

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

April 17, 2001

Chairman Alicia Aguilar called the Meeting to order at 4:37 P.M.

PRESENT	ABSENT
Alicia Aguilar, Chairman Items A-C	Alicia Aguilar, Chairman After Item D
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

Valencia County Clerk, Tina Gallegos, read the agenda for executive session. Commissioner Pando requested to talk about Lobo Valley Acres and Santana under Litigation. Commissioner Pando made a motion to go into executive session. Commissioner Padilla seconded the motion. Motion carried.

Commissioner Pando made a motion to return to regular session. Commissioner Padilla seconded the motion. Motion carried.

Personnel Manager, Carol Anaya, reported that during executive session the following items were discussed: New hires pending pre-employment physical alcohol/drug testing for Simon Heffron under Cops I grant, temporary transfer for Alex Garcia from Road Department to Solid Waste, temporary transfer of Dwayne Campos from Road Department to Solid Waste, temporary transfer of Danny Trujillo from Solid Waste to the Road Department, resignation of Scott Schrider Sheriffs Department, status change from probationary to non-probationary status for Patricia Cain in Housing, Edward Hughes Cops II, Hutchin Hastings Cops II, Ben Marino Cops II, Manuel Torres Cops II, departmental promotion with a salary adjustment for Reyna Carrejo with a salary increase. Ms. Anaya asked the Commission to approve what was discussed during executive session. Commissioner Daves made a motion to approve what was discussed in executive session. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0, as Commissioner Pando voted yes, Commissioner Daves voted yes, Commissioner Padilla voted yes, and Commissioner Baca voted yes.. James Fernandez, Valencia County Manager, said that another matter regarding the Animal Control Department was discussed with no action taken.

Valencia County Attorney, Tom Garde, reported that during executive session under Potential Litigation the following was discussed: regards to the presenting of the Violet Road issue that is on the agenda today with a recommendation made to the Commission, a current policy with regards to easements and direction was given by the Commission to Mr. Garde with no action taken on that, and Potential Litigation in regards to the lawsuits involving Lobo Acres and Santana and direction was given by the Commission to Mr. Garde with regards to how to proceed on that action. Commissioner Pando made a motion that was all that was discussed during executive session. Commissioner Padilla seconded the motion. Motion carried with a vote of 4-0, as Commissioner Pando voted yes, Commissioner Daves voted yes, Commissioner Padilla voted yes, and Commissioner Baca voted yes.

Pledge of Allegiance was led by Valencia County Sheriff, Juan Julian.

Approval of Agenda

Commission Chair Aguilar asked that item F, Violet Road update is deleted from the agenda per County Attorney, Tom Garde. Valencia County Manager, James Fernandez asked that under the Managers Report, for informational purposes only, that Mr. Fernandez disclose to the public what is being requested for fire protection funds for the upcoming budget year. Commission Chair Aguilar told the Commission that former Commissioner Eloy Giron called Ms. Aguilar requesting that he be placed on the agenda under public requests, or someone else would be at the meeting. Mr. Giron was not at the meeting. Dieter Hartenhoff, Steve Otero, Nick Petrilyak, and Commissioner Pando requested to speak under Public Requests. Commissioner Pando made a motion to accept the agenda as amended. Commissioner Padilla seconded the motion. Motion carried.

Approval of Minutes

Commissioner Padilla made a motion to approve minutes for April 3, 2001. Commissioner Baca seconded the motion. Motion carried.

Public Requests

Dieter Hartenhoff, who lives in Meadow Lake, told the Commission that Canyon Road has potholes and the road is destructive. Commissioner Daves went to look at Canyon Road. Mr. Hartenhoff also stated that he has a problem with mobile homes in Meadow Lake. According to Mr. Hartenhoff, mobile homes are coming in at 12:00 at night or 2:00 in the morning and some mobile homes don't have paint on them. Mr. Hartenhoff will have a meeting tomorrow with the Zoning Enforcement Officer. Mr. Hartenhoff also said, someone needs to pick up the garbage in Meadowlake; he feels a mandatory pickup would be the best way out. Commission Chair Aguilar stated her concern about the mobile homes. Commission Chair Aguilar requested that Monica Mireles, Administrative Assistant to the County Manager, ask Larry Garcia to call Mr. Hartenhoff to arrange for community service to go to Meadow Lake to clean. Commissioner Daves apologized for not calling Mr. Hartenhoff, but stated that he will meet with him.

