

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

August 21, 2001

The Meeting was called to order by Chairman Alicia Aguilar.

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

Executive Session

Commissioner Pando said he would like to bring up the jail contract in Executive Session. Commission Chair Aguilar said under litigation she would like some discussion on all the litigation that is going on, as she hasn't been provided with anything that's been filed. Commission Chair Aguilar said some concerns were raised about the personnel ordinance and that will be discussed along with the chain of command. 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 Daves seconded the motion. Motion carried.

Carol Anaya, Personnel Manager, said that during executive session she and the County Manager discussed with the Commission the following: the resignation of Carlos Griego from Animal Control, Richard Shiplett workman's comp. Injury, Neil Brown temporarily reduced work hours for a period of fifteen weeks, and Ruben Chavez as Acting Supervisor for the Planning & Zoning Department with no salary increase.

Tom Garde, County Attorney, said he discussed the following with the Commission under litigation and potential litigation: the Cornell contract and direction was given to Administration, a potential management agreement with regards to the Trisect Landfill and the Commission was advised to the status and no action was taken, and a potential litigation with regards to Socorro Co-op and that was a status report only. Commission Chair Aguilar said that during executive session she gave Administration a memo requesting that she will be signing all warrants and all expenditures so her rubber stamp will not be used for that anymore. Also, Commission Chair Aguilar said the County Manager is being directed to give the Commission a report every two weeks on cash reserves in the general fund, and any line items that are overrun are to come to the Commission to make them aware of it and they do not have authority to expend money from one budget to the other without Commission approval. Commissioner Pando made a motion that's all that was discussed in Executive Session. Commissioner Padilla 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 Sheriff Juan Julian

Approval of Agenda

Leonard Garcia, Leroy Baca, Rosie Vallejos, Commissioner Pando, Commission Chair Aguilar, and Andrew Gallegos all asked to address the Commission under public requests. Commissioner Pando said he would like to revisit the final budget with concerns of the federal prisoners, the 1/8th gross receipts tax, and the Planning & Zoning salaries, which he believes, have already been eliminated. Commission Chair Aguilar said she would like to address a request by the 13th Judicial District and the possibility of a new District Judge under the County Managers report. James Fernandez, County Manager, said under the approval of minutes the Board was not provided the August 7, 2001 Regular Minutes as they were not ready. Commissioner Pando made a motion to approve the agenda as amended. Commissioner Daves seconded the motion. Motion carried.

Approval of Minutes

Commissioner Pando made a motion to approve minutes for August 6, 2001 as presented. Commissioner Padilla seconded the motion. Motion carried.

Commission Chair Aguilar welcomed State Representative Fred Luna who was in the audience. Commissioner Daves suggested to move agenda Item A in front of Public Requests since the

children don't have chairs to sit on and are here to be honored tonight. Commission Chair Aguilar used her discretion and moved Action Item A in front of Public Requests.

Recognition of Enchantment Junior Softball All-stars.....Commissioner Pando

Commissioner Pando told the Commission that these Junior Softball All-stars went 10 and 0 in New Mexico, went to the finals in Las Vegas, and played tremendously well. Commissioner Pando congratulated all members of the team. Commissioner Pando also recognized coaches Glenn Trujillo, Jason Gonzales, and Paul Sanchez and the Team Mom Patricia Jaramillo. Commissioner Pando said all the team members did an outstanding job and read the names of the team members and they each received a certificate, they were: Monique Chavez, Ashley Figg, Vanessa Garcia, Jazmine Gonzales, Kristin Jaramillo, Marissa Kline, Ashleigh Peralta, Amanda Sanchez, Tenille Sanchez, Amanda Sedillo, Cheryl Torres, Ashley Trujillo, and Brittney Tucker. Also receiving certificates were Coaches Glenn Trujillo, Jason Gonzales, and Paul Sanchez.

Glenn Trujillo, Team Coach, thanked the Commission for recognizing these girls, as this is something positive for the community and the State, as they were State Champions. These girls went through the District 5 tournament, which consists of Albuquerque Teams, and they went undefeated and also went undefeated through out the State Tournament. This is the second time that a team from Los Lunas, and the second time that it's a girls team that has advanced to the regional tournament in Las Vegas, Nevada. Mr. Trujillo said not only are these girls tremendous players, but tremendous citizens. Mr. Trujillo thanked the Commission again for taking the time to recognize these girls.

Public Requests

Leonard Garcia, a resident of Meadow Lake, said in March of this year the Road Superintendent told him that Meadowlake Road was going to be paved and he would start this process in June. In March the Road Superintendent said it was too cold for the asphalt so they had to wait until June. In July, Mr. Garcia asked the Superintendent what happened to the June progression of the road and at that time the Superintendent informed Mr. Garcia that he no longer had the money for the road. Mr. Garcia asked the Commissioners why the road was not done, when it is going to be done, or if it is ever going to be done. The Superintendent, Louie Pena, told Mr. Garcia that at the March Meeting that Ex Commissioner Eloy Giron appropriated money in the year 2000. Mr. Garcia said at one time there was also supposed to be speed bumps on that road and those are no longer needed since the road is one big speed bump. The road used to be 20 feet wide and has narrowed down to about 8 feet. Mr. Garcia said this is an accident waiting to happen because the traffic law is not obeyed there at all. James Fernandez, County Manager, said that funds to cover commitments for the 2000/2001 road projects are going to be coming out of part of the issuance of the revenue bond that the County is proposing to pass and that would cover the particular road that Mr. Garcia has in question. That will be before the Board for final approval on September 4, 2001. Commission Chair Aguilar said there's an election for the third 1/8th and the County is also borrowing on the first 1/8th gross receipts tax. Commissioner Daves said there were emergency situations in the Highland Meadows area, which took a lot of money, and the completion of the Manzano Expressway, took more money than the County originally thought it would. Commission Chair Aguilar said the Manzano Expressway was an overrun of about \$120,000.00 but the County gets \$358,000.00 from the State Highway Department for the paving of roads. Commissioner Daves said a lot of this happened before he was a Commissioner and the Commission, in good faith, is going to get that job done.

Leroy Baca had concerns regarding the Sheriff's Department. Mr. Baca brought Mr. Gallegos, a retired Priest, and Grandpa Chavez a retired Guardsman with him. All three of these men shared the same experiences regarding the Sheriff's Department. Mr. Baca feels that the Sheriff's Department is lacking a lot of training and feels there is a lot of inadequacy within the Department. Mr. Baca asked, "who's accountable to Public Safety and what is your role in terms of overseeing the Sheriff's Department?" Tom Garde, County Attorney, said, "This Commission's role with regard to the Sheriff's Office is budgetary, basically this Commission sets out a budget for the Sheriff to operate and ultimately the Sheriff is the Head of his Department. So this Commission basically sets budget and the Sheriff's Office is granted a certain budget together with all the other departments, but ultimately the Sheriff is the Head of his Department." Mr. Baca asked if any of this is earmarked for training. Mr. Garde said, "Because this matter is in litigation, I would recommend to this Commission that we not go into that." Mr. Baca asked, "Is there any way that we can help them, because what I want to do is help, that's my goal. I'm not here to complain about them, I just want to see that we do have resources so that they can be held accountable and have public safety out there, and that is my whole concern." Commission Chair Aguilar asked Mr. Garde, if he's concerned about the training, isn't that something that can be provided to him under the Inspection of Public Documents? Mr. Garde said, "I'm not sure if that information is available at this point." Mr. Garde said, "Your two routes are one, through your legal counsel, or two through the public records act."

