

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

November 6, 2001

The Meeting was called to order by Chairman Alicia Aguilar at 9:06 A.M.

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

Executive Session

Commission Chair Aguilar informed the Commission that Judge Tody Perea requested to speak to the Commission during executive session. Commissioner Baca made a motion to go into executive session. Commissioner Padilla seconded the motion. Motion carried.

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

Carol Anaya, Personnel Manager, reported that during executive session the following was discussed: new hires pending pre-employment physical, drug and alcohol testing for Linda Cisneros the new Animal Control Manager, Eric Tanner an Animal Control Officer, Margie Montano an Animal Control Officer, resignations of Rick Torres from the Sheriff’s Department, resignation of Fiscal Officer Carlos Montoya, rescinded hire of Aaron Jones of the Sheriff’s Department, temporary hire of Lloyd Mills a radio dispatcher, increase of salary with certificate of completion for Beverly Gonzales with a \$.50 increase from the International Association of Assessing Officers, a certificate for motor grader I for Patrick Otero and salaries are per budget approval from \$6.69 to \$7.50. Also during executive session they discussed the return of Manny Torres a Deputy Sheriff. Ms. Anaya asked the Commission to ratify what was discussed in executive session by the Human Resource Manager and County Manager. Commissioner Daves made the motion to ratify what was discussed. Commissioner Baca seconded the motion. Commissioner Pando asked what the effective date of Mr. Montoya’s resignation is. Ms. Anaya said the effective date of the resignation would be November 2nd. Ms. Cisneros will start work on November 19th. Ms. Anaya introduced Ms. Cisneros to the Board. Ms. Cisneros said she is looking forward to working for the County. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Commissioner Baca voted yes. Motion carried.

Tom Garde, County Attorney, reported that in executive session the Commission discussed the contracts in regards to the Jail Monitor and the Magistrate Jail Monitor. Magistrate Judge Perea discussed some concerns he had and direction was given to Administration to meet with the Judges and various monitors to resolve these issues. Commission Chair Aguilar said litigation and land acquisition was not discussed because of lack of time. Commissioner Padilla made a motion that’s all that was discussed. Commissioner Daves seconded the motion. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Commissioner Baca voted yes. Motion carried.

Pledge of Allegiance was led by Reyna Carrejo.

Approval of Agenda

Commissioner Padilla asked that item G be moved up to item A. Commissioner Pando requested to have executive session after the meeting to discuss litigation and land acquisitions. James Fernandez, County Manager asked to add the approval of a registration fee for Ed Gonzales to attend a historical preservation conference on communication under item L. Commissioner Pando made a motion to accept the agenda as amended. Commissioner Daves seconded the motion. Motion carried.

Approval of Minutes

Commissioner Pando made a motion to accept minutes for October 15, 2001 and October 16, 2001. Commissioner Daves seconded the motion. Motion carried.

Public Requests

Simone Syler from Tome brought up the subject of Raymond Jarrat and his fight to keep his farm on the banks of the Rio Grande and save it from condemnation by the Village of Los Lunas for their Waste Water Treatment Plant expansion. Ms. Syler said that Mr. Jarrat is a veteran and has fought for the rights of others overseas but has no rights here to fight the condemnation of his own land and said the only rights he has is to negotiate for a better price. Ms. Syler would like to see the Commission do something on this. Commission Chair Aguilar asked Attorney Tom Garde and County Manager James Fernandez to look into this.

Ann Jojola from the Zoning Department told the Commission they have received their vehicles for the Animal Control, Building Inspectors, and Planning & Zoning Office. Ms. Jojola thanked the Commission for the vehicles. Mr. Fernandez said this came from the program that was established when the revenue bonds were approved.

Final Plat Approval for Milagro Estates Subdivision Phase I.....Diane Chavez

Larry Gonzales from Tierra Agua told the Commission that this item was tabled three weeks ago for more informational gathering. Mr. Gonzales feels he has addressed all of the items that were in question. Ruben Chavez, Planning & Zoning Supervisor, gave a favorable recommendation. At the last meeting, Mr. Chavez had three concerns, one being the TIA. In the Commissioner's packets is a revised TIA, which will require acceleration and deceleration lanes on Rio Communities Boulevard. The County Engineer gave the County a punch list and that list still exists. Mr. Chavez said the engineer should comply with that list upon construction. Mr. Chavez also recommended a road agreement on DeHahn Loop. The developers presented a proposal for the improvements of that road to the Commission. Mr. Chavez recommended a favorable approval based on these three items. Mr. Gonzales said what he proposed was a way for the developer to ultimately end up with DeHahn Loop as an improved road and do it in a way that was economically feasible for the developer. What Mr. Gonzales came up with is that Phase I will be graded and grappled to allow access to the subdivision to make it more of a maintained road. On Phase II of the construction of DeHahn Loop, it will be paved to county standards on one side of the road and in Phase III the other side will be paved and developed to county standards. That road is about 2000 feet. Commissioner Daves would support a motion to approve this with the condition that whatever negotiations there are on this paving that the cost is born by the developer. Mr. Gonzales said he does not have a problem with that stipulation being on there. Commissioner Padilla made a motion on Mr. Chavez's recommendations with Mr. Gonzales's conditions on that road and to approve this final plat. Commissioner Daves asked if the motion included the developer's being responsible for paving that road. Commissioner Padilla said that is his intent. Commissioner Pando seconded the motion. Motion carried.

Commissioner Padilla excused himself from the meeting.

Request Signature on Grant Award Agreement.....Fire Chief Jack Dickey

Energy, Minerals, and Natural Resources Department

Fire Chief Jack Dickey from the Tome/Adelino Fire Department presented an agreement from the Energy, Minerals, and Natural Resources Department for the volunteer fire assistance grant. The objective of the grant is to develop presentation prevention projects at the rural fire departments. That was generated as a result of the catastrophic wild fires across the state two years ago. Mr. Dickey said the County was very lucky last time as only one barn, a haystack, and some vehicles were burned in fires. Mr. Dickey's idea was to go out into the county and take pictures of both good and bad examples of defensible space and come up with a digital presentation and go to the public and have meetings and presentation. In order to do the presentations, Mr. Dickey needs a lap top computer, a multi media digital projector, a digital camera, and some software. The grant is a 70-30 split. The State Forestry is going to provide \$4,900.00, the Tome/Adelino Fire Department would provide \$2,100.00 and the money from the department would come from cash reserves. Mr. Dickey asked that the grant agreement be signed by the Commission. This grant only affects the Tome/Adelino Fire Department but Mr. Dickey will go across the county with the presentations. Commission Chair Aguilar asked John Cherry, Fire Marshall, if the \$2,100.00 will affect their budget. Mr. Cherry said the department has sufficient funds to meet this match. Mr. Cherry recommended approval. Commissioner Pando made a motion to accept the grant. Commissioner Baca seconded the motion. Motion carried.

Presentation of Pre-Construction Planning Documents-CDBG.....Jill Dougherty & Assoc.

