

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

September 4, 2001

The Meeting was called to order by Chairman Alicia Aguilar at 9:08 A.M.

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

Executive Session

Commissioner Pando made a motion to go into executive session. Commissioner Daves seconded the motion. Motion carried.

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

Carol Anaya, Personnel Manager, reported that during executive session, her and James Fernandez, County Manager discussed the following with the Commissioners: hired positions pending pre-employment drug and alcohol tests that are in the budget that have been approved, and salary increases that have also been approved in the budget for Martin Duran part time Cops I, Shawn Quintana part time Cops II, Henry Villa part time Cops II, Daniel Scott part time Cops II, Kirby Garcia full time Cops II, Lena Vasco with the County Clerks Office, Terry Clary Sheriff’s Communications Department as Radio Dispatcher, Lorraine Montoya part time Planning & Zoning Secretary/Cashier, Paul Nelson Assessor’s Office for Appraiser Field Trainee, resignation of Lillian Otero Planning & Zoning part time Secretary/Cashier, end of temporary employment for Inez Anaya for two weeks from the Indigent Department, salary adjustment with certificate of completion from the International Association of Assessing Officers for Orlando Montoya, end of probationary status for Juan Reyes, temporary part time position to full time for Joe Perkins while Anna Marquez is out on medical leave with pay. Ms. Anaya asked the Board to ratify what was discussed in executive session. Commissioner Daves made a motion to ratify what was discussed. Commissioner Padilla seconded the motion. Commissioner Pando asked Ms. Anaya, when ratifying, what action is that? Ms. Anaya said that she discussed these items with the Commission. Commissioner Pando asked if there is a binding affect on the Commission. Ms. Anaya said these are positions that are in the budget that have been approved by the Board of County Commissioners and any salary adjustments. Ms. Anaya asked that the Commission ratify what was discussed and that these are things that are being done. Commissioner Daves said the Commission is taking notice of these personnel actions. Commission Chair Aguilar told the public that under the personnel ordinance, the Commission has no authority over personnel once the budget has been approved, that is all the authority and discretion of administration. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Padilla voted yes. Commissioner Baca voted yes. Motion carried.

Tom Garde, County Attorney, reported that during executive session the Commission discussed the status of the Ben Bur Lawsuit, the status of the appeal by Steven Romero concerning the land use on the Garcia property, a zoning issue in regards to a district court case involving Samuel Castillo, a procedure to fully advise the Commission with regards to the tort claims and notices that have been filed against the County to insure that the Commission is fully aware of any potential budget impact that these tort claims may have and Administration has been given direction with regards to providing that information to this Commission. Commission Chair Aguilar said that employee Julian Torres sent the Commission notice and said that falls under personnel so the Commission has no discretion or authority under that matter, and with the Supervisor or Manager of Animal Control direction has been given to Administration to re-advertise that position and will no longer be an appointed position it will be non exempt and will be covered under the personnel ordinance. Commissioner Padilla made a motion to ratify what was discussed about Animal Control. Commissioner Pando seconded the motion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Padilla voted yes. Commissioner Baca voted yes. Motion carried. Commissioner Pando made a motion that nothing else was discussed in executive session. Commissioner Baca seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Motion carried.

**Pledge of Allegiance** was led by Sheriff Juan Julian.

### **Approval of Agenda**

Valentine Rael, Mary Romero, Leonard Garcia, John Thompson, and Paul Luna all asked to speak under public requests. Ruben Chavez, Assistant County Planner, asked to postpone item D as he got permission to publish at the last meeting and since then has received several comments and he would like more time to address that. Carlos Lopopalo asked if item D is just for residential subdivisions. Mr. Chavez said it is for residential subdivisions. Commissioner Padilla made a motion to table item D. Commissioner Daves seconded the motion. Motion carried with Commissioner Pando voting no. Commissioner Padilla made a motion to approve the agenda as amended. Commissioner Baca seconded the motion. Motion carried.

### **Approval of Minutes**

Commissioner Pando made a motion to approve minutes for August 7, 2001, August 13, 2001, and August 21, 2001. Commissioner Padilla seconded the motion. Commission Chair Aguilar said on the draft minutes for the meeting of August 21, 2001, on page 12 there were a couple of changes made but that will be reflected in the minutes that are being approved. Motion carried.

### **Public Requests**

Valentine Rael, a resident of Serafin Road, presented a petition from the people of Serafin Road concerning the re-paving of that road. Mr. Rael said it has been 20 years since Serafin Road was first paved and has been worn down from heavy traffic due to the detour of River Road. Mr. Rael would also like speed bumps to be added to this road due to the high speed traveled through this road at all times. Commissioner Baca said that on her list of paving roads this road was not included but she will consider it when she submits her next list. Commissioner Baca will meet with the Road Superintendent to see what can be done.

Mary Romero said in the minutes from the August 21, 2001 Commission Meeting, under request for payroll & warrants, there's a mention of \$50,000.00 that Carlos Montoya put in companionship of Cornell as they feel the County can get a contract with INS. Ms. Romero said the acceptance of INS prisoners hasn't been voted upon by the Commission and asked, under what authority Mr. Montoya offered this \$50,000.00 to Cornell. Ms. Romero said the County could save a million dollars a year if it ran the facility itself and asked if this would be the time to start looking into that. Ms. Romero said the local bondsmen have complaints about Cornell as they bond prisoners out at 8:00 A.M. and they can't get out until the afternoon and the County has to pay for an extra day. Prior to the new jail being built, Ms. Romero said the Commission made a lot of promises to the residents of the Village of Los Lunas and one was about the type of inmates that were going to be housed here. Ms. Romero said that Commissioner Pando had said that any dangerous criminals would be shipped out. Ms. Romero said if Valencia County signs a compact with the Federal Marshall, the County will not be able to pick and choose as to what kind of inmates come into the facility. Ms. Romero said there is talk around the Courthouse to bring in pre-fab buildings to house these federal prisoners. Ms. Romero asked Commissioner Pando, "Where do you stand on the promises you made us yesterday? Are you for or against accepting federal prisoners?" Ms. Romero said it is her understanding that the State Highway Department gave Valencia County \$358,000.00 to be used on road repairs and paving projects and Leonard Garcia expressed at the last Commission Meeting that the Meadow Lake road project was to be done in June and that Louie Pena had told him that it was tabled because there were no funds. Ms. Romero asked what happened to the funds? Ms. Romero stated that on the August 21, 2001 meeting, Mr. Fernandez said that funds to cover commitments for 2000 and 2001 road projects are going to be coming part of the issuance of a revenue bond and that would cover the paving of Meadowlake Road. Ms. Romero asked, isn't it a fact that the County will be receiving another \$358,000.00 from the Highway Department either this month or next month? And why is Mr. Fernandez saying that road projects will be paid for with revenue bonds when the County has State Highway Department funds available? Commissioner Pando said half of the populations in the jail are residents of Valencia County and as far as the question of INS; the County signed a contract that it could allow up to 10 people. As for the question of the \$50,000.00, Commissioner Pando said he had Mr. Fernandez and Mr. Montoya look into that because there was a conversation to the affect that there was \$50,000.00, which was put in the County budget as revenues for federal prisoners. Commissioner Pando found out that those federal prisoners are from the Pueblo of Isleta, Santo Domingo, Santa Ana, and San Felipe. Commissioner Pando said as far as the question of Management, that needs to be discussed openly and the County may be able to save money, but is the County going to have to pay out a lot of money in liability. Commission Chair Aguilar said under contract bids there is \$50,000.00 there and the minutes indicate that the County budgeted \$50,000.00 so that money is contract bids. Commission Chair Aguilar said there was discussion about brining in INS prisoners, but the County is already up to capacity with it's own prisoners. James Fernandez, County Manager, said there is a line item in the budget for contract bids in the amount of \$50,000.00 and last year the Commission approved a budget that had contract bids of \$150,000.00 so it's not a new item to the Board.

Leonard Garcia, a resident of Meadow Lake, said that on several occasions he has been at the community center and has set the alarm off. Mr. Garcia said there is a Sheriff's Deputy that lives right next to the community center and there is no response to see why the alarm is going off. Mr. Garcia asked what kind of responsibility does that Sheriff's Deputy have to the community for living there at no cost. Mr. Fernandez said the Sheriff's Deputy is living on the property rent free in

exchange for being a caretaker and if he's not responding to that, he needs to speak to him. Mr. Garcia said the Deputy has never gone to one of the Association meetings to introduce himself. Mr. Garcia said that children mess around at the center.

