

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**REGULAR MEETING**

**February 20, 2001**

Commission Chair Alicia Aguilar called the Meeting to order.

PRESENT	ABSENT
Alicia Aguilar, Chairman	
Aurelio H. Padilla, Vice-Chairman	
S. T. Frank Pando, Member	
Gary Daves, Member	
Helen Baca, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

**Executive Session.**

County Clerk Tina Gallegos read the agenda for executive session. Commissioner Pando asked that roads be added to the executive session. Commissioner Pando made a motion to go into executive session. Commissioner Padilla seconded it.

There was a motion by Commissioner Padilla; it was seconded by Commissioner Baca to return to the Regular Session. Motion Carried.

Human Resource Director Carol Anaya reported the following items were discussed under personnel matters: new hires pending pre employment physical drug & alcohol tests for Juan Reyes, for the sheriffs department, leave without pay for Debbie Fife, sheriffs department, status change from probationary to nonprobationary status for Ralph Izard and Lorenzo Mata, sheriffs department, position of office manager appointment of Debbie Ridley Cerks office, end of seasonal employment for Inez Anaya. There was a motion by Commissioner Daves; it was seconded by Commissioner Pando to ratify Mrs. Anaya’s report. Motion Carried.

Tom Garde reported during executive session a tax protest involving Rio Grande Utilities was discussed. Also discussed was the use of County equipment on Highland Meadows roads, no action was taken. There was a motion by Commissioner Pando; it was seconded by Commissioner Baca that this was all that was discussed in executive session. Motion Carried.

**Pledge of Allegiance led** by Mrs. Carol Anaya.

**Approval of Agenda**

County Manager James Fernandez reported he received a call on February 16, 2001 from Joel Martin on item E requesting this item be removed from the agenda. Also on item H, a call was received from Mrs. Gonzales and this item will be presented by James Fernandez. There was a request by the sheriff that Item J be deleted at this time. Also, there was a request to publish a moratorium by the Valencia County Planner. Commissioner Daves was at Meadow Lake Community Center on Sunday, and he asked to discuss that under other matters. There was a motion by Commissioner Padilla, it was seconded by Commissioner Daves to approve the agenda as amended.

**Approval of Minutes**

Three sets of minutes were to be approved, January 31, 2001 Special Meeting, January 31, 2001 Workshop, and February 6, 2001 Regular Meeting. Commission Chair Aguilar asked that the word

plan be changed to template for the January 31, 2001 Workshop. Commissioner Pando made a motion to approve all three sets of minutes; Commissioner Baca seconded it. Motion Carried.

Commissioner Daves commented that the Village of Bosque Farms and the Village of Los Lunas voted not to proceed with the annexation of the Peralta, Valencia area. He mentioned he thought those were very good decisions on the part of both entities. He regrets the horrible fires that the Mayor of Bosque Farms has suffered and made the comment that the Mayor has his support.

**Action items**

**A) Proclamation Designating March Red Cross Month.....Marje Waters**  
County Manager James Fernandez read a Proclamation establishing March as Red Cross Month. Commissioner Pando made the motion to accept the proclamation, it was seconded by Commissioner Daves, motion carried. See exhibit A.

**B) Highland Meadows Neighborhood Association Road Projects.....James Ashmore**  
James Ashmore reported about a road project that was tabled January 16, 2001. He asked that the Commission support this project. He mentioned the community would provide the materials for this project and ask that the road department provide time and equipment. After doing a legal review on this project, County Attorney Tom Garde, reported that it is illegal for County Government to work on private roads. Two Attorney Generals opinions say there is an exception, there can be a contract, but it has to be fair market value for work done. According to the County Road Department, it would take approximately \$9,000 of county funds to build these private roads. Mr. Garde recommended that the county not assume responsibility of these roads. Mr. Garde said the neighborhood association has no legal standing with regards to the roads themselves, and the County would still be held responsible for negligence on the road. Commissioner Daves agreed with Mr. Garde. He mentioned he will support a process to waive or amend the ordinance so the county can help the Highland Meadows Association find a legal way of moving forward on this project. Commissioner Pando agreed with Commissioner Daves and praised the Highland Meadows association on their effort. Commissioner Pando suggested the association get a petition to get that road dedicated to the county, so the county can build the road. Commissioner Daves made a motion to table this action with instruction to both legal staff and planning and zoning to come up with a recommendation as to some mechanism that would allow roads within this category to be accepted by the county. Commissioner Pando seconded it. Item is tabled. See exhibit B.

