

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

August 6, 2002

Chairman Aurelio H. Padilla called the Meeting to order at 9:00 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	

Chairman Aurelio H. Padilla called the Meeting to order at 9:00 A.M. Tina Gallegos, County Clerk read the agenda for executive session.

Executive Session

Commissioner Pando made a motion to enter into executive session. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Commissioner Pando made a motion to enter into the Regular session of the meeting. Seconded by Commissioner Daves. Discussion. Motion carried. 3-0.

Carol Anaya reported during executive session the following was discussed. The resignation of Dwayne Campos of the Conejo Transfer Station, New Hires pending pre-employment physical and drug testing for James White for Animal Control. Commissioner Daves made a motion to accept this report. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Tom Garde, County Attorney reported during executive session the following was discussed. The status of the garnishment case of a County employee was discussed. The request by the District Attorney out of Silver City, New Mexico with regards to the pending grand jury investigation of the fiscal aspects of County Government. The proposed agreement between Valencia County and the Bureau of Indian Affairs concerning the recreation of Route 66 within the borders of Valencia County and direction was given in regards to that aspect.

Mr. Fernandez reported during executive session the following was discussed was the land acquisition of the Los Chavez Fire Department and direction was given but no action was taken by the Board.

Commissioner Daves made a motion to accept these reports as discussed in executive session. Seconded by Commissioner Pando. Discussion. Commissioner Pando said Commission discussed the legal aspect of the two grand jury investigations that are going on right now and how an attorney should be retained or not retained. County Attorney, Tom Garde advised the Commission he would handle this for the Commission but no action was taken. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla 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 Session. Commissioner Daves commented Commissioner Aguilar and Commissioner Baca are absent so with regard to Item D Commissioner Pando has stated he is recusing himself based on being related to the parties of interest. Commissioner Daves said so with that item there will not be a quorum to take action. Commissioner Daves made the motion to delete Item D Zone Maps from RR2 to RR1 – Entrada Aragon, Los Lunas from this agenda and table this item. Discussion. Commissioner Pando said on the advise of counsel he will recuse himself from this Item. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Approval of Minutes

June 10, 2002 – