

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

June 10, 2002

Chairman Aurelio H. Padilla called the Meeting to order at 9:02 A.M.

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

Executive Session

Chairman Aurelio H. Padilla called the meeting to order at 9:02 AM. Tina Gallegos, County Clerk read the agenda for executive session. Commissioner Pando made a motion to enter into executive session. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Motion carried. 3-0. Commissioner Baca not present.

Commissioner Pando made a motion to go into the Regular Meeting. Commissioner Aguilar seconded. Motion carried. 3-0.

Carol Anaya reported during executive session the following was discussed. Resignation of Victoria Mora, Older American Program, End of Seasonal Employment Early Voting Luz Chavez, Robert Hotchkiss, Theresa Hunter, Wilfred Otero, Steven Saavedra, Evangeline Tafoya, and Louise Zamora. Return from Administrative Leave With Pay as Per Section 6.3 Running for Elected Office, Gary Hall, Richard Perea, and Marilyn Silva. Return from Administrative Leave Without Pay as Per Section 6.3 Running for Elected Office, Julian Torrez. Return to Work, Richard Shiplet, Conejo Transfer Station. End of Temporary Transfer in Clerk’s Office, Patricia Griego. Back to 32-hour work week for Bureau of Election employees effective June 10, 2002, Sheryl Salas, Gabriel Salas, Leticia Sedillos, and Lawrence Kaneshiro. Return from Leave With Pay, Alonzo Jaramillo. Those were the issues that were brought before the Commission during Executive Session.

Tom Garde reported during executive session the Commission discussed the status of the lawsuit involving Ber Ben Road and also the status of the administrative appeal regarding Steven Romero case and the extension given by EID to the County to complete its processing of the Conejo Transfer Station by June 30, 2002.

Commissioner Pando made motion to accept Ms. Anaya’s report and Mr. Garde’s report as to what was discussed in executive session. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Motion carried. 3-0.

Chairman Padilla asked Commissioner Daves to lead the Pledge of Allegiance.

Approval of Agenda

Tina Gallegos read the agenda for the Regular Meeting. Commissioner Daves made a motion to approve the agenda as read. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Motion carried. 3-0.

Approval of Minutes

No minutes at this time for approval.

Public Requests

Commissioner Pando wanted to congratulate the winners of the Primary Election that was held and thank all the people that supported him during his bid for re-election and wanted to thank all the people that voted against him because they gave him back his life and he can concentrate on his grandchildren and go fishing, camping or whatever. Commissioner Pando said he has served Valencia County for 18 years in various capacities and part of that time have served as County Commissioner and will miss a lot but not the phone calls in the middle of the night. Commissioner Pando said during this time he has met a lot of people that he has the utmost respect for. Valencia County is deeply blessed to have the caliber of employees and am proud of these employees. To the new Commissioners he wishes the best of luck. Commissioner Pando said it has been an honor and

privilege to serve with the current Commission, we have accomplished a lot of great things but much more needs to be done with six months left and let's move forward. Commissioner Pando said he wasn't done yet and is still available to discuss problems or anyone that calls. Again, good luck to the new Commission and God Bless us all. At this time Commissioner Pando thanked everyone.

Action Items: Planning and Zoning Matters

Request to Amend Zone Maps from C1 to C2/Valencia Community Air Ranch, Los Lunas, Neil Overbay

Neil Overbay has requested from the Commission to amend the zone maps from C1 to C2 for purpose of building and operating a motor cross track. This would give the kids something to do and at the same time enjoy. It will be a track for racing dirt bikes and also four-wheelers. It is 20 acres in Valencia County Community Air Ranch in Los Lunas. Commissioner Pando asked who is the owner of the land. Mr. Overbay said the County owns the road but Bill Campbell is the owner of the land. Bill Campbell said he owns 10 of the 20 acres that Mr. Overbay is purchasing and the other 10 is under contract. Mr. Campbell reviewed the maps with the Commission from C1 to C2. Ruben Chavez from Planning and Zoning said Mr. Overbay has met all the requirements for this request and recommends the Commission's approval. Commissioner Aguilar made a motion for approval to amend zone map from C1 to C2. Commissioner Pando seconded the motion. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Motion carried. 3-0.