John Thompson, who works with the House Arrest Program, told the Commission he has been working on contract through the Juvenile Detention Taskforce for 7 years. Mr. Thompson said he and Jamie Goldberg have been the two officers doing this for this past 7 years. This is an alternative to detention in the community for juveniles. Mr. Thompson said he has received a great response from the juveniles he has worked with. Mr. Thompson monitors these juveniles when they're at home and saves the County \$125.00 a day per bed for these children and they also mentor these children. Mr. Thompson said this would be the third month that he is working without pay under contract. It is very surprising to Mr. Thompson that a man that contracts for \$30.00 a day to work 24 hours a day, monitoring the children of the County, cannot get paid. Mr. Thompson pays for his own expenses. Mr. Goldberg and Mr. Thompson average 16 juveniles per month. Mr. Thompson asked the Commission to consider this. Bernalillo County pays Mr. Thompson and Mr. Goldberg. Mr. Thompson said there is \$9,000.00 that was given from Valencia County to Bernalillo County for just one monitor. Mr. Thompson said he and Mr. Goldberg work together, that's why there are two monitors. Mr. Thompson said that he and Mr. Goldberg would use the \$9,000.00 through October to pay both of them until some alternative has been met. James Fernandez, County Manager, said the positions were for \$9,000.00 each and at a minimum it should cover two individuals for six months if they're both working full time. Commission Chair Aguilar asked Carlos Montoya, Fiscal Officer, if Mr. Thompson can use the money through October. Mr. Montoya said he budgeted \$9,000.00 for one position and in discussions with Tom Swistack, who runs the program for Tri-County, these two gentlemen said they could be offered both part time at \$450.00 a month, and they're refusing to sign the contracts because they feel they're underpaid. Mr. Montoya said the \$9,000.00 has not been released to Bernalillo County because the \$9,000.00 is part of a grant the Tri-County has. Mr. Fernandez sent a letter to Mr. Swistack asking for clarification as they received \$95,000.00 from Children Youth and Families toward this program and want the \$9,000.00 from Valencia County, \$40,000.00 from Sandoval County, and \$40,000.00 from Bernalillo County. Mr. Montoya said that Tri-County is saying that with the \$9,000.00, Valencia County is not going to get any of the grants, and Valencia County is saying no, that's not part of the grant. Mr. Montoya said Mr. Swistack said since they hadn't signed the contract that he would go ahead and take care of them for the month of July and if they don't sign the contract they won't get paid for the month of August. Mr. Thompson said that with the \$9,000.00 he is talking about, he is basing that on \$30.00 per day per monitor. In the seven years that amount has never changed. Commissioner Pando said he would like to have this as an action item at the next meeting and have all participants present. Commission Chair Aguilar said the next meeting will be held in September at Valencia County for the Joint Powers Agreement with Juvenile Detention to discuss all of these issues. Mr. Thompson said that while this is getting fixed, he's not getting paid. Mr. Fernandez said that when he met with Judge Sanchez late last week, he just submitted the billing for the month of August.

Paul Luna, Principal at Century High School, asked the Commission for their support for the students. Mr. Luna said their school is a "school to work" program as students are required to work at least 15 hours per week which goes to their elective and work study credit. Mr. Luna requested that anyone who may have job opportunities for the students, to give them an opportunity to be interviewed. Currently there are 12 students who are unemployed. Mr. Luna's goal is to get every single student on the campus employed. Students are in the classroom from 8:00 A.M. to 11:30 A.M., and then they're required to work. These students do get monitored. Commissioner Pando said the County has a hard time keeping the Secretary at the Planning & Zoning, so that could be a good avenue to have someone part time. Also the County has trouble keeping people in Animal Control, so Commissioner Pando thought it might work to fund two students instead of one person for that department. Last year Mr. Luna received four positions for the students from YDI and this year they've been give one position. Commission Chair Aguilar asked Jack Huning, member of the Central Area Workforce Investment Board, if there are some funds under the adult dislocated workers? Mr. Huning couldn't answer that but will check on it.

## **Public Hearing/Amendments to Valencia County Subdivision Regulations Article 9.....Ruben Chavez**

Ruben Chavez, Assistant County Planner, informed the Commission that at the last meeting the Commission had agreed to let Planning & Zoning publish an amendment to Article 9. Under Article 9, what he published were the changes to the administrative fee structure. On item A, preliminary plat was \$1,000.00 plus \$10.00 a lot, and Mr. Chavez published the amendment to add a review fee of 1.5% of construction costs. Under final plat, item B, the fee was \$500.00 plus \$10.00 per lot, Mr. Chavez requested to amend that by adding a review fee of 1.5% of construction costs. Item C, summary review plat, Mr. Chavez does not know why there was \$400.00 written, as the Planning & Zoning policy has always been \$200.00 per lot, so that will be amended. Under article 9, those are the only amendments. There are no amendments in Article 10 or 11 before the Commission today. Construction costs depend on the size of the project, when the Contractor submits construction drawings for subdivisions; Planning & Zoning is requesting that they submit a list of costs of the constructions. The way the 1.5% came about, is Mr. Chavez took a survey of surrounding communities and some were at 1%, Las Cruces is up to 5%, Belen, Los Lunas, Bosque Farms, and Albuquerque are all at 1.5%. In the past, the review that has been done has been minimal. With the last subdivision, the County had to hire an engineer for drainage issues and design standards, for the County's benefit. The fee of \$1,000.00 doesn't cover it if the County is paying \$3,000.00-\$5,000.00 to review these. Commissioner Daves asked if these figures would cover the County's costs. Mr.

Chavez said yes. Mr. Chavez said that since he has been here the policy has been to charge \$200.00 per lot on the summary review plat and he is not familiar with the flat \$400.00 fee. Commission Chair Aguilar stated the \$200.00 was already amended last year due to error of Article 9 Administrative fees.

Commissioner Daves said the language about appeals is “Any person who is adversely affected by the decision of the County Planning & Zoning Administrator, or County Planning & Zoning Commission, or County Manager may appeal to the Board of the County Commissioners”, in his opinion, there should be a hierarchy of appeals as that brings things to the Commission before they should be brought to the Commission. Commissioner Daves thinks all of these should at least go through the Planning & Zoning Commission before they come to the Commission. Mr. Chavez will take a look at that process to see what can be done. Commissioner Pando said most things that come to the Commission have already been to the Planning & Zoning Commission. Commissioner Daves would like to make that the law. Commission Chair Aguilar suggested that Tom Garde, County Attorney, take a look at this for clarification.

Bob Winfield had concerns as to the 1.5% of construction costs not being defined. Mr. Winfield suggested capping the 1.5% at a dollar level. Commissioner Pando said the intent is not to put a price on an entire construction project, but the start of the project, which is drainage, erosion, and design. Mr. Chavez said when the engineers do the subdivisions, they also charge the developer a percentage based on construction costs, so the costs will be the plat and the construction drawings of that plat. Commissioner Daves thinks its worth looking into the review of an appropriate amount that may be less than 1.5% as the County should do an appropriate review and recover the costs. Commission Chair Aguilar believes there needs to be clarification of what the construction costs are so everyone would know what the 1.5% would go for. In the old ordinance, the cost of this is \$1,000.00. Mr. Chavez said the cost of 1.5% at preliminary and 1.5% at final, is more than enough to cover the engineering fee and \$1,000.00 is not enough to cover the review. Tom Garde, County Attorney, suggested that the Commission set out a definition of what construction costs are and that would notify everyone as far as what factors would go into the 1.5%. Mr. Garde believes this would satisfy the developers so they know that they're not being charged for the building and other items.

Michael Lundmark said when the subdivision regulations were done, they talked about costs incurred by the County with development and that is a primary concern for many residents. Mr. Lundmark said this requires infrastructure that the County has to pay for. Mr. Lundmark said 1.5% sounds like a lot of money but is willing to bet if statistical study was performed, the County would find out that the requirements on the County to provide support services is way beyond 1.5%. Mr. Lundmark asked the Commission to do a study before they set a figure because it's hard to go back and change it.

Carlos Lopopalo asked if each time the plat is submitted, is it 1.5% each time? Mr. Chavez said it is 1.5% at preliminary plat and 1.5% at final plat.

Commissioner Daves told Mr. Lundmark that he is talking about impact fees which this does not seem to be and there are impacts beyond the four corners of a subdivision that cost the county that may or may not be justified or paid for with a given developer.

Commissioner Pando said he would support this item. Commission Chair Aguilar said the second and final public hearing on this item would be September 18, 2001 at 6:00 P.M. Commissioner Daves would like Mr. Chavez to define “construction costs”.

### **Request Permission to Publish Ordinance to Establish a Moratorium on New Subdivisions.....Ruben Chavez**

Tom Garde, County Attorney, said that during the last meeting the Commission directed staff to prepare an ordinance to publish with regards to the declaration of a moratorium and that is before the Commission today. The dates that were set on this document indicate that moratorium would expire on February 21, 2002, which would be six months from the date of that meeting. If the Commission were to accept this document for publication, Mr. Garde said there could be a final hearing on it at the first meeting in October, and this Commission could adopt an emergency clause that would have this ordinance go into effect immediately if it so desires. This moratorium is solely for new residential subdivisions and there is an escape clause in that if the comprehensive plan is not completed by the 21<sup>st</sup> of February, there is a 90-day period that this moratorium could be extended. Once the comprehensive plan is adopted, this moratorium would cease to exist. There would be language developed from that hearing that the Commission would feel comfortable with as far as why the moratorium is necessary.

