

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

September 5, 2000

MINUTES

THE September 5, 2000 Meeting was called to order by Chairman Alicia Aguilar at 9:11 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 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 Giron. Motion carried.

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

Mrs. Carol Anaya reported that during Executive Session a discussion was held on the following: New Hires pending pre-employment Physical; Edward Ridges, Cops II, Jimmy Palmer, Cops II, Olinda Duree, Van driver; Probation to non-Probation with certification and salary adjustment, Joe Portio; temporary salary increase for one day a week, Alex Garcia; End of Seasonal, Jason Romero. She then requested approval. A motion to approve the request was made by Commissioner Pando with a second by Commissioner Padilla. Motion carried.

Valencia County Attorney Thomas Garde reported that during the Executive Session a discussion was held regarding the lawsuit filed by Bernalillo County against Valencia County; procedure regarding vacation of county property; a status update on the Mariposa Appeal and lastly the Order with regard to State of New Mexico vs. Antonio Garcia and the consequences thereof. He stated that no action was taken on any matter.

Commissioner Padilla 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

Michael McCartney led the Pledge of Allegiance.

APPROVAL OF AGENDA

Valencia County Clerk read the Agenda for the regular meeting of September 5, 2000. Fire Marshal John Cherry requested that under item b) Review and Request approval of Mutual aid Agreement/Pueblo of Isleta, if Commissioners would re-visit and re-sign the service agreement previously approved between the County and the Village of Los Lunas. Upon inquiry from Commissioners, County Attorney clarified that the Commission had previously approved a joint powers agreement with the Village which was re-drafted and of which he approves. He clarified further that it is not a joint powers agreement but rather a service agreement so the contract has been modified to reflect that. County Manager Fernandez requested the deletion of Report of Road Funding Projects by District from item h), since the information has not been provided to him. He then requested as an addition to his report under the same item, a request from Larry Garcia for In-State Travel and a request from County Clerk Kandy Cordova for In-State travel for staff members to prepare for the coming election. Chairman Aguilar stated that she too had a report she wished to make to her fellow commissioners on drainage problems that have been discussed regarding the arroyo south of the fire department. She stated that as a result of meetings the appropriation of possibly two million dollars might develop. A motion to approve the Agenda as amended was made by Commissioner Pando with a second by Commissioner Giron. Motion carried.

APPROVAL OF MINUTES

A motion to approve the Minutes of August 21, 2000, Workshop Road Projects and the Minutes of August 21, 2000, Regular meeting, was made by Commissioner Giron with a second by Commissioner Padilla. Motion carried.

PUBLIC REQUESTS

Chairman Aguilar stated that the next item on the Agenda was request a by Steve Romero to address the Commission and that normally these requests are limited to two minutes but since Mr. Romero requested that he be placed on the agenda she would allow more time. She inquired from Mr. Romero if he was being represented by counsel and upon affirmation she stated that for the record that Mr. Romero does have counsel and his attorney would speak on his behalf. Mr. Romero requested that he be allowed to speak and that after that his attorney would speak. Chairman Aguilar stated that the matter is being heard under Public Requests and no action will be taken.

Mr. Steve Romero stated his appreciation to the Commission for allowing him to address them once again and that today would be the fourth time he had brought this matter before the Commission. He stated that the problem was an argument to enforce sub-division laws. He stated that on 2-23-98 a motion was made by Commissioner Padilla and seconded by Commissioner Aguilar to vacate a plat filed by the Garcia's and to return the plat to the original plat dated 10-8-96. He stated that a vote was taken on the motion, two for, two against and Commissioner Giron abstained for further information. (Exhibit A) He referred to remarks made at that meeting by Commissioner Salomon Montano stating that it was obvious to him that the law was circumvented but then voted for the Garcia's. His counsel, Mr. Anthony Williams then spoke on behalf of his clients and argued the contentions of Mr. Romero's claim, requesting further hearing and action by the Commission. He pointed out to the Commission potential emergencies that could develop unless the problem is addressed and a solution reached. Mr. Romero addressed the Commission further and after inquiry by Commissioner Giron regarding the County's knowledge of regulatory enforcement of County ordinances, Chairman Aguilar referred the question to County Attorney Thomas Garde. Mr. Garde stated that he would need to review the actions that have transpired regarding the property and determine the effect of any previous litigation before he could make any recommendation. He stated that an investigation by the Planning and Zoning Department could be made but without a review of the total picture he is unable to counsel the Commission. Chairman Aguilar stated that direction is given to the Planning and Zoning Department to begin an investigation and a report to Administration which would be furnished through them to legal counsel who would advise the Commission. Chairman Aguilar stated that the matter would be set on the Agenda for October 9th. (Later clarified to be October 2, 2000). Chairman Aguilar emphasized that the action taken thus far on the sub-division was an administrative action taken prior to her election to office and the subsequent hearing that was held which is in the Minutes furnished today speak for themselves.