Rosie Vallejos told the Commission she has been here on three occasions with the Commission pertaining to the road where she lives, as it's been there for 54 years and they don't get any help what so ever. Lately, Ms. Vallejos has been getting help but they tell her she has to have so many feet and since she doesn't have the feet, it can't be dedicated to the County. Ms. Vallejos said she has had help from Commission Chair Aguilar and the County Manager. Now the man that lives right on the corner where Ms. Vallejos comes in, the house was condemned and they remodeled it. The trailer that they have in the back, they were not supposed to put a cesspool and water back there and they did. Ms. Vallejos said the neighbor decided to knock the fence down and has now built it farther out and they are not giving her any space to get in. If the Fire Department has to come in there, they're

not going to make it. Ms. Vallejos has a Special Ed son that has to be picked up by a school bus and she doesn't know if that bus is going to make it starting Thursday. Ms. Vallejos drives a school bus and she said she barely made it in there today. For 54 years that fence was in a certain place and now this man decides he wants it farther out. Ms. Vallejos went to Planning & Zoning and they gave her a lot of monarchy. Commission Chair Aguilar told Mr. Garde, "That road is roughly 20 feet or so, my understanding from Ms. Vallejos is that the original fence, where it was, got knocked down, they're going on to the road, so now it's making the road about fifteen feet, so that even traffic coming and going, there's an issue there." Mr. Garde said he doesn't know if that is a County road. Commission Chair Aguilar said, "It's not a County road, but she has a school bus that she drives coming in and out every day. The second issue is now we've imposed a new change to the road dedication, so it's no longer what it used to be, you can petition this Commission now and request that the road be dedicated to the County based on what you have. And let us look at it and you can get a petition from Monica and bring it to us." Commissioner Daves said, there is language in the resolution that allows a number of criteria to be looked at including the public health and welfare and the Commission in its discretion can then decide to accept a road. The fence issue is something the County has a responsibility of doing what it can, but Commissioner Daves thinks that's a legal issue in terms of ownership. Ms. Vallejos said the fence is at the beginning when you make the turn so if she gets blocked, what is she going to have as people who have lived back there for years. Commissioner Daves said the resolution they just passed allows them to look at Ms. Vallejos's situation. Commission Chair Aguilar said, "Maybe we can send the Fire Marshall out so that if there is an emergency, and the way the fence has been moved, if an emergency vehicle can't get in, that would seriously concern me." Commission Chair Aguilar asked Administration to look into the public issue and see what they can do to help. Commissioner Daves said this could be brought forward to the Commission under the Resolution as it was passed. Commission Chair Aguilar told Ms. Vallejos to get together with the County Manager to be placed on the agenda.

Andres Moises Gallegos, from Jarales, told the Commission he has been here ½ an hour or more and said handicapped people like him are supposed to hear what goes on. Mr. Gallegos said he hasn't heard 1/3 of what the Commission has said and has very good earpieces. Mr. Gallegos said, "If I come to listen to you, I expect you to want me to hear. And there's a law in the land that says handicapped people are people, and you're supposed to provide for them. I think the courtesy of all the Commissioner has to be to speak, so I bet you half the people haven't heard you, don't you realize that?" Mr. Chavez asked for a copy of what's going on because he's hard of hearing too. Commission Chair Aguilar said "if you're handicapped, if you make a request in writing, the Commission will address that and that's all you have to do before the meeting, but the minutes are available to the public and they're also on the website." James Fernandez, County Manager, said, "If you want special provisions being made, you need to give us advanced notice. We've had individuals come in as interpreters as well as sign language or amplification devices."

Dieter Harper asked the Commission to put their microphones where the public can hear them as he is having a hard time hearing the Commission. Mr. Harper said the Attorney has his microphone turned the other way.

Commissioner Pando said it's been 8 or 9 months since the Commission has visited the hospital issue. The last time the Commission discussed this, Commissioner Pando recommended that each Commissioner would appoint five people from each district to make a total of 25 people to enable that Board to weed out some people. Commissioner Pando would like to come up with a workable number of 11 or 13 people, in which that Board would have full authority to do whatever they need to do to either put this thing together or forget it. Commissioner Pando thinks the Commission owes it to the citizens of Valencia County to pursue this matter. Commissioner Pando would like this to be on the next agenda that each Commissioner comes up with five names of individuals in their district to do this.

Commission Chair Aguilar told the Commission she received a letter from District Judge William Sanchez this week making the commission aware that the Chief Judges Council approved a new Judge for the 13th Judicial District and it will be submitted to the legislature in January 2002 and is also saying that the addition of a new Judge in this district will require that Valencia County provide adequate facilities to accommodate the new Judge and his staff. In addition to that, Mr. Sanchez is saying the District Court facilities, which they now have, provide them with absolutely no security. This is an issue that has been brought to the County's attention for several years now with no action on the part of Valencia County. The current District Court facilities are very limited in space and in need of renovation. Mr. Sanchez is also concerned that the roof in the north court building and jury room are currently leaking and that Judge Pope's roof has not been replaced, it's been patched and every time it rains there's also leaks there.

Commission Chair Aguilar said in going through the final budget, she noticed that there's a letter to the Department of Finance and Administration (DFA) as part of the final budget that the 3rd 1/8 gross receipts tax in which the Sheriff's Department is receiving 70% is to go to the Sheriff's budget directly to be used at his discretion. Commission Chair Aguilar said this money would not be used to build cash reserves as indicated in the letter from Administration to DFA.

Commission Chair Aguilar said the budget also has revenues for federal prisoners and at no time has the Commission approved or been informed that the County is in the progress of having federal prisoners this coming fiscal year.

Commission Chair Aguilar said as of yesterday when she checked with the Fiscal Office, the reserves are \$778,324.94 and in the minutes at the end of February, the general fund was at \$2,819,000.00.

While in executive session the Commission discussed a letter of the chain of command and Commission Chair Aguilar made that letter part of the record.

James Fernandez, County Manager, asked Commission Chair Aguilar if she could sign the two other memos so they can make that part of the record also.

Request a Moratorium on New Subdivisions.....Commissioner Padilla

Commissioner Padilla brought this item at the request of the Tome Historical Association and also other concerned citizens.

Jim Smith, President of the Tome/Adelino Neighborhood Association, said it seemed there was some progress with the Comprehensive Plan and then nothing else was heard about it. Mr. Smith said the County and State is continuing to grow and right now the County has no direction, as the Comprehensive Plan is the document that says where the County is going to be. What Mr. Smith would like to see is a moratorium on any new subdivisions until such time that this comprehensive plan is completed and approved. Mr. Smith said the Comprehensive Plan has to be tied to the availability of natural resources as everybody agrees the County has a water issue except the developers. Mr. Smith believes infrastructure needs to be discussed in the plan, and there needs to be provisions in there that protect the cultural history of the area. Once this comprehensive plan is in place, Mr. Smith believes the Zoning, Planning, and Subdivision Regulations are all in compliance, because the comprehensive plan is just guide and the rules and regulations actually direct. Mr. Smith said he would like to see a moratorium until the comprehensive plan is in place.