Commissioner Daves asked Mr. Garde about the 5<sup>th</sup> “whereas” on the very last line that says, “Without the completion of a comprehensive plan”. Commissioner Pando had the same concern and said the reason the Commission is passing a moratorium is so it can get a comprehensive plan. Commissioner Pando said the Commission should focus more on developers who develop five lots at a time in areas that are not contiguous. Commissioner Pando does not see the need for a moratorium of this type of growth and should be addressed more at lot splits. Commission Chair Aguilar said the zoning ordinance and subdivision regulations regulate the internal, boundary to boundary, but they do not allow the Commission to make decisions on the impact or the development of the community as a whole in addressing water, traffic, etc. Mr. Garde said the current subdivision ordinance addresses individual areas, and the comprehensive plan encompasses the entire county. Mr. Garde said the portion that says, “Without the completion of the comprehensive plan”, that

wording should be deleted, it would just be “with a growth management strategy and address water and management issues.” In addressing water management issues, Commission Chair Aguilar asked how they would do that. Mr. Garde said those are issues in which they are not ready to address, as the subdivision regulations require that the State Engineer provide that information to the County, and apparently there is another organization that has other information. Mr. Chavez said the comprehensive plan has a natural resource chapter within it. Within that chapter of the plan, this Commission will be addressing those issues that Commission Chair Aguilar is addressing and if there is a water plan in the comprehensive plan it will be real easy to tie it to the subdivision regulations.

Michael Lundmark said that Commissioner Pando brought up a good point in talking about lot splits. Mr. Lundmark proposed that the Commission put a moratorium to complete the comprehensive plan along with a comprehensive review and modifications to the subdivision regulations and the planning & zoning ordinance so it would comply with the comprehensive plan, but what Commissioner Pando is saying about the lot splits, those are causing a lot of problems in this County. Mr. Lundmark said it should not just be the comprehensive plan; it should be the review of the entire ordinance associated with it.

Within the draft comprehensive plan, there’s discussion of water resource or other resource issues, Commissioner Daves asked Mr. Chavez if he feels that those are already encompassed within the subdivision ordinance and regulations. Mr. Chavez doesn’t think those are addressed much at all. Mr. Chavez said as to what it will change, whatever the water plan is, that will change. As far as changing the ordinance and subdivision regulations, Mr. Chavez doesn’t think those will be changed much at all. Commissioner Pando asked Mr. Chavez if he feels a moratorium is necessary. Mr. Chavez said if this Commission is using this to speed up the comprehensive plan, he could support that. Commission Chair Aguilar said the County did the zoning ordinance and subdivision regulations first so at least that would be in place while the comprehensive plan is being completed. Commission Chair Aguilar is not looking at this moratorium just to finish the comprehensive plan, but to assure that any new subdivisions coming in, that the County is addressing natural resources and the impact of all development in the community. Commissioner Padilla made a motion to approve the request to publish this. Commissioner Baca seconded the motion. Motion carried with a vote of 3-1, as Commissioner Pando voted no.

## **Public Hearing/Amendments to Valencia County Comprehensive Zoning Ordinance 99-07.....Ruben Chavez**

### **Section 703, 1305, and an Addition of a New Section 704**

Ruben Chavez, Assistant County Planner, said under section 703, page 34, under permitted uses, the amendment that is being added is in the I3 district as the following uses shall be “subject to section 703 and subject to section 1102” which is conditional uses of this ordinance. The second amendment would be “Any permitted use stated in the I1 and I2 Zone Districts”. Mr. Chavez said that section 703 is the I3 heavy industrial district. In item C, “The manufacture of forest products, including sawmills, planing mills, plywood and particle board plants and pulp and paper mills” is deleted. In item G, “livestock packing, processing and warehousing”, is added. On page 35, which is section 703.05, prohibited uses, it states uses of land and water not specifically mentioned in this section, they added “including the use of evaporative ponds” are not allowed as a similar use, and are prohibited in the I3 District unless a showing of substantial necessity can be demonstrated by the applicant. On page 36, he added a water and sewer item, which is item I and item J. Item I states “Water used for manufacturing or processing as a component of any use in the I3 zone district must be adequately treated and recycled for reuse”. Item J states “Water plans by certified engineer: a 20 year water plan specifying water conservation measures which also discloses and quantifies water sources, consumptive water use, recharging of aquifers, recycling of water and mitigation measures of water use. For the purpose of this section, water conservation is defined as measures or technology that reduces the amount of water withdrawn from the water supply sources, reduces consumptive use, reduces the loss of waste or water, improves the efficiency of water use, increases recycling and reuse of water, and prevents the pollution of water.” Those are the amendments to section 703. The forest products such as sawmills and planing mills were removed as permitted uses and will be under conditional uses.

Planning & Zoning would be the body that would approve the conditional uses for a paper mill. Mr. Chavez said if the property is zoned outland, the people would have to go to the Planning & Zoning Commission and then to the County Commission and they would send it back as a conditional use, but if the property is already zoned I3 then it becomes a permitted use. Commission Chair Aguilar understands that any conditional uses never come to the Commission, they go to Planning & Zoning and they will approve or disapprove. The way it is now, if they need a zone change they would have to come to the Commission. Commission Chair Aguilar told Mr. Chavez he is taking that away from them. Mr. Chavez said if it is a zone change it will go through the Planning & Zoning Commission then to the full Board. Mr. Chavez said if it was left as permitted, the Commission would never see it anyway. Commission Chair Aguilar understands that it would come to the Commission so the public would have an opportunity to give input. Commissioner Daves thinks it’s ironic that something that is permitted is being viewed as taking away the Commission’s discretion if it is made as conditional because conditional makes it more difficult to get it done. Commissioner Pando said when a person goes for a zone change, the Commission can ask what they will do with that property after it is zoned. Commissioner Pando disagrees with completely eliminating the manufacture of forest products, including sawmills, planing mills, plywood, and particleboard plants, and pulp and paper mills. Commissioner Pando believes before the Commission adopts something that is this restrictive, they need to talk to people from industries to explain where they’re headed in this direction.

Mr. Chavez said under section 703.03, which is conditional uses, they can make that a "type C review", which means Administration looks at it, Planning & Zoning makes a recommendation, and then the Commission makes a recommendation. Normally conditional uses are done at the Planning & Zoning level. Commission Chair Aguilar feels that on industrial uses, the more input the Commission gets as far as public comment, the better. Mr. Chavez said the conditional uses being a type C review are under the I3 district. Commission Chair Aguilar asked Mr. Chavez to think about addressing the I1 and I2 districts also. Commissioner Daves opposes all conditional uses coming before the Commission for approval that were formerly not brought before the Commission. Commissioner Daves thinks the criteria should be environmentally consistent with the area, meet certain standards of sanitation, noise, etc. and that the Commission trusts the process of Administration. Mr. Chavez said when he does a list of permitted uses, they're looking at the future and probably 70% of the uses that will be in effect in the year 2020 have not even been invented yet. Commissioner Pando believes any industrial use should follow the three-step process.

Tom Kelly, from PNM, asked if the Commission is specifically talking about a paper mill at this point. Mr. Chavez said they are talking about I3 heavy industrial, which could be 100 different permitted uses. Mr. Chavez said the paper mill was a permitted use. Mr. Kelly said PNM is for economic development and a paper mill has significant loads, which PNM would be obligated to serve.

Bob Winfield, Representative of New Air Forest Projects, who is headquartered in Albuquerque, is made up of a group of companies and individuals that are scattered across the United States. Mr. Winfield is now in the process of evaluating sites in Arizona and New Mexico and one of the sites is in Valencia County. Mr. Winfield said Valencia County has some good opportunities to site here and this is something he would like to consider. Mr. Winfield said the paper mill has negative connotations to people. The mill that this company is proposing is a state of the art facility that takes technology that is presently used in various parts around the world. This technology is very benign to the environment and does not have the characteristics of the old mills in the past. There isn't any smell or air emissions or water emissions. The mills are essentially a closed cycle facility where all water is kept internal to the process. There are no air emissions because there are no chemicals or cooking of a pulp in this process. There are a number of mills that are in North America that are of this process and available for people to look at. This mill that they are in visioning is one that will have a capital cost of approximately \$750,000,000.00 and this will be the initial phase. The mill itself is a very large employer with about 250 employees. The average wage in the mill will be about \$35,000.00 a year. The mill employees will all be trained locally. This company has no intention of bringing in employees from outside the area other than a couple of key employees who have experience in the operation of these mills, and these are very specialized positions. The rest of the positions are not minimum wage positions, as they average about \$35,000.00 a year. The mill itself is a very high tech facility and very clean. Mr. Winfield suggested that on the striking of the permitted use, in the forest products use, to limit that section to that type of facility that the County would see as beneficial. Mr. Winfield's concern is that this will be a factor whether this company would continue looking at the site if there is an indication that they would have difficulty with this. On section 703.05 dealing with evaporative ponds, in reading the existing language, Mr. Winfield said it obligates discretion to the County whether ponds would be allowed. Mr. Winfield suggested specifically identifying evaporation ponds, as a non-permissive use is something that may be problematic, but would like to change the language that would allow evaporation ponds in certain situations. Mr. Winfield said the paper mill may not have any evaporation ponds at all, but many of the permitted uses that have been identified do use evaporation ponds. In section 703.07, part F, Mr. Winfield said this might be something to look at because with the height restriction of 60 feet, there will be certain facilities that will be over 60 feet tall, he suggested going to 100 feet. Mr. Winfield said section 704 deals with industrial developments, and he noted the 75 acre foot limitation as there's additional language in there that is ambiguous in dealing with with aesthetic appeal that may be difficult for a designer coming in to try and hit those targets unless they're defined a little bit better. Commission Chair Aguilar recommended that Mr. Winfield get together with Mr. Chavez to address his concerns.