Jill Dougherty presented a draft summary of a CDBG plan. This plan covered three projects. Ms. Dougherty was looking at site location, building design, and feasibility for three completely different sites, one adult permanent housing site, one adult semi-permanent assisted living situation, and one for children. Ms. Dougherty had to expand the time frame on this. Originally this was started the 1st of July and the original contract was to finish it by the end of September. Ms. Dougherty asked for an extension and was granted it into December. One reason this had to be expanded was because of citizen input, as Ms. Dougherty felt that she wanted to get more input. CDBG requires that citizen input be gathered in order to complete the plan. The group homes will be in residential neighborhoods, which is why it is important to get input from citizens. On the public survey questions, on the first adult group home, the majority of the responses were that they'd like to have it in Los Lunas. Rio Communities was the second with the most responses to it. With the children's treatment facility, the response was to put it in Los Lunas. Ms. Dougherty said the funding agencies

that would possibly provide funding for these group homes would be HUD and a factor would be to have a facility in the 100-year flood plain. That is one of the new barriers for building new. The funders also require that individuals be situated close to community services. Ms. Dougherty has narrowed it down to a potential of five sites in Rio Communities that met the HUD criteria. Ms. Dougherty has received support from people and businesses both in and out of the County.

For the Children's facility, Ms. Dougherty went to the Planning & Zoning Commission, and with the assistance of Mr. Chavez, they were able to clear the land for building a site. There is 2 ½ acres of current land that is owned by Valencia Counseling, and there have been surveys done and that will pass to build the facility on it.

Ms. Dougherty has made recommendations and asked the Commission for their recommendations also.

Commissioner Pando asked where the children and adults come from. Sam Vigil said they are from all of the state but they do give priority to children from Valencia County. Mr. Vigil said he received a letter from HUD notifying him that they have been selected for a section 811 fund, which is the money to fund the construction of that particular home. Mr. Vigil thanked the Commission for their support in this project.

Request Approval of County Road Dedication & Maintenance.....Mesa Verde Development/John Clarke

Agua Fria Drive

La Plata Drive

John Clarke, who is representing the homeowners of Loma Escondida Subdivision, said there are two streets that serve approximately 30 homeowners in this area. Mr. Clarke said they have been maintaining this road for the past 6 years and about a year ago there was a county road put in that the residents contributed to get it there in order to achieve this. That road is Cuatro Vientos and is a county maintained road. Mr. Clarke believes these roads meet standards for dedication and maintenance in that there are 40 feet in right of way and 25 feet in roadway. Mr. Clarke requested that these roads be dedicated to the County and the County assume maintenance for the roads.

Richard Chavez, Rural Addressor, said the recommendation from the Planning Office was to deny dedication of this road due to Resolution 01-35, under road exclusions it says "Roads within subdivisions which are not dedicated to public use by disclosure on the plat will not be accepted by the County for maintenance. The responsibility for maintenance of private roads is with the subdivider, owners, or the purchasers. Temporary or emergency maintenance by the County does not constitute an implied acceptance of maintenance by the County." Mr. Chavez said that these roads in question in this subdivision have never been on the tax records and there is no proof of ownership. Mr. Clarke said that Mesa Verde Development Corporation bought this property and then put the road in. Mr. Clarke said it was never his intent that this be a private road. The plat existed when Mr. Clarke bought the property. According to Mr. Clarke, the Planning Department said that the road did not join a county maintained road, and that needed to occur. Mr. Clarke had an opportunity to do that a year ago. Mr. Clarke said there is legal access to this subdivision from both ends so it can be a public road.

Mr. Chavez submitted a letter from Beverly Gonzales, County Assessor, to the Commission.

Tom Garde, County Attorney, said that the resolution provides that before the County accepts a private road, it has to be dedicated and granted to the County and that hasn't happened at this point.

Commissioner Daves had questions about the back taxes being paid. Mr. Chavez said that in the Assessor's letter, she would not exempt the roads until all back taxes are paid. Commissioner Daves asked if the Assessor has that authority. Dennis Storey, Chief Draftsman for the Assessor's Office, said the Assessor's Office is in the process of doing a ten year omit for taxes on this and once this is paid then it's up to Planning & Zoning if they want to accept this road. Mr. Garde said he would research if the Assessor has that authority. Commission Chair Aguilar made a motion to table this item until the issues are resolved. Commissioner Pando seconded the motion. There are 30 lots being serviced by these roads, Mr. Clarke owns a portion of those lots, which are for sale or rent, and individual homeowners own the rest. These are 1/3-acre lots. Ruben Chavez, Planning & Zoning Supervisor said that 80% of the subdivision must be developed before the County accepts a road for maintenance. Mr. Clarke said this subdivision is 100% developed. Commission Chair Aguilar said 80% needs to be occupied. Commissioner Pando said that the ordinance specifies that roads in subdivisions need to be paved and have curb and gutter. Mr. Garde said this subdivision was approved in 1982 and that was not a requirement. Mr. Chavez said there is a third road on the plat called Luz de La Luna Court, currently that road is not being assessed to anyone either. Mr. Clarke said that road currently serves only two properties and based on the agreement with those homeowners; they want that to remain private. Commissioner Daves asked about the access to get into the subdivision. Mr. Clarke said according to the plat, on the west end of the property there is a 30 foot road easement that connects with a 40 foot road and utility easement on the west side of the property. Mr. Clarke said that is a ditch road and goes out to Square Deal Road. Mr. Clarke said his access was the 30-foot road easement to the west. Subsequently in conjunction with another developer, he wanted to put in a county road and Mr. Clarke did that adjacent to the MRGCD road, which became Cuatro Viento. Motion carried.

Appeal Planning & Zoning Department Decision:

Replat-Square Deal Road & Vallejos Road, Belen.....Courthouse Condominiums/R. Rodriguez

Ruben Rodriguez who owns Courthouse Condominiums Corp. bought this property in June of 2000 from Mrs. Padilla. There were two properties on the legal description and two different ID's for taxes with two different homes, two different wells, and two different septic systems. Mr. Rodriguez assumed that it was two different properties. Mr. Rodriguez requested a change in order to make the properties more usable and was told by the Planning Department to do a survey. Mr. Rodriguez did a survey and at the same time requested a septic system. Mr. Rodriguez did all of that and was consequently turned down. Ruben Chavez, Planning & Zoning Supervisor, told the Commission he did not tell Mr. Rodriguez to do this and then deny this. Mr. Rodriguez was in a zoning violation incident with one of the zoning officers and he is being alleged that both residences are on one lot. Anna Jojola, Zoning Officer, sided Mr. Romero and has been working with the Environmental Department on this issue. Mr. Chavez said that Mr. Rodriguez asked what alternatives he has and Mr. Chavez told him he has none. According to Mr. Chavez, Mr. Rodriguez asked if he could bring it before the Commission. Mr. Chavez told him the only way he could go before the Commission is if he denied Mr. Rodriguez's plat. Then Mr. Rodriguez submitted a plat, which Mr. Chavez denied. The reason Mr. Chavez denied the plat is not that he has a problem with the .13 increasing to .59, but the problem is the 1.13-acre minimizing that to .59 acres. Both lots being approximately ½ acre bring an Environmental Department issue. Commission Chair Aguilar asked if there was a request by Planning & Zoning to the previous owner to remove the mobile home because it was in violation as far as two homes being on one lot. Mr. Chavez said that Ms. Jojola is litigating that issue at this time. Mr. Garde said that Ms. Jojola is prepared to discuss with the Commission the pending complaint that was filed in Magistrate Court with regards to the situation with the second mobile home out there.

Ms. Jojola said the complaint that goes on this property goes far back to 1999, it had a previous owner that the Zoning Officer had filed on and the owner didn't show up for court and there was a warrant out for his arrest for multiple dwellings. There was a mobile home placed in the back of the property, which is in total violation of the ordinance as far as setbacks, multiple dwellings, and it does not have a mobile home permit. When the previous Zoning Officer was working the case, the mobile home was moved off the property by the renters who had the property at that time in July 1999. Another mobile home did not replace that until May 2000, therefore the nonconforming use is no longer valid. If a mobile home is not replaced in 6 months, another one cannot be put on there. Mr. Rodriguez said the neighbor that allowed the home to be taken through his property is willing to testify contradictory to this statement, as he knows when the home was moved off and when it was brought back. Commissioner Daves asked why this did not go before the Planning & Zoning Commission. Mr. Chavez said since he denied the plat, now it is the Commission's authority. Commissioner Daves said he would vote for an ordinance that makes it have to go through the Planning & Zoning Commission.

Rosie Vallejos along with her sister Ida Martinez told the Commission that they too live on Vallejos Road and that mobile home has not been there for 30 years. That land used to be Mr. Romero's and his stepson is the one that put in the mobile home there. According to Ms. Vallejos, when Mr. Romero ended up in the hospital, his sister rented the lot to someone. He was in violation because he was draining the cesspool at night and doing a lot of illegal things. Then those people took that mobile home out and put another mobile home on there. Ms. Vallejos said that Mr. Rodriguez claims the road and that is not his road, as there's been a road there for a long time. Ms. Vallejos said that house was condemned because it was a mess and Mr. Rodriguez repaired it and put in a mobile home. Commissioner Daves told Mr. Rodriguez that it was a very un-neighborly thing to build the fence that has narrowed the road. Mr. Rodriguez said all he did was replace the fence. Commission Chair Aguilar made a motion to combine the two lots so there is 1.43 acres and to deny the split. Commissioner Pando seconded the motion. Motion carried.

Amend Zone Maps:

RR1 to C1/Holistic Clinic/793 Meadow Lake, Los Lunas.....Leonie Rosentiel-Ormont

Leonie Rosentiel-Ormont told the Commission that her request has already gone through Planning & Zoning and it was approved there. Ms. Rosentiel-Ormont said that she wanted to buy some land in the country and in going through that particular area, she saw that there were no services in the health area and that became a concern for her. What Ms. Rosentiel-Ormont proposes to do is to put approximately 3,000 square feet visible over the ground. She would like to provide services to the community as well as jobs and money for construction. Ms. Rosentiel-Ormont believes this project will cost between a quarter of a million and half a million dollars for construction. Commissioner Pando said he supports anything that has to do with medicine and asked Ms. Rosentiel-Ormont to define holistic medicine. Ms. Rosentiel-Ormont said she is a Primary Care Physician and is in the process of expanding her credentials in order to be able to give injections of substances, which are permitted. It includes herbs, therapeutic exercise, nutrition, dietary counseling, as well as acupuncture. Acupuncture includes a lot of difference modalities such as therapeutic pressure at different points in the body, cupping to remove toxin from the body and other modalities. Commissioner Pando asked what Ms. Rosentiel-Ormont plans to do with the house on the property. Ms. Rosentiel-Ormont said the trailer is now vacant and they plan to remove it because there can only be one building on that lot. Commissioner Pando asked what other medicine she plans to offer

there. Ms. Rosentiel-Ormont said she might have an MD come once a week. She is also getting certified in minor surgery on the basis that she thinks she is going to be in this clinic. There would be possibility of minor surgery. The state has approved expanding her scope of practice to do minor procedures as well. Technically, even acupuncture is considered minor surgery. Ruben Chavez, Planning & Zoning Supervisor, had some concerns but doesn't have a report. Changing a zone from anything to C1 or Industrial requires a site plan review. This is the first time Mr. Chavez has seen a site plan for the proposed property. This was discussed at the Planning & Zoning level and the P&Z Commissioners felt that the use was a good use for the area. The ordinance does require a site plan review. Mr. Chavez cautioned the Commission about doing a zone change without following the procedure and without having the correct review done.

Nancy Coburg, who lives in the lot just north of this proposed site, said that the only traffic that goes up there is the people who live in the area or visitors. Ms. Coburg does not think that accessibility is that great. Ms. Coburg has nothing against the clinic; she just doesn't want any kind of a business in that residential area and next to her house. Ms. Coburg said there is a commercial area that ends with the fire department and said if Ms. Rosentiel-Ormont wants to put in this clinic, there is land further west that is commercial.

Deanna Manzo, who lives north of the proposed clinic, also objects to having a business in that area. Ms. Manzo drives 62 miles a day to Albuquerque and back to do her job. Ms. Manzo does that because she wants to live in a quiet residential area. Ms. Manzo has lived there for five years and has had no problems what so ever. Ms. Manzo said this business is 11 miles from the main business area of Los Lunas and out in the country to almost a dead end road. Ms. Manzo had concerns as to what kind of business will be generated out there. Ms. Manzo believes this will only generate more traffic, more mess, and more noise for the residents. Ms. Manzo said that none of Ms. Rosentiel-Ormont's closest neighbors received any of her flyers.

Tom Benavidez supports this project.

Elsa Najera, who is a C.N.A. and caregiver, said that for the three years she worked for Ms. Rosentiel-Ormont's mother, Ms. Rosentiel-Ormont cured her mother and is very conscientious. Ms. Najera feels that Ms. Rosentiel-Ormont likes to help people. Ms. Najera supports this project.

Deeter Harper, who lives in Meadow Lake, told the Commission there is a lot of commercial property on Meadow Lake Road and they do not need anything in the private sector.

John Kirkpatrick, an intern architect, has developed a plan and kept the footprint of the building to about 3000 square feet so the total 6000 square feet would not be visible as a lot of the building would be underground. The building has been kept to the middle of the lot. Mr. Kirkpatrick allowed for a plan for proper drainage of this site and has also put the parking to the back in order to decrease the feasibility of the parking from the road. There is a 2 lane paved road that goes all the way to the project and he doesn't think there will be a traffic concern at all.

Ms. Coburg commented that she is not against holistic medicine and is for alternative medicine, but thinks the place to have this clinic is in a commercially zoned area, not a residential area.

Commissioner Daves asked Mr. Chavez that assuming the site plan meets 100% of your desires; do you think that this is an appropriate area to be re-zoned from RR1 to C1? Mr. Chavez said the Meadowlake Boulevard runs all the way to the existing lake, and said this is on the main drag. Mr. Chavez feels that anything on the main drag would have commercial potential. Commissioner Daves asked if there is a way to approve a zone change with a condition that the commercial uses are limited to health clinic. Mr. Chavez said yes. Mr. Chavez said that the zoning is not blanket zoning, even though there are zoning designations, its performance based. When proposals are brought before the Commission, C1 and it's general use looked at, but the specific use is looked at as well, that's why it's tied to the site plan review of section 1000. When the Commission makes a proposal, they give the zone change based on the site plan for that use, and that's the way zone changes are handled. With raw land that is zoned C1; it is too late for the Commission to decide what businesses can go there. Commissioner Daves is prepared to accept the recommendation to allow staff to review the site plan.

Nancy Coburg told the Commission that Ms. Rosentiel-Ormont would be much better if she put her type of clinic in Los Lunas where its more accessible.

Commissioner Daves made a motion to table this item until the next meeting, to allow a site plan review to occur. Commissioner Baca seconded the motion. Motion carried.

OD to MR/Extracting & Screening Sand & Gravel/Hwy 6, Los Lunas.....Hamilton Const./Leppa Inc.

