

**VALENCIA COUNTY BOARD OF COMMISSIONERS**  
**AUGUST 21, 2000**  
**REGULAR MEETING**

**M I N U T E S**

CHAIRMAN ALICIA AGUILAR Called THE MEETING TO ORDER ON AUGUST 21, 2000, AT 5:00 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**

Valencia County Clerk Kandy Cordova read the Agenda for Executive Session. A motion to go into Executive Session was made by Commissioner Pando with a second by Commissioner Padilla. Motion carried.

A motion to return from Executive Session was made by Commissioner Pando with a second by Commissioner Padilla. Motion carried.

Mrs. Carol Anaya reported that during the Executive Session a discussion was held on Seasonal Hires: Inez Anaya and Milton Sanchez; Transfer of Flora Armijo from Housing Authority to El Cerro Community Coordinator; Probationary to Non-Probationary status for Tiffany Gurule, Viola Munoz and Leticia Sedillos. She then requested approval. Motion to approve was made by Commissioner Pando with a second by Commissioner Padilla. Motion carried.

County Attorney Thomas Garde reported that discussion was held on current litigation regarding San Clemente and that matter will be resolved by Commission action this evening. He stated that there had been discussion on potential litigation regarding the Quest Wireless Tower and that too will be discussed during the session. He stated that there had been discussion regarding the Matthew Otero lawsuit, which will result in this Commission's action being affirmed by his failure to appeal to the Court of Appeals. He stated that there had been discussion regarding the Twin Mountain matter which is still pending and that no action had been taken. He stated that current litigation regarding Richard Martinez was a status update for this Commission as well as current litigation between Bernalillo County and this County.

Commissioner Giron made a motion that the disclosure previously made on the Executive Session was all that had been discussed. Commissioner Pando seconded the motion. Motion carried.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**APPROVAL OF AGENDA**

County Clerk Kandy Cordova read the Agenda for the regular meeting of August 21, 2000. Chairman Aguilar stated that Mr. Ruperto Baldonado would address the Commission and the County Manager would report on the Jarales School as Item D. County Fire Marshal John Cherry requested that the Commission revisit a Joint Service Agreement signed off at the last meeting. County Attorney Tom Garde stated that since only the title had been changed the matter could be addressed without additional publication. County Clerk Kandy Cordova requested an opportunity to address a need for in-state travel. Chairman Aguilar stated that Item L, which was an action item from the last meeting, would be reviewed, as Item E and everything else would be moved down. A motion was made to approve the Agenda as amended by Commissioner Padilla with a second by Commissioner Giron. Motion carried.

**APPROVAL OF MINUTES**

Commissioner Giron made a motion to approve the Minutes of the August 7, 2000 regular Meeting. Commissioner Baca seconded the motion. Motion carried.

**PUBLIC REQUESTS**

Chairman Aguilar inquired if anyone wished to address the Commission on any item not on the Agenda.