Public Hearing – To adopt Ordinance to Correct Valencia County Zone Maps – Unit 2, El Cerro Mission – Ruben Chavez

Ruben Chavez requested the Commission adopt an Ordinance to correct the Valencia County Zone Maps. Mr. Chavez stated in 1999, when establishing the Zone Districts for the Valencia County Zoning Map, Unit Two of El Cerro Mission Subdivision was inadvertently omitted as a Planned Development District to be shown as such on the official zoning map. Mr. Chavez said this has been published according to statute regarding this error. Commissioner Aguilar had some concerns as to each time there is an error will there be a new ordinance proposed. There needs to be an amendment to the original ordinance. Mr. Garde said this matter has come before the Commission today to correct the mistake on this particular zone map and to come up with a solution to correct any future mistakes. Commissioner Aguilar made a motion for approval of **Ordinance No. 2002-01**. Commissioner Daves seconded the motion. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Motion carried. 3-0.

Commissioner Aguilar had to leave at 10:42 AM stating she did not realize there was a meeting today as the usual meeting dates are the first and third Tuesday's of every month and she has another meeting that requires her attendance.

Approval of Resolution to Support National Cemetery – Commissioner Pando/Nick Romero

Commissioner Pando requested Commission approval and support in the form of a Resolution to establish a National Veteran's Cemetery to be located in Valencia County. Commissioner Pando asked Ms. Gallegos to read the resolution. Commissioner Pando made a motion for approval of **Resolution 2002-22** to support a National Cemetery to be located in Valencia County. Commissioner Daves seconded the motion. Discussion. Lillie McNabb stated her support on this approval. Ms. McNabb said this shouldn't just be a Nick Romero project but everyone's project and get out with petitions in support of this cemetery. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Request to have Jose I Garcia road paved instead of chip sealed – Larry & Pearlene Garcia

Mr. Garcia is requesting Jose I Garcia Road be paved instead of chip sealed. This road is the entrance to Los Chavez and also is a main bus route for our children that attend school. Mr. Garcia stated it has always been chipped and patched or sealed and rides real bad so the people of Los Chavez would like to request this road be paved. Mr. Fernandez recommended this be approved on Commissioner Baca's behalf, it is in her District, and this request has been on her list. Mr. Garcia said to his recollection at last years December meeting this was on the agenda for approval according to a State Highway report. Commissioner Pando made a motion to accept the petitions to go before Commissioner Baca since this was her District. Commissioner Daves seconded the motion. Discussion. Commissioner Daves said we need a process in situations like this for road projects. Commissioner Pando said he felt he has a process for road consideration in his District. Laurel Campbell said she lives on Kelly Lane in District II and currently there is a petition in process for a paved road and waiting for the same thing. Clara Rehr, San Clemente said AT & T road had just been chip sealed and before it was done there was just clouds of dust so she is happy with the road chip sealed as it was before with the dust it was very unhealthy. Chairman Padilla asked the Commission how do they vote on this request. Commissioner Pando said he voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Valencia County Board of Commissioners Convene as Indigent Board

Indigent Appeals & Reports – Barbara Baker

Commissioner Pando made a motion to convene as Indigent Board. Seconded by Commissioner Daves. Discussion. Commissioner Daves voted yes. Commissioner Pando voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Ms. Baker requested on behalf of Rosie Gonzales indigent appeal to her denial of May 7, 2002. At the time their income was over the maximum allowed. Ms. Gonzales income has changed; Mr. Gonzales is no longer employed and is receiving a Social Security Supplement, which brings their income below the maximum. Ms. Gonzales would like the Commission to reconsider their denial. Ms. Baker said if the denial is approved Valencia County Indigent would pay \$5,000 to St. Joseph Medical Center. Ms. Baker recommended this be approved. Commissioner Pando made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0. Ms. Baker reported on indigent appeals on inmates George Lucero and Joe Benavidez. For both of these inmates Valencia County Indigent received the bills from UNM Health Sciences Center 90 days after the service. Ms. Baker stated if this denial is approved Valencia County Indigent would pay \$2,487.20 for Inmate Joe Benavidez and \$153.60 for Inmate George Lucero. On Ms. Baker's recommendation Commissioner Pando made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0. Ms. Baker presented her report to the Commission for Indigent Claims from April 24, 2002 to May 29, 2002. The total amount of claims submitted is \$134,165.54. Ms. Baker is asking to approve \$38,119.01 and to deny \$96,046.53. Ms. Baker gave a breakdown on the 46 claims submitted to the Commission which 14 were denied. Commissioner Daves made a motion for approval. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Board re-convenes as Valencia Board of Commissioners

Motion by Commissioner Daves to re-convene. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

1st Public Hearing/New Animal Control Ordinance – Linda Cisneros

Ms. Cisneros request for public hearing on the new animal control ordinance. This was taken back at a previous request to the advisory board and County Attorney for input and felt now this should be taken before the public and if approved this would be the final draft. Ms. Cisneros said we can address the public comments at this time.

