

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

March 19, 2002

Chairman Aurelio H. Padilla called the Meeting to order at 5:30 P.M.

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

Executive Session

Chair Aurelio H. Padilla called meeting to order at 5:30PM. Sally Perea read the agenda for Executive Session. Commissioner Pando made a motion to go into Executive Session. Commissioner Daves seconded. Motion carried. 4-0.  
Chair Padilla requested that Ms. Monica Mireles stay for executive session.

Motion was made by Commissioner Pando to go to regular meeting. Commissioner Daves seconded it. Motion carried. 4-0

Ms. Monica Mireles reported that in executive session the following was discussed: New hire pending pre-employment physical and drug test for Patrick Michael Monk for the Sheriff's department COPS II program, resignation for Anna Marquez from the Sheriff's department and the resignation of Lorraine Taddy from Older American. Ms. Marquez' resignation was effective March 14<sup>th</sup> and Ms. Taddy's will be effective March 20<sup>th</sup>. There was dismissal of employee Margie Montano from Animal Control. There was a promotion with a salary adjustment for Paula Weathersby in the Sheriff's department. End of temporary status for Agnes Anaya in the Indigent Program that will be effective March 18<sup>h</sup> and status change from probationary to non-probationary without a salary adjustment for Richard Weathersby. Commissioner Daves moved to ratify the actions that had been discussed in Executive Session. Commissioner Pando seconded it. Commissioner Aguilar wanted to clarify that when they say ratify, they are basically approving, so she would be voting no, in a sense, to her, it was just a report and no approvals by the commission. Commissioner Daves said that this was just an acknowledgment of personnel actions within the personnel code and at the discretion other than the Commission to make the decision including those who quit. Commissioner Pando voted yes. Commissioner Aguilar voted no. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-1.

Tom Garde reported that also in executive session the appeal in regards to the Sheriff's employee Julian Torres and he advised the commission on the status of that process. Also discussed was the ED and he had advised that commission that they had granted the County an additional 30 days to do their completion at Conejo. Last discussed was the pending litigation in regards to R2H and no action was taken. Also there was discussion within the commissioner in regards to the ability of county commissioners to obtain legal representation with regards to actions that occur while they are in office and direction was given to him to prepare a memorandum to report back to the commission.

Commissioner Daves said that in the March 13<sup>th</sup> edition of the News Bulletin, the Grand Jury petitions with regards to the Animal Control, took everyone by surprise and the fact that Commissioner Aguilar was the main target of the Grand Jury said he could appreciate the concerns that she had and they had. As far as he knew, she was named because she was Chair at that time. Commissioner Daves quoting from the paper said, "after the hearing Commissioner Aguilar had said, I'm not a part of it anymore and am happy about it. I had to hire my own private attorney because the county wouldn't provide me with legal defense". He wanted to call the reporter and the public's attention to Resolution 97-33, which was a good faith response to a criminal indictment against one of the former county commissioner and he

thought it put undo burden on commissioners with regards that if your found innocent they would be re-reimbursed for attorneys expenses. It wasn't that simple, but it shifted the burden against commissioners even when they're acting within the scope of their duties. For that reason, and it was at the time that they had learned that Commissioner Aguilar was named in that grand jury petition, at his request, that resolution was placed before this commission. He read some of the request to repeal Resolution 97-33 at the meeting of July 17, 2001. He hoped that they would understand that it had been repealed and he wanted to point out that Commissioner Gurule, Commissioner Aguilar, Commissioner Padilla, Commissioner Giron and Commissioner Montano passed this resolution in 1997. These were the 5 commissioner that had passed the resolution that he believed went too far in terms of not protecting or not allowing legal defense of commissioners acting within the good faith of their duties. He wanted to bring to the record something that was in record and something that this commission did in terms of dealing with the fact that Commissioner Aguilar was named in the grand jury petition.

Commissioner Aguilar wanted to clarify one thing. She said that if they went back to when that resolution was passed it was because that's when Commissioner Padilla got elected; there was a lawsuit against him by former Commissioner Richard Smrt. When their attorney was questioned about it and because Commissioner Padilla asked for representation, they were told that by law and because it was criminal, there was no representation and they needed to have a resolution in the books where Commissioner Padilla could be re-reimbursed for his legal fees. The resolution got passed and he was re-reimbursed for legal fees. And that was the purpose of it, to provide the commission with some coverage in case there was a criminal, whether it was allegation and if they prevailed there would be re-imburement.

