

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

NOVEMBER 20, 2000

M I N U T E S

Chairman Alicia Aguilar Called THE MEETING TO ORDER 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

County Clerk Deputy Corrine G. Sedillo read the Agenda for Executive Session. County Manager James Fernandez requested to add another item, which would be an update on contract negotiations. Commissioner Pando moved to add the item requested by the County Manager and to go into Executive Session. Commissioner Padilla seconded the motion. Motion carried. Commissioner Giron made a motion to return from Executive Session into the Regular Meeting. Commissioner Pando seconded motion. Motion carried.

Mrs. Carol Anaya reported that the following Personnel Matters had been discussed. New Hires, pending pre-employment physical and drug and alcohol testing: Edward Martinez, Cops II, Mark Smith, Cops II, Scott Schrider, dispatcher; Staff change from probationary to non-probationary, full-time, Peggy Estrada; Resignations of Jimmy Palmer, Cops II, Jodie Noah, Dispatcher, Estevan Castillo; End of seasonal employment for early-voting, Luz Chavez, Marilyn Hotchkiss, Sandra Houtz, Theresa Hunter, Jerry Landavazo, Marie Mendoza, Evangeline Tafoya, Charles Wright. End of Temporary Employment, Jaistina Hanson; Maternity Leave with pay for Heather Garcia; Leave with Pay for Gemma Rosseli; Return from Leave without pay for Gerald Garcia. Recommendation of Zoning Officer and approval of Toby Jaramillo. Commissioner Pando moved to accept the recommendations of Mrs. Anaya with a second by Commissioner Giron. Motion carried.

County Manager James Fernandez reported that an update was given on the financing agreement with the New Mexico Finance Authority and no action was taken.

County Attorney Thomas Garde reported that there had been discussion under pending and potential litigation, the status of the lawsuit between Valencia and Bernalillo counties. He stated further that he had advised the Commission of the filed recount petition for Legislative District 29 and the recount petition filed today for Commission District 5. He stated that in Executive Session they had discussed potential litigation regarding the vacation of lot splits in the Romero-Garcia matter. He stated further that no action was taken on any of the items. Commissioner Padilla moved that the foregoing matters were all that were discussed in Executive Session. Commissioner Pando seconded the motion. Motion carried.

PLEDGE OF ALLEGIANCE

Valencia County Clerk-Elect Tina Gallegos led the Pledge of Allegiance.

APPROVAL OF AGENDA

County Clerk Deputy Corrine G. Sedillo read the Agenda for the Regular Meeting. A motion to accept the Agenda was made by Commissioner Pando with a second by Commissioner Baca. Motion carried.

APPROVAL OF MINUTES

Commissioner Pando made a motion to accept the Minutes of November 6, 2000 with a second by Commissioner Padilla. Motion carried.

PUBLIC REQUESTS

Mr. David Crawford addressed the Commission and inquired as to the clean-up effort on the east mesa. Mr. Michael McCartney advised the Commission that there had been a two-week hiatus on the clean up to help in conjunction with the paving on Manzano Expressway but they will start again right after Thanksgiving. He stated that the cleanup was being done from the south to the north and as has been reported a great amount of refuse has already been removed. He mentioned the

Agreement of the Commission with VIA and expected the cleanup would continue. Discussion ensued on the efforts and Commissioner Padilla reassured Mr. Crawford that the clean up will continue and the particular site in which he is interested will be included at some point. Commissioner Giron stated that he still had a concern over the amount of money VIA was paying for the use of County equipment and salaries. All Commissioners agreed the project was a continuing issue to review periodically.

ACTION ITEMS

a) Los Lunas Schools Bond Election

Mrs. Prescilla Fernandez, Associate Superintendent for Operations of the Los Lunas School District, addressed the Commission and presented an informative report on the District's effort to pass a \$14.5 Million Bond issue in the coming February 2000 Election. A digital slide presentation was shown to the Commissioners by Mrs. Fernandez and Mr. Steven Otero, which showed the projected improvements that would be made. After the presentation, Commissioners and some members of the audience inquired of Mrs. Fernandez regarding any potential requests that might evolve as pertaining to road needs. Mrs. Fernandez stated that a possible request might be made in the future on paving for a small portion of a road. Commissioners expressed their appreciation to the District for keeping them informed on their activities and congratulated Mrs. Fernandez and Mr. Otero for the fine presentation. Chairman Aguilar encouraged Mrs. Fernandez to keep the County informed on specific road needs because of the necessity to incorporate any future expenditure into already limited resources and priorities.