Tom Kelly, from PNM, submitted a letter that he drafted to the Commission.

Carlos Lopopalo said the one problem that he has is the elimination of the paper mill. Mr. Lopopalo said one of the major things that the County is permitting is definite polluters and no allowing things that are potentially beneficial to the County. Mr. Lopopalo asked the County not to do that.

Mr. Chavez said that item G was in the I1 district and that was a higher level of nuisance. Commissioner Pando felt that items E and G are the same thing. Mr. Chavez said he could merge those two. Commissioner Pando asked about the site design review on page 72 of fees of \$250.00 commercial and \$500.00 industrial use and asked if that's going to be enough money to charge. Mr. Chavez said this is to review the drainage plan, so it's only on that one lot. A zone change application to change a parcel of land to I3 will cost \$250.00 plus the money for the drainage review with this proposal. The Commission has input on the zone change and once that is done the site design stays with Planning & Zoning where they make sure that complies with the zoning ordinance. On the site design review, Commission Chair Aguilar asked for clarification on the \$500.00 so everyone understands what they are paying for. If that's not enough, Commission Chair Aguilar asked Mr. Chavez to increase it and tell the Commission what that covers.

Commissioner Daves believes that there should be language in there that evaporative ponds should be discouraged and prohibited unless it's showing a substantial necessity, Commissioner Daves thinks it's inappropriate to put that under a prohibited use, as it should be in one location only.

Commissioner Daves thinks the conservation element should have evaporative ponds. Also, Commissioner Daves dislikes the requirement that all water in the I3 district be adequately treated and recycled, as that is essentially impossible. On page 36, Commissioner Daves feels that item I is inconsistent with item J, and that's inconsistent with permitting them to have an evaporative pond, and thinks that whole language should be stricken. Commissioner Daves suggested putting water plans by certified engineer "paid for by the applicant". Commission Chair Aguilar concurred with Commissioner Daves on the 75 acre-feet, as the County needs economic development. Mr. Chavez said in section 703.05, permitted uses, Mr. Chavez asked for the consensus of the Commission as to the ponds. Commission Chair Aguilar agrees with taking it out or addressing it. Commissioner Daves said "My point is that J, water plans by certified engineers, and then talking about rigid criteria for conservation can include in that an appropriate use or non-use of evaporative ponds." Commissioner Daves thinks that item I is asking for a standard that can't be met. Commissioner Daves would like to remove evaporative ponds in that paragraph. Commission Chair Aguilar told Mr. Chavez, "in item I, take away adequately treated and recycled for use, and that will be left under J." Mr. Chavez said he could delete item I all together. Commission Chair Aguilar also told Mr. Chavez in item J to clarify that it's to be provided by the developer, and also to clarify site design review costs for the next hearing. Commissioner Pando feels that they should not prohibit the manufacture of forest products, sawmills, planing mills, plywood and particle plants, and pulp and paper mills in item C. Commissioner Pando does not have a problem with taking out pulp and paper mills as long as they can word it something else such as forest products. Commission Chair Aguilar said they addressed this as a type C review under 703.03 instead of conditional use. Commissioner Daves does not support all conditional uses coming before the Commission.

Section 704 is a new section, and what Mr. Chavez tried to do with this section is create opportunity. In trying to promote some economic development in the area, Planning & Zoning decided to try the industrial park. In the industrial park, if a person has 500 acres, it can be split into I1, I2, and I3. So the developer gets 500 acres, an area plan, which shows where I1, I2, and I3 will go, and identify the categories of uses within this development. In a portion of the ordinance, pad sites individually will have set back criteria. When an area plan is allowed with an industrial park, a person will not get a chance at any of the permitted uses. Conditional uses will have to come back in for a site design review, but the developer will be able to mark all his permissive uses, and all he will have to come in for is a type A site design review. The problem with this is it does let people try to look for some anchors and try to pull in some development, but once this whole area plat has been assigned uses, unless they come as conditional, there won't be any more review other than the review through the ordinance itself. Commissioner Pando asked about item A on 704.02, and what happens if with all this outland district land, if this comprehensive plan doesn't identify any of this land as an industrial park even to come in as a zone change. Mr. Chavez said at the bottom of that paragraph, it says if a county comprehensive plan is not adopted, the provisions of sites for industrial park districts shall be established through sections 1106 and 1107, as 1106 is the amendments to a zone map and 1107 is the application process. Commissioner Daves said that this ordinance says that unless its designated as appropriate for an industrial park in the comprehensive plan, then it can't be one and he thinks that's a little bit unreasonable. The way this reads to Commissioner Pando is that if when the comprehensive plan is adopted, if the County designated the entire mesa for residential, that's all it can be used for. Mr. Chavez wanted to be able to attach the policies within the industrial parks. Commissioner Pando asked if the comprehensive plan is going to say where the industrial parks are designated. Commission Chair Aguilar said in speaking with Steven Chavez about this, she understood that industrial parks are designated. Commission Chair Aguilar said on section 704.01, they already made recommendations on the others and thinks the previous recommendations need to be looked at to provide some flexibility, but as it is right now it is too restrictive. Commissioner Pando questions the need for section 704. Commissioner Padilla asked how someone could open industrial parks if they already have established ones. Commission Chair Aguilar said that this ordinance says there should be infrastructure, so if someone comes in and says they have a better piece of property that they could use as an industrial park, they'll provide infrastructure and meet all the requirements. Commission Chair Aguilar said she doesn't want to make this a restriction to where they can only go to a designated area.

Commission Chair Aguilar believes there should be public input and outline and doesn't agree that industrial parks should only be limited to what is existing. Commissioner Daves thinks there should be some ability for the comprehensive plan to point direction as to where the County wants the industrial growth to go but on the other hand it could allow someone to come in and nudge that somewhat. Commissioner Daves doesn't think a conditional use permit should come to the Commission, but if someone is opposed by the adoption of the conditional use, then that can always be appealed by either party and come to the Commission. On the other hand if there is land zoned and there are permissive uses for it, Planning & Zoning can do those permissive uses. Commissioner Daves said this creates a mechanism that would be encouraging to development in terms of creating industrial parks. Commissioner Pando said that section 703 basically addresses every concern that is raised in section 704. Mr. Chavez said the reason they need section 704 is they don't want to master plan 5 or 10 acres; they want to do it at a bigger scale and let them be able to develop. For developers that have less than 100 acres, they're going to have to come for a zone change individually for their site. Commission Chair Aguilar recommended that if it's a duplication in 703 and 704, not to duplicate 704. Commissioner Daves feels this needs to be discussed more in the next forum and thinks it would be an important addition to the process. Mr. Chavez thinks section 704 is a good tool that may someday attract multiple facilities that will benefit the County. Commission Chair Aguilar recommended that the last page of section 704 be under section 703 and that would take care of it. Mr. Chavez believes the setbacks in dealing with these larger scale developments are a plus, and the County is looking at staying 1000 feet from residential land.

Commission Chair Aguilar asked if you implement this into 703, would we achieve the goal? Mr. Chavez said he would look at this and bring it back.

Carlos Lopopalo said he did not agree with having the designated industrial sites established by 1950 rules and by a company who came in telling the County where the industrial parks are. Mr. Lopopalo said one of the problems the County has is that with present industrial parks, all the traffic has to go through Belen, and he doesn't think the bridge can handle all the traffic going over the bridge. Commissioner Daves thinks the idea of section 704 is to allow the County to create their own industrial parks. The next meeting will be on September 18, 2001 at 6:00 P.M.

**Request Approval of Roads for County Dedication & Maintenance (Tabled 8-21 Meeting.).....Commissioner Aguilar**

**Molinero Road**

**Soquel Road**

This is the third time this item has come before the Commission. All of the road viewers recommended approval on this. Commission Chair Aguilar made a motion to approve. Commissioner Baca seconded the motion. Motion carried.