ACTION ITEMS

a) Presentation of Certificates

Marcel Reynolds Valencia County Soil & Water Conservation District, stated that he wished to present awards to the Commission which are awards of appreciation to each Commissioner for continued support of the conservation effort. He had special praise for Steven Chavez, Michael McCartney and Ruben Chavez of the Planning and Zoning Department. He also presented to the Commissioners license plates with special logos. He also presented to Chairman Aguilar another plaque from the New Mexico Association of Conservation District for her significant efforts. The Commissioners each voiced their gratitude for the recognition and Chairman Aguilar reiterated the importance of the work being done by these organizations.

b) Review and Request approval of Mutual Aide Agreement/Pueblo of Isleta

Chief Fire Marshal John Cherry presented the agreement for Commission approval and stated that the Chief or representative of Isleta had been invited to attend the meeting to answer any questions or concerns. Chairman Aguilar stated that she had received a call from Pauline Sims who was in charge of Emergency Medical and that she had requested her to pass on to the Commission that the Agreement had been sent to the County a year and a half ago prepared by their attorneys and that the mutual aid has been there and there has been response from Isleta. Chairman Aguilar stated further that the agreement does not mandate response but mutual aid for all the fire districts in the County. Mr. Cherry agreed that this was the status. Mr. Cherry recommended that the County enter into the agreement with Isleta on a trial basis. He emphasized that aid would not be denied to any neighbors. Chairman Aguilar stated that Mrs. Sims had related to her the fact that she had appeared before the Chief's' Council during the preparation of the agreement and had also met with Fire Marshal Cherry before it was prepared by their attorney and inquired why the concerns were not addressed at that time. Mr. Brian Culp stated that Ms. Sims had appeared at a meeting of the Chief's Council along with Assistant Chief Michael Jiron. Discussion continued and upon inquiry by Commissioner Giron, County Attorney Thomas Garde stated that County governments could cooperate with tribal authorities. He stated that the big concern is addressed in the agreement submitted which states that if either side is not satisfied it provides for a 30 day written notice. Commissioner Pando expressed his concern about the lack of equipment and his information that it is difficult for Isleta to fight a structural fire. He stated his approval on the ambulance service but would have preferred two different

agreements. He again expressed his concern for any liability that might arise. Mr. Brian Culp stated that Isleta does have some equipment and if you compare it to some of our other surrounding mutual aid departments, they are better equipped. He stated further that some of the mutual aid agreements are very one-sided. He mentioned as examples Socorro and Torrance Counties. The discussion continued after which Chairman Aguilar asked for a motion. A motion to approve the agreement was made by Commissioner Padilla, with a second by Commissioner Giron. Motion carried by a majority with a nay vote from Commissioner Pando. Mr. Cherry then asked the Commissioners to execute the service agreement between the County and the Village of Los Lunas, which had been approved at the previous Commission meeting.

c) Update on East Mesa Cleanup – For Information Only

A film was produced and shown to the Commission members as well as everyone in attendance of the county cleanup effort on the east mesa by Mr. Bob Davey of the VIA. Inquiries from Commissioners ensued over disposal of certain waste materials and the potential cost of partitioning and storage for separate disposal. Discussion of certain exceptions to the acceptance at Conejo of certain items was debated and Commissioner Pando stated that as long as these exceptions are being made the illegal disposal of trash would continue. Commissioner Giron referred Administration to provisions by the Environmental Department, which would allow acceptance. Mr. Carlos Montoya stated that if given direction by the Commission to accept the items he would so direct the managers at Conejo. Chairman Aguilar stated that it was her understanding that such provisions were already in place and Mr. Montoya stated that he would initiate enforcement and follow up with clarification from the ED. Mr. Montoya stated his concern over additional costs which were not included in the budget and Mr. Davey stated that the VIA could possibly share some of the expense. This proposal was referred to Administration in preparing a new contract which all agreed was a viable alternative. The cleanup effort was praised and the consensus was that it was a good beginning, which merited continuation. Former Commissioner Gary Daves encouraged the Commissioners to do everything they could to allow all refuse to be accepted at the transfer station.