Chairman Aguilar then introduced former State Representative Ron Gentry who was in the audience and recognized his excellent contribution to Valencia County in the form of bringing to the County sizable financing of many projects. The recognition was greeted with applause from Commissioners and the audience. Commissioner Giron then recognized Commissioner-elect Gary Daves who will replace him on the Commission in January. This recognition too, was received with applause.

b) Acceptance of Petitions – Process to Incorporate Rio Communities.

Mr. Steven Chavez, Planning Director for the County, addressed the Commission on the question of the potential incorporation of Rio Communities. He stated that the status of the issue is that Commissioners gave direction to the Planning Department to review the statutory requirements of the effort. He stated that he had met with attorneys of the Municipal League and some of the practitioners who deal with incorporation on a regular basis. He stated further that the Petitions that were presented earlier had some deficiencies. He emphasized that these were not deficiencies that could not be overcome but the result is that new petitions would have to be circulated. He stated that the first deficiency is that the signers did not swear or affirm that they were residents for the previous six months. He stated that it is a statutory requirement, which has already been litigated. He stated that the second deficiency is that the Petition failed to include a statement that any person cannot knowingly give false information and what the penalty for giving false information is. He stated that that language is required by statute. He stated that he had met with Mrs. Sluder regarding the issues and found her to be very professional. He stated that he believes from their discussions that she agrees there are deficiencies that can be corrected. He stated that the other issue is the boundary map itself. He stated that the map provided didn't have a southern boundary to it. He stated that many of the problems he saw with the petitions have been mitigated by his conversations with other attorneys on the issue. Discussion continued with input from Ms. Sluder, Mr. Dick Klapper, President of the Rio Communities Association, former Representative Ron Gentry and Mr. Nick Petriliak of Rio Communities. Questions regarding the acreage and population census were also discussed. Commissioners were in agreement that the statutory requirements be assured to prevent future questions of legality. Mr. Klapper withdrew the Petitions previously submitted to the Commission. Commissioner Padilla then made a motion to proceed with Administration's cooperation in resolving the legal requirements with the representatives from Rio Communities to further the process for re-submission at a later time. Commissioner Pando seconded the motion. Motion carried.

c) Garcia Lot Splits/Hearing

Chairman Aguilar stated that the Garcia Lot-Splits was a tabled item from the previous meeting of the Commission. She then directed Deputy Clerk Corrine Sedillo to administer an oath to the individuals who would be giving testimony. She stated that for the record she is submitting documents, which consist of copies of the minutes of Commission meetings, Affidavits of David Lloyd Saiz, Paul H. Gabaldon, Adela Garcia, Steve Romero, Therese M. Garcia, and Eleanor Talamante, in the matter of State v. Garcia et al., No. D 1314 CV 99 183; Civil Complaint filed in the same lawsuit as well as the Order issued. (Exhibit A) Chairman Aguilar then inquired of Planning and Zoning Administrator Michael McCartney if there was any investigation made on the vacation of the land splits or if there were any investigations ongoing. Mr. McCartney replied that there were none. Chairman Aguilar inquired if anyone present represented or was part of the Garcia family. There was no response and Chairman Aguilar stated for the record that no one was present. Commissioner Giron inquired if there was in the documentation submitted by Chairman Aguilar a copy of the minutes reflecting Commissioner Padilla's motion on the matter being heard today. Mr. Anthony Williams, Attorney at Law, representing Steve and Glynell Romero, requested that the hearing proceed.

Mr. Williams addressed the Commission. He stated that the booklet he submitted to them (Exhibit B) contained various documents, many of which are under oath, many of which are the same documents that Chairman Aguilar placed into the record. He reviewed the document with Commissioners pointing out various passages and documentation he stated supported the position of his clients. He requested that Commissioners consider the action of the parties and County officials and stated that even though litigation against them might ensue they should uphold the law. He

stated that he had submitted to them Findings of Fact and Conclusions of Law for their consideration as well. (See Exhibit B)

Mr. Steve Romero addressed the Commission on his own behalf. He stated that he had been before the Commission six or seven times regarding the dispute being heard. He again reviewed the history of the various discussions and submissions of documentation in support of their position that the land-split was an illegal creation of a subdivision. He stated that his request was for the Commission to admit the alleged wrongdoing in the matter.

