

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

May 1, 2001

Chairman Alicia Aguilar called the Meeting to order at 8:35 A.M.

PRESENT	ABSENT
Alicia Aguilar, Chairman Items A-J	Items K-R
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

Carol Anaya, Personnel Manager, asked that during executive session, they delete new hires, transfers, and terminations, and add an employee salary adjustment. Commissioner Pando asked that Herman Tabet sit in during executive session under litigation. Commissioner Pando made a motion to go into executive session and discuss the disclosed items only. Commissioner Padilla seconded the motion. Commissioner Pando voted yes, Commissioner Daves voted yes, Commissioner Padilla voted yes, and Commissioner Baca voted yes. Motion carried.

Commissioner Pando made a motion to return to regular session. Commissioner Daves seconded the motion. Commissioner Baca voted yes, Commissioner Padilla voted yes, Commissioner Daves voted yes, Commissioner Pando voted yes. Motion carried.

Carol Anaya, Personnel Manager, said during executive session the following was discussed: the resignations of Gabriel Facio from Animal Control, a salary adjustment with a certificate of completion for the International Association of Assessing Officers for Orlando Montoya with a salary increase, and the end of temporary employment for Carol Mallory. Ms. Anaya asked the Commission to approve what was discussed in executive session. Commissioner Daves made the motion to approve. Commissioner Padilla seconded the motion. Commissioner Pando voted yes, Commissioner Daves voted yes, Commissioner Padilla voted yes, and Commissioner Baca voted yes. Motion carried.

Tom Garde, Valencia County Attorney, said that during executive session the following was discussed: potential litigation with regards to information brought in by Herman Tabet, potential litigation in regards to animal control with no action taken, pending litigation in regards to Ben Bur Road, the Salas claim and direction was given to administration on that, the status of the Bernalillo County lawsuit, a County Personnel Ordinance, and the Jaramillo plat and Paul Woods request which are on the agenda today, no action was taken on any of the items. Commissioner Padilla made a motion that only the items disclosed were discussed in litigation. Commissioner Baca seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Motion carried.

Pledge of Allegiance was led by Boy Scout Troops 307 and 309.

Approval of Agenda

James Fernandez, Valencia County Manager asked that item L move up to the first item on the agenda, as members of the Older American Program have to submit the information to Santa Fe today. John Cherry, Valencia County Fire Marshall, asked to combine item P with item D so the EMS Ordinance will be with Dr. Froman's report. Commissioner Pando made a motion to accept agenda as amended. Commissioner Daves seconded the motion. Motion carried.

Approval of Minutes

Commissioner Daves made a motion to approve minutes for April 17, 2001. Commissioner Pando seconded the motion. Motion carried.

Public Requests

Leonard Garcia, from Meadow Lake, requested from the Commission police protection in Meadow Lake for traffic control. Mr. Garcia told the Commission that he asked Sheriff Juan Julian what type of traffic control they would do in Meadow Lake and the response he received back was nothing, that the Sheriff's Department is not doing traffic control as they have an agreement with the state, to do traffic control in Meadow Lake and other areas in Valencia County. Instead of speed bumps, Mr. Garcia would like to see the County use that money for more officers for more traffic control. Commission Chair Aguilar asked

Sheriff Juan Julian if it is true the County has an agreement with the State patrolling Meadow Lake. Sheriff Juan Julian said the agreement with the state is verbal, and that's because the State has one officer, they cannot handle the criminal calls, so the County handles most criminal calls and the State handles most of the traffic. Mr. Julian said the County handles most of the traffic, the State does not. Commission Chair Aguilar asked James Fernandez, Valencia County Manager, to get with the Sheriff and find out what agreement the County has with the State and if it can be expanded.

Gil Grey, said Thank You to the Commission for not supporting the Cobisa issue.

Action Items

Request Approval of Resolution of Older American Contract of Services.....Mary Ann Gonzales

Mary Ann Gonzales, from the Older American Program, presented to the Commission an area plan and a resolution to submit to the State for services in Valencia County. This resolution assures the State that the Commissioners are aware of the Senior Services that this program provides to Valencia County. Commissioner Pando made a motion to approve the plan. Commissioner Padilla seconded the motion. Motion carried. Commissioner Pando made a motion to approve Resolution 2001-18. Commissioner Daves seconded the motion. Motion carried. Commission Chair Aguilar asked that the item of a 501 Corporation be put on the agenda, as Commissioner Pando asked about it. See exhibit A.

Presentation of Valencia County Trash Committee Plan of Work.....R. VerEecke/Commissioner Gary Daves

Robin VerEecke thanked the Commission for allowing the Trash Committee to take place, and thanked the committee members and attendants for their support and volunteer time. Ms. VerEecke submitted to the Commission a Plan of Work. Both education and enforcement were big topics during Committee meetings, and Ms. VerEecke thinks they will be necessary as part of the solution also. The trash committee reviewed the trash problems facing the County and the Committee hopes for more public input. The Committee has had regular meetings and will continue to have regular meetings, which are open to the public, to undertake tasks associated with the elements of a successful solid waste program. The Committee would like to submit recommendations to the Valencia County Commission on or before November 1, 2001 so the Committee can adequately meet the requirements that were set up by the legislators of the 2002 legislative year. Commission Chair Aguilar asked what the trash abatement plan was. Ms. VerEecke answered it is to stem the flow of trash within Valencia County, mostly the illegal type of dumping. Commissioner Daves said that citizens of Valencia County submitted a resolution to the Commission asking for the creation of a trash committee and also went to Santa Fe and submitted something to them. Commissioner Daves said that whatever the trash committee comes up with would be what they present to the Legislature and believes the Legislature will like to solve the Valencia County trash problem. Commissioner Daves thanked the members of the Committee who were present at the meeting. See exhibit B.