Mr. Ashmore asked whether or not they can proceed to purchase the millings through the county from the state. Mr. Garde answered he thinks they can work out an agreement so that can happen. Ms. Lawrence from the audience asked Mr. Garde if she could have the references on the Attorney Generals' opinion. She asked, "If the ordinance is amended, would that satisfy the restrictions given by Mr. Garde from the Attorney General, or is that a state matter that the change of the ordinance would not satisfy?" Mr. Garde answered, "the county is responsible to maintain any county dedicated road, so if this road is dedicated to the county and the county accepts it than we're responsible to maintain it." Ms. Lawrence asked, "So the ordinance might address the issue of how we would more easily get the road dedicated?" Mr. Garde answered that the ordinance would have to be amended to deal with this situation.

Perry Reynolds spoke on behalf of Highland Meadows; he asked the commission if they could get a fire truck out there. He said it took the Fire Department 38 minutes to get to his home where he lost everything. Commissioner Pando said they are looking into that and hopes to move forward on this. Commission Chair Aguilar encouraged the people of Highland Meadows to get a hold of Senator Michael Sanchez, there is Senate Bill #894 that's been drafted and introduced for a Fire Department/Community Center in Highland Meadows. Carolyn Romero from Highland Meadows asked Mr. Pando for a meeting to get roads fixed and a fire department. Commissioner Pando said he would meet with her. Bonnie McKenzie from Highland Meadows asked when something is going to be done about slippery, dark roads on Highway six.

**C) Request Maintenance/Dedication.....Louie Pena**  
**1) Vista Solano Drive**

Louie Pena from the County Road Department reported that the Road Department disapproved Vista Solano Drive; it doesn't meet specifications. Commissioner Padilla made a motion to allow Vista Solano to be dedicated to the County, it was seconded by Commissioner Pando, motion carried. See exhibit C.

**2) Valle Lindo Ct.**

Mr. Pena asked for approval of Valle Lindo Ct. There was a motion by Commissioner Daves, it was seconded by Commissioner Pando, motion carried. See exhibit C.

**D) Petitions from Rio Communities for Incorporation.....Cyndi Sluder**  
Cindy Sluder presented to the board a petition of 245 signatures, asking for an election for Rio Communities to be incorporated. Commissioner Pando asked Ms. Sluder if they have enough money to support this incorporation. Ms. Sluder answered yes, they have approximately fifty businesses in the area that supply a fair amount of money, and they will work the revenues that are due to them after being incorporated. See exhibit D.

John Mapel from the audience gave his thoughts on this group asking for an election. He feels like this group to incorporate Rio Communities is being irresponsible because an election does cost the county money. He believes the law should be followed, and they need a census. He didn't agree that this association could get a budget for this community. Three reasons he believes the census is required is: one person per acre should be established to ensure nobody incorporates a large area of land without people, require monetary payment from any group who wants to force an election for incorporation, and should this municipality become an existence, through a positive loop, that they have the data available in detail to the census. He mentioned that the law prevents the use of a federal census, and asked the Commission to follow the law.

Jacqueline Guilbault from VIA stated that the VIA does not have a position on this, but think that the people have the right to vote.

Nick Petrilyak is in support of incorporation of Rio Communities.

Jim Smith believed this committee has an unbalanced budget, and also asked the Commission to follow the law. Mr. Smith asked Commission Chair Alicia Aguilar if she ever worked for Bob Davey. Commission Chair Aguilar answered by saying twenty years ago. Mr. Smith said he felt like Commission Chair Aguilar should recuse herself from any of these discussions, since she is a former employee of Bob Davey. She commented that the law doesn't address budget, and this group has satisfied the law.