Judy Hummel, Co-chair for Valencia County Home Club had some concerns on the ordinance in regards to 1.2.07 and 1.2.08 and discussed these with the Commission. Ms. Hummel said she didn't want to go page-by-page but saying this ordinance needs to be looked at very carefully. Ms. Hummel said Ms. Cisneros would not listen to their input on the ordinance.

Sherry Siegel, Secretary for Valencia County Kennel Club said her main concern is to be heard. Ms. Siegel said she would bring up a few examples but certainly had more on specific items. On 6.5.0 access to permitted premises, which animal control officers are allowed to enter, Ms. Siegel said she does not agree with this.

Laurel Campbell has concerns will compile a list of complaints in written format and bring before the Commission. Ms. Campbell said her main concern is the fee of \$125.00, which she feels is too high. Also overpopulation of animals needs to be controlled.

Terrence Toomey, Los Lunas stated there have been 102 changes on this new ordinance from the old ordinance but the main concern on his part his 2.3.03 and 2.3.04 and discussed these with the Commission and feels these sections are very disturbing and need to be addressed more carefully. Mr. Toomey discussed Appendix A – Schedule of Fees from 9.0.02 and every section after that he has a major concern with.

Cynthia Ferrari was on the advisory board and wants to hear more from the public because they have a real concern for their animals. Ms. Ferrari said we need to clarify these issues and act on them and what the intent of this ordinance is. Ms. Ferrari said we definitely have an overpopulation of animals and need to address every section of this ordinance.

John Cherry, Valencia County Fire Marshal said he wouldn't argue the pros and cons but stated we definitely need an animal ordinance that is effective for all but stated he wanted to comment on an issue that happened yesterday. At 5:00 AM Salomon Estates there was a mobile home fire with 12 to 13 dogs inside the mobile home and the volunteer firemen were placed in jeopardy. The owners said the dogs might bite you. Mr. Cherry said if one of them were to bite his firemen he would have to euthanize the animal. Mr. Cherry said in this case it goes to show you we have to have a strict stringent ordinance for Valencia County to eliminate this type of situation and that lady is not here today. But this lady was going to put firemen in jeopardy over her dogs.

Clara Rehr, San Clemente said all of her animals are neutered and she has not had a problem. Ms. Rehr said these are major concerns that need to be dealt with.

Judy Babcock on the advisory board wants to comment that the Commission is the one that appointed the advisory board that she is on. Ms. Babcock said the board is mostly volunteer and experienced only by caring. There have been open meetings available and will continue to have them. Again some of the people stated the problem with animals is overpopulation and these issues need to be addressed.

June Dobbs said there is a state law that handles a lot of these concerns that is the same with this ordinance.

County Manager, James Fernandez stated that the Commission did ask for applicants for the advisory board and it was published in the paper and there were 6 or 7 that responded.

Terrence Toomey said both of these people that are on the advisory board have said what this new ordinance intent is basically handle the large number of dogs that need to be euthanized and are abandoned or end up in a shelter. There is absolutely nothing in this ordinance that notes changes of the current law of 1997 that addresses that issue at all other than the right for a dog catcher to carry a gun and shoot dogs at will.

Commissioners asked Ms. Cisneros to comment on the issues from the public that were brought before them. Ms. Cisneros said at the time of the meeting with the kennel club the ordinance was in a phase that had not been reviewed by an attorney and was still in a rough draft stage and not ready for public consumption. Ms. Cisneros did state she told them she would have it available when the ordinance was ready for public review. Ms. Cisneros said she was following procedures. Commissioner Daves said she could have showed this ordinance to anybody at any time and suggested it should have been available for the public. Ms. Cisneros said the public is invited at the next advisory meeting, which is the first Thursday of next month, but we would have to cancel the public hearing that is set for June 25, 2002. Mr. Fernandez said we could still have the public hearing and not take action but listen again to public comment or have in written format comments available to the Commission at that meeting. Ms. Cisneros said the intent for the public is to work out an ordinance that is feasible for all. Commissioner Daves commented on the fact the animal ordinance is very important and needs to be taken seriously. Commissioner Daves said Ms. Cisneros needs to have a good dialogue with the kennel club and the public on what their intent is with the animal ordinance and work on going forward from there.

