

VALENCIA COUNTY BOARD OF COMMISSIONERS

Special Meeting

August 27, 2001

The Meeting was called to order by Chairman Alicia Aguilar at 6:06 P.M.

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	

Pledge of Allegiance was led by Commissioner Padilla.

Approval of Agenda

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

Public Hearing

2001 Redistricting.....Valencia County Board of Commissioners

Francisco Apodaca, from Productive Data Solutions, told the Commission the County has to undergo redistricting of the County Commission Districts prior to December 31, 2001. The County Commission hired Mr. Apodaca to look at the population and districts and come up with three Options for the Commission to consider. Mr. Apodaca said these three Options are starting points. The basic thing about redistricting is there are five Commissioners and districts need to be broken up so that they comply with the federal standard of one person, one vote. Mr. Apodaca wants to create districts that are equal to each other in size so that each Commissioner represents the same amount of people, plus or minus 10%. 10% is the legally acceptable standard. In all the three Options, Mr. Apodaca was trying to achieve 5%. There are three Options that deal with the different districts.

Option 1

Commission District 1, along the western edge, goes into the Highland Meadows area and splits it. The perfect population per each Commission District is 13,230, but a couple of things Mr. Apodaca has to contend with are Precincts, communities, and sitting Commissioners. Mr. Apodaca said this is a political process, so he wants to deal with this along Precinct lines. There would be less work for the County Clerk if they had perfect boundaries that were bounded by Precincts, because as she generates the voter rosters they come up by Precincts. The problem with that is there are some Precincts, where the population is above the district population, especially Precinct 1, where the population is 13,500. The problem with making Precinct 1 a district within its self is there is not a Commissioner that lives in that Precinct. One thing Mr. Apodaca cannot do is create a Precinct and leave a sitting Commissioner out, because state law says if a Commissioner is out of a district when this is accepted, they're out of a job. Once a Commissioner is districted out, they are out of their seat. Mr. Apodaca has to deal with incumbency, and that poses a problem, as there is one Precinct that is larger than a district. Mr. Apodaca will have to split Precinct 1 somewhere. Mr. Apodaca cannot create new Precincts. State Law only allows a County to create Precincts two times in a ten-year period, once in the mid year, or by special request of the Secretary of State's Office, it can be done two years before the census. Option 1, what Mr. Apodaca has done in order to balance the population in each district, is combined the Precincts as best as he could and split Precinct 1 since that was the largest district. Option 1 splits it at Highland Meadows and goes to Calle del Llano west.

Option 2

In Option 2, Mr. Apodaca split Highland Meadows all the way to Highway 6 to the County line, down to the Precinct line between Precinct 1 and 27. Mr. Apodaca also split Precinct 1 at Highway 85 and gave that portion of Precinct 1 to district 5. The other split would be west of Belen, it goes up Twining Lane where roads are unnamed on the north and west.

Option 3

Option 3 almost leaves it completely in tact, except for the corner of Los Lentos at the Belen ditch to give that portion to District 5. Mr. Apodaca only looks at population and tries to keep communities of interest together unless they're split by a Precinct.

Options 1 and 2 create an eastern Commission District. In Option 3 there is still an eastern Commission District, but what it does is limit Commission District 1 to almost an ideal population. Mr. Apodaca is within 2% on Option 3 and within 4% on Option 2 and within 6% on Option 1. On Option 3, the little "tongue" is the river and was created as a technical Precinct so there was supposed to be no population there, but when Mr. Apodaca ran the numbers, there are 58 people that live there. Precinct 38 is the new river Precinct. The other thing Mr. Apodaca can do is make up some other Options and go up to 10% instead of keeping it a low level of difference in population. When Mr. Apodaca looks at this he tries to keep Precincts together, which in this case he has kept communities of interest fairly much together. Mr. Apodaca said when the U.S. Census was done, they had an operation that went down the rivers and looked under the bridges and probably found somebody that lived there, so that automatically put them as a resident in that area. Now that is a difficult point with the County Clerk's Office because now there is a population to deal with in a technical Precinct that's not really technical anymore. The maximum allowable is 5 Commission Districts.

Salomon Montano had concerns of disenfranchising Bosque and Casa Colorada from district 3. Mr. Montano said Bosque and Casa Colorada have nothing in common with Rio Communities as they are strictly farming communities. Mr. Montano suggested that Precinct 20 remain in District 3. Mr. Apodaca said Valencia County had a 66% increase in population in 10 years.

A member of the audience asked if road priorities would still be the same. Commission Chair Aguilar said her understanding that roads have already been approved so road priorities wouldn't change.

Commissioner Pando had concerns about Commissioner Daves taking a little portion from Los Lentes and splitting that particular area. Commissioner Pando would like to keep that in District 1. Mr. Apodaca said in Option 2, it would split Precinct 1 at U.S. 85 and it would go up to Trujillo Street, down Los Lentes Road, over to Cinder Lane to the Main Street. In Option 3, it splits it at the Belen ditch, a little bit farther west from U.S. 85. The difficulty in Precinct 1 is that the population is greater than the optimum population. Precinct 1 is going to have to have a split somewhere or another part of a district will. In talking to most of the residents of Los Lunas, Commissioner Pando, said they feel very strongly about leaving Los Lunas as one district. Commissioner Pando strongly opposes the breaking up of Los Lentes because that is one of the most historic and oldest communities in the whole State. Commissioner Pando said that in Option 3 Los Lunas is split, and in Option 1 he loses Precincts 2 and 12. Commissioner Pando said there should only be one Commissioner per city.

Commission Chair Aguilar said she hasn't had any municipalities and in Option 3 he gave each Commissioner a little bit of a municipality, which is a balance. In Option 3, Commission Chair Aguilar gets a little bit of everything and said it does help the Commissioner to get a little bit of a municipality with funds coming in and being able to do more for the unincorporated areas.

Commissioner Padilla doesn't have problems shifting to Jarales and Casa Colorada, and losing Tome and likes Option 3, as it doesn't change a lot.

Commissioner Baca is also losing about 4 Precincts and thinks the best Option for every Commissioner is number 3 because it levels out.

Commissioner Daves doubts if any of these Options will be accepted without some changes. The highest priority to Commissioner Daves is continuity of the districts. Commissioner Daves has concerns of the change to district 3, which all three Options leave Bosque and Casa Colorada out of the district they have been in. Commissioner Daves said the downside of changing people's districts is some people go two years before voting for a Commissioner and others go six years. Commissioner Daves thinks it's a predominant element for the Commission to do its best to keep the districts more or less as they've been. Commissioner Daves said when District 1 went over to the Peralta area that was a clear Gerry Mander. Commissioner Daves believes the Peralta area should be removed from District 1. Commissioner Daves is concerned about District 5 crossing the river and going into Los Lunas. Commissioner Daves will not vote for the splitting of Highland Meadows. Commissioner Daves said that splitting that is not worth the goal of evening the population. Commissioner Daves thinks the County should go towards priorities based not upon districts, but on priority and need. Commissioner Daves said each municipality should be represented by one Commissioner and would like to shoot for the 10%. Geographical compactness is an element and Commissioner Daves believes Option 3 is the best for that except that it splits up Los Lunas. Commissioner Daves hopes that District 5 will not have to cross the river.

Commissioner Padilla said that Belen is split between Districts 3 and 4. Mr. Apodaca said the incorporated area of Belen is pretty much within Precinct 31, but the suburbs are in different districts.

Lilly McNabb would like to see what Commissioner Pando has suggested about Los Lentes. Ms. McNabb feels very strongly that Los Lentes should be left in tact because there are too many families there and there needs to be the consistency that has been there in previous years as they vote together. Ms. McNabb feels it's very unfair that a Commissioner crosses the river boundary to get a "tongue" out on the east side of Highway 47. Ms. McNabb said that part of the Moya's on Peralta Boulevard go to one voting area and the others go to a different one and part of them go to Chical. Ms. McNabb hopes the Precincts stay in tact to where it is a convenience for the voter. Ms. McNabb would like Commissioner Pando to keep the two little "tongues" on number 3 and for Commissioner Daves to get what's on the east side of Highway 47 and somehow balance that out. Ms. McNabb agrees that the convenience to the people should be made the priority and forget political parties.

Ms. McNabb would like the southern end to be left in tact for those people. Ms. McNabb would like Los Lentes and Los Lunas to stay in tact.

James Taylor, who lives in Commissioner Pando's area, said there is no reason why Los Lunas can't be left as a district as he believes there is 10,034 people there, and add 3000 more people from the surrounding area. Mr. Taylor told the Commission about trying to make it easier to campaign, that request should be secondary to his being a voter and a taxpayer. Mr. Taylor said Commissioner Pando always answers the phone and is always there, and he believes one representative for the Village of Los Lunas is more than ample. Mr. Taylor believes all municipalities should be left in tact.

Salomon Montano said traditionally Belen has been split and doesn't think the people of Belen have any problems with the split. Mr. Montano's concern is the southern part of the County such as Bosque, Casa Colorada, and Jarales because everybody is interrelated somehow. Mr. Montano said districts 1, 2, and 5 are the fastest growing areas in the County, so if they were allowed to have 10 % below and the slowest growing areas 10% above, in a couple of years they will even out. Commissioner Padilla said he could work with the southern area pretty well.

Commissioner Pando thinks the Commission should strive for continuity. In district 1 the lines are pretty well defined and the only change he has is that he loses the other side of the river and feels its proper but also feels its improper for another Commissioner to come into the west side of the river. Commissioner Daves feels the Commission needs to try to stay as traditional as possible. Commissioner Pando does not agree with Option 3 at all because that only gives him two Precincts. Commissioner Pando told the Commission they need to please the public and not each other.

Commissioner Daves said the Commission should look at growth patterns and do it's best to see if some of the Precincts within the districts are high growth Precincts.

Commission Chair Aguilar said the Commission hired Mr. Apodaca and he has a certain criteria to follow and as far as the politics, she never called him because that shouldn't be coming into consideration. He had a job to do and this is what the law requires and this is what he's presenting. Commission Chair Aguilar said the public hearings are to look at those Options and there can be some changes made but they can't go back and redraw every district.

Tina Gallegos, County Clerk, had a big concern about the splitting of the Precincts, which Mr. Apodaca mentioned at the beginning and at a whole she said he did a good job of not splitting them. Ms. Gallegos came before the Commission in February of 2000 to re-adjust a couple of boundaries that weren't following the census block boundaries, those were mandated by the Secretary of State's Office to be fixed, so the Clerk's Office fixed them. The Precinct boundaries and lines were done in 1999 and cannot be changed for a few more years. The Precinct in Peralta, where some of the people vote in Precinct 13, which is the reservation Precinct, following the census block line, there isn't one there. The County Clerk's Office has to follow something on a map and other than that road; there wasn't anything for them to follow. The Clerk's Office can look at it again in 2005. Ms. Gallegos split Precinct 12 and 17 due to voter turnout, the reason they were able to cut that Precinct is because there was a large amount of voters who turned out at the 2000 election. For Precinct 1 to have such a huge population base, Ms. Gallegos said they must not all be registered voters and that is why that Precinct has never been cut before. In going through the Options, the biggest advantage is it leaves all the Commissioners within their seat. In Option 3 with some changes would be the closest to what the County Clerk's Office could work with. As far as splitting Precinct 1, it's going to cause a lot of inconvenience and confusion to the voters. Ms. Gallegos was at the legislative redistricting hearing on Thursday and was not happy with any of those Options. Ms. Gallegos thinks the split of Los Lunas is going to be an inconvenience to the voters and as far as cost to the County Clerk's Office, if the Commission splits a Precinct, it's going to require extra training for the poll workers, different types of programming to the voting machines, and different types of ballots used in absentee and early voting. Ms. Gallegos believes it's important to keep everything contiguous and compact, and keeping communities of interest together. Ms. Gallegos agrees that there may be a problem with Bosque and Casa Colorada when it comes to informing the voters.

Commissioner Daves said a person gets to vote two consecutive elections or has to skip an election to the extent that District 5 crosses the river into areas that were formally Commission District 1, those people will have a six year time period before they can vote for a Commissioner.

Commissioner Pando said he was shocked to find out there was 13,000 people in Precinct 1 and finds it hard to believe where these numbers came from. Ms. Gallegos said when the Clerk's Office did the Precinct line adjustment for Precinct 1 it was to incorporate Highland Meadows into one Precinct to avoid this kind of cut.

Dale Davis asked the Commission, "If you didn't hire on for the work, why don't you get off the job?" Mr. Davis told the Commission what they have to do is what they agreed to do. Mr. Davis said what they have is a County that's going to end up looking like down town St. Louis, which is divided by the middle of the street. Mr. Davis is looking for an opportunity to put a County together that is equivalent to fairness. Mr. Davis believes this process has to make sense to everybody involved. Commissioner Daves said this is a difficult job and people are going to be divided by streets in some cases. Commissioner Daves doesn't want this to be a political decision, but a decision based on the criteria and what's good for the County and communities within the County.

Mr. Apodaca said he brought a starting point tonight and tried to keep the communities of interest together within the Precinct boundaries. Mr. Apodaca told the Commission they can go with the three Options, or one particular Option that needs some "tweaking" to satisfy everybody within one Option, or tell him to come up with different Options. The vote needed to pass this would be a simple majority. Commissioner Daves feels that three Commissioners are happy with Option 3 so maybe within Option 3, Mr. Apodaca could work out something within the area of Commissioner Pando's district and Commissioner Daves district.

The next Public Hearing will be September 10, 2001 at 6:00 P.M. in the County Courthouse. Commissioner Daves doubts that a decision will be made on that date. Commissioner Daves feels there are lots of ways of staying within the parameters of the law that aren't necessarily in Options 1, 2, and 3.