JB Connor, Representative of Vernon Hamilton Construction Co., made an application for a zone change to set up a screening plant for sand and gravel on Highway 6. Mr. Connor asked the Commission for approval to start this operation. The operation consists of just a screening plant, screening sand and gravel. Mr. Hamilton wishes to take this sand and gravel to Gallup to enhance his asphalt and concrete business. Mr. Connor had a stipulation with the State Highway Department as to the legal entrance into this property. There is an existing entrance, which the State Highway Department does not want Hamilton Construction using because it was set up as a residential

entrance, so they moved the construction company to the deeded access, where Hamilton Construction is required to install a 30-foot gate, the approach, and the required drainage stipulations. Commissioner Pando asked about the issues of ingress and egress and also a turning lane. Commissioner Pando had a concern about dump trucks coming in to traffic on Highway 6 when traffic is going 60 miles per hour. Mr. Connor said that has been addressed and that will be included in the approach, which will be like an apron where they can access the Highway at a diagonal or parallel to the Highway to compensate for approaching traffic. Mr. Connor said at this point there is an easement between the right of way fence and Highway 6. Commissioner Pando asked where the construction company would be paying the gross receipts tax. Mr. Connor could not answer that. Mr. Connor said it is estimated that 2 to 4 trucks a day approximately three days a week will be coming out of this area. These trucks average 20 tons to a truck. Commissioner Pando asked what happens if Hamilton Construction expands their business and wants to haul more. Mr. Connor said that Mr. Hamilton's intention right now is for a five-year operation, based on his lease of the hot mix plant in the Gallup area and his age.

Commission Chair Aguilar asked Ruben Chavez, Planning & Zoning Supervisor, what other uses are allowed under MR? She also asked what the plan is after the excavation and they've already finished putting in all these holes. Mr. Chavez said the ordinance addresses that as a reclamation plan. Commission Chair Aguilar asked, where is the financial commitment to assure us that the reclamation plan is there. Mr. Chavez said the construction company has provided a letter of guarantee as well. Commission Chair Aguilar asked what other uses are allowed and does he have permission from the Highway Department to use the easement? Commission Chair Aguilar stated that in the past the Highway Department sent the Commission a letter asking them that before they approve any type of commercial traffic coming onto a state highway, that the County allow them the opportunity to comment to see what the impacts would be. Mr. Chavez said he has been reviewing this with Planning & Zoning since May and the final item that was not solved was their hearing with the State Department. Mr. Chavez said the construction company had their hearing. Mr. Chavez stated that there are two entrances to this and one of the issues he had with Planning & Zoning was deciding which one they want so they can go and request their hearing. The 16 foot residential entrance is the one right before the sharp curve, that was denied and the hearing is granting them the 30 foot one over where the easement is at the bend of the curve. Mr. Chavez explained that the uses under MR is mining, and said what they're requesting here is they can actually excavate, go for oil, put in a crusher, or gravel pit. Mr. Chavez said what the construction company is asking for is limited. The excavation plan says how much they're going to take out, this site is only for screening. Mr. Chavez told the Commission that the motion should be for screening only.

Commissioner Pando asked if there could be a time limit placed on this request, as Mr. Connor said this would only be for five years. Mr. Chavez said that when he went through the proposal, the time limit was 10-15 years. Mr. Connor agreed that it was 10-15 years. Commissioner Pando would like to limit the amount of trucks hauling out also. Commission Chair Aguilar asked if this request could also be limited to ownership. Mr. Chavez liked that idea. Commissioner Daves was concerned about the consequences of having 30 trucks a day, if the business expands. Commissioner Daves feels that the Commission should not punish this applicant with restrictions that he thinks will be overbearing for the use of somebody's land in a prudent way that will not hurt the County. Commission Chair Aguilar asked about the air quality permit for a sand screening plant. Mr. Chavez could not find that. Mr. Chavez also said he did not receive literature from Santa Fe. The County might not have the authority to do this type of critique on any applicants. According to Mr. Chavez, the state is in the process of setting up a Board to where the Commission will only determine land use, and the state will take care of the review. Mr. Chavez said the ordinance did not require an air quality permit. Commissioner Pando asked if the construction company is required to post any type of performance bond to guarantee that post closure does occur. Mr. Chavez said he did not find anything on the bond but found out that they had to provide a letter of guarantee. Vernon Hamilton signed the letter.

Tasha Young from the Association of Counties told the Commission about some legislation that may come up this year in Santa Fe relating to reclamation of sand and gravel mining operations. She said there's not agreement from all the parties, which include operators of sand and gravel mines, the Highway Department and a number of state agencies.

Commissioner Pando made a motion to approve this request to amend the zone map with the following conditions: to be for screening sand only, limited to 2-3 trucks a day, for use of 10-15 years, the zone will be issued to Hamilton Construction Company and if it sells the zoning is null and void, and with a post closure bond. Commissioner Daves seconded it. Simone Syler, Representative of Citizens of Responsible Growth, told the Commission that this is right on the banks of the Rio Puerco and asked the Commission to think about the consequences of putting that where erosion is such an issue. Ms. Syler would like to see a comprehensive plan as to how this is going to be addressed and the effects that this will have on the Rio Puerco. Commissioner Pando explained that the construction company would have retention ponds to hold water while screening. Commission Chair Aguilar said if there's any type of erosion or if it's near a natural waterway, the business or extraction could be subject to the clean water act that would address Ms. Syler's concerns. Mr. Chavez said the construction company performs an archeological report as well, which did an extensive study on the soils. Mr. Chavez said in the extraction plan, they do identify a 3-1 slope on the property, so it's not just a hole, and they will be piling the sand and the gravel there and the water source that they are going to be using, they will take a water truck and hose the rock and the sand. Mr. Connor asked for clarification of hauling sand. Commissioner Pando said they would be hauling sand and gravel. Motion carried.

Preliminary Plat Stage Two Unit Development for Manzerro Plaza.....Van Camp Diversified Investors

Bill Campbell from Van Camp Investors Diversified, told the Commission that at the last meeting, the project that is being discussed on Manzerro Plaza Business Center was tabled for a couple of issues that needed clarification before they could move on to stage three. The first issue Mr. Campbell addressed was concerns about the type of uses that would be prohibited in this particular development. Under the existing planned development district, which this property is zoned, it allows for a mixture of residential, C1, C2, and light industrial. What Mr. Campbell has done is include the verbiage into the restrictive covenants that specifically eliminate and prohibit the use of such areas as the rodeo arenas, commercial stables, stored or inoperable vehicles, adult amusement and entertainment establishments, firewood sales yard, and any livestock packing, processing, and warehousing or any manufactured house used as a single family resident. Commissioner Pando asked for clarification about mobile homes. Mr. Campbell said it includes both single and doublewide. According to Mr. Campbell, under the manufactured housing division's ordinance, they define a manufactured house as being so many square feet.

The second item that was tabled was on the Rio Abajo Road that goes through unit 4 and continues south all the way to Van Camp Boulevard. Mr. Campbell presented the Commission with two options that will be acceptable to Van Camp. Option A would be to leave the road as it is, and Option B would be to eliminate that road and it would end up being in one of the lots, probably lot number 5, and block that road off so it would be a circle coming from El Cerro Mission to Avila.

Charles Orolli had concerns that there are eleven houses in there that were sold as a residential area. Mr. Orolli believes that anybody that lives to the south of him or to the east is going to cut through Rio Abajo to get to the grocery store. This way is much shorter as it leads right into the parking lots. Mr. Orolli estimates that 450 cars a day might be expected. Mr. Orolli said there are no churches in the area, which means that restaurants and bars can serve alcohol and he doesn't want people drinking and driving down his road until late hours. Mr. Orolli believes that the 450 cars will cause a lot of dust. Mr. Orolli said that sound travels wonderfully out there and he thinks the whole intersection will draw 10,000 cars a week. Mr. Orolli believes this creates a possibility of liability to the county, should some drunk driver run over a child on this road, if the Commission approves putting an alcohol-serving establishment on a residential road. Mr. Orolli explained that he is not against progress, a grocery store in the area is a very reasonable sort of idea but he wishes it was a mile further on Meadowlake Road because he thinks the light pollution is going to inhibit his viewing of the stars.