Presentation of the Middle Rio Grande Regional Water Plan.....Jim Gross

Jim Gross, from the Middle Rio Grande Council of Governments, presented to the Commission a Regional Water Plan. Mr. Gross asked the Commission for financial support from the County. The planning region is Sandoval County, Bernalillo County, and Valencia County, and all three counties are participating. Most of the large governmental municipal entities are participating, along with the Conservancy District, a couple of flood control districts, the Water Assembly, and the state government is participating through the Interstate Stream Commission. The Water Assembly and the Council of Governments have agreed that they want a plan done by June 2003. The Water Assembly and Council of Governments have agreed that what's desirable in terms of funding over the next two years would be on the order of a million to a million and a half. There are several sources of funding. Mr. Gross is pretty sure that \$300,000.00 will come from the State of New Mexico over the next two years because it's already been authorized and appropriated. Mr. Gross is optimistic that the Interstate Stream Commission and the U.S. Army Corps of Engineers are going to put up as much as \$300,000.00 to support some of the analysis of alternatives over the next two years. The Water Assembly people have been very active at fundraising and their target is to try to come up with as much as \$200,000.00 over the next two years to contribute to the development of this plan. Local Governments are being asked to support it as well. The request from local governments sums up to about \$260,000.00. The amount Valencia County is being asked for is \$15,000.00. This money is voluntary. See exhibit C.

Mr. Wesley from the Middle Rio Grande Council of Governments gave a presentation to the Commission. The regional water planning is balancing water use with renewable supply. The whole water body is being used today, all the surface water, and a fair chunk of ground water. See exhibit C.

Commissioner Padilla is a representative from the Water Board. Commissioner Padilla asked how the figures of what each County should pay, were determined. Mr. Gross explained, what was determined, was to allocate the great bulk of the cost for the local government support to the cities and counties based proportionally on population. Commissioner Padilla asked if the pueblos are participating in this project. The original pueblo participating member was Isleta, over this last year, they have elected to drop out of the program, and they are not participating actively on the Water Resources Board. Commissioner Padilla asked how many other regions are there besides this one? Mr. Gross told the Commission, there are 16 statewide; this region is the one with the largest population and the largest water demands. Commissioner Padilla asked if all the other regions are being assessed in the same form as this region for funding purposes. Mr. Gross stated that some are unable to get local support because they don't have the resources to do that, other portions of the state planning regions have probably contributed an even larger proportion per percentage to the development of their plan with low resources. Commissioner Pando asked

why the state stopped its funding. Mr. Gross said, "I think that the reason they would tell you is that they felt that the rates at which the funds were being tapped had already been allocated to the program, didn't warrant an appropriation last year." Commissioner Pando asked, if the 1 to 1 ½ million dollars that they're asking for is strictly for planning. Mr. Gross answered, "I won't kid you and tell you that success is guaranteed, it's going to be tough, it's going to be a lot of political challenges to face as well as technical ones." Commissioner Pando stated, "one of the things that's always bothering me, is the fact that the Rio Grande starts in Colorado and winds up in the Gulf of Mexico, which consequently you got Taos, you got a bunch of Counties lined up." Commissioner Pando asked what other communities and what other counties are actually contributing? Mr. Gross answered, Bernalillo County, Sandoval County, and Valencia County as well as all the municipalities are being asked to contribute funding this year to the regional water plan. Last year, there was a delay in asking for funding, so some were not able to contribute at the level requested, and some were not able to contribute anything at all. Mr. Goss stated that a coalition of six Middle Rio Grande pueblos are close to beginning a planning effort on their own that may be coordinated with this planning region. Commissioner Padilla asked, "I think the State of New Mexico has to pay Texas about 800, 700 and some thousand acre feet of water per year, is that the law more or less right now?" According to Mr. Gross, there is a delivery requirement that is basically tied to Elephant Butte reservoir, and there was a compact negotiated more than 70 years ago and this region was given an allocation of water that had a little bit of variation in it, and all of the surplus from wet years was going into storage in Elephant Butte for uses down stream of that location. See exhibit C.

Commissioner Pando asked about Cochiti Dam. Mr. Gross stated that Cochiti is an entrapment facility; it does hold water, some for water uses, some for recreational uses. Mr. Gross believes it was originally conceived to be able to impound much more water for storage, for water supply, as it was finally built there were a number of constraints that came up. See exhibit C.

Commissioner Pando asked, since the pueblos are thinking about doing their own Water Resource Board, is there going to be two separate boards and which direction are we really going to go? Mr. Gross told the Commission, the discussions that are occurring with the pueblos are between the Interstate Stream Commission staff and the pueblos and they have been encouraging pueblos to participate directly on the Water Resources Board. See exhibit C.

Commissioner Daves asked how much money Valencia County put up last year, which was \$1,000.00.

Request to Publish Advertisements for Construction of Rio del Oro Bicycle Path Phase I.....J. Guilbault

Jacqueline Guilbault, from the Valley Improvement Association, told the Commission that the first phase of the Rio del Oro bicycle path will be built along the Manzano, from the north Rio del Oro Loop to the south Rio del Oro Loop. This is a project similar to the Tome Hill project that was just finished. It is an enhancement project under the New Mexico State Highway Department using federal enhancement money and VIA will be providing the actual funds for this project. In March 2000 a resolution was done, and March of 2001 a joint powers agreement was done. The next step is for Ms. Guilbault to go out to bid the projects on asking permission to advertise the bid, and along with that there's a form that needs to be approved and get signed at the appropriate time, and a certificate servicing a preconstruction. Ms. Guilbault told the Commission she will bring the form back to the County Manager, County Chairperson, and the County Clerk and have it signed within the next couple of days when she has a final document from the Federal Highway Department. Commissioner Padilla made a motion to approve Jacqueline Guilbault's request. Commissioner Pando seconded the motion. Motion carried. Commissioner Pando asked, "on number 2 here it says the County shall pay all project costs which exceed the total amount of One Hundred Two Thousand Dollars, I presume when you say County, you're talking VIA." Ms. Guilbault answered, "right, when we did the Joint Powers Agreement and the Resolution, you had a letter in the packet stating VIA will be providing that." See exhibit D.