Tom Garde said that the appeal on that situation was based on a vote tally and Commissioner Padilla was successful in the recount and it was something that happened because of the election and that was why he was re-reimbursed. He had prepared a resolution that would reimburse county commissioner for legal services in the situation that this commission might be facing in future situation in regards to potential grand jury investigations. He didn't have the resolution with him but he had submitted it to the county managers office.

Commissioner Aguilar wanted clarification for the record that when the petitions were filed, it was at the time when she was having surgery, she hadn't known that it was filed, but when she found out it had been, she had gone to the county and asked for legal defense and she was denied. She went to the Association of Counties and was told that because it was criminal, petitions are to impanel a grand jury to look into allegations. She did get an attorney to defend her but now they wanted a resolution because the petition is still active and possibly another scenario. Now they were preparing a resolution to protect the rest. Commissioner Daves said he believed the main reason the resolution was passed was because then Commissioner Smrt had been indicted and had sought re-imburement for his attorney's fees. As he recalled, from reading the paper and he wasn't a commissioner then, an action by Commissioner Smrt against Commissioner Padilla or against the County Clerk on a vote count was not a criminal action. He wanted it in record that they were sympathetic to Commissioner Aguilar's concern and that in fact the resolution that was passed worked against commissioners and he didn't think that they needed another resolution.

Commissioner Pando said it was a concern for all of them and there must be a state law that protects elected officials. He did think they needed something to protect themselves.

Commissioner Pando made a motion to ratify what had been discussed in Executive Session. Commissioner Daves seconded it. Motion carried. 4-0.

## **Pledge of Allegiance was led by Tina Gallegos**

### **Approval of Agenda**

Before the agenda was approved, Ms. Monica Mireles asked that Patricia Peralta present Action Items A-E and the Managers Report be presented by herself. Ruben Chavez asked to include Richard Padilla in his request to travel under item L. Commissioner Pando made the motion to approve the Agenda. Commissioner Aguilar seconded it. Motion carried. 4-0

### **Approval of Minutes**

Commissioner Aguilar asked to table the Minutes of the February 25<sup>th</sup> 2002-2003 Budget Workshop, as there was items that were missing and were needed to clarify a paragraph. The motion by Commissioner Aguilar was made to table those Minutes and approve the Minutes of February 19<sup>h</sup> Regular Meeting. Commissioner Pando seconded it. Motion carried. 4-0

**Public Requests**

Rita Padilla Gutierrez president of the Historic Tome/Adelino Neighborhood Association was there to bring a request for information related to county taxes. What if any taxes are owed? What has been paid, late fees, penalties and if any steps have been taken to collect these taxes? Commissioner Pando asked if this was targeted for VIA taxes owed. Ms. Gutierrez answered that at this time, yes. Commissioner Pando said that it might be to our advantage to have VIA attend the next meeting and bring some answers. Commissioner Aguilar said that since this was a written request to inspect public documents, there was a statute that addresses that. Tom Garde said there was a procedure to get public records and that was to file a request with the County Manager but in this case it should go to the Assessor or the Treasurer. There was a time frame as to how long the agency has to provide this information and the cost, and he suggested that it be presented to the county manager in order to start the process. Commissioner Daves said it should be considered as presented as of now. As a citizen they should go to the Treasurer's office and get that information. The assessor's office should have already put them in the tax rolls and if they hadn't then it was their fault.

Commissioner Aguilar agreed that developers were getting the benefit and the advantage of getting subdivisions approved and sold; yet paying the county as the lots are sold or as agreements are made. She used Chamesa, 741 lots, as an example of a one that was approved by this commission and was curious to know if these lots were already assessed as lots with a value on them or if the whole subdivision was still being assessed as vacant land because they hadn't developed them. She said it was in the market for 1.4 million. If the developer has disclosed that it is worth that much, how much are they paying in taxes? If everyone has to pay their taxes, then it should all be equal. Commissioner Pando also was curious as to how they paid taxes.

William Dean from Los Chavez, said that in reading it in the newspaper, some of the developers in the county didn't believe that there was a water problem. He was sure that the farmers knew that there was. He said he had attended many water works meeting and there is big problem and one day water was going to run out unless we get frugal with the developers and they provide something for the people and use small amounts of water.