Steve Otero, from the Hispano Chamber of Commerce, informed the Commission that the Chamber would like to help the Village of Los Lunas with funds to host the July 4th festivities, as the Village could not host 4th of July festivities. Mr. Otero asked if Valencia County can help, and asked if County Elected Officials can help individually. In order to host the fireworks, \$12,000.00 needs to be raised and \$8,000.00 has already been raised. Mr. Otero asked Valencia County Clerk, Tina Gallegos to be the contact person to help in collecting money from County Officials. Commission Chair Aguilar told Mr. Otero to put her down for \$100.00, and Commissioner Pando stated he will donate \$100.00 and issued an open challenge to the elected officials of the county and the elected officials of the City of Belen, Los Lunas, and Bosque Farms.

Nick Petrilyak sided with Mr. Hartenhoff with the trash issue. Mr. Petrilyak said that there is trash thrown all over the Manzano Expressway. According to Mr. Petrilyak, there are five entrances to Rio Communities and on every street, there are beer bottles, whiskey bottles, and miniatures and suggested the County put litter bug signs. Mr. Petrilyak is also concerned about the speed maintained on Goodman Avenue between the hours of 6:30 A.M. and 8:00 A.M. and the same thing is going on on Route 304. Mr. Petrilyak said something has to be done with speeders on 304.

Commissioner Pando spoke about the Concealed Weapons Act that the Governor signed. Mr. Pando feels that was a very irresponsible thing that the Governor did. Mr. Pando stated that a bad guy is going to carry a gun no matter what, and would like to see the Commission take the initiative that the County pass a ban on concealed weapons and hopefully municipalities and other Counties will do the same.

Action Items

A) Presentation of Census-Incorporation of Rio Communities.....Tom Garde

B) Special Election Resolution-Incorporation of Rio Communities.....Tina Gallegos

Valencia County Attorney Tom Garde suggested combining A and B, because initially the Commission needs to hear from the Valencia County Clerk, Tina Gallegos to determine whether or not the signatures are sufficient with regards to petitions. Next, the Commission intends to hear from Assistant County Planner, Ruben Chavez to determine whether or not the census has been received. See exhibit A.

Valencia County Clerk, Tina Gallegos, informed the Commission that as of the meeting of February 20, 2001 the Commission moved to accept petitions and give them to the County Clerk. Ms. Gallegos presented a resolution and stated the election will be on July 3, 2001. The Rio Communities Association has provided the County Clerk's Office with the correct number of petitions, 200 signatures were required, 251 were submitted and 220 of those qualified. As per NMSA 1-24-2 the County Clerk's Office needs to publish the Resolution and the Proclamation for two consecutive weeks. The County Clerk's Office would like to do that on May 5, 2001 and again May 12, 2001. As per NMSA 3-2-6, the Clerks Office will need to publish again three consecutive times on the 9th the 13th and again on the 16th of May. There are approximately 3500 eligible voters in Rio Communities. The last day to register to vote will be on June 5, 2001 at 5:00P.M. Absentee and in-person voting will start on June 8, 2001 and there will not be an early voting location for this. The County Clerk's Office has received \$1.00 from Cindy Sluder with the Rio Communities Association, as the fee was asked for by the Commission for the Census information. See exhibit A.

Commissioner Daves told the Commission that there is an additional requirement that needs to be discussed, which is NMSA 3-2-2A-4, that any new territory shall contain the sufficient assessed value of real property in a sufficient number of businesses and that the proposed municipality will contain a sufficient tax base to enable it to provide a Clerk, Treasurer, Police Officer, and office space for a municipal government with any one year incorporation. Commissioner Daves believes the vote on this issue has to weigh in this condition as a pre-condition for going forward with the election.

Mr. Steven Chavez, Valencia County Planner, stated that Planning and Zoning was asked to do an analysis on the statutory requirement pursuant to NMSA 3-2-1 subsection E-2 and that is the Census population, which was done. Planning and Zoning received the data sets from the Middle Rio Grande Council of Governments and the data sets were surprising as Assistant County Planner, Ruben Chavez checked them and the analysis was completed today. The analysis shows that the population count pursuant to the Census is 3700 exactly, of course that count is rather low compared

to the projections that were made by the Planning Department and by the Middle Rio Grande Council of Governments. Rio Communities does meet the statutory requirement that is a one person per one-acre ratio. The proposed incorporated boundary includes just over 3,000 acres. Regarding Mr. Daves inquiries under NMSA 3-2-2 subsection A-4, Mr. Chavez has no information on that.