Ron Gentry was in support of an election for incorporation of Rio Communities and asked the Commission for their consideration.

Dick Klapper, President of Rio Communities Association, commented that according to the voter registration, there are 3,592 registered voters in the three districts that are asking for incorporation. Mr. Klapper asked the commission to review the petitions and let the association know what the next step is.

Steven Chavez from Planning & Zoning mentioned that the initial defects in this proposal have been taken care of. He also said the census will be available to this county no later than April 1<sup>st</sup>.

Commissioner Pando encouraged the people of this association to go forward and do whatever they want to do. Commissioner Daves mentioned if the requirements are met, the County Commission has no discretion but to accept the petition and allow the process to go forward. Tom Garde mentioned the census will be available April 15, 2001 and asked County Clerk Tina Gallegos if she can get an election ready by the first week of July. Ms. Gallegos answered that the census would need to be done the week of April 16, 2001 in order for her to get the work together on her end. Commissioner Padilla asked County Attorney, Tom Garde for a recommendation. Mr. Garde said the most accurate census is going to be the one done by the federal government, and he didn't see any restriction in preventing the county from using that census. He mentioned it would be up to the county to retain someone to ensure that it is an accurate census. Commissioner Daves suggested the association give money to the county, and then the county can get a census done for them. Mr. Garde thought it would be appropriate for the county to accept the petition. Commissioner Daves made the motion to accept the petition; Commissioner Pando seconded it. Motion carried by four votes. Commission Chair Aguilar abstained from voting.

**E) Request to Declare Peralta, NM a Traditional Historic Community.....Joel Martin**  
This item was removed from the agenda

**F) Request to Vacate Violet Road in Lakeview.....Elias Maes**  
Maria Maes Marez and Elias Maes III addressed the commission, as Elias Maes was unable to attend the meeting. Ms. Marez and Mr. Maes asked that they acquire Violet Road in Lakeview from the County, because of trash being thrown there. They said it will be utilized for beautification with grass and trees, and will not be to split their land. Commissioner Pando is in favor of Mr. Maes obtaining the land. Mr. Garde said, the first step is to appoint three road viewers to determine whether or not vacation of the road is appropriate. He also suggested that all landowners on that strip be notified. There will have to be a public hearing in which the commission, by resolution, would decide to vacate the road. At that time, it will need to be surveyed and get an appraisal. Then, the Commission can decide what to do as far as selling the land. Commissioner Pando made a motion to go forward. Mr. Garde recommended that three road viewers be appointed. Commission Chair Aguilar commented that the item would need to be tabled for additional information to be brought in. Commissioner Daves moved to proceed with the process that Mr. Garde suggested. Commissioner Pando seconded it. In discussion Commission Chair Aguilar thought it would be best if it went to Planning & Zoning for review. Commissioner Daves withdrew his motion. Commissioner Pando made a motion to send this to Planning & Zoning for their review. It was seconded by Commission Chair Aguilar, and will come back to the Commission on March 6, 2001 at 10:00 A.M. Ruben Chavez from Planning & Zoning recommended the Commission go ahead and proceed with the process. Motion carried. See exhibit E.

**G) Request Approval.....R. Ver Eecke-Presented by Juliette Romero Benavidez**

**1) Resolution-Forming Committee to Address County's Trash Problems**

**2) Memorial for Legislature**

Juliette Romero Benavidez presented a resolution to the Commission about the county's trash problems. She also requested that a Senate memorial go forward to be presented at the legislature. Peter Hoffman, Chris Oconnor, Mr. Jones, Jacqueline Guilbault from VIA, Ray Garcia, Stephanie Williams, Marcel Reynolds, Michael Lundmark and Martin Garcia all spoke in favor of this resolution. Commissioner Padilla made a motion to approve Resolution 2001-06. Commissioner Daves seconded it. Commissioner Pando volunteered to serve as Chairman of the committee. Names of people who will serve on the committee will be submitted to County Manager James Fernandez on March 6, 2001. See exhibit F.