Didier Hartenhoff from Meadow Lake said that for about 2 years they had been cleaning up and it had started to get better. In the last 2 years things had gotten so bad they've started throwing houses, trashing out mobile homes and there is a lot more graffiti all around them. He said there are parties there, because they find needles out there. He knows that the state and county doesn't have much money, but he is certain that they can find out who owns these homes. He has lived there more than 20 years and it is getting worse and he wants to know that something will get done. People are coming in and building and doing anything they want. He said it's like a third world situation out there. Commissioner Daves said he thought they had a very inadequate process of condemning and forcing the owners to clean up or put liens on the property and he also knew that there was no cash to do it. He said it should all be taken to heart and he certainly understood how important it was.

Ruben Chavez said he had met with Mr. Hartenhoff before and they have gone to association meetings before and he does have an officer assigned to that area. Meadow Lake has the highest citation rate in the county. The caseload report is probably 100 people in court and the judicial process is very lengthy and some of those cases are 1 ½ to 2 years old throughout the county. He understood their frustration. Our zoning officer goes out there and then it can be 6 months and sometimes a year before they can get on the docket. He agreed with Mr. Hoffenhoff on the abandoned mobile homes. They try to cite the people that own them and there is a 9 month right of redemption through the foreclosure process. They try to get that person in court, then they find out there's a mortgage company somewhere in Iowa who couldn't care less because they don't know Valencia exists much less Meadow Lake so they write it off their books and then it doesn't belong to nobody. Commissioner Daves is right in that it would take money that we don't have, but we have the power to go in and condemn them because now they becomes the county's responsibility and what does the county want to do with 200 mobile homes and the liability that goes with it.

In going back to the discussion on the grand jury petition, Commissioner Aguilar wanted to add to the record that she was advocated and she was going to submit her attorney's bill, which was \$3,400.00, to the Association of Counties and that way they would get a response in whether they were covered or not.

**ACTION ITEMS**

**FINANCIAL/BUSINESS MATTERS:**

**a) Non-Budgeted Transfer From Taxes Paid Under Protest to General County.....James Fernandez by Pat Peralta**

Ms. Peralta was requesting approval of Resolution on non budgeted transfer and this was from taxes paid under protest to the general fund and this had already been budgeted for the 2001/2002 revenues. Commissioner Pando asked if this affected the budget. Ms. Peralta said no. This was already budgeted in general county fund/ no increase to general county fund revenues. Commissioner Pando made the motion to accept Resolution No. 2002-09. Commissioner Aguilar seconded it. Motion carried. 4-0

**b) Resolution Approving Revisions to 2001/2002 Budget.... James Fernandez by Pat Peralta**

This presentation was a resolution approving revisions to 2001/2002 budget and these had been discussed on the Budget Workshop on February 25, 2002. Commissioner Pando made the motion to accept Resolution 2002-10. Commissioner Baca seconded it. 4-0. Commissioner Aguilar had a problem in that it said it was approved by commission and revisions and it changes but she didn't know why it changed and what its doing to the existing budget. Ms. Peralta said that the revisions were resolutions that had already been approved by the commission and submitted through resolution throughout the fiscal year. Commissioner Aguilar said she didn't agree or disagree, she just didn't have a good understanding of it to vote on it. Commissioner Padilla asked Commissioner Aguilar if she felt that figures might have been switched. She said she was not making allegations, just that there were many revisions that she had received on Friday and she wanted some time to look at it. Commissioner Pando said that was fine but he wanted to say that he had received his packet at the workshop and they had gone through each item one by one and his motion still stands. Commissioner Pando voted yes. Commissioner Aguilar voted no. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-1.

**c) Budget Increase.....James Fernandez by Pat Peralta**

This resolution was requesting approval transfer from County Fire Protection Excise Tax to County Fire Protection Fund of Los Chavez Lease Purchase an increase of \$263.00. Mr. Cherry had approved this. Commissioner Daves made a motion to approve Resolution No. 2002-11. Commissioner Pando seconded it. Motion carried. 4-0.

**d) Permanent Cash Transfer & Budget Increases..... James Fernandez by Pat Peralta**

This transfer approval request was from County Fire Protection Cash Reserves in the amount of \$6,500.00 to E.M.S. Cash Reserves. This was going to be disbursed to Jarales/Pueblitos Fire Department and the Meadow lake Fire Department. Commissioner Aguilar asked if these had been approved in the budget why were they making additional changes. Ms. Peralta explained that this was for the fire department. What they had presented was for the General Fund, the Evaluation Fund and Conejo. Commissioner Pando wanted to make sure this did not affect the General Fund. Ms. Peralta said this was coming from the 1/3% tax to the EMS Fund. Commissioner Baca made the motion to approve Resolution 2002-12. Commissioner Daves seconded it. Motion carried. 4-0.