Cindy Sluder stated that she has the same information that she presented in November, which had to do with numbers such as projections for gross receipts taxes and other things that were available to Rio Communities when they incorporate. Ms. Sluder said new information was given to her by Mr. Chavez as she told Mr. Chavez it was difficult to receive the information regarding tax ID numbers on each business that was in Rio Communities. When the Rio Communities Association submitted information to Santa Fe, there were 29 of 50 businesses that were submitted. Ms. Sluder said there are approximately 70 businesses in Rio Communities that are based out of Rio Communities with tax ID numbers. There are two positions that need to be paid for and office space. Ms. Sluder received a letter from VIA as they have offered office space to Rio Communities. There is about \$299,000.00-\$300,000.00 on a budget that was prepared for Rio Communities by the Department of Finance and Administration. Ms. Sluder said that money would cover the City Clerk and the Police Chief, as it is applicable in statute. Ms. Sluder said their gross receipts tax numbers are based on approximately 30 businesses, if there are 70 businesses in the area it would bring up the gross receipts taxes.

Commissioner Daves stated he would like to have public discussion on this issue. Commission Chair Aguilar felt the Commission should follow the agenda as far as presentation of the Census and the Special Election Resolution. Commission Chair Aguilar said there was discussion in the February 5, 2001 meeting, and there was documentation provided. Commissioner Daves feels the issue of the ability of this area to become a municipality, was not resolved at that meeting and this is the appropriate time to resolve the issue.

Valencia County Attorney, Tom Garde, stated at the February 5, 2001 meeting this Commission voted to accept the petitions. There was discussion with regards to the liability of the operation. The purpose of this meeting today is to determine whether or not Rio Communities Association has complied with the statute and if they in fact have, then the Commission would adopt a resolution to allow the election to take place. The Statute requires under paragraph A subsection 4, that information is a requirement and that is this Commission's call as to whether or not that information in fact has been presented. At the previous meeting, direction was given to the Clerk's Office to evaluate signatures and await the census.

Ms. Sluder told the Commission that the people who want to incorporate could make their city work. DFA and the Municipal League signed off the numbers that were given to the Rio Communities Association and Ms. Sluder feels those people are confident that Rio Communities can do this.

Commissioner Daves would like to know if the money the County gets from roads would automatically transfer to Rio Communities. Valencia County Manager, James Fernandez, told the Commission that municipalities have similar structure available to them for road projects. Commissioner Daves asked, mileage of County roads submitted to the state have an automatic trigger for money to flow to the County, what would happen to that money? Mr. Fernandez answered that these roads would no longer fall under the jurisdiction of the County; at that point the County can no longer claim those road miles.

Ron Gentry, who lives in Rio Communities, told the Commission that Rio Communities has been working with the technical experts from Local Government Division and the Municipal League on this budget. The budget that was presented to the Commission, as any proposal, which is a proposed incorporation, cannot be set in concrete, as they are flexible. This budget was done with cooperation of Local Government Division, State of New Mexico Tax and Revenue, and Municipal League. These people went through this budget and assured Rio Communities that those are the funds that flowed through. Mr. Fulginetti today in Santa Fe, told Mr. Gentry if you're concerned about sub paragraph 4 in the statute, that was put into legislation last year, and it was added not to change the administrative portion of the County Government which the Commission's is an administrative decisions, it's not a financial or judgment of the budget. Mr. Gentry said the reason this law is there is not to have the counties oversee or micromanage a budget proposal for incorporation. According to Mr. Gentry, last year there was a group who tried to incorporate which was a national airspace area, and they wanted to incorporate it for some business reason, they had zero population, but statutes would not prohibit somebody from trying to incorporate it, so that law was put there to guarantee there was no zero budget incorporations in the State of New Mexico. Mr. Gentry has a meeting this Tuesday in Santa Fe with the Municipal League and Local Government Division to further polish the budget. Mr. Gentry stated, the budget that's presented for consideration on a yes or no vote should be to the people of Rio Communities and this is the Administrative part to get it to the people of Rio Communities. Commissioner Daves said, "I think the law is what it says it is and I think that if in fact there isn't the tax base to do those three things, we should vote no on the election." Commissioner Daves is not opposed to this; he wants to support this but believes it is not as narrow as the budget that was presented to the Commission. Mr. Gentry said "the budget's we did were done by the experts in Santa Fe, and you as Commissioners probably know what tax base is out there since you probably get your budget on the same." Mr. Garde stated that this Commission received a copy of the approved budget that was provided by DFA and so that would be a part of the record.