EMS Medical Report.....Dr. Phillip Froman

Dr. Phillip Froman, told the Commission that he did not know he was on the agenda until last week and did not know specifically what the Commission wanted presented, so what he did was a complice outline of what has transpired in the last eleven months, where the concerns are in the near future and where the bumps in the road are going to be. Dr. Froman told the Commission, during the last eleven months, all County departments now have new County protocols, which are updated to the current states bill of practice. Also, pending with that is some operating guidelines which will include more of a procedural side of EMS along with current OSHA guidelines. Dr. Froman stated they have put in place many areas of accountability for the EMS departments, which includes drug laws for all departments, the utilization of incident report forms, verification of specific areas of training, and documentation of all pharmacy components of the job. Dr. Froman said there has been one inspection since he took over as Medical Director, which was in Belen, and got rave reviews from the State, stating that now everything is in place that needed to be in place. There is now a quality assurance program in the County. For the last four months and for the next two more months, Dr. Froman is doing a traveling road show which is going to all the departments and doing power point presentations on what quality assurance is, what documentation is and bringing people up to the current standard of care. There will also be additional education programs, there will be a weekend educational program in June as well as continuing expansion quality assurance programs. 100% of the runs that EMS goes on are mandatory review by the department, then by the QI group then by Dr. Froman. Dr. Froman thanked the Commission for current movement towards EMS Coordinator position, as interviews start tomorrow. Dr. Froman feels there is the potential for the continued concern as far as hiring a true quality person at the current salary, and Dr. Froman stated he does not know if the Commission has considered looking at other avenues of funding to increase that salary to get a quality EMS professional. See exhibit E.

Dr. Froman has sent 2 letters to all parties that will be involved with the medical priority dispatch system, which will have dispatchers well aware of what medical concerns are and the specific cards to communicate to people on the phone. They dispatch appropriate medical equipment to specific calls, calls that are deemed not emergent, they don't send units running red lights and sirens and put the community at risk. Letters have been sent to all dispatch centers, the chief of police, and the County Sheriff. The first letter that was sent out, no comment was received back, the second letter had no negative comments come back to Dr. Froman. Dr. Froman is looking at what is involved in getting the appropriate dispatch centers trained. See exhibit E.

Another concern of Dr. Froman's is the accountability of the transport service; Dr. Froman feels the Commission has a role in increasing the accountability of the transport services for this community. Some areas may be the County looking at and mandating response time criteria and having that information reviewed on a monthly or quarterly basis, having the County aware of what type of staffing is taking place by the transport service, looking at quality assurance and educational concerns within the transport service, and having the transport service Medical Director present some information to the Commission as well. Dr. Froman stated he thinks the County needs to be more accountable to get the level of care to this community where it is needed, as one is setting clear standards. If the standards are set to give the transport service specific time frames to react to the standards and if standards can't be met under the current system, consider RFP, if the County deems it necessary. Commission Chair Aguilar told Dr. Froman that at a previous meeting, Commission Chair Aguilar asked for an evaluation as a proposal in writing, but also wanted Dr. Froman's recommendations in writing so it could come to the Commission. Commission Chair Aguilar has not received that yet. The reason Commission Chair Aguilar asked for that information was so it could be brought to the Commission, be discussed, then the Commission would know how to proceed. Commission Chair Aguilar mentioned that one day last week, Valencia County was down to one ambulance service, and when there was a call for emergency, the ambulance service couldn't even respond, and this is where Commission Chair Aguilar thought somebody should be telling the Commission this is happening. Dr. Froman told the Commission that's what prompted the need for MPDF's, Medical Priority Dispatch, and two letters were sent out to all the dispatch centers. Dr. Froman told the Commission that James Fernandez, Valencia County Manager, and John Cherry, Fire Marshall are aware of the steps that Dr. Froman has been taking to try and upgrade the dispatch. James Fernandez, Valencia County Manager, mentioned that he was aware of Dr. Froman attempting to try to get the dispatch centers to update their proceedings. Commission Chair Aguilar said the County needs to have ambulance service that responds and follows the ordinance and has advanced level training, not just intermediate. Dr. Froman told the Commission "as the County Medical Director, I do not have control for the ability to mandate what Living Cross does. I have met with Living Cross's administration multiple times in attempts to clarify what I feel is necessary to give the community appropriate medical care, but I do not have control over them." Dr. Froman told the Commission he feels that the County does need to create standards. Commission Chair Aguilar mentioned there is an ordinance in place and the ordinance dictates there must be paramedics at every call. Commission Chair Aguilar asked, if that isn't being provided, who's there to assure the safety of the community? Dr. Froman stated that up until a couple of weeks ago he was under the impression that there was paramedic care. Dr. Froman received a call last night at home and was told about a couple of cases where paramedics did not respond on calls. A set of potential steps to follow was handed out to the Commission. Dr. Froman stated his next step would be to meet with the Commission and talk about what steps to do to get the system up to a paramedic level system with the appropriate number of units. Dr. Froman would like to meet with the Commission, the transport services Medical Director, the transport service, and the County Manager to discuss these issues, as these are not issues he can take a piece of paper and give the Commission an answer. Commission Chair Aguilar told Dr. Froman that she would like him to give the Commission a proposal in writing that says this is your EMS, this is your responsibility, these are the problems, and these are your options. See exhibit E.

John Cherry, Valencia County Fire Marshall, told the Commission that he and Dr. Froman have been working for over two weeks now on the ambulance service problems. Mr. Cherry stated that Shawn Lancer from PRC said that "Valencia County does not regulate Living Cross Ambulance, PRC does, you can only enforce your ordinance." Mr. Cherry told the Commission that Mr. Price from Living Cross Ambulance went to him about two weeks ago requesting to get on the agenda in order to amend the ordinance to go from paramedic level service to intermediate level service. According to Mr. Cherry, Tom Garde, Valencia County Attorney, decided there could be a special meeting, but Mr. Cherry decided not to go with that. Mr. Cherry said, "I would not like to see Valencia County go with the level of care and go to an intermediate type service. Commission Chair Aguilar stated this is a serious issue and asked administration to call a meeting and have PRC, EMS Bureau, Vince Montoya, and Dr. Froman at that meeting. See exhibit E.

Commissioner Daves told the Commission he would like to have an agenda, an organized presentation of some alternatives, what steps who needs to take and who's responsible, and the responsibility of Living Cross. Mr. Cherry mentioned that at the present time people are documenting incidents of happenings so there will be a firm record. Mr. Cherry assured the Commission the fire rescue would protect the citizens of Valencia County until this problem can be resolved. Commission Chair Aguilar stated that in the last meeting with Superior Ambulance, they had made a comment, that if at any time the County needed them or if Living Cross could not respond for whatever reason, if they were contacted, they would help out. Commissioner Pando asked Dr. Froman if there was a reason for ambulances piling up at one call. Dr. Froman stated there was no reason for that to be happening; there should be a County unit and one transport service. See exhibit E.