Board of Commissioners convenes as The Indigent Board Commissioner Padilla made a motion to convene as The Indigent Board with a second by Commissioner Giron. Motion carried.

d) Indigent Report and Appeals

Mrs. Barbara Baker presented her report (Exhibit D). She presented claims of \$187,008.28 and requested approval of \$137,719.69 and denial of \$49,288.59. She presented appeals as specified in her three letters dated September 5, 2000. County Attorney Thomas Garde stated that the appeals of Leticia Dominguez, Joan Gutierrez, Arthur Lovato, Tino Garcia, Robert Goldberg, Ruben Martinez, Bobby Chavez and Arthur Lovato should be denied because they did not meet the residency requirement. A motion to accept the report and the recommendation on appeals was made by Commissioner Pando with a second by Commissioner Giron. Motion carried.

Motion to reconvene as County Commissioners was made by Commissioner Giron and seconded by Commissioner Padilla. Motion carried.

e) Infrastructure Capital Improvement Plan (ICIP)

County Planner Steven Chavez requested an extension to make his report for the meeting of October 2nd.

f) Amend Zone Maps from RR1 to C2/Cliff Hammond

Chairman Aguilar stated that this item was on the agenda a few weeks ago and has been re-published. Mr. Michael McCartney stated that the Planning and Zoning Commission heard the item on July 11th. He referred Commissioners to the Minutes of that meeting which had been provided to Commissioners. (Exhibit E) Mr. Hammond addressed the Commission and stated that he had no additional information to provide the Commission since his appearance before Planning and Zoning. He stated the inquiries from prospective buyers that he had. Ms. Keltah Narbatovskih stated that her association has now become a non-profit organization and that there is concern regarding the request, that approval would be equivalent of allowing an industrial park. She stated that rumors of the possible use of the property abound and she believed that if Mr. Hammond would just follow the procedures for approval through Planning and Zoning, any opposition could be addressed at the time. Mr. Robert Samuels addressed the Commission and stated that he didn't have a problem changing zoning on the lots as long as he did it on a case-by-case basis. He stated his information that property on highway frontage would have to allow for an access road. Mr. Pete Norbet stated that he didn't believe anyone in the area had any strong opposition to re-zoning so long as it is done on a case-by-case basis so that the community has an opportunity to have something to say about it. Mr. Hammond stated that there was a need for a community center and his thoughts on how such could be built at a savings in conjunction with a fire station. County Attorney Thomas Garde then stated that for the record, Commissioners should hear the recommendation from Mr. Ruben Chavez of the Planning and Zoning Department. Mr. Ruben Chavez referred to his memorandum and generally reviewed the zoning ordinance and recommended denial. Commissioner Pando made a motion to deny the request for zone change. Commissioner Giron made a second to the motion. Motion carried.

g) Request Out State Travel/Northglenn, Colorado

Mr. Michael McCartney requested approval for Steven Sanchez to attend training for animal cruelty investigations by the Law Enforcement Institute. Motion to approve was made by C Commissioner Padilla with a second by Commissioner Giron. Motion carried. (Exhibit F)

h) Manager's Report

County Manager James Fernandez stated that a letter from the Village of Bosque Farms had been received requesting support for the Library. Commissioner Giron inquired if the County had received the share from the Village for the Extension Service. County Manager Fernandez reported that there was a letter in his packet from the Village of Los Lunas indicating a denial of the funds requested and that he had contacted the City of Belen who had allocated their portion contingent upon full cooperation from all the other entities. He further stated that based on the letter from the Village of Los Lunas it appears that no funds will be forthcoming. Chairman Aguilar inquired of the County Manager whether or not Mr. Holguin had gone before the councils or was the refusal based on telephone requests. County Manager Fernandez stated that Mr. Holguin stated to him that basically he was being denied access to the agenda. Commissioner Pando then related a conversation he had had with Mr. Holguin verifying the denial of access. Commissioner Pando then stated that his understanding on the assistance to the library was that it was a yearly recurrence. Chairman Aguilar also stated her support. Commissioner Giron stated his support and moved for approval for the \$1,000.00 request from Bosque Farms. Chairman Aguilar seconded the motion. Motion carried unanimously. (Exhibit G)