Bill Brow, a resident of Rio Communities, said the budget was generated by the state experts to show a no tax increase status, line 10, shows a \$90,000.00 other category. Mr. Brow said that the people

who are trying to pursue incorporation have done everything possible per the State and per this Commission. Mr. Brow believes the values that are stated in the budget are understated.

Nick Petrilyak, told the Commission that the amount of taxes in gross receipts collected from the 70 businesses as described is over \$1,200,000.00. Rio Communities will get a very small portion of that because it comes to the County first. There are sufficient funds generated through agencies to support a community of Rio Communities size. As far as having the proper personnel to maintain an administrative government in Rio Communities area, Rio Communities has qualified people for that purpose.

Commissioner Pando asked Valencia County Clerk, Tina Gallegos when the election will be held to elect officials in Rio Communities if the incorporation vote passes.

Mr. Garde stated that the statute reflects that 15 days after declaring the results, an election is to be called for the purpose of electing municipal officers.

Commission Chair Aguilar mentioned that if Rio Communities has a yes vote and it passes, the County's out of it. Mr. Garde answered, that's correct.

Ms. Gallegos read Resolution 2001-13 to the Commission. Commissioner Padilla made a motion to approve the resolution. Commissioner Daves seconded the motion. Motion carried on a vote of 4-0. Commissioner Daves stated that he would vote for incorporation if he lived in Rio Communities. See exhibit A.

C) Request Approval of New Space on Main St. for Belen Public Health Office...Rosie Clifford

Rosie Clifford, Belen Public Health Nurse, told the Commission that New Mexico's Public Health is very organized in that public health employees are state employees and are all run from a general group of public health employees in Santa Fe. Even though Public Health are state employees, they are housed by the County. Belen Public Health has been looking for housing for a couple of years and there have been few offers. Recently, Jerry and Sandy Martinez, offered a building that they own, which is just south of Pizza Hut on Main Street in Belen. The facility is wide open inside and therefore can meet the core plan that public health needs, and the cost of that will be done by the Martinez Family. Belen Public Health likes the location, the fact that it's a one-story building, and the high profile main street building as it keeps people in mind that public health does exist. The present building Belen Public Health is in was built in the late 40's. The landlord has been very helpful when a problem arises, but problems go on and on. One example, there is a deep trench under the building that floods occasionally, the last two times they've had to pump it out. The people who pumped it told the Public Health Office that they pumped out the equivalent of a backyard swimming pool. That has made the building unhealthy because it's always very moist in the building and the building smells of old age. The WIC (Women, Infants, and Children) program, in each of the two public health offices in the county issue \$42,000.00 worth of checks every month in each community, which is \$84,000.00 that's being spent. That is generated out of Public Health Offices to be spent in local grocery stores. See exhibit B.

Michael Northup, District Business Administrator, said the Belen Public Health Office is now located in a leased building on a month-to-month tenancy at the present time. The currently occupied building is at 855 West Castillo, and about a block and a half off main street. The Belen Public Health Office feels it can much better serve the residents of Valencia County in a different market building. Based on space requirements the Belen Public Health Office needs 4,326 square feet. In the 16 years the Public Health Office has been in Belen, they have grown from 3 to 8.5 employees. Clientele has grown from approximately 300 monthly to 1300-1500 monthly. Many times due to the fact that the waiting area is so small, clients have to wait outside of the building. The present location, which consists of 1600 square feet, is non-sufficient to house the staff and support of the client count. The present building has numerous electrical and structural problems. The exterior wall is giving away from the interior walls. The client count is so large, that a space saver type file system is needed in the office and in the present office that won't be able to happen. Jerry Martinez approached Belen Public Health Office with a building located at 302 South Main, which will meet the needs of the Belen Public Health Office and the County's budget. The Martinez's have offered the building for \$30,000.00 a year with a square footage of 4,364, the price is \$6.87 a leasable square foot. The Martinez's have agreed to meet the needs of Belen Public Health at the Martinez's expense, which includes the interior building and paving the parking on the outside. The Martinez's will do external maintenance to include landscaping. Belen Public Health has been approached by 3 additional perspective offers and they were all at least \$10.00 a leasable square foot or higher. Mr. Northup feels that renovating this building will also make Main Street more pleasing, as it will be changed from a former bar to a public health office. The Martinez's would like to have a ten-year lease with two five-year options to renew. See exhibit B.