Gary Gonzales, from the audience, told the Commission he would like to open an ambulance service for the County. Mr. Gonzales has been a paramedic for eight years, he got a building, received a County business license, a city business license, and will start moving in and buying equipment this week.

Request Permission to Publish Amendments to EMS Ordinance.....John Cherry

John Cherry, Valencia County Fire Marshall, requested permission to amend the EMS Ordinance to upgrade. A draft will be presented prior to advertising. There are currently two ordinances that are 99-5. Commission Chair Aguilar told the Commission if there are two ordinances one needs to be repealed and only have one in the books. Also, Commission Chair Aguilar told Mr. Cherry she would like to see what he is upgrading. Commissioner Pando made a motion to table this matter. Commissioner Daves seconded the motion. Motion carried. See exhibit F.

Request Vacation of a Portion of Violet Rd./Viewers Reports.....Louie Pena

Louie Pena, Valencia County Road Superintendent, told the Commission that most of the viewers are in favor of vacating Violet Road except for one. Commission Chair Aguilar asked if the appropriate administrative fee has been paid. Steven Chavez, Valencia County Planner, told the Commission he is not familiar with the procedure, and an application has not been submitted to Planning & Zoning. Commission Chair Aguilar stated that in the Subdivision Regulations, it says that if you're vacating a plat, the procedure requires a fee, and an application with Planning & Zoning. Tom Garde, Valencia County Attorney, told the Commission that the procedure that has been utilized is the State Statute, which discusses how to vacate a County road. Mr. Garde was not familiar with the Subdivision Regulation and the law is that the County can make more restrictions than state law. This item was directed to Planning & Zoning, as they will contact Mr. Maes. Commission Chair Aguilar made a motion to table the item until the Commission has all the facts and all the proper procedures are followed. Commissioner Daves seconded the motion. Motion carried with a vote of 3-0 as Commissioner Pando abstained from the vote. See exhibit G.

Request to Amend Zone Maps from RR2 to RR1/Lands of Kevin Jaramillo.....Kevin Jaramillo

Mary Rose Jaramillo requested to amend zone maps from RR2 to RR1. The main reason the Jaramillo's want to do this is they have a home there and the people living there want to buy the house. The Jaramillo's would like to make it a more affordable sale to the people, as they cannot afford the two acres, and would like to buy the house with 1-½ acres. Ruben Chavez, Assistant County Planner, told the Commission on April 10, 2001, the Planning & Zoning Commission heard this request by the Jaramillo's. At that meeting the Planning Commission did recommend in favor of the zone change. This is approximately a 5.5 acre piece of property. The Jaramillo's own two parcels. One is a two-acre parcel and the other is a 3.5-acre parcel. The Jaramillo's would like to replat it and make the two-acre parcel a smaller size, being that it's in the RR2 district, they could not make the 1.5-acre tract, so they have chosen to come through the zone change process. Commissioner Pando asked Ms. Jaramillo why they couldn't sell the two acres since it's already plotted. Ms. Jaramillo told the Commission the people living in the house on the two acres want to buy it, but they don't need the two acres, they would like to make it the minimum so they can afford the purchase. Commissioner Pando asked, is that ½ acre going to make such a substantial difference in money? Ms. Jaramillo answered, for them it is. Commissioner Pando asked, what's going to prevent you from coming back next week or next month and ask to cut the four acres into two-acre lots? Ms. Jaramillo answered, there's not any houses built on those. Ms. Jaramillo stated that this is not their intention. Commission Chair Aguilar asked, how far from the home would be the south boundary? Ms. Jaramillo answered, "There's a carport passed the house, and from the point of the house to the cut, it's more than fifteen feet." Ms. Jaramillo stated like twenty feet from the house. Commission Chair Aguilar asked, from that two-car carport to the cut, how far? Ms. Jaramillo answered "maybe five feet from there. Mr. Chavez stated there's a 15-foot setback. Ms. Jaramillo stated, the carport's just there, where they park is on the left side. Commission Chair Aguilar stated "I am disturbed by a P&Z Commissioner publicly making a statement that they disagree with our zoning ordinance and basically a refusal to adhere to it, I will go to the Zoning Ordinance, and if we're going to do a lot split or make a change, there has to be a hardship on the property, and that should be one of the reasons why the split is taking place for less than the two acres." See exhibit H.

Commissioner Daves asked where the septic system is located. Ms. Jaramillo answered it's behind the house. Commissioner Daves asked, where's the well? Ms. Jaramillo answered, "I couldn't tell you where the well is." Commissioner Daves asked, "Ruben, can you tell me this land zoned that's commercial, what's there?" Mr. Chavez answered, "That's that Romero Salvage." Commissioner Daves asked, "Does it take up that area there?" Mr. Chavez stated "I don't think it takes up all of it Commissioner, I think it encompasses part, so I don't know how much more than just their property that takes into account." Commissioner Daves stated "and there's a tiny triangle of dead land in the sense it's too small for anything to the east of that red, or the east of commercial." Mr. Chavez stated, "that's correct, and if those are indeed separate lots, because these are on your zoning maps, you got all this entrapment correct, we'll get there when the Assessor merges with us, but yes, why that pie was there, I have no idea why it was zoned that way." Commissioner Daves, asked, "if they are separate lots, or one person owns them all, the person can build a house on that right, couldn't they or not, or they couldn't maybe get a permit for the septic tank." Mr. Chavez stated, if you own a piece of property and the zoning boundary goes through the center of the line, that does not mean you have two lots, it means you have two zonings on that house, so you couldn't put one house over on the residential side, and one on the commercial if the zoning ordinance says one house per lot. Commissioner Daves asked if Belen serves within its limits, all of that area with water and sewer. Mr. Chavez stated not that he's aware of. Commissioner Daves asked, "Does Belen serve that portion of Belen?" Mr. Chavez answered, yes. Commissioner Daves asked, so city water and sewer is very

close to that property, right? Mr. Chavez answered, yes. Mr. Chavez stated there are 20-25 lots from the city boundary to this property. See exhibit H.