Ray Garcia, Founding Member of the Tome/Adelino Neighborhood Association, told the Commission he feels very strongly about Tome. Mr. Garcia thinks the County should put a lot of the resources into helping the people and community who are already here as opposed to trying to plan and make things nice and easier for people who don't live here yet. On the east side, Mr. Garcia is concerned that if the County doesn't get a plan in place, that the whole bridge issue is going to come back. Mr. Garcia doesn't want a lot of traffic going through Tome. If the east side is going to continue to grow, Mr. Garcia said the County is going to have to find ways to get the traffic off of that side. There are a lot of problems with Patricio Road as it's difficult for Mr. Garcia's sons' to get off of that road and make the left turn down Highway 47 on the tractors because of all the traffic. Mr. Garcia is also concerned about sewage; there is a treatment plant right next to the Campo Santo or Holy Land. Mr. Garcia believes having a sewage treatment plant next to this land is very problematic and there are 80,000 acres up there that the sewage treatment plant could be placed on. Mr. Garcia said he doesn't know how the Sheriff's Department can handle all these subdivisions all over the place. Mr. Garcia thinks it's time the County starts thinking about the people who are here now and plan properly for the people who are going to come in later.

Michael Lundmark, resident of Los Chavez, is in support of a moratorium. Mr. Lundmark said everything the Commission has dealt with tonight has to do with the impact of improper planning and allowing growth to continue into the community. Mr. Lundmark said that Action Item D deals with a subdivision that grew in Los Chavez, the subdivision was allowed and did not address issues of ingress or egress into the community and therefore existing residents have been victimized at the profit of the developers. The purpose of the moratorium should be constructive in nature and not be to exclude somebody from being able to do something that they want to do, it should be to establish a plan that will allow a higher quality of growth in Valencia County and alleviate future problems before they were created. The moratorium should include a comprehensive plan, in depth review of public hearings of the Planning & Zoning Ordinance, and adequate changes made to reflect the comprehensive plan. Also with the subdivision regulations, an in depth review of the subdivision regulations with public hearings and changes should be made to mirror the comprehensive plan. In doing so, Mr. Lundmark thinks the County must consider what growth in the form of higher population density does to this County. Mr. Lundmark said developers claim that when they build houses it increases the property taxes and that the house will take and pay for, in taxes, the required services to support the infrastructure of the people coming to this County. Mr. Lundmark said there has been an increase in the County in population and the County is still broke. By putting a moratorium on new subdivisions, it will put the emphasis on completing the process and therefore re-energize the process until it is completed, and that should be the purpose of the moratorium. In doing so, the County creates predictability and stops future problems before they occur. Mr. Lundmark believes this will financially benefit the County.

Janet Jarrat, President of Valencia County Citizens for Responsible Growth, said her organization voted to pursue the comprehensive plan as a vision of the citizens who live here. Ms. Jarrat is in support of a moratorium on subdivisions for all the same reasons that Mr. Lundmark did. Ms. Jarrat said Valencia County stands as a shining example of antiquated subdivisions with over 100,000 lots pre-platted on the east side and there are more lots platted everywhere and there is no infrastructure and inadequate resources to supply these kinds of subdivisions. The object of the moratorium would be to stop the rush in before the rules are changed at the last second. Ms. Jarrat said this is an ideal time to have a moratorium. Ms. Jarrat believes the comprehensive plan must look at the availability of water in having any more subdivisions and the way growth and industrialization is going to take place in the County.

Commissioner Pando asked Ruben Chavez, Assistant County Planner, how many new subdivisions they are looking at right now. Mr. Chavez said they are looking at two subdivisions, Milagro Estates and Manzerro Plaza and those have been in the process for about 7-8 months. Mr. Chavez said Planning & Zoning does talk to developers from time to time. Mr. Chavez said a lot of these lots are already approved, as far as individual lots, the zoning ordinance and map has already identified land for development, so those things can come to be developed at any time.

Commissioner Padilla asked Mr. Chavez in what way would it make a difference if we would have a moratorium based on completion of the comprehensive plan. Mr. Chavez does not know if it will make a whole lot of difference and said there are concerns that the citizens have that he also shares. When the presentation was given to the Commission, there was some confusion in the interpretation of the plan and the planning process itself. When this Commission took the initiative of heading that direction and planning, they developed a Zoning Ordinance and Subdivision Regulations. In the Subdivision Regulations, there are restrictions and detail as to how subdivisions should grow. The Zoning Ordinance details where the growth is going. The Comprehensive Plan is not a legal document but it's a guide that is put in place in order to create the Zoning Ordinance and Subdivision Regulations. With the issues brought up about natural resources and the infrastructure of roads, it's true that in the Zoning Ordinance they changed everything in the valley to a 2-acre minimum and dictated growth to go out to the mesa to preserve the valley. With natural resources, the County is concerned with water. As a government entity, the County has to rely on what the State Engineers are saying. Mr. Chavez said there are two different theories as to the water source and it would be nice to get those two groups to come to a median so the County knows which way to go. As they're approving subdivisions, if the State Engineer says there is enough water, and the infrastructure is there to support such as water and sewer for the growing areas, then the County as an entity has to recommend to the Commission that there is enough to supply. The Comprehensive Plan is reflecting a lot of what the County has already done. If the County had a plan and never had the Zoning Ordinance or Subdivision Regulations in place, much like what happened to Las Cruces, the County would be mandated to open the doors to everybody. Mr. Chavez said the County has good Subdivision Regulations in place and the said the Zoning Ordinance is doing what the Commission wants it to do to the valley and moving development to the mesa. Mr. Chavez said he doesn't think six months of stopping growth is going to make a "day and night vision", unless they take the zoning map and completely change it around. Commissioner Padilla asked if this Commission would impose a moratorium on the subdivisions, what effect would it have and would there be a fall out from it as far as growth? Mr. Chavez said, "Because I don't have a list of new subdivisions that are in place, we are looking at the industrial park, which we talked about that, this would stop that process. I don't have three or four subdivisions knocking on my door, I don't know who's going to come in tomorrow, but I think what Commissioner Pando was trying to say was that it's been six to eight months since we've had an application at our doorstep. In the next six months are we really going to make a big difference if we stop, what exactly are we really going to stop? I can't really answer that question because the applications aren't here." Mr. Chavez told the Commission if they want to know about the money coming in to talk to the Finance Manager to give them a run down of where the money has come up to this point.