Commission Chair Aguilar asked Ms. Gallegos, when the census blocks were being done, even new subdivisions that had been approved where there would be anticipated growth, were they taken into consideration as far as boundary lines? Ms. Gallegos said she doesn't know as that was all done by the Census Bureaus. Commission Chair Aguilar said, when the census started it was to make sure that with large approved subdivisions, the Census Bureau knew that there would be future growth in those census blocks because those couldn't be changed, so then the growth was anticipated over the next ten years.

James Fernandez, County Manager, asked Ms. Gallegos if any of the polling places are going to be changed in terms of redistricting. Ms. Gallegos said she will come back in front of the Commission in January of 2002 to set all polling places, but as of right now, none of this will affect polling places. The only thing that is going to be affected by the redistricting is early voting and absentee because she will have to order different amounts of ballots if there is going to be a division of a Precinct. Ms. Gallegos said the County Clerk's Office is willing to work with this, as it is not impossible to split a Precinct.

Commissioner Pando does not agree with Option 3 because he will lose Precincts 2, 12, and 17. In Option 2, Commissioner Pando's area doesn't change at all and he's very happy with that other than the part on Los Lentes.

Commission Chair Aguilar asked Mr. Apodaca if he could look at Option 3 and what affect it would have as far as Los Lentes and the southern district. Mr. Apodaca understood that she wanted him to look at changes to Precincts 1 and 20. Commission Chair Aguilar said in Option 2, there's a shaded area where Commissioner Daves lands up in Commissioner Pando's district and asked if that can be flipped over to the other side and see what can come over. Mr. Apodaca asked if Option 1 would be left as an Option. Commission Chair Aguilar said no, he would still have to address Bosque. Mr. Apodaca said Option 1 would remain as an Option, in Option 2 he would look at the eastern edge of Precinct 1, and in Option 3 he would look at the eastern edge of Precinct 1 and Precinct 20. Commission Chair Aguilar addressed Mr. Apodaca, "take Option one, you have a shaded area where Commissioner Daves is going to the west side of the river, moving him over to the east side so that he's contiguous, but also we have Precinct 20 down in Bosque that was of concern. We move on to Option 2 and now we have whatever Precinct is that was given to Commissioner Daves, it's the Los Lentes area that should stay with Commissioner Pando. Now you have to give Commissioner Daves something or if the population balances out, he doesn't get anything, and still address the Option south, Precinct 20. If you go to Option 3, we still address Precinct 20, but Option 3 you have Commissioner Daves going to the west of the river and taking Los Lentes, which needs to go to Commissioner Pando for continuity. So, by looking at some of that, we're really not changing Options, we're just kind of fine tuning them for the next hearing." Mr. Apodaca said on Option 2 if they look at Precinct 20, then that means they're going to have to look at the eastern edge that would've been Precinct 27 and move that up, so that would change that Option considerably. On Options 1 and 3 there's a possibility that Mr. Apodaca could look at those two and see if he could switch those within those two Options to give the Commission a little bit more. Mr. Apodaca told the Commission in Option 2, if they want to do that, it would create a new Option. Commission Chair Aguilar told him to leave it alone and go with Options 1 and 3 for now. Commissioner Daves feels Mr. Apodaca needs to be responsive to the comments and thinks Commission Chair Aguilar's summary is fairly complete but not necessarily complete. Commissioner Daves needs to read Mr. Apodaca's proposal, but if something amounts to a new Option, Commissioner Daves is prepared to present it, defend it, and get support for it. Commissioner Daves is going to look at the Precincts, boundaries and the Commission's concerns. Commissioner Daves hopes the consultant is responsive to all of the comments and will not hesitate to call him up if he needs some technical information. Mr. Apodaca said what he would like to do is go to plus or minus 10% on these and re-do the populations within those two Options but at the same time look at continuity and the traditional communities. Mr. Apodaca said it's not unusual to propose redistricting methods or redistricting plans and have a sitting Commissioner or Councilor come up with their own redistricting plans and ask him to look at it technically from a population standpoint. Commission Chair Aguilar asked, "if we say we want a new district or so, what kind of cost is that going to add because we already have a budget, and does this mean we're exceeding the budget so now we fall into statute requirements?" Mr. Apodaca told the Commission if they want another one, it would be based on time and materials. Mr. Apodaca said that in his proposal he said he would present 3 Options. Commission Chair Aguilar would prefer to stay as close to the 5% as possible. Mr. Apodaca said he doesn't like to go higher than 8%, but he'll work within that limit, won't exceed those, and try to stay under those.

The next Public Hearing on Redistricting of the Valencia County Board of County Commission will be held on September 10, 2001 at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Padilla made a motion to adjourn. Commissioner Baca seconded it. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the August 27, 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: September 18, 2001