Michael Lundmark asked the Commission to consider the work that went into the ordinance, which was created to preserve the land within the greenbelt. Mr. Lundmark stated, this is what appears to be an opportunity to profit from a variance away from the ordinance. Mr. Lundmark asked the Commission to preserve the integrity of the ordinance by voting against this. See exhibit H.

Commissioner Pando stated the only thing that bothers him, is there is a carport and that line is going to run about three feet from the carport, so what the Commission's doing here is we're creating another problem because now the County's going to have to come back and issue a variance for the structure that's there. So, what Commission's doing in essence is adding to the problem instead of solving it. See exhibit H.

Mr. Chavez recommended against the zone change. Commissioner Baca made a motion to deny this request. Commissioner Padilla seconded the motion. Motion carried with a vote of 4-0.

Request Renewal of Amendments to Zone Map from RR1 to SP.....Jerry Rodgers/Paul Wood

Steven Chavez, Valencia County Planner, told the Commission this is a request for a renewal of a zoning district from the previous 1987 ordinance. In March 1999, the Commission gave approval for a temporary zone change from RR1 to Special Purpose Zoning for the purpose of excavating dirt off this particular parcel. The condition of the zone change at that time in 1999 was for 2 years. The new ordinance did not go into effect until November 10, 1999. Jerry Rodgers and Paul Wood came before the Planning and Zoning Commission in early April of this year, just weeks before the expiration of the temporary zone change. The Planning & Zoning Commission did recommend a continuation for an extension of the temporary zone change from RR1 to SP; they gave them an additional 3 years. This morning Planning & Zoning determined there was a notice defect. One of the adjoining property owners did not receive notice in this case. Commissioner Baca made a motion to send this back to Planning & Zoning until proper notice is made. Commissioner Padilla seconded the motion. Motion carried. See exhibit I.

Request to Amend Zone Maps from RR2 to RR1.....Nash & Mary Jaramillo

Ruben Chavez, Assistant County Planner, told the Commission this case was heard at the Planning & Zoning Commission Meeting on April 10, 2001. There was some controversial issues that led to this presentation. Planning & Zoning heard both sides and made a recommendation to the County Commission to approve the zone change. Ms. Jaramillo asked the Commission for a zone change from 2-acre minimum to 1 acre for the sole purpose of putting a manufactured home for residence. This land is on the border of Isleta and Peralta. This property was purchased from Otero Enterprises and there is still an existing Real Estate Contract on it. Commission Chair Aguilar asked if Otero Enterprises was notified of the intent to split the property. Ms. Jaramillo said, "as far as we understand, yes." Mr. Chavez stated he does not see the Otero's on the list of people notified, but will try to cross reference the numbers and see if they might be Tierra Grande Land Corporation or not. Mr. Chavez told the Commission, when owners were notified, it was the assessed owner that was notified. See exhibit J.

Commission Chair Aguilar stated, the Jaramillo's came before Planning & Zoning for a variance, basically at the time instead of doing a split, the Jaramillo's requested a variance to put the second mobile home, the one far east. Commission Chair Aguilar asked "and you did this, so then it was well, you already knew what you wanted to do at that time, but instead of splitting it, however somebody told you or whatever the reason you said, we want a variance instead of a split, and you were granted that. Now you're coming back and you brought in the third mobile home, so now we're creating 3 splits, but they're all under two acres." Commission Chair Aguilar asked Ms. Jaramillo, when they put the mobile home to the far east if they followed HUD guidelines. Ms. Jaramillo said it is on the foundation also; there are piers and footings. The present one is on cinderblocks and went in after the zoning ordinance was in place. According to Commission Chair Aguilar, if the ordinance was in effect, they have to follow flood plain ordinance of that. Commission Chair Aguilar asked if there is a registered engineer giving specification of the foundation as far as the elevation certificate and how the foundation is to be put in there. Ms. Jaramillo stated she has a copy of the elevation certificate that David Tibbets did. Commission Chair Aguilar stated she sees the elevation certificate but in complying with the zoning ordinance it has to be by a registered surveyor because of the HUD specifications that are a little bit different then just tying it down and considering it permanently anchored. Ms. Jaramillo stated, "I don't honestly don't think we got that far, because as soon as the mobile home was put on the land, on the foundation, we were given a notice to remove our mobile home within 90 days, that is when we completely stopped everything that we were doing." Commission Chair Aguilar asked about the foundation before the mobile home was brought in. Ms. Jaramillo said, "Yes, we have a copy of the permit for the foundation." Commission Chair Aguilar, asked, "Does it follow the specifications of a registered engineer?" Ms. Jaramillo answered, "Oakwood Mobile Homes are the ones that contracted the foundation to be done, so it would have to be, under our knowledge, it would have to be under ordinance for a foundation. They're the ones that handled the foundation, we never hired anybody ourselves." Commissioner Pando stated that David Tibbets does issue the legal elevation certificates. Commission Chair Aguilar said, "an elevation certificate is different than what I'm talking about, I'm actually talking about the foundation and what needs to be put in there prior to, David Tibbets all he does is acknowledge where the elevation is, am I not correct?" Commissioner Pando answered yes. Commission Chair Aguilar said "so now if we have a double wide out on that piece of property and I see it sitting just on cinderblocks, to some, they may say tie it down, skirt it, it's on a permanent foundation. I'm saying, our zoning ordinance indicates there must be a registered surveyor because of the HUD specifications they're

