sgts. With increase: Terri Anne Julian, Arthus Chavez and Jimmy Silva. End of Seasonal: Milton Sanchez, Orlando Montoya and Inez Anaya. Salary Adjustment for Larry Garcia and Position Change for Lucy Stape. Motion to approve the recommendations of Mrs. Anaya was made by Commissioner Pando with a second by Commissioner Giron. Motion carried.

County Attorney Thomas Garade presented his report that during the Executive Session there had been discussion on the Gleason lawsuit, the Matthew Otero suit, the status of the Charles Berry subpoenas and the Max Kiehne litigation and direction was given by the Commission on that particular case.

County Manager Fernandez reported that under land acquisition there had been a discussion regarding the closing on the purchase of the Jarner-Apodaca property which will take place on the 27<sup>th</sup> and a copy of the proposed plat was shown to Commissioners. Chairman Aguilar stated for clarification that she would go to closing but will not go until she has a filed plat that has been approved by the Village of Los Lunas.

Commissioner Giron made a motion that the aforesaid was all that was discussed in Executive Session, which was seconded by Commissioner Padilla. Motion carried.

**NEXT MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 7, 2000, at 10:00 AM the County Commission room at the Valencia County Courthouse.

**ADJOURNMENT**

Commissioner Giron made a motion to adjourn the July 24, 2000, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Pando seconded motion. Motion carried.

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

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**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: August 7, 2000**

**For an official copy of these minutes or attachments see Commission Book 37 Page 589.**