## ACTION ITEMS

- a) Presentation of Certificates, Valencia County Soil and Water Conservation  
Mrs. Lisa Miller was not in attendance.
- b) Department of Labor Update on Summer Youth Program  
Bill Calderon addressed the Commission to report that the participation had increased from 55 to 110. He stated that of the participants, 65 were from Los Lunas and 45 were from the Belen area. He stated that there were 26 employer sites in Los Lunas and 24 employer sites in Belen. He reported that participation was from both the public and private sectors. He cited the different aspects of training and that there is preferential attention to students with physical or mental challenges and those who may be economically or academically disadvantaged. Chairman Aguilar requested that Mr. Calderon provide any information he may have regarding the Cavco closing. He cited training programs on heavy equipment, which currently is being provided, and they would like to know from other employers what training is needed. Chairman Aguilar introduced Mrs. Rita Padilla who is a member of the State Investment Board. Chairman Aguilar also stated her involvement and support for the Chamber of Commerce's effort in bringing call centers to the State.
- c) Ruben Chavez of the Planning and Zoning Department presented a report to the Commissioners on a sign survey conducted by that office. (See Exhibit A) Commissioner Pando made an observation that the report was very thorough. Commissioner Giron inquired of Mr. Chavez as to the sticker process. Mr. Chavez indicated his research was with Silver City, Raton, Chavez and other counties. County Assessor Beverly Dominguez Gonzales inquired as to the owners of the signs. Mr. Chavez responded that their research only indicated the general location and the general nature of the signs themselves. Mrs. Gonzales stated that these improvements were taxable and that while they currently are not taxed in Valencia County it could be a source of revenue for the County. She stated that the landowner is not necessarily the owner of the sign but the owner of the sign could conceivably be taxed as personal property. Chairman Aguilar stated that in that event the Assessor could obtain these assessments working with Planning and Zoning. Mrs. Gonzales stated that this would be a good way to start. Mr. Chavez stated that presently the signs are tacked to the building permits. Mrs. Aguilar observed that on vacant land this would not be the case. A discussion ensued on the distinction between a sign and a billboard and the feasibility of further research, which the Assessor stated would be worthwhile. Mr. McCartney stated that presently building permits contain a provision for any signs that go with the property and they do collect a fee. He stated that the ordinance has only been in effect as far as tracking purposes for approximately 3 years. Commissioner Pando stated that the report provided by the Planning and Zoning Department had been initiated by Mr. Vincent Chavez who proposes a ban on all billboards. Mr. Chavez stated that their research thus far is limited to what they found on sites. To develop an ordinance would take research on many other aspects depending on what the Commission wanted to address. Commissioner Pando stated that although the signs needed to be controlled, some are beneficial and would support the Assessor's idea to attach some assessment value for purposes of taxation. She stated that it is her suggestion that the Planning and Zoning work with the Assessor and report back to the Commission.
- d) Jarales School  
Valencia County Manager James Fernandez reported on the status of the Jarales School site. He stated that he had a bid proposal from Escondida Research Group for the archeological assessment at a cost of \$990.00 (See Exhibit AA) the site plan preparation is taking place, which should be done by Friday of this week and will be turned over to Escondida so they can do the assessment. He stated that once they clear the archeological state of this they could start on the actual renovation beginning with the roofing project. He stated that it was possible that revisions might have to be made to the plans, which were prepared some time ago. As inquiries and discussion continued, Chairman Aguilar cautioned that complete disclosure occur as pertaining to the present Memorial on the property which is now part of the historical designation. Commissioner Baca stated that she supported the restoration efforts but understood the time constraints of the process. Mr. Ruperto Baldonado stated his concern with the vandalism that has occurred during the time period the community has been waiting and the roofing material was stored in the building but knows that the building has been boarded up. Chairman Aguilar recounted the various delays that have transpired to get to this point but feels that progress has been made. Fire Marshal John Cherry inquired as to any improvements made by the fire department falling into the criteria in place for the historical site.
- e) Reconsideration of Telecommunications Monopole/Quest Wireless  
Mr. Michael McCartney stated that at the previous meeting a request had been considered from Quest Wireless to co-locate on a pole owned by VoiceStream that would be raised approximately 85 feet. County Attorney Thomas Garde stated that after the Commission Meeting of August 7<sup>th</sup> at which he was not present, the County Planner Steven Chavez and he reviewed the ordinance adopted by the Commission last year and the application made by Quest Wireless. He stated that the matter is not solely a local issue but one that deals with the telecommunications act of 1996 and also with the FCC, which regulates these towers. He stated that through the efforts of Mr. Chavez the