entirely different. There must be piers that go behind the cross line. Am I not correct? It has to be cinder blocked and there has to be openings.” Mr. Chavez stated that Commission Chair Aguilar is absolutely correct. When the Jaramillo’s placed that, the Rural Addressor went out to inspect the property and identified the property as a violation in the ordinance and therefore a zoning officer went out and sited the applicant. So Planning & Zoning has not inspected that to see if Mel Davis has gone ahead and approved the footing, nor has Rural Addressing gone out to see if it’s properly anchored and tied down and secured. According to Mr. Chavez, there was not a permit given for the foundation. The Planning & Zoning recommendation was to deny. Commissioner Pando stated the reason these people applied for the variance was because they couldn’t afford to pay a surveyor at that time. Commissioner Pando felt that at that time it should’ve been addressed, it wasn’t addressed and that is not the Jaramillo’s fault. Commissioner Daves asked if the Planning & Zoning office issued the variance. Mr. Chavez answered not for this one, at a prior year, a second mobile home was placed on the 3.7 acres, at that time they put a second mobile home on the 3.7 acres, today they are here for a third mobile home. Commission Chair Aguilar said, “there was a large piece of property, they couldn’t put a second mobile home on it because it’s one lot and there was already a home on the property. They wanted to have a family member live on the same 3.7 acres so they proceeded to get a variance to allow a second dwelling on a lot whether it be 2 acres, 3.7 or whatever, am I not correct?” Mr. Chavez said that is correct. Commission Chair Aguilar said “so now they have one home on the far west end, one home on the far east end, then they bring in a third mobile home and put it in the middle. By putting it in the middle, now we’ve got a violation because it’s another home, but now they’re wanting to do a split for 1,2, and 3, which brings it down to less than two acres.” Ms. Jaramillo stated, “according to the Planning & Zoning person that we were working with, we went to him, he’s the one that told us what to do. We explained the whole situation, we brought the original plat maps, said this is what’s going on. Tell us what we can and cannot do. The first thing he told us to do was to get a survey. We got the survey. Second thing he told us to do was to split the land into three. We did the land split according to what he told us we did. After that, he told us we could put the mobile home. So we came to him asking him what we needed to do and this is the avenue that he directed us into doing. So it wasn’t that we intentionally were trying to go around the system, we were going by what he told us to.” Commissioner Pando made a motion to approve the zone change. Commissioner Daves seconded the motion. Mr. Chavez mentioned it appears to him, proper notice was not given on lot 2. Since there was inadequate notification, Commissioner Daves withdrew his second. Motion dies because of lack of a second. Commissioner Daves asked what the implications are on the notice. Mr. Chavez said there may or may not be a flaw in the notice. Commissioner Daves made a motion to approve the zone change request. Commissioner Pando seconded the motion. Commissioner Daves gave facts & findings on this motion “I think based upon actions of the County, that not to approve this zone change request does inordinate harm to good faith applicants that outweigh the other considerations at hand, namely preservation of the greenbelt and so on.” See exhibit J.

Michael Lundmark from Los Chavez told the Commission, “we have an ordinance, these people applied for a variance in the ordinance, and they put a second mobile home there. When they applied for the variance, they understood the procedure; they got the second mobile home, put it on the property. Okay. They know the ordinance exists by the application of the first variance. What they do is they go out and buy another mobile home and throw it on the property, and then what they want you to do is they come up here to the Commission and ask you to vary your ordinance to comply with their noncompliance of the ordinance, or their irregularity, or their violation. We simply have to have some integrity or add a little credence to the integrity of the ordinance. So what they’ve done is they got a third mobile home. They were sited, and now instead of correcting the problem here, is they’re asking you to vary the ordinance. This simply is unacceptable to many people that helped create this ordinance, and it’s counterproductive team in this fashion. Thank you.”

Gil and Dana Grey agreed with Mr. Lundmark’s comments.

Commission Chair Aguilar asked Mr. Chavez about the zoning ordinance, if they’re splitting into one acre, does the one-acre need to be gross or net? Mr. Chavez answered, net. Commission Chair Aguilar asked the one acre to the far east on that Escondida is one acre, except that it has a seven foot public utility easement along the north side and along the east side, does that not make it less than an acre? Mr. Chavez said for the land split, you must net one acre, the zone change says no less than 1 acre in order to be RR1. Commission Chair Aguilar stated, so by granting the zone change we are in essence creating a violation on a lot split. Commissioner Pando stated he feels these people have done everything they can possibly do to try to remedy the situation. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Padilla voted no. Commissioner Baca voted no. Commission Chair Aguilar broke the tie, voting no. Motion is denied.

Request to Amend Zone Maps from C1 to C2.....Michael Aldrich

Ruben Chavez, Assistant County Planner, told the Commission Michael Aldrich came before the Planning & Zoning Commission on April 10, 2001. The reason for that zone change request was to store vehicles, as Mr. Aldrich operates a towing business and is operating under a C1, it requires a C2. Mr. Aldrich would also like to operate an automotive repair as well, which will require C2. The application needs to be amended not from C1 to C2 but from R2 to C2. The current zoning is R2. Hollis Foster, Mr. Aldrich’s dad told the Commission the Assessor’s Office has it as C1. Mr. Chavez told the Commission that Mr. Aldrich was led to believe that he had C1, upon investigating the property, the use that was being done on the property wasn’t proper zoning. Commission Chair Aguilar asked Mr. Chavez why this wasn’t brought up when Mr. Aldrich made the application or at the beginning? Mr. Foster told the Commission that one year ago his son was issued a permit to operate this business and a County Business License was issued from Zoning. According to Mr. Foster, Planning & Zoning flagged Mr. Aldrich a few months ago because they didn’t have the paperwork, his business license, state license, and insurance. Mr. Aldrich does light maintenance

emergency vehicles for the County and Belen. Mr. Foster told the Commission the County sited him once before, 45 days after he got the permit for a fence, Mr. Aldrich complied as the fence is up. Steven Chavez, Valencia County Planner recommended approval of C2. Tom Garde, Valencia County Attorney, told the Commission based on the representation of Mr. Aldrich, the County Assessor billing indicated Mr. Aldrich is being assessed at Commercial. Based on that, they're being assessed at a commercial rate, Mr. Garde thinks there's County action that indicates that the County has acknowledged this is a commercial property. Ms. Foster told the Commission that Mr. Aldrich does electrical work on the County and Belen's emergency vehicles, Mr. Aldrich takes the light bars off, puts the radios in, that's the only light work Mr. Aldrich does, no automotive. With the rest of it, if Mr. Aldrich has someone come in that needs a repair, Mr. Aldrich contracts it to another agency, or mechanics shop. Commission Chair Aguilar stated, to the north of this property is the Old Mill, which is, zoned C2. Ruben Chavez stated that's incorrect they're zoned R2. Commissioner Daves asked that on the issue of auto repair with a condition limiting the scope of the repair to what Mr. Aldrich is doing now, would that be acceptable? Mr. Aldrich answered yes. See exhibit K.