Dorothy Orolli said that the residential section of this development has two access roads, Rio Abajo and Papaya, and that is all that is needed to become a closed community. The commercial section of this area also has two roads, Rio Abajo and Avila, which is connected by Shay. Ms. Orolli said that both areas would have two accesses in and out if Rio Abajo were closed. Ms. Orolli said if the County does close this road for purposes of no confusion as to where things are, that one of the streets be changed in name. Commission Chair Aguilar said if there is closure and it's blocked off, there is not going to be a cul-de-sac or any radius for vehicles to actually turn, it's just a dead end. Mr. Orolli said there is a cul-de-sac to the left that does have a radius. Commission Chair Aguilar asked, according to our regulations, can we legally block off a road on something like this. Ruben Chavez, Planning & Zoning Supervisor, said he sees two problems. One being the ordinance says that at the end of a road there has to be a 50-foot turn radius and that will not happen in this case. The ordinance also would look at any re-platting of any subdivisions. If the Campbell's would have submitted a re-plat and have proposed this road from the very beginning, Mr. Chavez would've recommended based on that, that the road stay contiguous because that's the way the ordinance reads. Mr. Chavez believes this road is an excellent access in order not to create stress on the Manzano Expressway intersection. Ms. Orolli said that this has been changing and she was never notified of any changes. Mr. Chavez said there have not been changes to the plat that he is aware of. Mr. Orolli and Mrs. Orolli asked Mr. Campbell to donate 15 feet on either side of the area where the road is to make a cul-de-sac right inside there.

Tom Garde, County Attorney, said there is a problem because they will need cul-de-sacs on both sides. Rio Abajo is a public dedicated road that is maintained by the property owners. Commission Chair Aguilar said if they were to pursue the avenue of trying to get the County to accept it for maintenance, eventually it will get paved and speed bumps will be put in, no one's going to want to travel through a residential area with speed bumps at 60 miles an hour.

Ms. Orolli told the Commission that their only request is that the road be closed and that they are not opposed to the development.

Roy Fritek said that the maintaining of the road became his responsibility before all the homes were completed. Mr. Fritek asked, "if I have to maintain the road, does that give me the right then to say that I don't want any of the cement trucks or building trucks to come down my road that I have to pay for to maintain?" Mr. Fritek did not agree with speed bumps on a dirt road.

Commission Chair Aguilar said that it is the Fire Marshall's recommendation that the roads stay open for emergency vehicles.

Mr. Dulai, who lives on the west side and owns the Conoco gas station, told the Commission that they need the road widened, speed signs, and four traffic lights, one for Manzano and Van Camp, Manzano and El Cerro Mission, Van Camp and El Cerro Mission, and El Cerro Mission and El Cerro Loop. Mr. Dulai added that if there's going to be more traffic created, the roads should be widened. Mr. Dulai also requested natural gas in that area before they do anything. He asked for a real sewer system not a leach and lye. Mr. Dulai said he tried to get another phone line and he was told there was a 2-4 month wait on that and there are no phone lines. Mr. Dulai said he has power failures in that area and for ten days he couldn't run his gas station because he wasn't getting enough wattage there. Mr. Dulai thinks that some of these things need to be done before more businesses are brought there.

Ms. Orolli presented the Commission with a petition to close Rio Abajo Road that was signed by all the residents in that residential community.

Commissioner Daves suggested that the Van Camp's have a commitment to a cul-de-sac on land that they control. Mr. Campbell had a quicker solution to doing that, which he showed the Commission. Mr. Garde said that the County has 30 days to approve, disapprove, or approve the plat with conditions. What has been presented under section B is basically a replat within the plat to accommodate this cul-de-sac. The other problem Mr. Garde sees is that there's a prescriptive easement to people using that road and now all of a sudden that public access is being blocked. Mr. Garde said there are procedures to vacate a road, but he doesn't see how the Commission can accommodate that within the time frame that they are under because if the County is going to close down a public road there has to be notice to the public. Mr. Garde believes that by closing that road, it will create a big legal issue with the County because they will be closing a public road.

Commission Chair Aguilar made a motion based on the Attorney's clarification and recommendation to approve preliminary plat stage 2, unit development for Manzerro Plaza. Commissioner Pando seconded the motion. Commissioner Daves would like a motion to approve with the developers further examining the possibility of closing that road. Commission Chair Aguilar asked Mr. Garde if the residents still have the option to file a petition or request for abandonment of the road. Mr. Garde said that is an option, and he is referring to the subdivision act, which states the Commission has 30 days to approve, approve with conditions, or disapprove. Commission Chair Aguilar said the residents can also proceed to have the road dedicated to the County, if the County accepts it and it gets paved there can be speed bumps or other requests to diminish the traffic. Mr. Garde said the residents have those options, plus there's also the option of dedicating a portion of this road. As far as under this subdivision, Mr. Garde said the County is bound by State and County ordinances. Mr. Campbell told the Commission that what he would like to do is move forward with stage 2 approval and he can address that by stage 3, because it will probably take some public notice to vacate a road. Commissioner Pando fully supports the landowners but said there are still remedies that can be looked at. Commission Chair Aguilar told the residents that the Planning & Zoning Department and Mr. Chavez know of the concerns and to feel free to give him a call. Mr. Fritek told the Commission that this issue was supposed to be addressed by Mr. Campbell between October 2nd and today, and it has not been addressed. Commissioner Daves said that Mr. Campbell offered to close the road but the Commission can't let Mr. Campbell do that. Commissioner Daves feels this project is essential to the area and that the Campbell's and Commission need to work toward closing the road. Motion carried.

Final Hearing for a Moratorium on Subdivisions.....Ruben Chavez

Ruben Chavez, Planning & Zoning Supervisor, told the Commission this issue is the final hearing for a moratorium on subdivisions. The purpose of this moratorium was to streamline the comprehensive plan. The verbiage on this has not changed since the draft.

Simone Syler urged the Commission to go ahead with this moratorium and she would like to have a real reason to get the comprehensive plan done before the County moves ahead.

Victor Bud Williams is in favor of the moratorium because water is the primary resource in New Mexico and every year the aquifer is over-pumped by 70,000 acre feet. Mr. Williams believes that because of the subdivisions, infrastructure, and the cost of that is why the County has found itself partly in a financial problem. Mr. Williams feels that the tax dollars that the County is getting from the current people who live here is not going to completely complete the job to begin with and the moratorium will help to do that. Mr. Williams feels if people stop building long enough to get the roads paved that are already dedicated to the County, then it can improve the Sheriff's Department, Fire Department, and other parts of the infrastructure before the County takes on other subdivisions and other houses.

Commissioner Pando understood that the comprehensive plan would be done in the next 90-120 days. Mr. Chavez said that is their goal. Commissioner Pando said if the comprehensive plan is adopted in 90 days than this moratorium ceases to exist, or at the end of the ordinance, whichever comes first.

Mr. Williams told the Commission that there are hundreds of homes for sale in the County and said his property value is not going up but he is getting taxed more because of all the houses in the market.