Commissioner Pando asked if a developer would come in, the soonest he could even start developing would be at least six months, correct? Mr. Chavez said he could see no way that someone could get final plat approval in six months, they couldn't go through the public hearing process that fast. Commissioner Pando asked, even if the Commission said they're going to pass a six-month moratorium, what would it do? Mr. Chavez said as far as any new subdivision coming in, it would back route that process to another year, Commissioner Pando asked Tom Garde, County Attorney, what is the legal issue on time that the County can issue a moratorium. Mr. Garde said there would have to be direction from this Commission to direct staff to prepare an ordinance for a moratorium and they would have to publish to have a public hearing on that, so it would be a month and a half or so before that process gets done. Mr. Garde said the legal standard with regards to uphold a moratorium is to the point where something is going to be accomplished. Mr. Garde asked, "What is the reason for the delay? What is the reason for the moratorium? Why are you imposing the moratorium? What is the deadline for the moratorium?" According to Mr. Garde, a moratorium can be extended for good cause such as was done for the original comprehensive plan in 1999. The concern Mr. Garde has in regards to Mr. Chavez's presentation is that the County has an existing ordinance and a subdivision ordinance that basically addresses the concern with regards to traffic, water, etc., and he has a concern that if the Commission imposes a moratorium and if there is a lawsuit from someone to say there isn't a valid basis for the moratorium, the Commission has to come up with good, solid reasons for that moratorium. From what Mr. Garde is hearing from Zoning, is that in the subdivision regulations and comprehensive plan, those issues are addressed and one thing the Commission should take into consideration is the fact that since the comprehensive plan was set in place which set out the 2 acre and 1 acre minimum, he thinks these are the only two subdivisions that have actually come through.

Commission Chair Aguilar feels that when there is a comprehensive plan, that is the legal backbone to anything that the Commission does, like when they go to court, they're not going to be looking at zoning or subdivision regulations, they're going to say you did the subdivision regulations, you did the zoning ordinance, but where is the legal basis for what you are doing and that's what the comprehensive plan is. Commission Chair Aguilar said the comprehensive plan "defines the natural and cultural resources. It has an inventory of resources. It analyzes the impacts of development of those resources, and it defines the tools for protection and mitigation. It also considers cumulative comp impacts, and it monitors the impact of a development." Commission Chair Aguilar asked,

"Putting that together, you ask the question, what kind of a community do we want? And what kind of a community do we want to leave to future generations? That's what the comprehensive plan does. The zoning and subdivision regulations address anything within that subdivision, but we cannot go outside. The comprehensive plan does give us that right. If you look at the existing comprehensive plan when it was first presented, it has a bridge in there; it's still in there because it hasn't been changed. It has the Middle Rio Grande connection; it says we will go with that. There's a lot of impacts in that plan that need to be addressed." Commission Chair Aguilar said the Commission hired a Planner with an 18-month contract to finish the plan. Then he needed six more months, then another 6 months, and now he's gone, and the Commission has given him another six months at \$75.00 an hour for six months. Yet, Commission Chair Aguilar said the Commission had a Planner that was working full time for \$2,600.00 a month, now the Commission said he can put in 35 hours a month for six months and he has a contract, but there is no penalty if he doesn't finish it in six months. Commission Chair Aguilar told the Commission that if they do have a moratorium in place, it also puts some pressure in the comprehensive plan being finished, so that if the moratorium only takes ninety days, well then the plan is done in ninety days. Commission Chair Aguilar told the Commission the County doesn't have anything in place to address from the east mesa, the expansion of all the subdivisions, and to address issues, as that comes in the comprehensive plan. Commission Chair Aguilar said Valencia County might find itself without an adequate tax base to provide rescue, fire, law enforcement, and take care of roads.

Andrea Padilla, Member of the Historic Tome/Adelino Neighborhood Association, told the Commission they're doing a lot of talking about water issues, resources, and not having them to allow this growth. The issue Ms. Padilla thinks the Commission should look at is the sewage, as the sewage is right next to the graveyard, and it's already seeping into the graveyard. Ms. Padilla thinks if they put a moratorium on some of this growth, it's going to slow down that kind of problem.

Michael Lundmark said what a moratorium will do is put pressure on the Commission to complete the process and that's the purpose of a moratorium, to apply pressure to complete the planning process.

Jim Smith said they ran into this problem with another subdivision in his neighborhood when the County had a moratorium because of the subdivision regulations, but they came in before that went into effect, so even though there was a moratorium, they have a subdivision that's not finished and nobody knows who owns it. Mr. Smith told the Commission they've done a lot of things to move in the right direction such as getting the 2-acre minimum in the valley to help protect the greenbelt. Less than 1% of the State of New Mexico is irrigated farmland. Mr. Smith said the 2-acre minimum is not going to do anything, if there is no water for the crops, as water is a commodity that can be condemned.

Commissioner Pando said one of the things that has bothered him is in 1987 when they passed the ordinance, the County didn't and still doesn't have the money to enforce the ordinance.

Commissioner Daves asked Mr. Chavez, you don't see much value in a moratorium at this time, is that correct? Mr. Chavez said he doesn't see that the moratorium is going to get to where the Commission wants to go. Commissioner Daves said a lot of the values that are intended to be and are in the present perhaps of the comprehensive plan, have been anticipated with elements of the planning & subdivision regulations. Commissioner Daves said the County wants to stop development in the valley, but also on the mesa because that will require transportation that the County can't figure out how to deal with. Commissioner Daves assumed that existing applications would not be affected by this moratorium. Mr. Chavez said that is correct. Commissioner Daves said that would apply only to those applications otherwise during the moratorium. Mr. Chavez said that is also correct. Commissioner Daves doesn't feel the moratorium is magic, but does feel the moratorium might be pressure for the Commission getting the comprehensive plan finished faster. Commissioner Daves told Commission Chair Aguilar he regrets the characterization of the person and what he did or didn't do, hired for this many months to do this and that. Commissioner Daves addressed Commission Chair Aguilar, "The Commission, in it's wisdom, without your vote, decided that not withstanding whatever you feel that he may or may not have done, chose to hire him to complete the comprehensive plan. The comprehensive plan cannot create magic, it cannot solve traffic problems, and it will not have a provision in it, if I have a vote, that says there will never be a bridge."

Commissioner Padilla said the County has a contract with Steven Chavez for 6 months and hopes that he will complete the comprehensive plan in six months. Commissioner Padilla made a motion to enter into a moratorium for six months. Commissioner Baca seconded the motion. Commissioner Pando said it was his understanding the Commission would have a report from Steven Chavez in two weeks and at that point in time the Commission would determine whether the \$2,600.00 a month the County is paying him is valid and whether or not it's worth it. If at that point the Commission feels they're not getting their dollars worth, they can look at something else. Commissioner Pando said it was the suggestion of most of the audience to keep Steven Chavez on and let him finish the plan. Mr. Garde suggested that the Commission give staff direction to prepare an ordinance and that ordinance, at the next meeting, will be presented to the Commission for publication. Commissioner Pando asked Mr. Garde, what reasons is the County going to use for the moratorium? Mr. Garde said he would prepare an ordinance that would meet the testimony that they have heard today that would satisfy any legal concerns that would be raised, if in fact there are other issues that the County is concerned about, they would raise those at the next meeting. Mr. Garde said he would include in the ordinance a six-month provision on that or until the comprehensive plan is completed. Commissioner Pando said he would not support a moratorium if it affects every citizen in Valencia County, if it effects subdivisions only, he'll support it fully. Commissioner Baca voted yes.