Corky Morrison, owner of Old Mill, asked what Mr. Aldrich would be doing different to change from C1 to C2. Mr. Foster stated the ordinance changed, even though at the time Mr. Aldrich pulled his business license it said C1 was okay, but with the new ordinance, Mr. Aldrich needed to be a C2 to store vehicles in there, as it's a wrecking business. Commissioner Daves asked what successor C2 operations might come in that would be objectionable. Ruben Chavez answered, shopping centers, hotel/motel, indoor outdoor amusement, farm equipment sales, greenhouses, plant nurseries, commercial stables, rodeo arena, a recreational facility, kennels, veterinarian hospital, animal feed stores, distribution structures, furniture sales, lumber sales, gas stations, dwelling in conjunction with their business, retail stores, automobile and trucker and trailer sales, automobile service and storage, furniture and hardware appliance stores, hospital for animals, lumberyard, etc. See exhibit K.

Michael Lundmark, told the Commission "Once again here what we have here from the minutes of the Planning & Zoning is we have an operation that has been in noncompliance, was sited, and then once again, they say they want to be in compliance and so they're asking for another zone change, or asking for a variance of the ordinance matter. As a member of the Los Chavez Community Association I did a telephone survey of its members and every one of the members unanimously that was contacted, being 52 dwellings that I contacted personally, they were unanimously against a business of this type. Now some people won't call it a junkyard, but going back to what one politician said, if it looks like a duck and walks like a duck, and quacks like a duck it's a duck. And the citizens of Los Chavez, the ones that I've come in contact with, simply do not want to bring a south Broadway Bernalillo County onto highway 314 through our community. We feel that this is an inappropriate business; the vehicles have been accumulating over a period of time. It is the fact that they went through the motions to cover the vehicles with a semi transparent fence. It is obvious to everybody that takes a look in that direction what is behind there. These vehicles are inoperable and I ask that you support your zoning ordinance enforcement officer in her request to make this property come into the lines with the zoning order. Thank you." See exhibit K.

Commissioner Daves made a motion that the C2 application be approved subject to it being limited to the existing use, and the minor auto repair limited. Commissioner Padilla seconded the motion.

Frank Herrera told the Commission they can't restrict one particular business. Mr. Herrera said that auto repairs must be done in an enclosed building, this will be done out on a lot. According to Mr. Herrera, there has been an observation of that property of cars dismantled in front of the office. In March, Mr. Herrera was in the Planning & Zoning office with other business and a person called in saying there was dismantling being done there, the lady from Planning & Zoning said they have already issued a citation. Then Mr. Aldrich complied with it. Mr. Herrera asked the Commission to deny this request and asked the Commission to direct it to Planning & Zoning to monitor this business to see that they don't violate it again.

Commissioner Padilla withdrew his second. Commissioner Daves amended the motion to approve but limit the auto repair to electrical work. Commissioner Padilla seconded the motion. Motion carried.

Mr. Lundmark, told the Commission Mr. Aldrich had a verbal agreement with the County for 15 vehicles and now they have problems with moving the vehicles off and now they're up to 50 or exceeding 50. Mr. Lundmark asked the Commission "if you're going to continue to allow this operation to exist, that you put a strict number on the number of vehicles that may be stored there so it doesn't become a junkyard and that that be monitored by P&Z and strictly enforced. And if they break this violation thing then I would ask that any special use that they get, you immediately revoke because they're not operating in good faith."

Commissioner Daves voted yes. Commissioner Padilla voted yes. Commissioner Baca voted yes. Commissioner Pando voted no as he thinks the Commission should work on the ordinance and make C1 compatible with this type of need. Motion carried.

Six Month Status Report-Planning & Zoning and Building Departments.....Steven Chavez

Commissioner Daves recommended the Commission have a chance to review this report and reschedule this until the next meeting. Commissioner Daves made a motion to defer this item until the next meeting. Commissioner Pando seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted no. Motion carried. See exhibit L.

Commission Chair Aguilar excused herself from the meeting.

Indigent Board

Indigent Report & Appeal.....Barbara Baker

Commissioner Pando made a motion to convene as the Indigent Board. Commissioner Baca seconded the motion. Motion carried with a vote of 3-0. See exhibit M.

Barbara Baker, Indigent Administrator, presented indigent claims for March 23, 2001 – April 19, 2001. There were 135 claims submitted and 38 denials. The amount of claims submitted is \$242,552.87. Ms. Baker asked the Commission to approve \$69,584.85. Commissioner Pando made a motion to approve \$69,584.85. Commissioner Baca seconded the motion. Motion carried. See exhibit M.

Ms. Baker asked the Commission to approve 2 inmates that were denied. The inmates are Alvin Arp and Aristeo Valenzuela. The reason they were denied is because both were received after 90 days from date of service. Ms. Baker recommended they be approved. The total amount would be \$809.00. Commissioner Daves made a motion to approve this request. Commissioner Baca seconded the motion. Motion carried. See exhibit M.

Commissioner Pando made a motion to reconvene as the Board of Commissioners. Commissioner Daves seconded the motion. Motion carried.

Request Approval of Out and In-State Travel:

NACO Conference in Philadelphia.....Sally Perea/Tina Gallegos

Sally Perea, Probate Judge, asked the Commission's approval for a registration fee for the conference in Philadelphia, which will take place July 13, 2001-July 17, 2001. Commissioner Pando made a motion to approve the request. Commissioner Baca seconded the motion. Motion carried. See exhibit N.

Tina Gallegos, Valencia County Clerk, asked the Commission to approve registration fees for a NACO Conference in Philadelphia on July 13, 2001-July 17, 2001. Commissioner Daves made a motion to approve. Commissioner Pando seconded the motion. Motion carried. See exhibit N.

James Fernandez, Valencia County Manager, asked Ms. Perea and Ms. Gallegos to clarify if they are requesting registration only or the travel also. Ms. Gallegos said she is requesting registration out of this budget and will be requesting for travel in the new budget. See exhibit N.