**e) Intra Budget Transfers.....James Fernandez by Pat Peralta**

This approval was for Intra Budget Transfers and this was from one Fire Department Line Item to another Fire Department Line Item and these did not need DFA approval. Commissioner Pando made a motion to accept Resolution 2002-13. Commissioner Daves seconded it. Motion carried. Commissioner Pando voted yes. Commissioner Aguilar passed. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-1. Commissioner Aguilar said she had passed on the vote because some of the expenses that have not been revised from EMS and supplies are negative and she would like to know why they are in the red, and in some cases 112% and we are not making them up and not asking what happened to the budget.

**f) Approval of Payroll & Warrants.....James Fernandez by Pat Peralta**

Ms. Peralta asked for approval on payroll listing in the amount of \$165,986.96 issued on March 8, 2002. Warrant #67810 thru #67840 inclusive. Payroll #51272 thru #51451 inclusive. Commissioner Pando made a motion to accept Payroll. Commissioner Baca seconded it. Motion carried. 4-0

Ms. Peralta asked for approval on Accounts Payable Warrants #67841 thru #67946 in the amount of \$139,901.09. Commissioner Aguilar wanted to know if the lawsuit on A. Lucero had been settled. She said they get to know when there is a lawsuit but they are not notified if and when it is settled. Ms. Peralta said she would have to check with Barbara Baker. Tom Garde said the Association of Counties was aware of it and Commissioner Aguilar said that Mr. Garde had been asked to send them a letter and express this concern to them and then report to them, the commission, because there was a budget and if there were 30 lawsuit, and they were \$10,000.00 deductible and they all got settled within a year or so, that was \$300,000.00. Commissioner Pando agreed with Commissioner Aguilar, because they were many lawsuits pending and if they didn't know what they were dealing with, this would really put the budget trouble. Commissioner Daves also remembers asking for the Association to brief them at regular intervals.

Commissioner Aguilar questioned a laptop computer that Rural Addressing was buying for \$2,643.00 and they had already bought computers for them. She was looking at the old

budget and there wasn't much money in there and she asked if money had been transferred? Ms. Peralta said it was included in the first resolution that had been approved. Commissioner Pando said the problem he had, was check #67887 in the amount of \$1,800.00, made out to Fresh Start Janitorial. He said the bathrooms were sick and they needed to do something about it, either cancel the contract or make these people do their job. Commissioner Daves said he would support or second a motion for him to instruct the county manager to get rid of the contract and or explain why not. In order to get something done it would be by making a motion and voting on it. Commissioner Pando made the motion. Commissioner Daves seconded it and said the motion was to ask the county manager to terminate the contract or explain why continue it. Commissioner Padilla asked Monica who cleaned these bathrooms. Ms. Mireles said Fresh Start serviced the north side of the building and Cornell inmates did the remainder. Commissioner Aguilar said Mr. Fernandez had been given the request about one month and since Mr. Fernandez was not present, she would rather wait until he reported to them at the next meeting and take action then. Commissioner Pando said his motion still stands. Commissioner Daves said his second still stands. Motion carried. 4-0.

Commissioner Aguilar questioned payment made to the Internal Revenue Service because the federal taxes were called in late. The check was for \$1,049.00. The next check she had a question on was for Technology in the amount of \$3,577.20. Mr. Ruben Chavez said it was for 911 contract and with it they needed additional training and items that were not on the contract. Mr. Cherry had put some training money in the Commission Budget and now they were paying it out. Commissioner Aguilar also questioned a check made out to Waste Management Trash Disposal for February in the amount of \$8,477.19. Ms. Peralta said it was the monthly bill. Commissioner Pando made a motion to accept Warrants. Commissioner Daves seconded it. Commissioner Aguilar asked Ms. Peralta that this money was already budgeted and not making transfer from a non-budget item to a budget item. Ms. Peralta said the cash was there and that the revisions would take care of it. Motion carried. 4-0.

Mr. Gerald Gleason asked to speak. He said he had a piece of land in Tierra Grande and at that time the roads were good and about one year ago the county took over the maintained of the roads. He had talked to the road superintendent about what was happening to the roads and he had been told they had too much crown. He said the county had never graded roads within the valley area that had crown. His argument was that he wanted to keep the crown on them.