**Request to Amend Zone Maps from RR2 to RR1.....Rito Mendez**

Rito Mendez requested a zone change on a 4-½ acre tract from RR2 to RR1. Mr. Mendez would like to have this split in three ways, two 1-acre tracts and one 2-½ acres, which is the one with the house and corral. Ruben Chavez, Assistant County Planner, told the Commission this came before the Planning & Zoning Commission. The plat before the Commission shows lots 1-4. When Mr. Mendez brought this to Planning & Zoning, they noticed the piece of property to the right hand side of the existing road has two trailers on it. That portion of the property inadvertently created a separate tract, as there is a road through the middle. When this plat was originally looked at it should've been five lots because that was a separate lot in that of itself. Mr. Mendez is asking for an R1 zone for all the 4.5 acres. Mr. Chavez concurred that the unnumbered tract, which is about 1.14 acres should be R1 because its already been separated, however on the remaining 3.4 acres the Planning & Zoning Commission recommended R1 on all the property. Mr. Mendez wants to amend his request and have the house and corrals with 2.5 acres and leave one acre by itself up against lot 2. The Planning Department concurred with changing the unnumbered tract but recommend against the rest of the 3.3 acres. The plat before the Commission was approved in 1995. There will be 1.14 acres left where the two mobile homes are, which does include the road. Mr. Chavez did not calculate the net acreage. Commission Chair Aguilar asked, isn't that something that the Commission needs to look at? Mr. Chavez said that's correct. Commission Chair Aguilar asked, so are you asking us to approve a non-compliance lot? Mr. Chavez answered yes, he thinks the lot is already non-compliance and already separated by all the natural boundaries that it has. In the process, step 1 is the zone change, and then when he goes to plat it, before he could record a plat, he would need to get a variance. Mr. Mendez said the mobile homes are going to be removed. On lots 2, 3, and 4 there are mobile homes and he will be placing restrictions on this land.

Mr. Chavez recommended granting the R1 zone change to the unnumbered lot, in order to make that lot conforming. The road is 30 feet and was platted in 1995. Commission Chair Aguilar asked if this plat would have to comply with the new regulations as far as paving the roads and upgrades since it is a re-plat from an existing plat. Tom Garde, County Attorney, said all the Commission is dealing with is the undeveloped lot and lot 1, so they're not dealing with lots 2,3, and 4. Commission Chair Aguilar said they fall within the same description in the same tract. Mr. Garde recommended that the Commission follow Administration's recommendation on this and said this is an R2 zone that requires a two-acre minimum. Mr. Chavez recommended granting the unnumbered lot and keeping the rest of the property RR2. The Planning & Zoning Commission recommended changing all 4 acres to RR1. The main entry to the property is Escondido Lane and there is a north and south exit. According to Mr. Chavez, Mr. Mendez is asking to amend his application today not to get all his property zoned RR1, just the unnumbered lot and the newly created lot. Commissioner Pando made a motion to approve the 1-acre split, the 2.3-acre, and make the illegal lot a legal lot, so there will be three legal descriptions. Commission Chair Aguilar seconded the motion.

Dale Jones told the Commission what really bothers him is the consistency of the Commission because if they're not consistent they won't be able to maintain the RR2. The other thing that bothers him is that the Planning & Zoning Commission approves everything that comes through. Mr. Jones recommended that the County Commission meet with the Zoning Commission to get some understanding of what the policies are in the County. Mr. Jones said the road on the plat is 30 foot and the policy is 40 foot. Commissioner Padilla feels they do need to meet with Planning & Zoning. Commissioner Pando said the unnumbered lot is not part of the 4 acres because the road split it. Mr. Mendez cannot irrigate this land because of his medical condition, which is why he wants to size down. Motion carried with a vote of 3-1 with Commissioner Daves voting no. Commission Chair Aguilar said there was a recommendation to the Commission that the Planning & Zoning Commission attend training but they didn't want to attend the training and follow the ordinances, but the Commissioners said they were very happy with their Planning & Zoning Commissioners.

**Request Approval of Out & In State Travel:**

**NM League of Zoning Officials/Carlsbad NM.....Ruben Chavez**



Ruben Chavez, Assistant County Planner, told the Commission the New Mexico League of Zoning Officials is holding a conference in Carlsbad. This particular conference is going to be doing some training in wireless telecommunications, emergency shelters, group homes, and manufactured housing. Issues will be discussed, and there will be law updates. Mr. Chavez requested to send the four Zoning Officers to this conference who are: Anna Jojola, Edward Gonzales, both who will be certified Zoning Officials, Johnny Mirabel, and Toby Jaramillo. Commissioner Pando made a motion to accept Mr. Chavez's request. Commissioner Daves seconded the motion. Motion carried.

**Western States Sheriffs Assoc. Conference/Colorado Springs.....Juan Julian**

Sheriff Juan Julian asked permission for out of state travel to Colorado Springs to attend the Western States Sheriffs Conference, which will be held on September 26, 2001. Mr. Julian will be providing his own transportation. Carlos Montoya, Fiscal Officer, told the Commission there is only one item of mileage and per-diem for the whole County and once the money is gone, that's it. Commissioner Pando made a motion to approve this request. Commissioner Padilla seconded the motion. Motion carried.

**Clerk's Affiliate/Albuquerque NM.....Tina Gallegos**

Tina Gallegos, County Clerk, requested to attend the County Clerk's Affiliate in Albuquerque and will be taking Lawrence Kaneshiro with her and will be taking the County Vehicle. There is a \$100.00 per person fee to cover the food and conference room. Commissioner Pando made a motion to approve. Commissioner Padilla seconded the motion. Motion carried.

**Preservation Law: Historic Resources & Cultural Landscapes/Santa Fe NM.....Monica Mireles**

Monica Mireles, Administrative Assistant to the County Manager, requested to travel to Santa Fe on September 28<sup>th</sup> and the use of a County Vehicle. The registration fee is \$65.00. Commissioner Padilla made a motion to approve. Commissioner Pando seconded the motion. Motion carried.

**Request Approval of Adoption of Revenue Bonds Ordinance.....John Archuleta**

John Archuleta has a bond ordinance, which will allow the County to continue with the issuance of a gross receipts tax revenue bonds for the County Commission. What this will do is allow Mr. Archuleta to come back on September 18, 2001 with the final interest rates and the final maturity schedule concerning the transaction. By adopting this today and a bond purchase agreement and sales resolution coming back on the 18<sup>th</sup>, the County Commission will have the bond proceeds on October 9, 2001, and the official bond closing can happen at that time. Mr. Archuleta read the summary of the ordinance on page 2. The resolution is 36 pages and was prepared by the bond Attorneys. The action that the County Commission has already taken previously identified the different projects where the Commission specifically wants to spend the money for specific roads and for animal control and there is a designated amount for each of the different projects. Commissioner Daves asked if the Commission is bound to spend the money on those projects. Mr. Archuleta said the Commission has the flexibility of changing their mind as they go along. Mr. Archuleta said the Commission is bound in order to spend the money on roads, Animal Control, and the purchase of vehicles. Mr. Archuleta said the Commission adopted a resolution identifying those. Chris Murietta is from the Module Law firm and the County's Bond Counsel on this transaction. Mr. Murietta said Mr. Montoya prepared a list of items that these funds are going to be used for. Mr. Murietta doesn't believe that the earlier resolution that Mr. Archuleta was talking about specifically identifies each of those, as it generally states that it will be used for these kinds of projects. Mr. Murietta told the Commission if they had previously adopted a resolution with those specifics, then the Commission would have to come back with a subsequent resolution changing their direction.

Commission Chair Aguilar had concerns as to when they had to spend the money for the animal control facility. James Fernandez, County Manager, said at the last Commission Meeting, the Board authorized Administration to go out to bid on an animal control facility. Administration has been waiting for the new Manager to come in not to undertake a project with that magnitude without his input. Commission Chair Aguilar had concerns that roads are specified, and yet the Commission is being told that the roads must be completed by December 31, 2001 and yet from the Road Department she is hearing that because the winter is coming the roads won't be completed by December 31, 2001 because of the weather and they can't pave in cold weather, especially the chip seal. Mr. Fernandez said one of the things the Road Department looked at was requesting a waiver on the completion date in terms of weather conditions. As soon as the money is committed for this, Mr. Fernandez will have the Road Department go ahead and start on these projects. Until any documents have been signed and the actual closing, Administration has told Louie Pena, Road Superintendent, not to proceed because there is no budget without these revenues. Carlos Montoya, County Fiscal Officer, feels that these roads will be completed by December 31<sup>st</sup> because once the Commission moves forward on this project, it allows Administration to move forward. This money will come in on October 9, 2001. Commissioner Padilla made a motion to adopt Ordinance 2001-03. Commissioner Daves seconded the motion. Leonard Garcia told the Commission they are spending money that they don't have. The County's first payment will be August 1, 2002; the estimated principal of interest payments on a yearly basis will be on or about \$130,000.00 a year. The final maturity will be in the year 2009, so it will be 8 years. Mr. Montoya explained on the first 1/8<sup>th</sup> it generates \$600,000.00 a year and the County gets that on a monthly increment from the State of New Mexico of about \$55,000.00 a month. The County keeps this money in the fund and at the end of the year the Department of Finance Authority refunds the County back the difference on the

difference of the gross receipts that they don't use on the jail tax, which is about \$480,000.00. Mr. Montoya said this is a mechanism to provide the County with capital outlay. Motion carried.