EMT-B Test Site/Clovis, NM-Tauni Newman.....John Cherry

John Cherry, County Fire Marshall, told the Commission the Jarales Fire Department is requesting permission for Tauni Newman to travel in state to Clovis for an EMT basic test site to take her basic state exams, which will be on May 19, 2001. There is a \$30.00 test fee and the price of the travel and motel. Commissioner Baca made a motion to approve. Commissioner Daves seconded the motion. Motion carried. See exhibit O.

Request In State Travel-2001 NMAC Annual Conference.....James Fernandez

Valencia County Manager, James Fernandez, requested in state travel for the elected official departments as well as department heads requesting in state travel for the elected official and one staff member per department to be allowed to go to the NMAC Annual Conference to be held in Las Cruces June 6, 2001-June 8, 2001. Commissioner Baca made a motion to approve. Commissioner Pando seconded the motion. Tom Garde, Valencia County Attorney, asked the Commission to amend the motion to add his per-dium as he was supposed to be in a meeting in Las Cruces for the organization. Motion carried. See exhibit P.

Request Signatures on Enhanced 911 Grant program.....John Cherry

John Cherry, Valencia County Fire Marshall, asked the Commission's signatures on the 911 additional grant. This is an additional \$25,000.00 a month to Valencia County on the 911 program. Commissioner Daves made a motion to approve. Commissioner Baca seconded the motion. Motion carried. See exhibit Q.

Request to Award Bid #523 Tanker/Pumper Truck.....John Cherry

John Cherry, Valencia County Fire Marshall, told the Commission they came before for the Commission to approve bid #523 for the Valencia/El Cerro Fire Department, at that time there was a problem with the \$50,000.00 grant so Mr. Cherry recommended not to award the bid. Since that time, Senator Michael Sanchez got the \$50,000.00 reinstated with no time limit. Mr. Cherry asked the Commission to award the bid to Monarch Fire Equipment for \$101,933.00. The fire department will go into a lease/purchase with the rest of the money. Commissioner Pando made a motion to accept Mr. Cherry's recommendation. Commissioner Baca seconded the motion. Motion carried. See exhibit Q.

Manager's Report.....James Fernandez

Waste Hauler's Report

County Manager, James Fernandez, updated the Commission on the Waste Hauler's Report of individuals who are contracted with the County as haulers as well as the numbers of customers that each of the individuals have. The only item that has changed from the previous report is the number of customers. See exhibit R.

2001 New Mexico Senior Olympics

County Manager, James Fernandez requested for Mary Anne Gonzales, in state travel for Dan Vigil and Bob Haase to attend the Senior Olympics to be held in Las Cruces May 30, 2001-June 3, 2001. Mr. Haase will be the van driver for these individuals, he is donating his time. What is being requested is room and meals for Dan Vigil. The Older American Program does not have that within their budget, it would have to come from the Commission's budget, and the amount being requested is \$337.50. Mr. Fernandez recommended the County pay for this individual to go to this function. Commissioner Baca made a motion to approve. Commissioner Pando seconded the motion. Motion carried. See exhibit S.

Jail Monitor Report

The average number of inmates is 104. At the last meeting it was a request that individuals that are doing community service be assigned to clean Meadow Lake Road that did take place. A total of 127 bags of debris were collected in a 2-hour period. There was a total of 4 hours of community service that day, 2 hours to County projects and 2 hours to the city. Commissioner Padilla asked that some of the main routes of Rio Communities be cleaned. Mr. Fernandez will let the Jail Monitor know. See exhibit T.

Budget Workshop

The Board at a previous meeting scheduled May 7, and May 8, 2001 as a budget workshop. A site was located in Taos. Mr. Fernandez asked for a count as to how many individuals would be attending the workshop. Mr. Fernandez suggested the Commission have a special meeting which would give them an opportunity to meet with the elected officials and department heads. See exhibit U.

Facts and Findings-Patrick Cordova

Tom Garde, Valencia County Attorney, told the Commission at the last meeting a decision was made on the amendment to zone map by Patrick Cordova. Under the Administrative Law Rules, this Commission is to adopt findings and conclusions with regards to that decision. This document has been prepared with the assistance of the Zoning Officer, Mr. Chavez. Basically these findings and conclusions are based upon testimony that was presented and based on the motion by the Commission. State Law requires that findings and conclusions be done on every land use issue. In 1999 the State Legislature adopted a state statute that requires findings and conclusions on any land use change. Commissioner Daves made a motion to approve findings and conclusions. Commissioner Pando seconded the motion. Motion carried. See exhibit V.

Request Approval of Payroll/Warrants.....Carlos Montoya

Carlos Montoya, County Fiscal Officer, asked the Commission to approve Payroll for April 20, 2001, warrant # 64932-64962, payroll # 46958-47150 in the amount of \$187,506.54. Commissioner Pando made a motion to approve warrants 64932-64962. Commissioner Baca seconded the motion. Motion carried. See exhibit W.

Mr. Montoya asked approval of warrants that were issued on April 30, 2001 covering vendor bills processed warrants # 64963-65045 for a total of \$196,383.15. Out of that, \$94,243.00 was out of the general fund. Commissioner Pando had a question on warrant #64982, Commissioner Pando was told on the Nevarez Law Firm, there's going to be a deductible, and once the deductible was satisfied, somebody else picked up the balance. If this case is appealed in District Court, Commissioner Pando was told that at that time, the deductible kicks in. Commissioner Pando asked, so if there is approval does it go back or does it start then? Mr. Montoya said he was instructed to process the invoice the way it was presented, and the reason why it was broken, because of the dates from 1-31 – 2-27 is the first amount, and from 3-5 – 3-30-01 is the second amount. Commissioner Pando asked if the Association of Counties will reimburse any of this or is it a brand new ball game? Mr. Fernandez said it would be a brand new ball game. Commissioner Pando made a motion to approve warrants. Commissioner Daves seconded the motion. Motion carried. See exhibit W.

Next Meeting

The next Regular Meeting of the Valencia County Board of County Commission will be held on May 15, 2001 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Pando made a motion to adjourn. Commissioner Baca seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, May 15, 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 15, 2001

For an official copy of these minutes and attachments see Commission Book 40 Page 1