#### **PLANNING & ZONING MATTERS:**

##### **f) Appeal Planning & Zoning Department Decision of Lot Split/Olguin Road, Belen.....**

##### **Erlinda Lopez by Linda Lopez**

Mrs. Lopez and her daughter Linda Lopez were before the commission in regards to a notice the Planning & Zoning had sent to them denying a request to split the 10 acres that she owned. She was selling 3 acres to her son. Mr. Ruben Chavez said that Mr. Lopez had presented a plat proposing to split his 10.7 acres. It appeared that this would not be an issue, but there were three homes currently on this property at this time. In splitting it they would be creating a new lot with three homes. Commissioner Daves asked Mr. Chavez what could the owners do in order to approve this split. Mr. Chavez said that in removing one home it would make it less conforming and it would then be allowed. Commissioner Aguilar said that direction had been given, at the last meeting, to go back and let it go through the process of Planning & Zoning and then come back to them. Commissioner Pando said that according to the ordinance today, this was the only recourse that Mr. Chavez had. He said there was nothing wrong with what these people were doing. The only thing he was concerned with, was that later on they would want another split. So the thing to do was approve this split with conditions that there be no more splits. Commissioner Baca wanted to make sure she understood that appeals, right now, do not go to P&Z Board, they come to the Commission. Commissioner Baca made the motion to approve the split, providing there are no more splits. Commissioner Pando seconded it. Commissioner Aguilar asked Attorney Garde if she voted for the split, would she be in violation any statute. Mr. Garde said any change subject to ordinance and the discretion is based on testimony and so given the fact to the testimony given today, it was at the discretion of the commission to act on it. Motion carried. 4-0.

##### **g) Discussion on Permitted Uses in C1 & C2 Zoning.....Ruben Chavez**

Mr. Ruben Chavez said that in working with this Ordinance since being adapted in 1999 there were some issues that were not clear. He said C1 & C2 zone was not friendly to development. Now C1 says you can have an office space or retail store but not over 3000 sq. feet. Commissioner Daves recommended that they should listen to Mr. Chavez's input and if he could prepare a document that shows what the existing is and the changes so that it would be easy to see. C2 has a 2-acre minimum and he recommended that C2 not have to be 2 acres and the acreage be appropriate for the use on it. Commissioner Pando said when C2

Zoning was created they had made everyone illegal. Very few business fall into this zoning, but they do exist. Ricks Mobile Home is an example in that he can't expand because of the 3000sq ft. law. Commissioner Aguilar said her proposal on a solution was if Ruben could take the C1, C2, look at it, make changes so they the commission could look at it and know and understand what changes were being made and at which time if there's recommendation it could go to Planning & Zoning for their input also. It was an ordinance and it needed to come here so they had some idea as to what direction they were taking. And this would be for the future, not going back and penalizing businesses that are already there. Commissioner Aguilar made this into a motion. Commissioner Baca seconded it. Commissioner Daves commented that Commissioner Aguilar's restatements of his suggestion to Ruben that it be prepared in a way that they could see the changes is what he had requested. He thought it was appropriate for public input for P&Z Commission input and then they could see what comes to them. He didn't think they needed to see what Mr. Chavez was doing and then bring it back to them. It just didn't make any sense to him and if that was what the motion stated then he would vote against it. What he wanted was for Ruben to prepare his ideas and then bring them to the public, P&Z or whomever. Commissioner Pando voted no. Commissioner Aguilar voted yes. Commissioner Daves voted no. Commissioner Baca voted yes. Commission Padilla votes yes. Motion carried. 3-2.

**h) Adopt Extension on Moratorium on subdivisions.....Ruben Chavez**

In reviewing the Moratorium, it calls for a provision that after February 21<sup>st</sup>, it be brought to this commission for a decision to see if they wanted to extend it. Commissioner Pando did not think there was a need as there weren't many wanting to build subdivisions and did not see a reason to continue. Commissioner Aguilar made a motion not to extend the moratorium. Commissioner Pando seconded. Commissioner Daves asked Mr. Garde what the proposed resolution extension was. Mr. Garde said the language in the Ordinance is not to exceed 90 days beyond February 21<sup>st</sup>. Motion carried. 4-0.