Request Signature on Agreement for Pharmaceutical Services for Animal Control Center – Linda Cisneros

Ms. Cisneros requested the Commission sign the agreement for the pharmaceutical services for the animal control center. The animal control center is required to have a pharmacist to do regular inspections of the facility. This agreement will be between Valencia County and Louis Chavez. The contractor shall make quarterly inspections (four per year). This will have a fiscal impact of \$200.00 per year and \$50.00 each quarter. Commissioner Pando made a motion for approval of this agreement. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Request Signature on Wildlife Services Contract for Fiscal year 2003 – George Cornelius

Mr. Cornelius requested Commission signature for the contract between Valencia County and the Wildlife Services. The funding for this program is appropriated from County Farm and Range Funds or as the Board deems appropriate. Valencia County will provide funding in the amount of \$3,000 in support of the Cooperative Agreement and this Work Plan. The contract runs through the fiscal year of July 1, 2002 through June 30, 2003. Commissioner Pando made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

**Request Approval of Intra Budget Transfers:
Senior Employment Program – Mary Ann Gonzales
Treasurer's Office – Diana Martinez-Coplen**

Elaine Gabaldon on behalf of Treasurer, Diana Martinez-Coplen requested approval of intra budget transfer from General County Fund Collections; full-time salaries to Printing and Publishing Equipment Maintenance and Repair. Commissioner Pando made a motion for approval of **Resolution 2002-23**. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Ms. Gonzales requested budget transfer for the Older American Title V Professional Services to Part-Time salaries and Medicare. Commissioner Pando made a motion for approval of Intra Budget Transfer **Resolution 2002-24**. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

John Cherry requesting intra budget transfer and budget increase for Fire Department. Mr. Cherry is asking Commission approval on this item. Commissioner Daves made a motion for approval of **Resolution 2002-25** and **Resolution 2002-26**. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Request Approval of Resolution to Extend Annual Leave and Compensatory Time – James Fernandez

Mr. Fernandez requested Commission approval to extend annual leave and compensatory time for employees due to budgetary constraints that has placed county employees on a thirty two hour work week, full time employees have been unable to comply with the Valencia County Personnel ordinance with regards to carry over of annual leave and compensatory time. Commissioner Daves made a motion to approve **Resolution 2002-27**. Commissioner Pando seconded the motion. Discussion.

Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Approval of Payroll and Warrants – James Fernandez

Mr. Fernandez presented Treasurer's Financial Report as of Friday, June 7, 2002 General Fund cash balance in the amount of \$1,715,621.37. Mr. Fernandez presented computer printout of all checks issued by the Fiscal Office on 5-31-02 covering payroll processed on the above date. Warrant #68543 thru warrant #68572 inclusive. Payroll check #52332 thru payroll check #52515 inclusive. Listing total of \$168,401.22 and of that \$106,158.45 is from the general fund. Commissioner Pando made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Mr. Fernandez presented computer printout of all checks issued by the Fiscal Office on May 31, 2002 covering vendor bills processed on the above date. Warrant #68573 thru warrant #68594 inclusive. Listing total \$327,323.27 and of that \$323,900.22 if from the general fund. Commissioner Daves made a motion for approval. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Mr. Fernandez presented computer printout listing check #68595 issued by the Fiscal Office on June 3, 2002 covering vendor bills processed on the above date in the amount of \$12,723.53 posting for delinquent notices for Treasurer's Office. Commissioner Daves made a motion for approval. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Mr. Fernandez presented computer printout listing all the checks issued by the Fiscal Office on June 7, 2002 covering vendor bills processed on the above date. Warrant #68596 thru Warrant #68889 inclusive. Listing total \$94,235.27 and of that \$54,420.45 is from the general fund. Commissioner Pando made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Manager's Report-James Fernandez

Jail Monitor's Report - Informational

Mr. Fernandez reported for the period of May 15, 2002 to May 31, 2002 average prisoner count was 149 and of that count 131 were males and 18 were females.

The next Regular Meeting of the Valencia County Board of County Commission will be held on June 25, 2002 at 5:00 PM Executive Session and 6:00 PM Regular Session in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Pando made a motion to adjourn. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0. Time being 12:45 PM

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, 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/
GARY DAVES, VICE-CHAIRMAN**

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

ALICIA AGUILAR, MEMBER

HELEN BACA, MEMBER

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: August 6, 2002