**H) Request in State Travel.....Beverly Dominguez-Gonzales**

**1) New Mexico Association of Assessing Officers Spring Conference in Mescalero**

**2) IAAO MJC/SPC-Seminar in Santa Fe**

County Manager James Fernandez presented a request by Beverly Dominguez Gonzales to attend a conference in Mescalero, New Mexico on March 14, 2001. The second request was to a conference in Santa Fe, New Mexico for Ms. Gonzales, Sylvia Garcia, Gail Fenstermacher, and Orlando Montoya on April 17, 2001. There are sufficient funds in the Assessor's budget for these conferences. Commissioner Pando made a motion to approve this request; Commissioner Baca seconded it. Motion carried. See exhibit G.

**I) Approve & Award Bid #135 to Triadic Enterprises.....Larry Mervine**

Larry Mervine presented a request to have Triadic do maintenance on currently installed computer software. Triadic was the sole competitor. Mr. Mervine recommended the Commission go with Triadic. Commissioner Daves made a motion, it was seconded by Commissioner Baca to go with Triadic. Motion carried. See exhibit H.

**J) Lease Agreement/Repeater Capillo Peak.....James Fernandez**

This item was deleted from the agenda

**K) Managers Report.....James Fernandez**

**1) New Mexico State Land Office/Proposed Changes**

County Attorney Tom Garde was asked by County Manager James Fernandez to inform the Commission of an agreement from the State Land Office to Counties. At the last Association of Counties meeting, there was some discussion in regards to a policy the State Land Office is currently in the process of stating. Based on state statute they are required to get fair market value for the use of property. The initial step is to determine which county roads went through state land prior to 1912. Those lands would basically have to put a restrictive easement on that property where there would be no charge other than a requirement to maintain those roads. Any roads that were placed on the land subsequent to 1912, the State Land Office is going to begin assessing counties' fees for the use of the roads, and require a maintenance agreement on those roads. This issue is expected to develop further at the June meeting with the Association of Counties. See exhibit I.

**2) Information on Redistricting**

At the last meeting there was a request to provide some additional information on redistricting the County Commission Districts. Commissioner Pando provided the Commission with a copy of information that was handed out during the County Affiliates conference in Santa Fe. The county Clerks office was also given a copy of this. According to Mr. Fernandez, redistricting took place ten years ago. It is a function of the County Clerk's office to provide options for the Commission to choose from. County Clerk Tina Gallegos commented that redistricting has not started yet but has asked Research & Polling Inc. to give the Clerks Office some numbers to work with. Ms. Gallegos will keep the Commission informed. See exhibit J.

**3) Signing of Professional Contract-County Attorney**

Mr. Garde signed a contract, which was discussed at the last County Commission Meeting. See exhibit K.

**4) Jail Monitor Report**

At the adult detention facility the average daily population is 97 inmates. See exhibit L.

**5) New Boundary for Valencia County including Isleta Indian Reservation**

As information the Valencia County Assessor's Office has been working with the Legislative Council to establish the new county boundaries. The Pueblo of Isleta will come into Valencia County in its entirety. Representative Fred Luna introduced this bill. See exhibit M.

**6) Capital Outlay Requests**

Mr. Fernandez gave the Commission items of Capital Outlay Requests that have been made on Valencia County. One of those items is a reauthorization of money that was previously appropriated for the purchase of land in Los Chavez for a fire station. Senator Sanchez is seeking to reauthorize

that for a Community Center in Jarales. Commissioner Pando mentioned that Commission Chair Alicia Aguilar was accused of owning land in Los Chavez and wanting to sell it for a Fire Department, and she commented that she does not own property in Los Chavez.

The five legislators from Valencia County were provided with Capital Outlay Requests. Commission Chair Alicia Aguilar complimented State Representative Don Tripp, because he attended a meeting about legislative concerns and he did listen. See exhibit N.

**7) Request by Steven Chavez to Publish a Moratorium Advisory Zone**

Steven Chavez asked the Commission to hold a Public Hearing for discussion on a proposal for a Moratorium on I 2 and I 3 uses in Valencia County. The purpose of this ordinance is tailored specifically for I 2 and I 3 Zoning Uses. Commission Chair Aguilar and Commissioner Padilla mentioned that they support this ordinance. Commissioner Pando made a motion to allow Steve to Publish a Moratorium; Commissioner Padilla seconded it. Motion carried with Commissioner Daves voting no.