Carlos Montoya, Valencia County Fiscal Officer, informed the Commission that the County is currently spending \$1,850.00 a month for rent for the Belen Health Office. The County is paying \$24,500.00 for the Los Lunas Hospital and Training School to provide public health service. By law, the County is legally only responsible for one public health office. The County is currently paying \$1,850.00 a month for the Belen office space. Commission Chair Aguilar asked if the County could legally enter into long year leases and with the dollar amount. Mr. Garde said that because of the dollar amount, the County would have to go RFP. The current Belen Health Office is a month-to-

month lease. Commission Chair Aguilar felt that the Commission could not act on this item because of the procurements, especially if the County has to go out RFP. The other concern Commission Chair Aguilar had is that when the current Health Department moved to Los Lunas Hospital and Training School, the County was told they didn't need much except for a few electrical outlets and a little remodeling, but when then Public Health Department came down, they said there are requirements such as the Disabled Disabilities Act, computers need certain plugs, handicap access, and parking, Ms. Aguilar would feel more comfortable in knowing exactly what the County is asking the Martinez's to do. Mr. Montoya feels that the Health Office at the Training School is sufficient for the County. Mr. Garde said the County couldn't act on this matter today. Commission Chair Aguilar asked if the County could do two five-year leases. Commissioner Padilla mentioned that the Belen Office is in horrible condition and they need more space for the amount of people the office is handling. Commission Chair Aguilar recommended that the Belen Health Department bring a blue print to the Commission, so the Martinez's and the Commission will know exactly what needs to be done. Mr. Montoya requested that the Commission find out what there is in the budget, if the Commission wants to contribute to a substation, the County then can figure out how much money they can afford and offer this money. Mr. Montoya thinks it's the responsibility of the Public Health Service to go seek the other funds they need to complete their mission. The County made a big investment when they moved the Health Office to the Training School. Commission Pando did not agree with Mr. Montoya and thinks it's the County's responsibility to provide this type of service. Commission Chair Aguilar recommended that the Belen Health Office work with the state as they are charging 28,000.00 rent for the Los Lunas Public Health Department, so if the County is going to improve Belen, then maybe there needs to be dialogue with Secretary Valdez and Property Control and saying the County is obligated to one Public Health Office, but is going to provide two, and work something out so good service can also be provided on the southern end. Commission Chair Aguilar made a motion to table this item for a couple of months, until the Commission knows where the budget is, and so the Belen Public Health Office can provide the Commission with information on the RFP as to requirements, and also if the County can have dialogue with Alex Valdez to see how the Commission can start working on this. Commissioner Padilla seconded the motion. Motion carried. Commission Chair Aguilar was not present for the remainder of the meeting.

D) Findings & Conclusions-Cobisa.....Tom Garde
Valencia County Attorney, Tom Garde, submitted proposed findings on Cobisa to the Commission for approval. These findings have been developed during the course of several hearings that were conducted on this case with the Commission. These findings and conclusions are required under the State Statute, and must be adopted by the Commission. Commissioner Pando congratulated Mr. Garde on this as they were well done. Mr. Garde is basically providing justification for the decision of the Commission. Commissioner Daves mentioned he could not vote for this decision as it is now, as Commissioner Daves will not support #'s 6,7,8,9, and 10 on the proposed findings Mr. Garde presented. Commissioner Pando made a motion to accept findings and conclusions as presented. Commissioner Baca seconded the motion. Motion carried with a vote of 3-1, with Commissioner Daves voting against. See exhibit C.