Mrs. Glynell Romero addressed the Commission and asked Commissioners to refer to Commission Minutes of April 21, 1997.

Mr. Ray Garcia, President of the Tome Historical Association, addressed the Commission and expressed his congratulations to Commissioners Aguilar and Padilla on their re-election to office. He stated that this sub-division is the kind of reason they had formed their organization and the kind of sub-division they will continue to fight. He stated that the sub-division is very inappropriate to their community. He referred to dilapidated structures he has noticed and stated that this sub-division has the potential for a slum being created in a very beautiful community. He requested that Commissioners take the action necessary to prevent that potential. He stated that his association stands firmly behind Mr. Romero in his efforts.

Mr. Jim Smith, Tome resident and member of the Association, stated that they had been before the Commission before on the Lobo Valley Acre sub-division, which they had protested as promotional scheme, which the Commission recognized. He stated that it appeared to him that this was also the case here. He stated that they have fought very hard to get the rules and regulations in place and requested that they be followed.

Chairman Aguilar stated that with the completion of testimony she would entertain a motion to go into Executive Session for discussion of the matter. Commissioner Padilla made a motion to go into Executive Session, which was seconded by Commissioner Giron. Motion carried.

Commissioner Pando made a motion to return from Executive Session, which was seconded by Commissioner Giron. Motion carried.

Chairman Aguilar stated that the Executive Session from which they had returned was for the purpose of discussing the Garcia Lot Split hearing. She then inquired of Mr. Michael McCartney again if there were any ongoing investigations on the vacation of this property. Mr. McCartney stated that there was none. Commissioner Padilla made a motion that the Commission takes no action on the matter. Commissioner Baca seconded the motion. Commissioner Giron stated that it needed to be known that two prior Commissioners were involved in the matter and that it had happened before this Commission entered office. Commissioner Pando stated that he has stated time and again that he believes that many times the law is blind. Motion carried with Commissioners Padilla, Pando and Baca voting in the affirmative and Commissioner Giron voting against.

d) Requesting Signatures to Update Valencia County Zone Maps

Mr. Michael McCartney submitted a list reflecting the changes. Upon inquiry from Commissioners regarding some of the requested changes, Mr. McCartney asked that the matter be tabled until the December 4th meeting of the Commission. Commissioner Pando so moved with a second to the motion by Commissioner Padilla. Motion carried.

e) Request Approval of Out of State Travel

Sheriff Juan Julian requested approval for out of state travel for Detective Floyd Montoya to attend a property and evidence management for law enforcement conference and Detective Michael R. Jones for a sexual assault investigation conference in Las Vegas Nevada and San Antonio, Texas, respectively. Both requests were approved on Motions of Commissioner Giron, with a second by Commissioner Baca, and Commissioner Pando, with a second by Commissioner Padilla, respectively. (Exhibit C)

f) Intra-Budget Transfers

Mr. Carlos Montoya, requested approval of Resolution 2000-53 (Exhibit D), an Intra-Budget Transfer from the Indigent Fund. Commissioner Pando moved approval with a second by Commissioner Baca. Motion carried. He also requested the approval of Resolution 2000-54 (Exhibit E), an Intra Budget Transfer from the General County Fund, Bureau of Elections. Commissioner Padilla moved approval with a second by Commissioner Baca. Motion carried.

g) Manager's Report

County Manager James Fernandez updated Commissioners on employee immunizations at Animal Control and submitted for their information a billing from the Youth Development, Inc. He also discussed with Commissioners the necessity for clarification to one of the haulers on insurance coverage. County Attorney Thomas Garde advised the Commission that the way the Ordinance was drafted regarding the performance bond needs to be addressed as to the amounts. He stated that he believes as a practical matter the small operators cannot obtain the insurance that the County Ordinance requires and the Ordinance as drafted followed language from another county, which was looking at a one-hauler route. He stated that the dollar amount reflects that. He stated that we have a competitive situation with the haulers and the issue needs to be addressed somehow, be it by the number of vehicles or by volume of work. Commissioner Padilla inquired if this would require an

amendment to the Ordinance. Mr. Garde replied that it would. Commissioner Pando suggested that a Workshop was needed and perhaps one or two Commissioners could attend to find out what is realistic. Commissioner Giron agreed and suggested that Chairman Aguilar and Commissioner Pando participate. Commissioner Giron stated that his suggestion was in the form of a Motion. Commissioner Padilla seconded his motion. Motion carried.