Commission Chair Aguilar asked for clarification because if this is being called an ordinance, and on item B, it says there should be no application accepted or approvals of any subdivision plats for 180 days following the meeting of the Valencia County Board of Commissioners on August 21, 2001. Mr. Chavez said the reason for that was to prevent the race to the courthouse once the Commission announced that its intention was to place a moratorium. Commission Chair Aguilar asked for clarification on that in order to get an extension after February 21st for another 90 days it requires the Board of County Commissioners. Tom Garde, County Attorney, said that if the comprehensive plan is not completed by that date then the Commission has to vote to extend this ordinance by February 21st. Mr. Garde explained that if the way the language is drafted, so that in fact the comprehensive plan is not completed, then the Commission needs to vote on it to extend this ordinance for 90 days. Mr. Garde said that subsections B and C contradict each other, he read subsection B “there shall be no approvals accepted subsequent to August 21st” and Subsection C says “prior to the first public hearing”. Mr. Garde said the first public hearing was October 2nd. Commission Chair Aguilar asked for clarification. Mr. Chavez said it would clear up everything if they changed August 21st to October 2nd. Commissioner Daves suggested that the Commission amend the ordinance to remove the ambiguity and the limbo that an applicant would be otherwise placed in. Mr. Chavez suggested changing August 21st to October 2nd.

Commission Chair Aguilar asked to take a five minute break so this could be fixed and brought back to the Commission. When the Commission returned, Mr. Garde said there have been two changes made to the proposed ordinance, the first is on the first page last paragraph. There was a typing error that read “bored” and that’s been changed to “board”. With regards to paragraph B on the second page, Mr. Garde read the change, “there shall be no applications accepted or approvals of any subdivision plats, by the County of Valencia following the first public meeting of the Valencia County Board of Commissioners on October 2, 2001.” Mr. Garde said this is consistent with the language on subsection C that also addresses the first public hearing. Commission Chair Aguilar asked for clarification as she considers a replat a new subdivision. Mr. Chavez agreed. Commissioner Pando feels the moratorium should address type 3 subdivisions more than subdivisions in general. Mr. Garde said that on the first page fourth paragraph it says, “Whereas there exists the need for a moratorium on new subdivision, excluding summary review subdivisions (type 3 subdivisions with five or fewer parcels), so that’s what was proposed. Commission Chair Aguilar asked Mr. Garde if he’s satisfied that they don’t have to put in replats, that its already understood as a new subdivision, or if they have to put in on all new subdivisions including replats, excluding summary review. Mr. Garde thought they should add “including replats”. Commissioner Pando asked if that would be legal since it wasn’t published. Mr. Garde said yes, that could be questioned. Commission Chair Aguilar said that when doing a replat, an applicant goes through the subdivision process. Mr. Chavez said they do and referred to section 7-2.2 where it says any realignment of lots or easements is considered a subdivision. Mr. Garde said that’s correct and that goes through a summary review. Commission Chair Aguilar disagreed with Mr. Garde. Mr. Chavez said if its 5 or less, than it’s a replat but what Commission Chair Aguilar’s talking about, is for example, an approved plat of eighty lots and then it’s replatted to 9, then the existing subdivision has been pretty much abandoned. Mr. Garde said that’s correct and that would fall under this moratorium. Commission Chair Aguilar said that five or less lots don’t apply so we’re covered if we just put including replats and initial it. Mr. Garde agreed. Commission Chair Aguilar made a motion to approve Ordinance 2001-04. Commissioner Baca seconded the motion. Motion carried.

Facts & Findings.....Tom Garde
Tom Garde, County Attorney, said subsequent to the meeting held October 16, 2001, he and Ruben Chavez, Planning & Zoning Supervisor, went over the decision of the Board together with the minutes of the Board and have prepared findings and fact and conclusions of law with regards to the three land issues that were before the Board October 16, 2001.

Amend Zone Maps RR2 to RR1-Earl & Gaylene Freeman
Mr. Garde stated that the Commission granted a zone change from RR2 to RR1 and the Board found that the lots could be divided into 1.5 acres each. The Commission’s decision on the end of the paragraph reflects that this Commission amended the zone maps from RR2 to RR1 on condition that lots within the property consist of approximately 1.5 acres each of gross acreage.

Amend Zone Maps RR2to RR1-Patricia Lucas
The second decision before the Board concerns the application of Patricia Lucas to amend the zone maps from RR2 to RR1. In that situation, Ms. Lucas had roughly 4.48 acres on three lots. Ms. Lucas was requesting that it be split to four lots with three lots because this consisting of .05 acres. The Commission determined that the existing three lots are non-conforming and would in fact, if the Commission were to do what she requested on a greenbelt, this would be in violation of the ordinance. The Commission denied the application of Ms. Lucas to amend the zone map as per her request.

Amend Zone Maps AP to RR2-Joaquin Sisneros
Mr. Garde said the application of Joaquin Sisneros was from AP to RR2. Mr. Sisneros had one lot of 12.53 acres and requested that a zone change be split to RR2, which would be 2 acres or more. The Commission found that based on the testimony; there is no irrigation on the land. There was testimony that this land had not been farmed for quite some time. The decision of the Commission on this was that the Commission granted the application to amend zone maps from AP to RR2 that this decision is not considered the particular splitting of lots, presenting the application would be addressed upon appropriate application for lot splits.

Earl & Gaylene Freeman

On Earl & Gaylene Freeman, one of the findings is that there is very limited access to irrigation on that property. Mr. Freeman in fact made efforts to irrigate that property to no avail and that was one of the consideration that the Commission made in agreeing to reduce it from RR2 to RR1.

Commissioner Pando made a motion to accept the facts and findings of Earl and Gaylene Freeman, Patricia Lucas, and Joaquin Sisneros. Commissioner Baca seconded the motion. Motion carried.

Jail Monitor’s Report.....Larry Garcia

Larry Garcia, Jail Monitor, reported that during the month of October there were approximately 3,775 inmates for the month. There was an average of 121 inmates per day, 110 males and 11 females during this period. A company that does extraditions nationwide came by to deliver or pickup an inmate and their vehicle broke down so the facility housed a total of 9 inmates for a day and a half. That was just for security purposes for the citizens of Valencia County and the inmates themselves. They were charged the going rate that is charged to any other facility for the upkeep of these inmates for the day and a half they were here. Also during this period there were two inmates that were transported to a medical facility for treatment. One of them was admitted to the hospital for treatment and the second one was treated and returned back to the facility. The judges reported no problems with the inmates being transported to and from the courts or being released on a timely manner. When inspecting the jail was done, everything in the jail was very sanitary, and inmates had no complaints on the treatment in the facility. The reason the two men were transported to the hospital is because one of them had a prior injury and was re-injured during a scuffle with the Los Lunas Police Department. He was injured on his wrist, he had surgery, and during the scuffle he was re-injured. The other inmate was a medical problem that he had previously. Commission Chair Aguilar asked if it's possible to get information on where the inmates are from once a quarter. Mr. Garcia said he would arrange that on the next report. Commission Chair Aguilar also asked if Cornell would be giving the Commission a report soon on the monitoring, contract, and on the revenues that are being generated.

Indigent Report.....Barbara Baker

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

Barbara Baker, Indigent Administrator, presented indigent claims from September 21, 2001 to October 24, 2001. The total amount of claims submitted is \$209,903.74. Ms. Baker asked the Commission to approve \$64,237.96. There were 23 applicant denials. Commissioner Pando made a motion to approve. Commissioner Baca seconded the motion. Motion carried. Ms. Baker told the Commission she will be meeting with the Indigent Committee tomorrow. The claims from 1992-1993 have gone up 320%, so they are probably going to look at decreasing the amount that pays out to probably \$5,000.00 instead of \$7,000.00 for hospitals and probably \$400.00 instead of \$550.00 for the ambulance. Motion carried.