E) Request Support.....Michael Jaramillo
➤ **Joint Powers Agreement 2001-fall-2001 Summer Recreation Program**
Michael Jaramillo, Director of Parks and Recreation for the Village of Los Lunas, told the Commission that for the last 10 years Los Lunas has partnered with Valencia County, Los Lunas Schools, Village of Los Lunas, and the Village of Bosque Farms to have a summer program that runs for 3 weeks in June and 3 weeks in July. This program has encountered a lot of problems the last three years, due to state and federal regulations, and one of them has to do with the buses. For over forty years, the school has provided bus transportation, pickup from a specific route to a facility of summer rec. About two years ago, the state changed that where they could still do it, but Parks and Recreation had to pay the labor rates of the bus drivers. When this happened, the program suffered shortfalls. If people want to know where the 4th of July festivities went, it went to cover last years Summer Recreation Program. Parks and Recreation were short in their budget about \$14,500 because of this shortfall and other issues. In the last few years, the minimum wage has gone up, but the funding has not. This program has been in existence for more than 30 years. The Village of Los Lunas puts in \$58.00 per child. The Village of Bosque Farms puts in \$2,800.00 in their area, which is about \$27.72. Mr. Jaramillo asked the Commission to continue the partnership of \$4,000.00. Commissioner Pando asked if transportation would be included in the \$24,000.00 that Parks and Recreation has right now. Parks and Recreation will be able to provide transportation to activities, but parents will have to transport their children to the facility. Commissioner Pando made a motion to table this item until the Commission does the budget, but did comment on supporting this. Commissioner Baca seconded the motion. Motion carried. See exhibit D.

F) Roads-Update and Acceptance of Petitions.....Louie Pena
➤ **Violet Road-Update**
➤ **Santa Cruz Road-Accept for Maintenance**
➤ **Pacifica Drive-Accept for Maintenance**
Commissioner Pando asked to speak of Violet Road even though it was taken off the agenda. There has to be three road viewers plus Louie Pena, Road Department Superintendent. Commissioner Pando said, when the viewers go out there, they have to know it is to vacate, and there has to be a form to fill out. See exhibit E.

Mr. Pena informed the Commission that two roads have been approved for maintenance. Mr. Pena recommended that the Commission accept the roads. Commissioner Daves made a motion to accept Santa Cruz Road for maintenance. Commissioner Baca seconded it. Motion carried. Commissioner Daves made a motion to accept Pacifica Drive for maintenance. Commissioner Pando seconded the motion. Motion carried. See exhibit E.

G) Amend Zone Maps from RR2 to RR1/270 Phillips Road.....Pat Cordova

Nora Wilson, from Remax, represented Pat Cordova, as she is his agent. Ms. Wilson told the Commission, this was originally a large tract of land that belonged to Erlindo Cordova, who is the father of Patrick Cordova. In the mid 1980's, Mr. Erlindo Cordova gave each of his sons a 1-acre tract. Subsequently, Mr. Patrick Cordova bought 5 more acres in 1988. In 1993 Mr. Patrick Cordova approached Sammy Sais to split his 1 acre for a new home that he was going to build, and leave the other 4 acres on the plat, which Mr. Cordova thought was done. It became apparent this year, that it had not been done, Patrick Cordova approached Michael McCartney who was handling Planning & Zoning at that time and asked what could be done about the problem because he thought he had a home on 1 acre. Patrick Cordova advertised his home for sale for more than a year on 1 acre, and he didn't have one acre. Mr. McCartney sent Mr. Cordova to a surveyor to draw up what could be approved. Mr. Cordova spent hundreds of dollars to have this done. Patrick Cordova took it back in and Mr. McCartney informed him that's not what Planning & Zoning is going to do. At that point Patrick Cordova asked what his alternatives were. They were to come and amend the zone map, or request some sort of variance. What Mr. Cordova is faced with is a residence that he would like to sell that is presently on five acres, although he thought it was on one. According to Ms. Wilson, Planning & Zoning did not think that was a good idea and asked if Mr. Cordova would accept 1-½ acres and the parcel next to him would be 1 ½, Mr. Cordova agreed to that. What Planning & Zoning recommended to the Commission is rather than what Mr. Cordova originally asked for, is to get Mr. Cordova the home on 1 ½ acres and give the adjacent parcel a size of 1 ½ acres. Ms. Wilson would like to correct a mistake, and if the Commission can't do that, Mr. Cordova can live with 1-½ acres. Mr. Cordova plans to sell his home on 1 acre. See exhibit F.