**Report on Projects to Be Completed by December, 2001.....Louie Pena**

Louie Pena, Road Superintendent, reported the following roads are supposed to be completed by December 31, 2001: Jose Garcia for chip seal, Amy Road for chip seal, Victoria Road for chip seal, Damon for paving, Vista De Las Cruces for paving, Camillo, for paving, Murphy Circle for paving, Sanchez Road for paving, Shawn Court for paving, Vicente Road for chip seal, AT&T Road for chip seal and Meadow Lake Road for paving. Commission Chair Aguilar asked Mr. Pena if the estimates he has are going to go up because of fuel costs. Mr. Pena said he hopes not. Mr. Montoya recommended that after the meeting of the 18<sup>th</sup>, that the Commission give the go ahead to the Road Department to start scheduling the projects.

Commissioner Daves excused himself from the meeting at 3:15 P.M.

**Indigent Report and Appeals.....Barbara Baker**

Commissioner Pando made a motion to convene as the Indigent Board. Commissioner Baca seconded the motion. Motion carried.

Barbara Baker, Indigent Administrator, presented indigent claims from July 25, 2001 to August 24, 2001. The total amount of claims submitted is \$119,361.27. Ms. Baker asked the Commission to approve \$24,751.26. There were 65 claims submitted and 24 applicant denials. Commissioner Padilla made a motion to approve Ms. Baker's recommendation. Commissioner Pando seconded the motion. Motion carried.

Ms. Baker has two indigent appeals from Carlos Montoya, Fiscal Officer, for Valencia County inmates. Ms. Baker received two inmate bills, one for St. Joseph's Medical Center, and one for NNMEMS. Both bills were over 90 days. The total amounts of the bills are \$383.81. Commissioner Pando made a motion to approve in the amount of \$383.81. Commissioner Baca seconded the motion. Motion carried. Commission Chair Aguilar asked Ms. Baker on the medical bills that have been submitted on the adult detention facility, how far is the County behind there. Ms. Baker said she doesn't know as the one's she cannot pay she gives them to Mr. Montoya.

Ms. Baker told the Commission she has an appeal for Ronald Rodgers, but she didn't send him a letter as to when the meeting was going to be so she rescheduled it for next time.

Commissioner Pando made a motion to re-convene as the Board of Commissioners. Commissioner Baca seconded the motion. Motion carried.

**Request Approval to Adopt Blood Borne Pathogens Exposure Control Plan.....Barbara Baker**

Ms. Baker presented to the Commission the Valencia County Blood Borne Pathogens Exposure Control Plan. The New Mexico Association of Counties is requesting that each county implement and develop this plan. Ms. Baker received a sample policy from them and changed some wording around. Ms. Baker believes this is something the County should develop to protect its employees and make them aware of how dangerous blood borne pathogens are.

Sheriff Juan Julian said he was comfortable with this and the Sheriff's Department has a policy within the Sheriff's Department regulations and policy procedures. Sheriff Julian believes this is something needed to protect the employees. Tom Garde, County Attorney, told the Commission this policy is essential, particularly with the Sheriff's Office and any County entity that is dealing with blood work. Mr. Garde thinks this needs to be disseminated to every employee so they're familiar with procedures that the Commission has adopted. Commission Chair Aguilar asked Mr. Montoya if he budgeted for ventilation for the evidence room. Mr. Montoya said he budgeted \$10,000.00 for repairs to the building, the quote the Sheriff received was \$24,000.00. This would be resolution 2001-39.

**Request Increase on Fee for Contract Payments.....Diana Martinez-Coplen**

Diana Martinez-Coplen, County Treasurer, ask the Commission to approve a resolution to increase the Treasurer's fee from \$25.00 to \$30.00. This fee is for all taxpayers who need to be set up on a contract or payment plan with the County. Contracts are for taxpayers who are delinquent for 3 or more years or more than \$1,000.00. The fee is to compensate for the paperwork to set up the contracts and monitor the activity, as the County is a representative for the Taxation & Revenue Department. Commissioner Pando made a motion to approve resolution 2001-40. Commissioner Baca seconded the motion. Motion carried.

**Request Approval of Professional Service Agreement with Triadic.....Tina Gallegos**

Tina Gallegos, County Clerk, told the Commission that the County should have a professional service agreement with Triadic, who is the computer and data processing provider. The Secretary of State's Office requires that the County have this professional service agreement for the voter registration files. The voter records system that the County currently has right now is with Triadic and that will be changed in October or November to ES&S. In the meantime the County has to have this agreement with Triadic. Tom Garde, County Attorney, told the Commission he had some concerns with this

agreement, but the Secretary of State's Office has corrected those. Mr. Garde recommended approval of the agreement. Commissioner Pando made a motion to approve. Commissioner Padilla seconded the motion. Motion carried.

**Jail Monitor's Report.....Larry Garcia**

Larry Garcia, Jail Monitor, presented the monthly Adult Detention Center report. During the month, the Jail is averaging about 118 inmates for the month. Of those, 106 were male and 12 were female. There is a bed space of 123 per day, and other inmates can be housed in the booking area for 24 hours. Mr. Garcia has not received any bad reports from the Judges as far as being transported to Court and being released. There are 96 beds in the new facility and 20 on the south side for females; the north side can house 7 beds. There are 126 total beds. Commission Chair Aguilar thought that the old facility can only house 26, but there are 30 according to Lawrence Barreras, Warden. Commission Chair Aguilar thinks Mr. Garcia can give a more accurate count if it is a monthly report instead of bi-weekly. James Fernandez, County Manager, asked Mr. Garcia, you referred to this report as a monthly report, you will be doing this bi-monthly are you not? Mr. Garcia said he was asked to do it monthly but said he could do it bi-monthly. Mr. Fernandez said, that's what we were doing before (bi-monthly) and we should be aware of problems that need to be dealt with.

**Update of Jail Facility.....Lawrence Barreras, Cornell Correction**

Lawrence Barreras, Warden for Cornell, said he received a letter from County Manager James Fernandez, dated August 27, 2001 requesting an update of the jail facility. There have been a total of 3,219 inmates processed through the facility since the opening in October of 2000. The average length of stay for inmates in the facility has been 13 days. The programs available are: religious educational, recreation programs, a chat room for inmates who wish to attend Catholic and Baptist services such as Sunday Service, Christian Counseling and Bible Study, Alcoholic Anonymous Program, visiting privileges, segregation visits, life skills, tutoring and GED classes, recreational games and informal activities, work program where inmates get paid for cleaning County areas, special meals and privileges for holidays. The case management works with outside treatment centers to further rehabilitate inmates as part of their release process. There is a records management system to better track inmate movement as well as track an inmates place in the facility. The medical program includes a Doctor available to treat inmates on a 24 hour per day medical care. Dr. Walsh sees patients on a regular basis for 2 hours per day 2 days per week. Dr. Landbill, a psychiatrist, is available to see and treat inmates for counseling. Cornell has also signed a contract with a mobile dentist group that goes into the facility to provide dental care and a long with that is a hygienist. There have been modifications made for both the old and new facilities. The exterior doors have been made more secure. Cornell has also implemented a telephone monitoring system in order to listen and record inmate phone calls. The existing video monitoring program has been reactivated to insure proper visual coverage of all areas of the facility. Modifications have been made to the segregation unit as there has been more space made. As far as personnel, Cornell has maintained 97% staffing since October of 2000. Additional Officers have been trained in firearms and emergency preparedness. Of all Detention center employees, 80% are successfully meeting the required 160 hours. The other 20% have 120 hours completed with 40 hours of in-service training to be completed before the end of the year. One program being offered to Cornell employees is a retention bonus, and events to recognize employees are also scheduled. There is a program for grievances and disciplinary reports as required by contract. As far as incident reports there have been 96 regarding inmate behaviors.

Cornell initiated a contract for accreditation of the facility but since Cornell has held its bid for the Santa Fe County contract, Cornell is seeking accreditation independently for the Valencia County facility for the entire operation. Cornell's contract requires that they be accredited within 24 months of the contract. Cornell is in the process of seeking accreditation for the medical facility. The accreditation for the facility would include a proposal coming forward to the Commission to make some modifications in the area of noise levels, light levels, and mandatory standards. Cornell has already made modifications to improve quality of living in the old facility. The County is not obligated to contribute anything toward the old facility.

The Cornell contract is in place until July 14, 2003. The jail has been running at capacity and for 6 or 7 days it has gone over capacity. Mr. Barreras said there has not been any room to house non Valencia County inmates at the facility. Cornell has housed inmates from Isleta Pueblo but does not have existing contracts for federal inmates. Cornell is in the process of trying to get contracts for federal inmates but there is no space to house those inmates. Any contract would have to be approved by the Commission. Cornell may try to remodel areas in the old facility or at the jail to create room.