Commissioner Padilla voted yes. Commissioner Daves voted no, as he will assess the ordinance when they really make the decision. Commissioner Pando voted yes. Motion carried.

Request to Accept Molinero & Soquel Roads for County Dedication & Maintenance.....Larry Caid

Larry Caid was not at the meeting. Commission Chair Aguilar made a motion to table this item until the next meeting. Commissioner Pando seconded the motion. Motion carried.

Request to Investigate the Use of Ditch Bank as Road (John Rd. & Andres Sanchez).....William A. Dean

William Dean, representative of the Los Chavez Community Association, told the Commission the County is going to have a traffic fatality at the junction of John Road and Andres Sanchez one of these days, due to the fact that a ditch bank enters into that area and people are using it as a road. Almost two years ago, this subject was brought before the Commission and a petition was sent to Leonard Utter of the Conservancy, and there was a meeting on the ditch bank in October. Mr. Dean hoped that would be the beginning of a resolution to the problem, but it continues. Mr. Dean said Representative Fred Luna was here tonight because of this, and he invited Senator Sanchez, Senior Director of the Conservancy Jose Otero, and Local Head of the Conservancy Richard Jaramillo, but they were not able to attend tonight's meeting. Mr. Dean said there is a ditch bank in Los Chavez that is being used as a regular road and it is creating a very serious hazard. Andres Sanchez, John Rd., and Don Ramon, come in at that point, and all three have stop signs on them. Mr. Dean said it doesn't do much good when a car is coming down at 50 miles per hour entering that point. Three weeks ago there was a head on collision on the ditch bank. Someone is leveling this ditch bank so it's as wide as a road. Mr. Dean said the solution to the problem is to put gates on either end of the ditch bank. The Conservancy has installed quite a few gates; one is next to Dale Jones. Mr. Jones told the Commission those gates were put in at his own expense, the two on the west side were paid for by him and the two on the other side came in because of the ditch project, they were not paid for by the Conservancy District. The Los Chavez Community Association offered to build and install gates for them but it turns out if they do that, the community is liable for what ever happens because of those gates. The Association decided to give money to the conservancy and would like the Commission to discuss this with the Conservancy. The main problem is that a road, in addition to the ditch bank, is needed for the people living up there. In the 2001/2002 Albuquerque/Santa Fe Street Atlas it shows the ditch bank as a road. Commission Chair Aguilar asked Mr. Dean about the last meeting with Jose Otero, "Did he not agree to waive the liability issue on the gate and at that meeting was there also not some commitment for the gates to be put, one on the south side and one on the north side. And part of the problem is that there is a subdivision there that the cul-de-sac would need to be identified, but the Conservancy District agreed to survey those boundaries, lock it, and then put a gate so there wouldn't be access. But it's also clarified, I did talk to the Conservancy District that ditch bank is their easement and they did not want it used as a road because they also have equipment that they use for cleaning of the roads. The question that was posed to me is, why can't the County condemn and then buy some property to create the road? I took the liberty as a Commissioner and saying, we don't do that and I would be very reluctant to set a precedent. I still go back when I met with you and the others, that this is a Conservancy issue and when I talked to Mr. Otero and another individual in the Conservancy District, I was basically told, you have no jurisdiction, it belongs to us." Mr. Dean said the ditch banks belong to the Conservancy, therefore the gates on the ditch bank should belong to the Conservancy and no one else should have any responsibility. Tom Garde, County Attorney, said the County has no jurisdiction over the ditch, nor would the county have any responsibility to maintain that road, so the County has no authority to do anything, other than attempt to cooperate with the Conservancy. Commission Chair Aguilar said she would call Mr. Otero to raise some issues and concerns. Commission Chair Aguilar said the intent of working with the residents in the County was there by Mr. Otero, but when it went to the Attorney, the Attorney said no. Mr. Dean said he attended the meeting where their Attorney stated that, "If you go ahead and delete the paragraphs that require the owners of the gate to be liable for anything, if you delete those paragraphs, it doesn't make any difference. By the law, the Constitutional Law, whoever owns the gates is responsible." Mr. Dean said the citizens of Los Chavez do not feel that they should have a responsibility for a safety issue. Commission Chair Aguilar asked Mr. Garde if the Commission can send a letter to the Conservancy advising them of the concerns and see what kind of cooperation the County can get and pass along to the Association. Mr. Garde said that's all the Commission can do, anything they do will have no legal affect as any action is between the residents and the Conservancy.

Mr. Dean asked the Commission to talk to the Conservancy, and look into the possibility of providing a road for the people who live in that area so they can get to I-25 or areas south without driving four miles out of their way. Mr. Dean said a road exists called Don Louis Trujillo just east of I-25 that services Cavco Industries. Mr. Dean said it wouldn't take very much to connect that road with Square Deal Road. Mr. Dean said Mustang Way and Woodrow are right across from one another. Commission Chair Aguilar said she would ask the Attorney to review it and come back and see what the County can or cannot do. Mr. Dean asked Mr. Garde to speak to Senator Sanchez because he is fully behind this project and feels the ditch bank should be closed and that the County and or developer should provide those people access south. Commission Chair Aguilar asked Mr. Dean to go back to Senator Sanchez and ask him to appropriate funds for the County. Mr. Dean said he would do that. Mr. Garde said before the County could venture into creating a new road, they would have to condemn that property and the County would have to have the funds with which to pay fair market value for that area that is being condemned. Without those funds, Mr. Garde said any effort

of condemnation would be feudal. Mr. Dean told the Commission that one lady who has lived there for nine years said when she bought her property the developer promised that a road parallel to the ditch bank would be completed within a year. Former Commissioner Charles Eaton said there were about 24 1/3rd acre lots that were pre-platted in 1976 and went through different investment groups, bankruptcy, and Caldwell Bankers of Albuquerque. Mr. Dean said the community has a serious safety problem and the community doesn't feel that it's their responsibility to correct a serious safety problem; it is the County and the State's responsibility to make sure that the roads are safe.

Michael Lundmark told the Commission that somebody profited from a bad subdivision and the rest of the people in the community are being victimized because of it.

Tom Bravick, resident of Mustang Way, told the Commission that the Conservancy District widened that road and said all the people in that area use that road. Mr. Bravick thinks it would be silly to put all that traffic on Square Deal going out of the way to go to Belen or the Freeway. At the end of the ditch bank where it enters onto Andres Sanchez and John Rd., there are three stop signs there. Mr. Bravick said if having an accident is the problem, put up a stop sign.

Mr. Dean told Mr. Bravick they did put a stop sign on conservancy property but the Road Department took it out and put it over the fence. Commission Chair Aguilar said she would raise the stop sign issue with the Conservancy. Mr. Dean said a month ago he was in Senator Sanchez's office and there was another lady in there named Elizabeth who is an associate. Elizabeth asked Mr. Dean to fax a packet to her up in Santa Fe so she could give it to the State's Attorney General. Mr. Dean said Senator Sanchez has sent the package to the State Engineer.

Martin Olivas, who lives on the corner of Mustang Way and the ditch bank, thinks the Conservancy needs to put some type of stoppage there because it is going to cause a lot of headache and traffic. Mr. Olivas asked the Commission to ask the Conservancy to put some type of blockage on the ditch bank.