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

Request Approval for In & Out of State Travel:

Western States Sheriffs Assoc.-Reno Nevada.....Juan Julian

Sheriff Juan Julian requested permission to travel to Reno, Nevada for the 14th and 15th of this month for the Western States Sheriff’s Conference. This will cost \$279.00 for airfare, hotel, and meals. James Fernandez, County Manager, said that under the Commission budget, there are funds available for this conference. Commissioner Pando made a motion to approve. Commissioner Daves seconded the motion. Motion carried.

Voting Machine Technician Certificates-Taos NM.....Tina Gallegos

Tina Gallegos, County Clerk, requested that the voting machine technicians travel to Taos for certification. Ms. Gallegos will be taking 5 employees. Gabriel Salas and Sally Perea will receive a first time certification. Sheryl Salas, Lawrence Kaneshiro, and Ms. Gallegos will be getting re-certified. Ms. Gallegos will be using the county vehicle, but lodging and per-diem will be necessary. Ms. Gallegos said this would cost approximately \$500.00. Ms. Gallegos received notice from the Secretary of State's Office that the rooms will be \$52.50 a night. There is no fee to attend the certification. Mr. Fernandez said there is money in the Commission budget to allow this and this is one of the requirements under certification. Commissioner Pando made a motion to approve. Commissioner Baca seconded the motion. Motion carried.

Approval of Conference for Ed Gonzales.....James Fernandez

James Fernandez, County Manager, requested a registration fee for Ed Gonzales to attend a Historic Preservation and Communications Tower Conference. This is scheduled for Friday, November 9, 2001 and it is in Albuquerque. This will cost \$20.00. Commissioner Pando made a motion to approve. Commissioner Baca seconded the motion. Motion carried.

Request Approval of Resolution for County Commission District Maps.....Tina Gallegos

Tina Gallegos, County Clerk, told the Commission that at the meeting on September 10, 2001, the Commission approved the County Commission districts. At that time PDS did not have the maps available for the Commission to sign. Ms. Gallegos requested signatures from the Commission. Ms. Gallegos said PDS was supposed to supply her with large maps for her office and one for the Secretary of State. Ms. Gallegos has not received those yet, but received four 11 X 14 maps. The County is withholding the second half of payment until PDS until they have completed the contract. Commissioner Pando had concerns about possible lawsuits on this issue. Commission Chair Aguilar spoke with Mr. Apodaca from PDS and he said the criteria had been followed, so anyone can file, but the County was within the law as far as the four main elements, he didn't feel that those could be challenged. Commissioner Baca made a motion to sign the maps. Commissioner Pando seconded the motion. Motion carried.

Request Approval of Resolutions.....Tina Gallegos

Increase Compensation for Poll Officials

Tina Gallegos, County Clerk, told the Commission that during the budgeting process, she did put in an increase for the poll workers, for Election Judges, and Clerks in her budget. There was legislation passed that allows the Clerks and Counties to do that increase. Ms. Gallegos asked the Commission for approval to increase the compensation for poll workers on Election Day. The amount will go up to \$100.00 for Judges and Clerks and \$120.00 for Presiding Judges. Mr. Fernandez recommended approval of compensation for Election Judges, Presiding Judges, and Clerks. Commissioner Pando made a motion to approve Resolution 2001-45. Commissioner Daves seconded the motion. Motion carried.

Naming Polling Locations for All Precincts in 2002 Primary & General Elections

Ms. Gallegos asked approval of a resolution naming polling locations. This is something that needs to be done every November prior to the Primary and General Elections. This is from statute 1-3-2 that requires the Board of County Commissioners to dedicate the polling places that each precinct will be voting at in the 2002 elections and also for the school elections. There have been no changes from what has been used in the past with the exception of precinct 15 as they were voting at Ann Parish and will be moved to Valencia Elementary School. Precinct 6 will continue to vote at Ann Parish. Ms. Gallegos said some of these locations lie outside of the precinct boundary for that precinct and court orders need to be issued for that. Judge Sanchez has signed and issued that court order. Commissioner Pando made a motion to approve Resolution 2001-46. Commissioner Daves seconded the motion. Motion carried.

Naming Absentee & Absentee In-Person Voting Locations in 2002 Primary & General Elections

Ms. Gallegos presented a resolution naming the absentee and absentee in person voting locations for the 2002 elections. There was a change in this one. In the primary and general elections in 2000 the Wells Fargo Bank building in Belen was used, and that is no longer available. The other option the County Clerk had was to use the voting machine warehouse in Del Rio Plaza in Rio Communities. A good portion of that is occupied by voting machines. The Senior Citizens Department still holds a couple of offices, which will be vacated and used in this next election. Maintenance and telephone lines may be needed in that building for voters. At the location in the courthouse, the Clerk will be using the County Commission room, as the other room was too small. Commissioner Pando asked about the hours for absentee voting. Ms. Gallegos said there was a legislative law that was passed so absentee and absentee in person will end on Thursday. Commissioner Daves made a motion to approve Resolution 2001-47. Commissioner Pando seconded the motion. Motion carried.

Commission Reports & Requests.....Valencia County Board of Commissioners

Commissioner Pando talked about an article in the Saturday paper about the Department of Labor closing the office in the County. Commissioner Pando had a conversation with Secretary Harden this morning and he was assured that it would not be closed, and would continue as normal. What the Department of Labor is doing is down grading because of a grant. There were four employees that were temporary; the grant is over so now there will be two full time employees. Commissioner Pando was told that there would be no disruptions in services.

Commission Chair Aguilar said she received several phone calls, a fax last week, and a letter from Representative Don Tripp about these concerns.

Approval/Disapproval Contracts-Jail Monitor & Community Service.....James Fernandez

James Fernandez, County Manager, asked to have this item tabled. Commissioner Pando made a motion to table this item. Commissioner Baca seconded the motion. Motion carried.

County Manager's Report.....James Fernandez

Schedule of P&Z and Commission Meetings to be held at Village of Los Lunas Council Chambers

James Fernandez, County Manager, informed the Commission of meetings changed from the Valencia County Commission room to the Village of Los Lunas Council Chambers. They are as follows: May 14, 2002 Planning & Zoning Meeting at 2:00 P.M., May 21, 2002 Commission Meeting at 5:00 P.M., June 4, 2002 Commission Meeting at 9:00 A.M., October 15, 2002 Planning & Zoning Meeting at 2:00 P.M., October 22, 2002 Commission Meeting at 5:00 P.M., and November 5, 2002 Commission Meeting at 9:00 A.M.

Status Report Valencia County Landfill Closure-Post Closure/Monitoring

Mr. Fernandez mentioned that the County has been given until January 18, 2002 to comply with regulations. Mr. Fernandez will be presenting to the Environment Department a management plan and will be working with Technical Assistant McConnell and Dan Faqua.