**1) Request Permission to Publish Amendments.....Ruben Chavez**

**Valencia County Comprehensive Zoning Ordinance Section 1304-Appeals**

This appeal had been before the Commission before so what he had done was made changes. He crossed out what he had deleted and underline what he had added. What this would do is if the administrator makes a decision, the appeal goes to the Planning & Zoning Commission. The P&Z at that time has an option to address it, affirm or repeal or to go ahead and take it to the full board. There's a time limit of 15 days. If the applicant does not like the decision by the P&Z Commission, there's a process to appeal to the County Commission. Then if they don't like theirs, then there's District Court. He would like to publish this and he has presented it to the attorney for his review and the attorney had incorporated 3 changes. Commissioner Daves asked what Board meant. Under the definition, the Commission means the Planning & Zoning Commission and the Board means this Board. The plan said commission action, (1) "the board may affirm, modify or reverse. Shouldn't it say commission may affirm, and Ruben said that was one of the corrections that council had made. Commissioner Daves made the motion to approve for publication. Commissioner Pando seconded it for sake of discussion. He wanted to know if they were fixing it or leaving it alone. Mr. Chavez said they were changing it. Right now if somebody doesn't like his decision they had to appeal directly to you. The change is telling them, they have to appeal to the P&Z Commission, they make the decision and if they don't like that one then they come to the county commission.

Commissioner Aguilar's understanding was that right now the people can come to Mr. Chavez and he can deny it and then it comes to them. The process should be that he doesn't have that right. If someone comes and they want to pay the fee then they should follow the public process. People can come and speak and then go to P&Z. Commissioner Aguilar said the zoning ordinance is very clear. She has received call from people that have 2 acres and want to build a house and was told they can't. If they can pay the fee, then they can go through the P&Z and explain why because lots of time there are circumstance. The zoning ordinance already allows for RR1, we discourage it and they say it should be RR2, so that in coming in and saying its RR2 in the valley and no changes or your going to get denied, those people should be allowed to come forth and get the procedure and let them go through if they want. She didn't think that Mr. Chavez should have the authority to deny. Commissioner Pando disagreed because right now there is a process. Ruben does have that authority to not approve under the ordinance, but they also have the right to appeal to the county commission. He felt that Mr. Chavez should have that authority and he has been in the office when Mr. Chavez has explained it very well to whomever. Commissioner Daves said when an application is in front of him, his office should act on it within his interpretation of the zone code, and if it's a denial he should tell people that they have a right to appeal and is sure he does that. All Commissioner Daves wants is for this to be stopped at the P&Z commission, not because he is afraid of biting any bullets that come before the commission; it's the question of the economy and the logic of the process. Commissioner Pando said if they wanted to make it harder of people that they could do this. He had seconded it for the sake of

discussion, but he would vote against it because it did not make any sense to him. Commissioner Pando voted no. Commissioner Aguilar voted no. Commissioner Daves voted yes. Chair Padilla voted no. Motion denied. 3-1.

#### **GENERAL REQUESTS:**

##### **j) Request to Enhance Commercial & Industrial Zoning Ordinances.....**

###### **Gil Gray & Danna Loori**

Gill Gray said they were before the commission because they were concerned, because of some things going on in the county that they as citizens did not have a lot of control on. He said they were there to be part of the solution. His wife, Danna, read a request that they had submitted to the commission and he also submitted a petition signed by owners and voters and called Valencia County Petition for Positive Economic Growth. Some of these issues are probably already in the ordinance, he said, but there was room for improvement and he hoped that they could be a pro active group in support of the commission helping them do good things with the ordinance by making modifications and have more control over things that come in the county. He said he had called other counties in other states to see their verbal that they use in their ordinance and possibly take some of those words and apply them to our application. Commissioner Aguilar was prepared to support this. They should get together with Ruben and draft something and look at other changes and then bring it back to the commission and they could review it. Commissioner Aguilar made a motion to allow the petitions and to allow them to go forth with their idea. Commissioner Pando seconded it. He added that he wanted to maintain our individuality and be who we are, but also we cannot be anti everything. Motion carried. 3-0.