Mr. Fernandez continued his report with a Memorandum from Frank Holguin of the Cooperative Extension Service regarding the modular building discussed at previous meetings. Discussion ensued on the placement with Chairman Aguilar reporting the possibility of placing the building at the Valencia County Fairgrounds. Commissioner Pando stated that another location that has been discussed would be where the Extension now exists next to the Penitentiary. Discussion continued on the cost of moving. Chairman Aguilar stated she believed the Fairgrounds would be a better environment and requested Mr. Holguin to contact the officials. County Attorney Garde stated that a concern he would have would be that the Valencia County Fair Board is a private entity and what the County would be doing is putting a foundation with County funds on private property. Commissioner Giron suggested a possible lease and Mr. Garde responded that perhaps some agreement could be made.

Further discussion continued on whether a permanent foundation was required for a lease. Mr. Holguin stated that a time element is critical on obtaining the modular. Commissioner Giron suggested that the County Manager and the County Attorney meet with Mr. Holguin and the Fair Board to be certain that they are in compliance with County Ordinances and any other legality that may be involved. Mr. Garde stated that the County has up to January 30th to give notice on the current lease for housing the Service. Mr. Fernandez requested verification from Mr. Holguin on the actual moving cost.

Chairman Aguilar stated she had received a call from a parent in Bosque Farms who had been informed that the only request from the Extension Service from the County was \$4,800.00, which the County had refused. She stated further that the caller was unaware of the almost \$60,000.00 the County provides and this was not the information that was given to parents and 4-H members. Chairman Aguilar stated that the parent did come and get a copy of the budget and was very surprised that the parents were not informed and not given accurate information. Mr. Holguin stated that he apologized for that and stated that he wasn't aware that they were talking to the parents about budget as far as public information. He stated that he would talk to the agents. Mr. Holguin said he would be glad to do some follow-up on the information provided. Commissioner Pando said he had received a similar call and he had explained the facts on County support.

Mr. Fernandez stated that as an update the Juvenile Probation Office has moved out of the County Courthouse and is now located in the old Motor Vehicle Office. A portion of the space vacated has been turned over to the County Assessor. He stated that preliminary drafts on legislative priorities are being provided to Commissioners. Chairman Aguilar stated that she had given the information to the County Planner with her concerns. Commissioner Pando commented on the Regional Air Quality Control portion and stated his opposition. She stated that she needed to get the information back to COG by next Tuesday and needed the input from Commissioners before then.

Mr. Fernandez stated that a two-week extension was requested for completion of the El Cerro Mission Sub-Station. He stated that he believed it was a reasonable request and asked for Commission approval. Commissioner Pando made a motion to approve the extension with a second to his motion by Commissioner Padilla. Motion carried.

Mr. Fernandez stated that the last item he had was setting a time for Commissioners to meet with Legislators and other public officials to discuss priorities. He stated the meeting could be held about 2:00 PM on the 4th of December.

Commissioner inquired of the County Manager on the cleaning of the Courthouse and requested a report on where the County is on the new jail facility. Mr. Fernandez stated that a Memorandum has been sent to Mr. Garcia requesting a report and it will be provided at the next meeting.

h) Warrants

Mr. Carlos Montoya presented the Warrants for approval. Commissioner Pando moved for approvals 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 December 4, 2000 at 10:00 AM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Padilla made a motion to adjourn with a second by Commissioner Baca. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 20, 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**

S. T. FRANK PANDO, MEMBER

ELOY GIRON, MEMBER

**ss/
HELEN BACA, MEMBER**

ATTEST: ss/

KANDY CORDOVA, COUNTY CLERK

DATE: December 4, 2000

For an official signed copy of these minutes and attachments see Book 38 Page 6.