White Goods Contract

Mr. Fernandez has been working with Mr. Garde in developing a contract for the disposal of white goods at the transfer station. This contract details the cost to the County, which will be \$9.00 per ton. People are now being charged for the disposal of white goods. Commission Chair Aguilar asked for clarification as to how much is being budgeted. The minimum requirement of 100 tons will cost \$900.00. Commission Chair Aguilar had concerns of rendering services and doing a new contract. She asked if there would be a transfer of money in the budget. Mr. Fernandez said this would come from the disposal cost in which there is a line item. The transfer station is not accepting refrigerators with freon. Commissioner Pando asked why the County is paying \$8.00 per ton and not the consumer. Mr. Garde said the problem has been that the County hasn't been charged so now the County is imposing a cost to the consumer. This agreement is between Car Crushers and the County. Commission Chair Aguilar asked if this is an administrative issue. Mr. Fernandez said yes. Commissioner Pando had concerns of the minimum requirement. Mr. Garde said the County would offset that because the County is paying only \$9.00 per ton and if the County charges \$5.00 for a stove, the County will easily offset that amount. Commission Chair Aguilar asked if the contract be amended to clarify how often they're going to pick up, or does the County wait until there's 100 tons. Mr. Fernandez will seek that clarification. According to Mr. Fernandez, there is far in excess of 100 tons right now. Commissioner Daves feels that ED needs to come to an agreement as far as allowing some of this to pile up there for a few months. Commission Chair Aguilar asked if this had gone out for RFP. Mr. Fernandez verified this with Mr. Garde that it does comply with the procurement code. Mr. Garde said there is an exception to the procurement code involving collection of solid waste and because of the situation that the County is in with ED; this would be an appropriate method. Commissioner Daves asked if this is acceptable to ED. Mr. Fernandez said one of the Environment Department's big concerns was getting rid of these white goods. Mr. Garde told the Commission that Mr. Fernandez could address this tomorrow at his meeting. Commission Chair Aguilar said that when the Commission met with ED they took a draft of the Car Crushers contract to ED and provided it to them and explained that this is something the County was doing. According to Commission Chair Aguilar, ED was pleased with it. Commissioner Pando made a motion to approve the contract. Commissioner Baca seconded the motion. This has a termination clause of 1 year with annual renewals. Mr. Garde told the Commission that he spoke with Carlos Montoya, Fiscal Officer, and he told Mr. Garde that other vendors weren't interested because the cost to transport couldn't be offset by the actual cost of resale. Motion carried. Commission Chair Aguilar told the Commission that she understood that Mr. Montoya went out with ED to review all of the 21 violations. She asked if there was going to be a report from him. Mr. Fernandez said there is not a report as of yet but that is the purpose of his meeting tomorrow. Anyone is allowed to attend this meeting at the Courthouse but there can only be three Board Members at one time. Mr. Garde said this meeting is not open to the public; it is between the parties concerned.

Request Approval of Resolution-Budget Increases.....M. Mireles/J. Cherry

John Cherry, Fire Marshall, requested approval of a resolution to increase the budgets for Valencia/El Cerro Fire Department, it goes into the expenditure budget because it is an escrow account. This is for the purchase of a tanker for the Valencia/El Cerro Fire Department and for replacement of a unit in Mr. Cherry's office. The tanker has been purchased and Mr. Cherry has drawn down on the escrow account in order to pay for the tanker. Outside of that, Mr. Cherry has a grant coming in from the state for \$50,000.00 toward the tanker. That money will be going to Bank One, which will satisfy part of the tanker payment. Mr. Cherry has not purchased the unit for his office, but the Purchasing Department tells Mr. Cherry he needs a resolution to bring it in as a revenue and expenditure item. Mr. Cherry does not anticipate the total expenditure of \$140,000.00.

Monica Mireles, Administrative Assistant, informed the Commission that this is a grant Valencia County received for improvements at the Juvenile Detention Center. This grant was not budgeted and therefore she is requesting a budget increase and a creation of an expenditure account for these funds. The funds have already been encumbered and Ms. Mireles has made a request to the State for those funds in the amount of \$7,500.00 and the matching is coming from the Regional Juvenile Detention in the amount of \$8,500.00. Mr. Fernandez said this would require DFA approval. Mr. Fernandez explained that the reimbursement will be forthcoming, the County has budgets that are established at the time they do a budget and they have no revenue coming in until funds are actually expended. Commission Chair Aguilar asked if the Commission needs to get approval by both. Mr. Fernandez said the Commission can do them separately but there is no need to do them separately. Commissioner Pando made a motion to accept Resolution 2001-48. Commissioner Daves seconded

the motion. Commission Chair Aguilar asked if this could be subject to DFA approval. Commissioner Pando agreed. Motion carried.

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

James Fernandez, County Manager, presented payroll dated October 19, 2001, warrant #66564-#66593 and payroll check #49402-#49591 inclusive for a listing total of \$188,423.03. Commissioner Baca made a motion to accept payroll. Commissioner Pando seconded the motion. Motion carried.

The next listing Mr. Fernandez presented was payroll dated November 2, 2001 warrant #66594-#66618 inclusive and payroll check #49592-#49780 inclusive for a listing total of \$188,452.40. Commissioner Pando made a motion to accept warrants. Commissioner Daves seconded the motion. Motion carried.

Mr. Fernandez presented warrants #66624-#66757 inclusive for a total of \$428,421.67. Of that amount, \$100,743.21 is from the general fund. Commission Chair Aguilar asked on the road projects, if there should have been a transfer of funds from the revenue to pay for the road expenditures. Mr. Fernandez said there was a separate fund that was established for the revenue bonds with specific line item expenditures for the road projects. Commission Chair Aguilar questioned the uniform allowance, as there's also a uniform allowance for the Road Superintendent. Mr. Fernandez said the Road Department has established a process in which they will be using the Old Mill for their uniforms. Commissioner Pando asked about uniforms for maintenance workers. The uniform allowance now is for the Sheriff's Office, Road Department, Animal Control, and Conejo Transfer Station. Commission Chair Aguilar had concerns about uniforms going to employees and not appointed officials. The Commissioners agreed with her. Commission Chair Aguilar said that check should be pulled. Commissioner Pando would like to see the maintenance workers with uniforms. Commissioner Pando made a motion to approve with that one check removed. Commissioner Baca seconded the motion. Commissioner Pando asked Mr. Fernandez if there is money available to give clothing allowance to those individuals. Mr. Fernandez will verify in the budget to see where that can come from. Motion carried.

Mr. Fernandez presented warrant #66758 in the amount of \$145,694.00; this will be the final installment of the activation fee. Commission Chair Aguilar asked if all invoices have been verified per Attorney General request and criteria. Mr. Fernandez said yes. Commissioner Pando made a motion to approve. Commissioner Daves seconded the motion. Motion carried. As of this morning, the general fund balance was \$450,000.00. Mr. Fernandez mentioned that tax bills went out on time.

Tina Gallegos, County Clerk, requested signatures on an Accounts Payable Authorization, which did not get signed at the meeting on October 2, 2001.

Commission Chair Aguilar would like to have a workshop in December for an update on the first half of the fiscal year before going into the next half. Mr. Fernandez suggested doing that in January.

Executive Session

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

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

Carol Anaya, Personnel Manager, reported that during executive session there was a discussion on the position of Business Manager and the Board directed Administration to post for that position. Commission Chair Aguilar said there was also discussion for the Planning & Zoning Office and Administration has been given direction to look at that position and get ready to post it.

James Fernandez, County Manager, reported that under land acquisition there was discussion on the Los Chavez Fire Department with no action taken. Commission Chair Aguilar clarified that no action will be taken.

Tom Garde, County Attorney, said that in executive session, the status of the Bonito Lawsuit was discussed and the Commission gave him direction with regards to which letters will be sent out to all the entities with regards to the county's position on that. They also discussed potential litigation in regards to the situation at Highland Meadows with regards to the cattle by Buddy Major. Mr. Garde said they also discussed the public request and the status of the lawsuit involving Valencia County and David Martinez.

Commissioner Pando made a motion that's all that was discussed in executive session. Commissioner Daves seconded the motion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried.

The next Regular Meeting of the Valencia County Board of County Commission will be held on November 20, 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 5:37 P.M. Commissioner Daves seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 6, 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: November 20, 2001