#### **DEPARTMENT REQUESTS/REPORTS:**

##### **k) Resolution Scope of Duties Hospital Committee/Names Submitted.....**

###### **Valencia County Board of Commissioners**

Ms. Monica Mireles brought before the commission a resolution update from the last commission meeting regarding establishing a Hospital Committee. Commissioner Pando requested that it be read. Commissioner Pando made a motion to accept Resolution 2002-14 and he appointed Steven Chavez, who was been instrumental when Commissioner Pando chaired the committee, John Lopez, who was a member of a hospital committee in Deming and Dr. Manuel Gamez who owns a practice here in town. Commissioner Daves seconded the motion. He said it was a well-written and appreciated Commissioner Pando leadership in bringing this forward. Commissioner Pando asked for comments from the audience and Mr. Alberto Perea said this was a good idea for a local hospital because of unexpected emergencies. Steven Guy said his wife had died on the way to the hospital. Commissioner Pando thanked them for their comments and also thanked Arley Sanchez and Katherine Saltzstein for all the good publicity and nice articles that they had written in their papers. This was long in coming and he was happy for their support.

The names Commissioner Daves had were: Dr. William Harley, former med school professor from UNM Medical School and retired, Mr. George Hobbs who was on the first committee and Bud Williams. Commissioner Aguilar did not have any names. Commissioner Padilla's appointees were: Alfonso Jaramillo, Louie Torres and Lenore Pena. Ms. Mireles had not received Commissioner Baca's names. The Rio Communities Association had submitted the name of Dick Clapper. The Valley Association appointed Theresa Scott. Commissioner Pando thanked the commissioners on their appointments and said they were excellent choices. Also appointed from La Accecion de la Comunidad de San Clemente was Adrian Harper. Motion from Commissioner Pando and seconded by Commissioner Daves to approve Resolution 2002-14 carried. 3-0.

##### **l) Request Permission for In & Out of State Travel:**

###### **NM Floodplain Managers Association 2002 Spring Conference in Socorro NM.....**

###### **Richard R. Chavez & Toby Jaramillo**

Ruben Chavez requested travel for the above to travel on April 16-19. All they were requesting was registration & cost fees. The total cost would be \$300.00 for both. This was for NM Floodplain Managers and Commissioner Aguilar wanted to know who the floodplain manager was now. The law says there must be one administrator and must be certified and that administrator must approve all permits, any development, improvements in a floodplain area and make sure that before a permit is issued there is compliance with the floodplain ordinance. Commissioner Daves said Mr. Chavez should have the discretion to appoint someone and that person delegate to the other qualified person to do the same thing under that delegation to meet the formality of there being a floodplain administrator. Commissioner Daves made a motion to approve. Commissioner Pando seconded it. Motion carried. 3-0.

###### **Secretary of States Election School in Santa Fe/ T Gallegos, G. Salas & S. Salas.....**

###### **Tina Gallegos**

Ms. Gallegos asked for approval for In-State travel to Santa Fe for Secretary of States Election School on April 3-5. This was for training that they have prior to any statewide

election and this is to give them information for past legislations and updates in the law. The state pays for per diem and she would request that the state pay each of them for the per diem and it won't come out of the general fund. She was asking for was registration fees in the amount of \$150.00. Commissioner Aguilar made a motion to approve. Commissioner Pando seconded it. Motion carried. 3-0.

**City of Highland Village-Dallas/Highland Village TX/Animal Control.....Linda Cisneros**

Ms. Cisneros said this was a retro-request for travel to pick up an animal transport unit that was offered to them on permanent loan basis, which meant there was no expense to the county. The only expense was gas and meals. She had friends that put them up. The request was for \$300.00. She said the units would have cost the county around \$8,000.00 to \$1,300.00. Commissioner Aguilar made the motion to approve. Commissioner Pando seconded it. Motion carried. 3-0.

**COUNTY ROAD MATTERS:**

**m) 2002/2003 Road Request for CAP, Co-op and School Bus Programs.....Helen Cole**

Ms. Cole submitted two lists; one that each commissioner turned in and one that fell within the projects and it reflected the prioritization. She was asking for a Resolution so that she could turn it in to the State Highway. Commissioner Daves made a motion to approve Resolution 2002-15. Commissioner Aguilar seconded it. Motion carried. 3-0.

**n) Request Road for County Dedication & Maintenance.....Helen Cole**

The three roads submitted for dedication were in Sausalito Estates Subdivision. James St. which is 2.1 miles in length with a 40' easement and a 25' driving area. It would need culverts, bar ditches, and base course. Palomar Pl. is .4 mile in length, has a 40' easement and a 25' driving area. This would also need base course, bar ditches, and need to be crowned for drainage. These two roads do not meet the minimum requirements for dedication. They were denied. El Cielo Blvd. is .2 miles in length and a 25' driving area and they are not sure about the width of the easement due to no fence or property lines. This road does not meet any of the other requirements for dedication.