Commissioner Daves thinks this brings fundamental transportation obligations of the County, which is to traffic plan. Commissioner Daves said perhaps the County could work with the State Legislature to create a traffic plan, or the extension of Square Deal Road and perhaps seeing if that is possible. Commissioner Daves thinks the Commission should not just shut the door of looking at options that the County might not be able to handle in the financial sense but ought to look into another sense of going forward with some planning that might get the County where the people would like, with the State's support. Commissioner Daves thinks the County has responsibility even if it doesn't have the resources to deal with it immediately.

Request Approval of Resolution to Establish Two Roads in Highland Meadows Estates.....James Ashmore

James Ashmore, President of Highland Meadows Neighborhood Association, proposed acceptance of two resolutions by the County. The first being the resolution to establish two roads in Highland Meadows as dedicated and accepted County roads. Charles Eaton, Deputy Fire Marshall, submitted a letter talking about the condition of the roads. The purpose of these roads being submitted is because there is work being done on these roads every week so they can be approached as accepted roads. The Association also has a serious need for bus support and access to the community. The next response was by Steven Chavez, County Planner, and he makes the comment that San Domino is not a bus route. Mr. Ashmore said, "If I may draw attention to his own report, out of the Planning Office, that we received a copy of last year, titled Highland Meadows Road Report Valencia County Board of Commissioners page 2, it states the following private roads within Highland Meadows Subdivision, as provided by the Los Lunas School District, have been designated as school bus routes. San Domingo is listed on that list as .85 miles of bus route." Mr. Ashmore said both roads are bus routes and the one Mr. Chavez talked about is the primary access road for the community. San Domingo is also one of the main entrances to the community, other than San Pedro road, which is also being requested. The next response is by Louie Pena, Road Superintendent, whose is similar to Mr. Eaton's comments talking on the condition of the roads as needing attention. Mr. Ashmore feels they continue to make progress in their community and continue to work on the roads. Mr. Ashmore hopes that these roads can be accepted as proposed in the resolution so they can work together with the County to finish this project and get these two main roads that are necessary on this side of the community that has no improved roads at all, to provide some safety and concern. San Pedro Road is one of the primary roads that will be used by the fire station that they are also proposing.

A cost summary was put together on the expense of this project. Mr. Ashmore said under San Pedro Road, which identifies 1 mile in distance and the total cost identified on that portion of the project is \$15,687.50. The second road, San Domingo, the one portion that is the entrance or access portion is 1/10th of a mile and is identified to cost \$3,676.00. The two are roughly under \$20,000.00 to complete this portion of it. The community has already raised a little over \$2,000.00 towards this project. Mr. Ashmore said that Senator Sanchez has committed state funds toward this project, which will probably take care of the balance of the \$20,000.00. However, the condition has to exist that the road is accepted as a county road. Mr. Ashmore would like this to be a joint effort between his community and the county. Mr. Ashmore said he is not requesting the County to take on the burden, they're asking that the County take on a joint effort, and that would resolve a serious issue in that community. Commissioner Pando said he had a conversation with the Road Superintendent on the estimate of costs and his comment to Mr. Pena was that Highland Meadows has an area where

the County can get free dirt, offered to pay for the millings, and to deliver the millings to the site. Commissioner Pando said the cost for pit run base course in the amount of \$6,687.50 that cost is completely eliminated because the County doesn't have to pay for it. Commissioner Pando also said that on the summary sheet there's a cost of men and equipment for a total of \$9,000.00, but to his way of thinking, 3 men will be working somewhere no matter where it is. Commissioner Pando said he would support this project 100%, as this Association is willing to work and help pay for this problem to be fixed. Commissioner Pando made a motion to accept San Pedro and San Domingo roads as County roads. Commissioner Daves seconded the motion. Commissioner Daves said this project was before the Commission a few months ago but could not be accepted because the Commission couldn't bring that road up to standard, until it was already brought up to standard, and at the last meeting a resolution was passed which allows the county to accept roads by a waiver of partial waiver of that requirement. In this case Commissioner Daves thinks its very appropriate that it be done because its one where a community is going to work with the County. Commissioner Daves said this is a good time for the Commission to grant only a partial waiver of the road being brought up to standard in the sense that it be based upon the commitment that has been made of the millings, and he asked Commissioner Pando to amend his motion. Commissioner Pando amended that portion of his motion. Commissioner Daves seconded it as amended. Commissioner Padilla agrees the people need help but said this is the process they have to go through. Commission Chair Aguilar said, "You're asking us to dedicate it with the understanding that we're not going to put any improvements on it. You have \$2,000.00 in it that could be used for improvements that you could work with the County. But you're going to Senator Sanchez for the rest of the costs and what I see here is what will be provided to Senator Sanchez to appropriate funds to get the roads up to specification, correct?" Mr. Ashmore said yes. Commission Chair Aguilar said so it's no burden on the County's budget right now, it's just a matter of accepting it so they can go on to step two. Mr. Ashmore said yes and made clarification as far as the maintenance of it, "If in this process as we're improving the road, and as the maintenance crew comes out once a month, once every six weeks or whatever for our existing accepted miles, if they on occasion can also do a grade through these two roads to help us as we are improving, because their blade is a lot wider than ours, just to spread and organize some of the dirt that we're putting on the roads until we get all the funds to do the actual surfacing and so forth." Commissioner Daves said the motion and the second was to accept the roads and he thinks at the very minimum, the County can grade them. Tom Garde, County Attorney, said ideally when the Commission goes through this process, it would be ideal if the Road Superintendent were here because Mr. Ashmore has raised issues and the Commission has no one to speak with. Mr. Garde's understanding is that Mr. Pena is referring to pit run and asked Mr. Ashmore what kind of materials they have out there that would substitute for that pit run. Mr. Ashmore said for the pit run they don't have materials immediately out there available, they have the millings that the State Highway Department has offered to the County that the Association has offered to pay for, which will be the finish or top coat. The pit run is the sub base that will go on top of the dirt and underneath the millings and that will be the added costs they'll be getting from Senator Sanchez. Commissioner Pando said the dirt that is out there is compatible for compacting and the Association is also volunteering the water, so that doesn't cost anything. Commission Chair Aguilar said the request here is that the cost estimate was provided so Mr. Ashmore could get the funds from Senator Sanchez, and all the County is doing is saying they're accepting the road for that, they're not going to be putting pit runs or anything on it, it's just that when the grader is out there, they can run the grader, at which time when the Association gets the appropriated funds, the County will receive the money and then they can proceed to getting it improved. Mr. Ashmore said the only direction that they would expect is just a coordinated planning effort with the Road Superintendent. Mr. Garde said the problem he sees is "Charles Eaton's statement that says that San Pedro Road is in bad shape and on the day I went out to view the road, their areas were impassible and you had to drive around under private property to be able to travel that road." Mr. Garde said that needs to be dealt with now. Mr. Eaton went to look at those roads on Thursday and said there were relatively fresh puddles in the roadway. Mr. Eaton made the decision not to drive his pickup truck through there and said he would definitely not drive a fire truck through there. Mr. Eaton said there have been some improvements over the years but there are still bad conditions out there. Mr. Eaton said Senator Sanchez wants documentation from the Fire Marshall's Office to indicate that there are hazardous situations in the event that an emergency would occur out there, as far as response. Mr. Eaton said Mr. Sanchez's comment to him was that he was going to see if he could get some legislative funds to improve the road. Commission Chair Aguilar asked Mr. Eaton, if there were an emergency out there, and the Commission is aware of the roads and they couldn't get out there, if the Commission took action tonight in favor of it, and the County was out there and bladed the roads, would that also help the emergency situation? Mr. Eaton said yes. Mr. Eaton said that anything the Commission could do to help the situation out there as far as emergency access would greatly help.