Ruben Chavez, Assistant County Planner, told the Commission that they are talking about 3 acres with 10 feet taken from the 3 acres. In the original proposal, in creating those two 1-acre splits, 40 feet would need to be left, so the proposed plan is incorrect. In 1994 and again in 1998, Erlindo Cordova subdivided the property into 9 lots leaving the three-acre tract and another 7.3. The conversion of the land into numerous 1-acre tracts has initially initiated the implementation of the RR2 zoning district by the Board of County Commissioners. In an attempt to minimize groundwater contamination, Mr. Pat Cordova submitted a proposal for a lot split and was denied for the reason of creating substandard lots and for exceeding the number of lots allowed under a review. In the Planning & Zoning meeting, Erlindo Cordova retracted his proposal to split his lots. Planning & Zoning's concern was that they did see the intention of a skeem. In the proposed lot of the three acres that will be split, there is no cul-de-sac there, which gives Planning & Zoning the intent that road is going to continue. Planning & Zoning is holding to the 2 acre minimum in the valley, which is the ordinance that the Commission passed in order to preserve the greenbelt and minimize contamination in the soil. Mr. Chavez strongly recommended against the zone change and recommended the Commission stay within the RR2 zone. See exhibit F.

Ms. Wilson told the Commission that Mr. Chavez misspoke something, because the original plat that converted greenbelt property to 1-acre lots was done in the 80's, it wasn't done in 1994 or 1998. Ms. Wilson said the one thing that is a mistake, Sammy Sais didn't record a preliminary plat that Pat Cordova thought was recorded that put his home on 1 acre and left him 3. Commissioner Daves asked if a portion of the 3 acres are irrigated. Ms. Wilson answered yes. According to Ms. Wilson, the 1-acre is fenced separate, and there is a well and septic tank on the 1-acre property. See exhibit F.

Michael Lundmark, who lives in Los Chavez, told the Commission that month's back many people from Los Chavez participated in the creation of the new Planning & Zoning Ordinance. As a member of that community, Mr. Lundmark hopes that the Commission will have conviction to stand by that ordinance and to bring light into it by maintaining the RR2 within the greenbelt area. Mr. Lundmark told the Commission that ignorance couldn't be a justification for breaking the ordinance at this point.

Commissioner Pando made a motion to deny this request. Commissioner Daves seconded the motion. Motion carried. Commissioner Pando stated that the only reason he made a motion to deny this request is because there is 7 acres left and it is family owned.

**H) Appeal Planning & Zoning Commission Decision/Operate In-Home Daycare....
Mary Anne Garcia**

Liz Foster, President of the Childcare Association of Valencia County, represented Mary Anne Garcia to operate an in home daycare. Ms. Foster told the Commission that Ms. Garcia was denied to be licensed for 6 children. A person can either be licensed in New Mexico for 6 or 12 children. At the time Ms. Garcia was getting started, she did not know she could apply for 6 children, but knew she had to come before Planning & Zoning. Planning & Zoning denied her request for 6 and told her she could stay at 4 where she was at. Ms. Garcia is still in the process of trying to get licensed for 6 children. See exhibit G.

Steven Chavez, Valencia County Planner, told the Commission that Planning & Zoning supports this fully. Mr. Chavez believes it was a misunderstanding of Ms. Garcia's presentation. Mr. Chavez said this is something the County should encourage more of; it doesn't violate any ordinances or State licensure requirements. Ms. Garcia does meet the minimum square footage requirement. Commissioner Daves made a motion to grant the appeal. Commissioner Pando seconded the motion. Commissioner Pando stated that he admires people like Ms. Garcia, as it's hard finding a good babysitter that is trustworthy. Motion carried.

I) Request of In State Travel.....Steven Chavez

- **31st Annual Effective Zoning Administration Techniques/A. Jojola, E. Gonzales & T. Jaramillo**

Valencia County Planner, Steven Chavez, requested in state travel to a conference for 3 Zoning Officers. An agency called the University of Wisconsin does zoning education throughout the nation. This agency provides a very intensive course on zoning administration. Other zoning officials have been to the course before and indicated to Mr. Chavez that it is a worthwhile expenditure. Mr. Chavez believes the zoning officers will get a lot of training out of it. The course is in Albuquerque this year from June 18,2001 – June 20,2001. Mr. Chavez does have the cost of the course in the budget, as the cost is \$385.00 per person for 3 zoning officers, which will be \$1,155.00. Commissioner Pando made a motion to approve this request. Commissioner Baca seconded the motion. Motion carried. See exhibit H.