Mr. Fernandez then submitted to the Commission the question of funding for the Extension Service since the prior approval was contingent on the participation by the other entities. Chairman Aguilar then suggested that the letter from the Village of Los Lunas be sent to Belen and Bosque Farms with an inquiry on how to proceed since the approvals were all made on contingency.

Mr. Fernandez then reported that he had met with the Kennel Club who is trying to spearhead the development of a community facility at an estimated cost of 10 million dollars. (Exhibit G) Chairman Aguilar inquired as to whether the group is a non-profit organization and Mr. Fernandez replied that it was not established as such. Mr. Fernandez stated that he had advised the participants that much more specific information would be required before any direction would be given for consideration.

Mr. Fernandez then submitted to the Commission two letters from the Department of Finance and Administration Legislative Appropriation Grant Agreements for \$110,000.00 and \$130,000.00. (Exhibit H) Commissioner Pando moved to authorize the Chairman to approve the agreements, with a second by Commissioner Padilla. Motion carried.

Commissioner Pando requested an update on the hospital study, which County Manager Fernandez said, would be forthcoming on December 1st.

Mr. Fernandez then requested approval for In-State Travel for the Detention Affiliate by Larry Garcia. Commissioner Pando moved for the approval with a second by Commissioner Padilla. Motion carried (Exhibit I)

Mr. Fernandez then requested approval for In-State Travel from the County Clerk's Office for three individuals, Leticia Sedillos, Sheryl Salas and Reyna Carrejo September 20-23. For voting machine certification at Las Vegas, New Mexico. Commissioner Pando moves approval with a second by Commissioner Baca. Motion carried.

Chairman Aguilar then reported on meetings held regarding the arroyo that sits just south of the Fire Department. She stated that the drainage problem had come to light when the Fire Department wanted to expand their facilities. She stated that County Fire Marshal Cherry has been a part of the meetings, as has County Manager Fernandez. Mr. Fernandez stated that Commissioner Padilla had also been at the meeting. She reviewed the information she had received and stated that the State Highway Department reported that it appears that they will allocate or are looking to commit about Two million dollars to address a drainage study on Horner and 47 with some ponding areas on the east side of the road. She stated that in further discussions with them the County had continued to identify the problem of flooding on Manzano Expressway and Highway 47, that intersection, and Hillendale, and the flooding that is there. She stated further that she has been asked by the Highway Department to contact the Corps of Engineers and the Interstate Stream Commission to work on that. Commissioner Padilla inquired as to the ponding areas. Chairman Aguilar responded that it would be between Horner and Goodman. Mr. Fernandez stated that in subsequent conversations with him, the Highway Department has added the problem of the flooding on the Manzano Expressway to the study. Chairman Aguilar stated that her contact with the Corps of Engineers and the Interstate Stream Commission would be to request the drainage study within a three-mile radius.

County Manager Fernandez advised the Commissioners that the architects have indicated to him that a walk-through of the Adult Detention Center is scheduled for the week of September 18th and are still on schedule to open up on October 1st. Mr. Fernandez also relayed to the Commission requests he has received from citizen groups requesting a tour of

the facility. Chairman Aguilar advised the Commission that the Cornell officials wanted to have a two-day period for the public to view the facility.

i) Warrants

County Manager Fernandez presented the Warrants for approval on behalf of Carlos Montoya. After inquiries were made Commissioner Pando made a motion to approve 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 Spetember 18th, 2000 at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Motion to adjourn was made by Commissioner Pando, with a second by Commissioner Padilla. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, Meeting (presented to the Board of County Commissioners) are attached in consecutive order September 5, 2000 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 by Corrine Sedillo Chief Deputy Clerk

KANDY CORDOVA, COUNTY CLERK

DATE: September 18, 2000

For an official copy of these minutes or attachments see Commission Book 37 Page 701.