Linda Lawrence told the Commission the road easement is 50 feet and the road is about 20 feet, so there is easily 15 feet on either side that dirt can legally be taken from. Motion carried.

Request Approval of Resolution to Establish a Fire District in Highland Meadows Estates.....James Ashmore

James Ashmore requested that the Commission accept Highland Meadows as identified in the attached packet that has the map of the sections in the community, as a fire district. Mr. Ashmore gave the Commission additional information that he did not have at the time the package was submitted and one of those was a document that was given to him from the State that identifies the requirements for establishing a fire district. Mr. Ashmore said the Association has satisfied the State's recommendations for a fire district. Mr. Ashmore gave the Commission a plat map that shows the lot that has been donated to the community for a fire station, the proposed design for the

fire station, as well as a road map that shows the location of the fire station in relationship to the community. This past Saturday there was a groundbreaking ceremony in Highland Meadows and Mr. Ashmore thanked Commissioner Daves, Senator Sanchez, Officer Howell, Charles Eaton, John Cherry, and Jim Petroff. Mr. Ashmore said this was a real boost to the community and had a real impact on the youth of the community. John Cherry, Fire Marshall, said he attended the ground breaking ceremony and reflected back 4 years ago as this project was started back then. Mr. Cherry's opinion all along was they needed a commitment form the community before the County could seriously consider a fire department in Highland Meadows. Mr. Cherry was very impressed Saturday with the commitment from the community and Homeowners Association. Mr. Cherry said if the Commission passes the resolution tonight accepting Highland Meadows as an independent fire district, the date of the resolution becomes the anniversary date, as the County has to support that fire district for one year without any financial support from the State of New Mexico. A year from today they would be eligible for state fire funds. Mr. Cherry said with the fire excise tax, they could support that fire department with \$30,000.00 for that year, so that is a very tight budget. At the present time there are two pumpers that have been delegated out there and in about 6-8 months there will be a tanker that can be delegated out there. Mr. Cherry said they have also obtained a free four-wheel drive brush truck from the New Mexico State Forestry, which will be placed out there in the interim. The New Mexico State Forestry has approved that and it does not have to be housed in an actual fire building. The State Fire Marshall has approved that they can move the apparatus in there as long as it's protected from weather. Mr. Cherry believes the Homeowners Association is working to obtaining the building, and the Fire Marshall's Office has provided them with construction plans that will be copied after the Peralta Fire Department and also the Las Maravillas and El Cerro Mission plans that will work great out there. After the years anniversary, Highland Meadows would qualify, depending on an ISO rating, which Mr. Cherry is going to have to estimate at a class 10, they would qualify somewhere in the neighborhood of \$25,000.00 for state funding. As they progress along, then the ISO rating can be coming up. The present fire departments in Valencia County are gathering surplus gear, safety gear, bunker gear, pants, helmets, and boots. Commission Chair Aguilar said she thought the fire department had to be constructed and operational for a year before they could submit for funds and even with El Cerro, the County has to fund it for a year. Mr. Cherry said that was a substation, this will be an independent fire district. Mr. Ashmore said at the groundbreaking ceremony, one individual that works with disaster relief, offered the Association her services to try and secure the building at no cost and also gave them contacts for the City of Albuquerque's Fire District who is presently replacing 13 of their vehicles, so Mr. Ashmore is contacting them for additional equipment, which Valencia County may not have immediately available. Mr. Cherry said he believes Senator Sanchez did get appropriated \$50,000.00 toward the Highland Meadows Fire Department and this was hinged and pending on the bill that may get released in September by the legislation, it's in the State's general funding. Mr. Cherry said on Saturday, Senator Sanchez made a public statement that next legislature he will attempt to go for \$100,000.00 more to bring Highland Meadows Fire Department along. Commissioner Pando said he talked to Senator Sanchez on this and he feels that Highland Meadows will be given to another Senator, but he committed to Commissioner Pando and James Ashmore that whether he's the Senator for there or not he will pursue a grant or money for that area. The \$30,000.00 will be utilized as an operating budget for things such as gasoline, fuel, and insurance until state funding can come in. Commissioner Pando made a motion to accept Resolution 2001-38 in its entirety. Commissioner Padilla seconded the motion. Motion carried.

Managers Report.....James Fernandez

Jail Monitors Report

James Fernandez, County Manager, reported that the average daily number of inmates is 117, according to the Jail Monitors Report. Attached to that is the Valencia County Community Service Monthly Report.

Appointment of Representatives to MRGCOG Transportation & Planning

Committee

Mr. Fernandez told the Commission he received a request from the Middle Rio Grande Council of Governments to replace Former Commissioner Eloy Giron and Steven Chavez as a voting representative to the Transportation and Planning Committee. The next meeting of the Transportation Advisory Committee will be held on Wednesday August 29, 2001 and will take place at the Middle Rio Grande Council of Governments. Commission Chair Aguilar has a concern because when she was on the MRGCOG she was adamant that she didn't want the MPL to include Valencia County because then it would be under the jurisdiction and regulations of Bernalillo County. So they would be dictating to Valencia County air quality and any regulations that they may have would be imposed on Valencia County without Valencia County having any say so. Mr. Fernandez said the best way to deal with that is to appoint somebody to raise those concerns. Commissioner Daves said the reason he would be interested in this process is for the Valencia County Transportation Sub Committee, because he would like for the County to have a transportation planning process of its own. Mr. Fernandez told Commissioner Daves that he and Commissioner Pando are members of the Board of Directors and this would be a separate committee. Commissioner Pando said since Commissioner Daves is already serving on this he should go ahead and be appointed. Commissioner Daves accepted the appointment. Since in the past, the Planning Department was involved, Mr. Fernandez thinks it's appropriate that Ruben Chavez be involved. Commissioner Daves agreed with that.

Senior Citizens Program

Mr. Fernandez received a letter from the Director of the Senior Citizens Program, dated August 17, 2001, which clarified that in response to the 501C3, Valencia County will not be the fiscal agent, and therefore the 501C3 Board will be responsible for audits. Commissioner Pando said there would be a meeting tomorrow at 12:00 P.M. at the Belen Senior Citizens Center, in which officials will be elected and bylaws will be adopted.

Mr. Fernandez said that Mary Anne Gonzales, Director of the Older American Program, provided him with documentation that she was requesting in state travel. Unfortunately, Ms. Gonzales didn't get this request to Mr. Fernandez until August 16, 2001, and the only costs to the County for this travel is the use of a senior citizen van, the other expenses are being picked up by the Area Agency on Aging.