J) Manager's Report.....James Fernandez

- **Hospital Information Update**
- **Jail Monitor's Report**
- **CPI Increase-Solid Waste Collection & Disposal Agreement**

James Fernandez, Valencia County Manager, told the Commission that the Manager's Office has been attempting to gather information from other hospitals in the State of New Mexico who are communities similar in size to Valencia County. Mr. Fernandez has requested information from Taos, Portales, and Las Vegas as to how their wards are structured and how they were formed. No information has been received yet.

There are currently 106 inmates in the Valencia County Jail. See exhibit I.

Mr. Fernandez told the Commission that there is a revision in the Solid Waste Collection & Disposal Agreement that allows an annual consumer price index increase to be determined at this time of the year. The information has come from the New Mexico Department of Labor and that CPI rate increase is 3.5%. Notification will be sent out to each of the individuals who are haulers within the county notifying them that they are authorized to increase 3.5% if they wish. This is not a mandatory increase, but is allowed to increase under the provisions of the agreement. See exhibit J.

Mr. Fernandez received copies of an application for the fiscal year 2001 fire protection fund by the Fire Marshall. The amount that is being requested by each of the fire districts are: Rio Grande Estates Fire Department in the amount of \$52,518.00, Valencia El Cerro Fire Department in the amount of \$49,641.00, Los Chavez Fire Department in the amount of \$36,691.00, Jarales Pueblitos Bosque Fire Department in the amount of \$27,338.00, Tome Adelino Fire Department in the amount of \$55,395.00, Meadowlake Fire Department in the amount of \$43,164.00, and Peralta Volunteer Fire Department in the amount of \$27,339.00. John Cherry, Valencia County Fire Marshall, has worked with all the fire chiefs to put these applications forward, and will require the signature of the Chairman of the Valencia County Board of Commissioners.

K) Approval of Resolutions of Intra Budget Increase & Permanent Cash Transfers.....Carlos Montoya

Carlos Montoya, Valencia County Fiscal Officer, informed the Commission of money being transferred within the Commission budget to cover the shortfalls of the fiscal year. Mr. Montoya asked approval of Intra Budget Transfer # 2001-14. Commissioner Daves made a motion to approve. Commissioner Pando seconded the motion. Motion carried. See exhibit K.

Permanent cash transfer and budget increase which has to do with the fire protection cash reserve fund was next to be approved. Mr. Montoya asked for a cash transfer of \$6,000.00 to go into the fire protection cash reserves, out of this it will be put into individual line item accounts for the fire protection in Meadowlake Fire Department. Mr. Montoya asked the Commission to approve resolution 2001-15. Commissioner Baca made a motion to approve the resolution. Commissioner Daves seconded the motion. Motion carried. See exhibit K.

According to Mr. Montoya, Barbara Baker, Indigent Administrator, would like to increase her indigent fund. Ms. Baker would like to remove \$100,000.00 from her cash reserves and put it into the indigent fund account # 158. Mr. Montoya asked for approval of resolution 2001-16. Commissioner Pando made a motion to approve the resolution. Commissioner Baca seconded the motion. Motion carried. See exhibit K.

All warrants issued by the Valencia County Fiscal Officer on April 6, 2001 covers payroll process including warrants #64792-#64822 and includes payroll #46767-#46957 for a total of \$186,522.74. Mr. Montoya asked for approval of payroll vouchers. Commissioner Pando made a motion to approve payroll. Commissioner Baca seconded the motion. Motion carried. See exhibit K.

All checks issued by the Fiscal Officer on April 12, 2001 covering vendor bills processed of warrants #64824-#64930 includes a total of \$567,738.35. Valencia County Manager, James Fernandez told the Commission of an item that is voided, warrant #64927. Commissioner Pando made a motion to accept warrants. Commissioner Daves seconded the motion. Motion carried. See exhibit K.

The next Regular Meeting of the Valencia County Board of County Commission will be held on May 1, 2001 at 8:30 A.M. in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Pando made a motion to adjourn at 8:40 P.M. Commissioner Baca seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, April 17, 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: May 1, 2001

For an official signed copy of these minutes and attachments see Book 39 Page 933.