Cornell has a company that provides the service of electronic monitoring. Santa Fe County has this implemented and about 50 inmates have been moved out of the jail. Mr. Barreras recommended bringing a proposal to try and place 25-40 inmates on this type of a program to move them out of the jail. If the County did put about 10 federal inmates into the jail that would pay for this program so the County wouldn't experience the cost of building this program. Cornell is trying to work with the County to bring a program forward that won't cost the County and a way to create some space in the jail to house some inmates that need to be in a jail setting. It costs approximately \$72.00 a day to keep an inmate in jail and approximately \$18.00 a day on this type of a program. Typically what Cornell does in most places is charge the inmate about \$4.00 a day of that cost. With pulling out of the Santa Fe contract, Cornell has several contracts that they can take out of that facility with them. Mr. Barreras can come to the Commission for a proposal of expansion in that area. Commission

Chair Aguilar thought the facility needed to be accredited in order to bring in federal prisoners. Tom Garde, County Attorney, said the Marshall's Office doesn't require accreditation. Commission Chair Aguilar said the County is at it's maximum with inmates, so what is it going to cost the County when they exceed the 126? Mr. Barreras would like to work out a contract with the County, and said they need to have some type of an amendment to deal with that situation. What Mr. Barreras is proposing, is in order to not have to place inmates outside of the County jail, is that they look at the Electronic Monitoring Community Base Program and work with the Judges to do that. The contract for Electronic Monitoring would cost between \$14.00-\$19.00 per inmate, per day. There is a cost of \$6.38 that would not be charged for prisoners on a monitoring system, so that can be subtracted from the cost. Mr. Barreras told the Commission they have two options, one is to create immediate space by looking at this program, and the other one is expansion of the facility and housing federal inmates to pay for that expansion. Commission Chair Aguilar stated she would have a concern of going to INS and working with that right now. Commission Chair Aguilar also had concerns about being at capacity in the jail and the cost of that. Commission Chair Aguilar asked, if an inmate requires mental health or more medical, is there going to be an additional expense to the County? Mr. Barreras said Cornell will still meet all of the obligations of the contract, so all the services they committed to in the contract, they will take care of at their expense. Cornell is negotiating with 7 counties right now to have the monitoring program. Commission Chair Aguilar said her understanding on the \$100,000.00 was to do the facility to where they would be able to house the inmates that do community service. Mr. Barreras said it will improve the existing facility but will not add any more beds. James Fernandez, County Manager, asked who covers the medical bills for inmates who are on the monitoring program. Matthew Lang, with Cornell Companies, said the basic livelihood of these individuals would be their own responsibility. There are 8 individuals the County has on work release that just come to the facility at night to sleep.

Commission Chair Aguilar asked if Mr. Barreras has any intention of bringing in pre-fab buildings. Mr. Barreras said he has talked about it but there has been no formal approach to it. Commission Chair Aguilar said that Mary Romero had concerns about bondsmen bonding inmates out in the morning and they're not let out until the afternoon. Mr. Barreras said that Cornell releases inmates in a timely manner and have records on when they get releases. Cornell would be willing to submit those at any given time for an audit or for a monitor to review. Cornell doesn't get any more money one way or another. Cornell has submitted medical bills to the County for payment, but Mr. Barreras does not know where those stand. Carlos Montoya, County Manager, said one of the problems that are occurring is that any off site medical treatment is the responsibility of the County and in the contract before an inmate can be sent off site it has to go through approval of the Jail Monitor. Mr. Montoya asked if the Doctor is coming on a timely basis. Anthony Romero, Associate Warden, said Cornell does keep track of Dr. Walsh's hours, as she's required to turn in a time sheet bi-weekly. As far as the county indigent, any bills that Cornell receives get forwarded to Mr. Montoya. Mr. Barreras said that the Doctor is coming in the required hours and sometimes above those hours. Mr. Barreras said he does not want to experience the security costs and challenges of taking an inmate outside of the jail, so they do bring those services in. The contract they just signed with the dentist is so they don't have to send inmates out. Mr. Barreras met with the Doctor and Medical Director for Cornell and they reviewed the bills and people that they send out of the facility and they are willing to stand by the decisions that they made to send these people out of the facility. Mr. Romero said he is making notification to the contract monitor Larry Garcia, and in the event that there is an emergency after hours he makes notification the next day, in regards to taking these prisoners out for medical care. Commission Chair Aguilar said she would like to see the Jail Monitor's contract reviewed and amended. Larry Garcia, Jail Monitor, told the Commission that Mr. Romero has notified him on the following day of inmates being transported. Mr. Romero said he is not asking the Contract Monitor to make a decision whether or not to transport the inmate, that comes from Dr. Walsh. Mr. Barreras said that his interpretation of the contract is the County will be responsible for medical costs. If Cornell is transporting inmates to the hospital it is costing Cornell as far as security so they really try to keep that to a minimum. Cornell has a Medical Director to review the decisions that the Doctor makes. Commission Chair Aguilar asked if the Doctor's are adding interest for not paying the bills. Mr. Barreras didn't have an answer to that but said he will work with the County to track the bills, give reports on the bills, and follow up on these matters. Mr. Montoya told the Commission the bill goes to indigent, indigent sends it to Mr. Garcia, and Mr. Garcia sends it to Mr. Montoya after reviewing it and recommending whether or not to pay it. Commission Chair Aguilar has concerns about those medical expenses building up and affecting the budget. Mr. Montoya said he would get the total of what's out there. Mr. Barreras said he can give information about juvenile costs and has some ideas that he can suggest as the electronic monitoring program works on juveniles as well. Commission Chair Aguilar invited Mr. Barreras to a joint powers meeting in which Bernalillo County will give a report. Commissioner Pando said that Mr. Barreras can transport juveniles back and forth to Santa Fe, for about \$120.00 and then Valencia County wouldn't need Bernalillo County. The joint powers Meeting is on September 19, 2001 at 1:30 P.M. Commission Chair Aguilar asked Mr. Barreras to bring the Commission a proposal on September 18, 2001 at 6:00 P.M for discussion so maybe on September 19, 2001; the Commission will have direction for Bernalillo County. Commission Chair Aguilar asked Mr. Barreras to bring a proposal on the adult monitoring and a separate proposal as to what it would cost to take the inmates somewhere else on September 10, 2001 at 4:00 P.M.

## **Request Approval to Adopt Blood Borne Pathogens Exposure Control**

### **Plan.....Barbara Baker**

The County Clerk advised Commission Chair Aguilar that the Commission did not make a motion to approve Resolution 2001-39. Commissioner Pando made a motion to approve Resolution 2001-39. Commissioner Baca seconded the motion. Motion carried.

Commissioner Padilla excused himself from the meeting.

**New Hospital Request-For Discussion Only.....Commissioner Pando**  
Commissioner Pando made a motion to table this item until there are more people present.  
Commissioner Baca seconded the motion. Motion carried.

**Manager’s Report.....James Fernandez**

**Update on Animal Control Facility**

James Fernandez, County Manager, updated the Commission on the Animal Control facility. Mr. Fernandez said on August 25, 2001 and August 26, 2001 there was a clean up day at the Animal Control facility and there were about 35 volunteers that painted the kennel area of the Animal Control facility. The kennel was painted with FDA approved paint, and the company who provided the paint also donated additional paint and equipment. The facility was power washed and disinfected prior to being painted and temporary cages were on loan and were used to house the animals of the shelter during the clean up effort. Volunteers also helped cut weeds and assisted with general clean up. The volunteer groups came from Animal Humane of New Mexico, Animal Services of Albuquerque, local animal advocate groups and rescue areas; local pizza establishments donated food, as well as Donut King. Administration has advertised twice for an Animal Control Manager and the Board directed Administration to re-advertise the position as a non-exempt position. Since the last meeting, the facility hired two new Animal Control Officers, and the third Officer has been advertised and Administration will be interviewing for that position this week. Lynn Demas, an existing animal control employee, attended euthanasia training the week of August 27, 2001 and did receive a certificate, which will be forwarded on to her. Ruben Aguilar, of the animal control facility, has requested to attend training on animal cruelty investigations in November, and Mr. Fernandez is waiting for that paperwork. The goal of the county is to make sure that all of the animal control officers are certified with euthanasia within the next six months. There was a training that was provided by Animal Protection of New Mexico in the area of animal cruelty investigation. Michelle Rokke of Animal Protection of New Mexico worked with Steven Chavez and Ruben Chavez to coordinate this effort. All the staff of Animal Control and Planning & Zoning attended this free training. Mr. Fernandez said Valencia County is appreciative for the efforts and partnership that has developed between the County, volunteers, and advocates for humane treatment of animals. Commissioner Pando asked if it's possible that a student from Century High can get hired at Animal Control. Mr. Fernandez said it's possible for future vacancies or positions that would be available. Commission Chair Aguilar said there is liability of bringing in individuals that don't know how to work with the animals. Mr. Fernandez said there was some discussion with individuals at the animal control facility that did not want individuals from community service there, without making sure the individuals had basic training prior to going in. Commission Chair Aguilar suggested that the Administration talk to Robin VerEeck, from Tierra Bonita, because there are funds there that would help these people to get hired in order to graduate. Carol Anaya, Personnel Manager, referred Ms. VerEecke to Paul and Lupe Garcia from Century High School.