County has one of the most restrictive ordinances in the State and Quest has complied with every condition imposed. He stated that based on that information and the fact that Quest has agreed to move the tower 22 feet from its location, he recommended that the Commission reconsider its decision and grant the request with the new change. Commissioner Giron stated that he made the motion at the prior meeting and there were residents who were opposed to the placement. He stated that the opponents complained of a noise problem that he had hoped could be resolved with Quest. At this time Mrs. Glenda Gray stated to the Commission their concern of the noise and the proximity to their property. She stated that she understood the Commission had no recourse at this time but stated that she felt that they were not given any consideration when the tower was established to begin with, that they had never been notified and it was stuck in their front yard. She stated that their main concern right now is the noise and any hazardous radiation from those poles. Chairman Aguilar stated that the Commission could not grant them any assurances as far as the possibility of radiation is concerned. County Attorney Garde stated that during the Congressional hearings the issue of hazardous radiation came up time and time again and that factor, evidence was presented during the course of the hearings that apparently satisfied the Congress that there was no radiation. Chairman Aguilar stated that she was interested to know about franchise fees, which could be required but that when the legislation was enacted it did not provide for the counties. Mr. Steven Chavez stated that the County does have an ordinance in reference to the noise factor, which is most restrictive. Commissioner Padilla stated his objection to the company's failure to consider the human factor. Commissioner Pando also stated his objection. Commissioner Giron stated that to reiterate his objection would be fruitless and since he made the motion to allow the request with a condition of moving it 185 feet, he would now make a motion to allow the monopole 22 feet west of the present location. Chairman Aguilar seconded the motion. Motion carried. Mr. Varela stated that a new tower would be built 22 feet to the west. He also stated that the company will follow all the rules and ordinances of the County and as for the generators they will be used only during normal construction hours and where possible they will use actual power instead of generators. He stated that once the site is complete and the construction is finished the site itself does not make any noise, it is a silent site. There was further discussion regarding future development of the wireless technology and how other states have used the opportunity to generate revenue in its use of non-governmental sites. Chairman Aguilar reiterated her position that present legislation should be changed to include such a benefit. She then asked her fellow commissioners to consider directing Planning and Zoning to pursue the initiative outlined by Mr. Varela. He then offered to share with the Planning and Zoning Department copies of information and ordinances to which he had access. Chairman Aguilar then called for a vote on the motion to allow the expansion of the monopole. Motion carried unanimously (Exhibit B).

e) Emergency Resolution to Purchase Vehicles

Mr. Carlos Montoya stated that Sheriff Julian had requested the emergency resolution to purchase vehicles. Sheriff Juan Julian addressed the Commission and requested approval of the resolution to purchase vehicles. Upon inquiry from Commissioners regarding the monies to be used, Sheriff Julian outlined the sources of finance, which included an appropriation from the Legislature and grant money. Commissioner Padilla made the motion to approve the Resolution 43-2000, with a second by Commissioner Pando. Motion carried (Exhibit C)

f) Mutual Aid Agreement/Pueblo of Isleta

County Fire Marshal John Cherry presented the agreement. Commissioner Pando stated that if counsel had reviewed the document and gave his recommendation he was ready to move its approval. Commissioner Padilla seconded the motion. County Attorney Tom Garde stated that it was a cooperative agreement by which the County would provide services and the Pueblo would provide the same to the County and recommended approval. Chairman Aguilar inquired the term of the agreement and counsel stated the agreement should be reviewed at least at two-year intervals. Mr. Cherry stated that while the agreement is a perpetual one there is a 30-day clause, which would allow the County to withdraw. Counsel Garde stated that it was appropriate since there were no monies expended. Chairman Aguilar stated that a term would require a review and counsel Garde so recommended. Commissioner Pando then amended his motion to include the term of two years. Commissioner Padilla seconded the amendment. Mr. John Dear, Chief of the Peralta Fire Department then requested to address the Commission. He stated that he wanted to advise the Commission of the past experience his department had regarding mutual aid with the Pueblo. He stated Bosque Farms had elected not to enter into such an agreement. He stated his objections to the agreement because he stated the Pueblo does not have the equipment. He also stated that the times they had been requested to provide mutual aid they were the only fire personnel on the scene. He stated that one time they did find equipment there. He stated that the Isleta personnel did not have the training equivalent to that of the Peralta fire department and they did not attack their fires the same way they did. He stated further that Fire Marshal Cherry on inquiry from Mr. Dear had told him he was ordered to present the agreement in spite of the fire chiefs' objections. Mr. Cherry then stated he had received a memorandum from County Manager James Fernandez. Mr. Fernandez then advised the Commission that the Pueblo officials who indicated to him

they had requested the agreement from the Fire Marshal and had received no response had contacted him. Chairman Aguilar then pointed out that the agreement also pertains to medical services and rescue services and that the Pueblo is assisting the County in those areas. Discussion continued between Mr. Cherry and the Commissioners on the different aspects of mutual aid. Commissioner Pando expressed his sentiments regarding the necessity for legal documentation on mutual aid. Discussion continued, after which Commissioner Pando withdrew his motion to approve the agreement. Commissioner Padilla withdrew his second to the motion. Commissioner Pando then made a motion to deny the agreement until all the issues in controversy are resolved. Counsel then advised the Commission to table the matter. Chairman Aguilar stated her concern with the portion of the agreement on the mutual aid being provided in the medical services and rescue efforts, which to her knowledge are excellent and necessary. Chairman Aguilar stated that she would take Mr. Garde's counsel and made a motion to table the agreement until the next meeting of September 5<sup>th</sup> at 10:00. Commissioner Padilla seconded her motion. Motion carried. (Exhibit D)