Commission Chair Aguilar told Mr. Fernandez that she would like to see some clarification provided to DFA on the third 1/8 gross receipts that the County will not be using those funds to build cash reserves. Sheriff Juan Julian told the Commission that needs to be clarified as that's the way it was written and that's the way the ballot shows it. Mr. Julian said that is not for cash reserves, but to enhance the operation of the Sheriff's Department, Volunteer Fire Department, and Road Maintenance. Commissioner Pando agrees with that and would not like for the County to get into a situation where this would hurt the election, and said this is something that is desperately needed in the County.

Commissioner Pando said the Personnel Ordinance needs a little work and some direction as to where the County needs to go. Commissioner Pando has concerns that the Commission has agreed to hire an exempt position for the Animal Control and he would like the Commission to have some input as to whom they bring into that position. Carol Anaya, Personnel Manager, said the position has not closed yet, it will close Monday. Since this is an exempt position, Ms. Anaya said this serves at the Commission's pleasure, so the Commission will tell Ms. Anaya when they want to interview.

Request Approval of Payroll & Warrants.....Carlos Montoya
Carlos Montoya, Fiscal Officer, reported to the Commission all the warrants issued by the Fiscal Officer on August 10, 2001 covering the payroll processed on that date are warrant #65788-#65817, inclusive of payroll #48475-#48657 in the amount of \$186,253.28. Commissioner Padilla made a motion to approve payroll and warrants. Commissioner Baca seconded the motion. Motion carried.

Mr. Montoya reported all checks issued by the Fiscal Office on August 17, 2001 cover vendor bill processed on that date including warrants #65818-#65935 for a listing total of \$176,199.32. Commission Chair Aguilar questioned check #65874 from Sammons under the County Commission budget purchasing a facet, sinks, and light fixtures. Mr. Montoya said this was requested for the bathrooms in the hallway, as there was a leak on the sinks in the women's bathroom so the County bought two porcelain sinks that were installed in the bathroom. Commission Chair Aguilar asked about check #65919 paying a Surveyor to survey a portion of Violet Road for \$899.41, as she thought that was vacated. Mr. Garde said this is the process the County has to go through to get the property sold, so basically when this property is set for bid, the owner will pay those costs. Mr. Fernandez said an appraisal of the property is another expense and requirement for that process. According to Mr. Garde, by statute the County has to get an appraisal done. Commissioner Pando made a motion to approve warrants as presented. Commissioner Baca seconded the motion. Motion carried.

Mr. Montoya clarified some comments that were stated earlier in the meeting. On the roof of the Courthouse, that was done 2 ½ years ago with the renovation of the courthouse, and at that time there were many leaks in the courthouse especially into the mainframe, which was ruining the computer. The roof is under a 10-year warranty and Mr. Montoya called Lone Mountain Contracting and they will meet today with Roxanne to explain exactly where the leak is coming from. As far as Judge Popes Office, Maintenance has informed Mr. Montoya that the leakage has stopped as patchwork was done. Last year, Mr. Montoya got estimates of what it will cost for a new roof on that portable building, and a pro-panel roof was going to cost \$35,000.00 at that time, and that was money that was not in the budget. Mr. Montoya would like direction from the Commission as to that.

Mr. Montoya told the Commission that in County Government, in February and January of the winter, the cash balance is always going to be higher because the distribution of the first ½ taxes takes place in December. When Commission Chair Aguilar said last February the account had 2.3 million dollars, that is correct and this February the County will probably have the same amount. The reason why the County has the equalization tax given to the County in September, is because every counties revenues are short during August, September, and October. So what the Government does is give an equalization tax to carry through for the low months when the County doesn't get tax distributions. The distribution comes out in December in which 2.5 million dollars is generated and the distribution of the second ½ comes out in May. Cash balances in January or February will always be higher than cash balances in August.

As far as the \$50,000.00 that was budgeted in the budget, last year the County budgeted \$200,000.00 in the anticipation when the County built the new jail with the cooperation of the Village of Los Lunas, the County was allowed 9 beds to be rented out at a profit. The County can go to the INS, which the County has been in negotiations with Immigration, where the County can charge at a rate of \$125.00 a day. The County has been in discussions with Cornell and they have indicated to Mr. Montoya that they are seriously considering this. Cornell is in the process of losing their contracts in Santa Fe, so there is a possibility that Valencia County may be able to generate some income. At the preliminary budget, this item was in the budget and Mr. Montoya said that time would've been the

appropriate time to ask if this is the amount they want to budget or not. There were no comments from any of the Commissioners, so the Fiscal Office put the \$50,000.00 in companionship with Cornell, as they feel that the County can get a contract with INS. Commissioner Pando said as far as INS, he talked to Cornell at that time and Cornell said they were going to redo the old jail and turn it into a dorm and that's when they were going to talk INS. Mr. Montoya said with the Jail, the total capacity is 132. Commission Chair Aguilar would like Cornell to come before the Commission so they can hear it from them. Commission Chair Aguilar would also like to know when the facility will be certified and the status of the existing facility. In December, Commission Chair Aguilar said the Commission is going to have to start dialogue on whether they are going to renew that contract for another 3 years or if the County is going to manage the facility itself. Commission Chair Aguilar would like to start now by having Cornell come forth. Commissioner Padilla asked Mr. Montoya to clarify that there are 132 beds and there are 117 prisoners, so there are still beds available. Mr. Montoya said there are still beds available and the average daily count is usually 106. Commission Chair Aguilar said if there is a 96-bed facility, and the County was approved for a 24 bed, she is coming up with 120. Commission Chair Aguilar was concerned that if the new facility met all specifications brought down by the federal court decision, the old facility didn't, so in doing the old facility, she's not sure the County can put the prisoners and inmates there because of classification and the facility itself. Mr. Fernandez said one of the things that he's going to request is that the Jail Monitor give the Jail Monitor's Report so he can answer questions.

Mr. Montoya asked Commission Chair Aguilar, as far as her signing all the warrants, if she could let him know what kind of logistics they're going to use as far as when she's going to sign them. Commission Chair Aguilar said she would sign the checks on Wednesday morning or right after the meeting on the day meetings. Mr. Fernandez said with the exception of payroll, she only gave them one stamp and he will give it back to her. Commission Chair Aguilar told Mr. Fernandez he could keep the stamp in that it's used for payroll. Commission Chair Aguilar said because of over budgets or overruns, the Commission needs to be aware of it. Commission Chair Aguilar said she doesn't mind approving as long as it's not a transfer or overrun on the line item that will affect the total fund. Commission Chair Aguilar will get together with Mr. Montoya on Monday.

The next Regular Meeting of the Valencia County Board of County Commission will be held on September 4, 2001 at 10:00 A.M., with executive session beginning at 9:00 A.M. in the County Commission Room at the Valencia County Courthouse. There will also be a Redistricting Meeting Monday August 27, 2001 at 6:00 P.M. in the County Commission Room.

ADJOURNMENT

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

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, August 21, 2001 Regular 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: September 4, 2001