**Clarification Letter on Third 1/8 Gross Receipts Tax to DFA**

Mr. Fernandez sent a letter to Darlene Marez, from New Mexico Department of Finance and Administration, as clarification on the third 1/8<sup>th</sup> gross receipts tax on a comment that was made on the budget that was sent to her. Mr. Fernandez provided this information for public record.

**Update on RPO**

Ruben Chavez, Assistant County Planner, told the Commission that Commissioner Daves was selected as the voting member of the RPO, and Mr. Chavez was selected as an alternate. Both Mr. Chavez and Commissioner Daves attended an RPO meeting. The first thing that was discussed at this meeting was the MPO expansion and there was some concern whether the MPO would like Valencia County to become expanded, to include Valencia County because there would be more area and the air quality level would be divided by the area and could lessen their violations. That didn't happen, as part of Tijeras and the Town of Bernalillo was included in that. The State Highway Department had concerns as to the Indian exempt gasoline, saying that the Governor said the Indians won't be taxed on the gas and the reservations can now do their own improvements on their roads. When projects were introduced that came out of the stip, both Highway 47 projects for Valencia County are no longer on the stip as they have both been taken out. Those were called special projects and all special projects got reduced. For Valencia County, the only three projects that got accepted were the two VIA projects of \$127,000.00 and Los Lunas got about \$700,000.00 for the expansion of Main Street. District six got five allocations of 9.4 million dollars. Mr. Chavez asked at the meeting that if for the next four years, Valencia County only gets the \$900,000.00 that was allocated to VIA and Los Lunas, then where is equal sharing if the entire County is going to only get the \$900,000.00. What the RPO told Mr. Chavez is any money that was allocated in District 3 was soaked up by the Big I project, so any money that comes in goes to District 6. Mr. Chavez asked at that meeting what is the benefit for Valencia County to be in the RPO for the next 4-5 years if there's no money. September 14, 2001 is the final day for Valencia County to comment on any of the projects or funding process.

**Request Signatures on Service Agreement for Prisoners between Valencia County & Isleta.....Carlos Montoya**

Carlos Montoya, Fiscal Officer, presented the Commission a service agreement with the municipalities. There is a cost of \$82.92 per prisoner and the County also charges 1½% on any invoices outstanding after 30 days. Commissioner Pando thinks it would be nice to keep the jail at capacity even if some inmates are from Socorro. Tom Garde, County Attorney, told the Commission that under this agreement it would be more prudent for the County to not include Isleta on the bracelet, because basically it is a paying customer and bracelets are for state inmates. Commissioner Pando made a motion to approve the contract. Commissioner Baca seconded the motion. Commission Chair Aguilar said she would like all Commissioners to be present for this. Motion carried with a vote of 3-0.

**Business & Fiscal Manager’s Report.....Carlos Montoya**

Carlos Montoya, Fiscal Officer, told the Commission that in the general fund the County has \$718,565.00 and as of August 29, 2001, the total cash balance of all budgeted funds was \$2,579,234.00, and out of that \$803,605.00 was the balance of the general fund. The County started the fiscal year with 1.6 million dollars and as of Friday the County brought in \$439,000.00 in revenues and \$40,000.00 of that was transferred into the Senior Citizens Program. On the disbursements, the County has already spent 1.2 million dollars. In the next 10-15 days the County will receive the equalization. Last year the County received \$575,000.00 and expects that amount this year. Mr. Montoya explained the County only gets 29.76 cents off every dollar that’s collected of property taxes in Valencia County. Mr. Montoya has been getting a lot of requests from the Road Department and Sheriff’s Department for uniforms. Those departments cannot get those until the county gets final approval of the budget. Mr. Montoya said there are budgeted positions that are vacant and just because they’re budgeted does not mean they have to be filled. Commission Chair Aguilar is concerned with line item expenditures that are going to affect the fund. She said that Mr. Montoya that he and James Fernandez, County Manager, have discretion on that. Commission Chair Aguilar told Mr. Montoya, the bills need to get paid, pay them as usual, as she is concerned with unbudgeted items that are going to affect the fund. Commission Chair Aguilar mentioned the bill to Bernalillo County for juvenile detention, as it is \$58,410.00 and there is an amount that is budgeted, and an amount that is unbudgeted, so she pulled that. Mr. Montoya said the reason for that is the regular monthly bill from Bernalillo County is in between \$30,000.00 and \$35,000.00 and last month they chose to pay all the bills on that month. The County’s bill on that was \$59,000.00 and Mr. Montoya budgeted on reserve for priors \$32,000.00, but when he received the bill it was \$59,000.00. Reserve for priors are bills that were incurred last fiscal year, but the County did not receive until this fiscal year. James Fernandez, County Manager, explained if the amount is higher than what was budgeted, in order to cover the difference, that money is going to have to come from another line item within the budget. In the past, departments have made up that shortfall within their budget. If a department takes money in excess of what was budgeted from the total fund, then they go to the reserves. Mr. Fernandez said what Administration is attempting, is to have the transfer made before the departments expend on their budget. Mr. Fernandez told Commission Chair Aguilar that direction has been given to staff that if someone brings in a request and that would throw that item in the red, Administration is asking that they do the transfer before they spend it and to get her approval. Commission Chair Aguilar said if it’s a line item just over, Mr. Montoya has discretion unless it’s going to affect the fund. Commission Chair Aguilar mentioned check #166032 for Steven Chavez and said Commissioner Pando already talked to Mr. Chavez and he’s going to submit an invoice. Mr. Montoya said he took care of that. Commission Chair Aguilar had concerns of Molzin Corbin, check #66003 for \$18,591.26. Mr. Montoya said that’s the monitoring of the landfill, and that bill was not received until July 28, 2001. This year, Mr. Montoya budgeted the monitoring of the landfill on the enterprise fund, but this was a bill that occurred last year. Mr. Montoya suggested taking this out of the reserve for priors from the Commissioners budget.

**Request Approval of Payroll & Warrants.....Carlos Montoya**

The computer printout lists all the checks issued by the Fiscal Officer on August 30, 2001 covering vendor bills processed on that date from warrant #65965-#66058 for a total of \$172,533.55, out of that \$90,685.00 was from the general fund. Commissioner Pando made a motion to approve payroll & warrants, except for those checks that were mentioned earlier. Commissioner Baca seconded the motion. The computer printout lists all warrants issued by the Fiscal Office on August 24, 2001 covering payroll on that date, #65936-#65974, and payroll #48658-#48842 for a listing total of \$186,599.00. Motion carried

**Request Approval of Budget Transfers.....Carlos Montoya**

Carlos Montoya, Fiscal Officer, requested approval of budget transfers that were budgeted. Mr. Montoya wants to take from the general fund and put \$1,006.00 for U.S. Wildlife, put \$30,000.00 in the Senior Citizens, and put \$30,000.00 for Solid Waste. Mr. Montoya explained that the \$30,000.00 going into the Senior Citizens is a match that the County gives. The County can give \$100,000.00 to the Senior Citizens at the beginning of the year or break it up, which is what Mr. Montoya is doing. As far as the \$30,000.00 for the Solid Waste Department, \$60,000.00 was budgeted as a transfer from the general fund. At this time, Mr. Montoya is asking for half of that from the general fund to the Solid Waste Department. Commissioner Pando made a motion to approve. Commissioner Baca seconded the motion. Motion carried.

**Request Approval of Budget Transfer.....Juan Julian**

Sheriff Juan Julian requested an intra budget transfer in the amount of \$600.00 to be taken from full time salaries into part time salaries to cover the salary of his part time employee Joe Perkins. Mr.

Perkins will be covering for Anna Marquez for the month of September. Commissioner Pando made a motion to approve. Commissioner Baca seconded it. Motion carried.

**Request Approval of Matching Funds for LLEBG Grant Program (Sheriff's Dept.).....Monica Mireles**

Monica Mireles, Administrative Assistant to the County Manager, told the Commission that Valencia County budgeted \$4,791.00 in the LLEBG fund for the matching funds for the grant. Ms. Mireles received notification that the County was rewarded the grant and therefore requested the matching funds. As far as appointing a Board for this, Ms. Mireles contacted the Sheriff's Department, District Attorney's Office, Los Lunas Schools, Los Lunas Magistrate, and a local organization YDI. Ms. Mireles is waiting for a response from Magistrate. Commissioner Pando made a motion to approve. Commissioner Baca seconded the motion. Motion carried.

Commission Chair Aguilar said she was invited to participate as a panelist at a conference for New Mexico First in Las Cruces at the end of the month so she will be submitting that to Administration.

The next Regular Meeting of the Valencia County Board of County Commission will be held on September 18, 2001 at 6:00 P.M. with Executive Session beginning at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

**ADJOURNMENT**

Commissioner Pando made a motion to adjourn at 5:40 P.M. Commissioner Baca seconded the motion. Motion carried.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the September 4, 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 18, 2001**