g) Request In State Travel/International Assoc. of Arson Investigators

Mr. Cherry then requested travel approval for Charles Eaton and Terry Baber. Motion to approve by Commissioner Pando with a second by Commissioner Padilla. Motion carried. (Exhibit E)

h) Review of Fire Districts ISO Report

Mr. Cherry presented a report to the Commission. (Exhibit F) Chairman Aguilar inquired as to the requirements to increase ratings for all fire districts which she stated would give the County a better status and additional revenue for operation. Mr. Cherry expressed his confidence in all Valencia County fire departments and his disappointment that the ISO report unfortunately did not reflect that. Chairman Aguilar referred to a letter from the State Fire Marshal. Mr. Cherry responded that there apparently was a misunderstanding on the allocation of the different funding. He stated that three operating budgets are now in place to satisfy that critique. Mr. Cherry then presented the service agreements for medical director addressed at the last meeting of the Commission between the County and the Village of Los Lunas and the City of Belen. He stated that he was informed that the documents needed to be changed from a joint powers agreement to service agreements and requested signatures of approval. Commissioners signed the documents in attendance at the previous meeting. (Exhibit G) Discussion then reverted to the ISO report with inquiries by Commissioners and response by Mr. Cherry. Commissioner Pando stated that allegations regarding any problems in individual departments needed to be defended vigorously to the State Fire Marshal's office. Chairman Aguilar stated that these matters could be addressed at the upcoming meeting with State officials.

i) Request Out of State Travel Annual Conference for International Association of Assessing Officers and In-State Travel for NM Association of Assessing Officers

Commissioner Pando moved the approval of the travel with a second by Commissioner Baca. Motion carried (Exhibit H).

j) Withdraw Zoning of SP and revert back to original Zoning of OD/Robert Gomez

Mr. Michael McCartney presented the request. Commissioner Pando moved to approve the request on the recommendation of Planning and Zoning. Commissioner Padilla seconded the motion. Chairman Aguilar inquired if there was anyone in attendance who wished to be heard. Motion carried. Mr. McCartney inquired if this action would satisfy any question of litigation. Chairman Aguilar stated that to her knowledge this is the case. (Exhibit I)

k) Request In State Travel/NM League of Zoning Officials

Commissioner Padilla made the motion to approve the request with a second by Commissioner Baca. Motion carried.

l) Manager's Report

County Manager James Fernandez presented a petition for paving of Willow Way Road, which he stated, is in Commissioner Baca's District. Commissioner Baca made a motion to add Willow Way Road to the list of paving requests. Commissioner Padilla seconded the motion. Motion carried. (Exhibit K)

Mr. Fernandez then referred the Commissioners to Section 6-6-I, a copy of which was given to each. (Exhibit L) He stated that in conformance with the statutes the Valencia County Budget has been approved with a minor adjustment as shown.

Mr. Fernandez then reported on improvements made on the newly purchased property west of the Courthouse and the staff effort to find funding for possible paving.

Mr. Fernandez then made a request for In-State Travel for the County Clerk and two staff members to attend a Secretary of State's Conference regarding the upcoming general election. County Clerk Kandy Cordova stated that the Secretary of State's office would pay the expenses. Motion to approve the travel request was made by Commissioner Padilla with a second by Commissioner Baca. Motion carried.

m) Warrants

Mr. Carlos Montoya presented the warrants for approval. (Warrants presented on file in the Office of the County Clerk). Inquiries by Commissioners on specific warrants were

made by Commissioners and responded to by Mr. Montoya. Motion to approve the Warrants was made by Commissioner Pando with a second by Commissioner Padilla. Motion carried.

**NEXT MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on September 5, 2000 at 10:00 AM in the County Commission Room at the Valencia County Courthouse.

**ADJOURNMENT**

Commissioner Pando made a motion to Adjourn. Chairman Aguilar adjourned the meeting at 8:45 PM.

**NOTE:** All proposals, documents, items, etc.pertaining to items on the agenda of the the August 21, 2000 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:September 5, 2000**

**For an official copy of these minutes or attachments see Commission Book 37 Page 646**