**8) Belen Health Office**

The staff had a meeting with some representatives from the Belen Health Department including Michael Northup who is the District Business Manager for the New Mexico Department of Health, and Rosie Clifford Belen Health Nurse, regarding the Belen Health Office. They have been looking for alternatives to their existing facility. They have determined that the old Public Income Support Division in Belen may be available. They're asking if the county would be interested in dealing with the state on a lease. Mr. Fernandez has written a letter to Les Swindle, Director of Property Control Division for the State of New Mexico, asking for additional information. This facility is approximately 9,000 square feet, and there will need to be plumbing work done on about 6 examination rooms. See exhibit O.

**9) Representative Heather Wilson Requesting Information**

The next informational item is a letter Mr. Fernandez received from Representative Heather Wilson, requesting information for possible appropriation requests for the fiscal year 2002. Commissioner Daves commented on millions of dollars that were delivered to Bernalillo County over the years for a water & sewer infrastructure project, that's an area that he would like to pursue. Commission Chair Aguilar would like to see the Commission request a landfill acquisition closure and also transfer stations, and also to ask for Representative Heather Wilson's help in contacting General Services about the Juvenile Detention Center and removing the restriction that the building must be used for Juvenile Detention. Commissioner Pando agreed and hoped that someday they get master wells for Valencia County. Commissioner Daves commented that he would like to propose some of that and for Mr. Fernandez to come back after suggestions for the Commission to formally approve. See exhibit P.

**10) Meadow Lake**

Commissioner Daves informed the Commission of a meeting in Meadow Lake on Sunday where they discussed issues in Meadow Lake. He asked Road Superintendent Louie Pena to pursue some issues like a light on High Mesa Road and Meadow Lake Road, and also a belly dump to allow the road department more ability to haul and fill that they need to do.

**11) Airport**

Commissioner Daves mentioned that he didn't know that it was decided that the airport wasn't fit for ultra gliders. He asked Mr. Fernandez to explain. Mr. Fernandez answered that the issues were brought to the meeting, where it was decided. Commissioner Daves said he wasn't sure that the county might not be able to accommodate all those in terms of phasing and planning, and the liability issue. Commission Chair Aguilar replied that it was brought to the Commission, and the discussion was that the commission agreed with administration. Commission Chair Aguilar made a motion that the airport information was brought before the commission, and the commission directed Mr. Fernandez to take the action that he did. Commissioner Pando seconded, motion carried.

**L) Intra Budget Transfer.....Carlos Montoya**  
Mr. Fernandez presented a resolution requesting an intra budget transfer, Resolution #2001-07. There was a motion by Commissioner Padilla to approve resolution 2001-07; Commissioner Baca seconded it. See exhibit Q.

**M) Payroll/Warrants.....Carlos Montoya**  
A list of warrants was presented. Warrant #64155 thru warrant #64184 and payroll #45988 thru payroll #46182 totaled \$193,923.99, of that \$138,569.07 is from the general fund. Commissioner Pando made a motion to accept all three; Commissioner Baca seconded it. Motion carried.  
Mr. Fernandez also informed the Commission about warrants dated February 16, 2001 warrant #64185 thru warrant # 64402 in the amount of \$735,304.68. A special warrant, #64403 was issued in the amount of \$1,460.00. See exhibit R.

**Next Meeting**

The next Regular Meeting of the Valencia County Board of County Commission will be held on March 06, 2001 at 10:00 A.M. with Executive Session starting at 9:00 A.M. in the County Commission Room at the Valencia County Courthouse.

## **ADJOURNMENT**

There was a motion by Commissioner Pando to adjourn at 10:38 P.M.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, February 20, 2001 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/  
GARY DAVES, MEMBER**

**ss/  
HELEN BACA, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: March 7, 2001**

**For an official signed copy of these minutes and attachments see Book 39 Page 213.**