Ms. Joan Artiaga said she had copies of the minutes, copies of the approved plat and roads that were presented to the county for maintenance and had been approved by the previous commission.

Commissioner Aguilar made the motion to approve the roads for maintenance. Commissioner Padilla seconded it. Commissioner Daves said he was not sure why they had to accept a road for dedication when it had already been done. He said they were basically bound by legal commitment before and Mr. Pena told him that it was graded once a week. That there is no magic in a road be accepted for dedication. From the looks of it, this is a road where there is flooding and washes out frequently and if they have an obligation to put in a culvert because of past actions, so be it. The commission should be sober if they're making a decision to accept the road for dedication, because this is assuming an obligation that should have been done by the developers.

Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted no. Commissioner Padilla voted yes. Motion carried. 3-1.

**MANAGER'S REPORT:**

**o) Manager's Report.....James Fernandez by Monica Mireles**

**Jail Monitor's Report**

Ms. Mireles reported that a Valencia County Detention had provided an inmate count for the month of March 1<sup>st</sup> through March 14<sup>th</sup>. Total was 1728 for an average of 123. Also in their packet was a copy of an agreement between San Juan County and Valencia County. This was a service agreement between the two counties to detain their inmates. The purpose of this agreement is to provide a detention facility for the temporary confinement of San Juan County prisoners awaiting trial in Bernalillo County at the Valencia Detention Center. Commissioner Pando asked Ms. Mireles if this was a 5-day deal, but that the agreement read one year, but he understood that there were 5 inmates to be held in our facility. Ms. Mireles said that was correct. Commissioner Daves questioned why the agreement said one year but it is 5 days only. Commissioner Pando said it was in case they decided to bring in more prisoners at a later date, in which Commissioner Daves commented that they didn't have to accept them if they didn't have room. Commissioner Aguilar said the last paragraph says that it takes effect on March 6, 2002 and shall continue until March 6, 2003. Ms. Mireles said they had sent it blank and San Juan County inserted the dates. Chair Padilla asked if they wanted to table this until later and Commissioner Daves said it should say that because they could be obligated to accept prisoners and send 5 of ours somewhere else. Commissioner Aguilar said that when this was going to happen before there was a request from the District Attorney that was saying that a change of venue they would bring them here and letting them know what kind of security would be required. Now she didn't know whom they were bringing and if Cornell would provide the added security they have to provide added security when they come to court, so she would like to have those questions answered and like it to be more specific. She asked to table it until the next meeting. Commissioner Daves also said he



would like language put in that he can't find. Commissioner Aguilar made a motion to table it. Commissioner Pando seconded it. Motion carried. 3-0.

Ms. Mireles said she had two letter addressed to Mr. John Cherry from Mr. George H. Chavez, State Fire Marshall, regarding Manzano Vista Fire District and Highland Meadows Fire District. This was to clarify that these two fire districts had been approved by the State Fire Marshall on February 21<sup>st</sup> and in January 2003 it will be necessary that the State Fire Marshall receive written request for inspection and possible certification of those fire districts. Commissioner Aguilar commented that she had a concern because this was going to affect her fire district, El Cerro Mission and also Highland Meadows, that because there had been a request by the State Fire Marshall that there needed to be boundaries and there was such a delay in taking care of it, and when it was submitted now, there will not be any funding for the fire station in El Cerro Mission as the mother station and also in Highland Meadows. So this will affect the funding because of the delays and the fact that it wasn't acted on expeditiously. She had talked with the fire marshal and he said that he was going to provide more funding for these fire stations so that they are able to operate. She wanted this in the records so that when they get their \$30,000.00 there was \$12,000.00 now lacking in her station and he will up the funding so that they can survive.

Commissioner Pando said he had also talked to the Highland Meadows about that issue.

The next Regular Meeting of the Valencia County Board of County Commission will be held on April 2, 2002 at 10:00 AM in the County Commission Room at the Valencia County Courthouse.

### **Adjournment**

Commissioner Pando made a motion to adjourn. Commissioner Aguilar seconded it. Motion carried. 3-0.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, March 19, 2002 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/  
AURELIO H. PADILLA, CHAIRMAN**

**ss/  
ALICIA AGUILAR, MEMBER**

**ss/  
S. T. FRANK PANDO, MEMBER**

**ss/  
GARY DAVES, VICE-CHAIRMAN**

**ss/  
HELEN BACA, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: April 2, 2002**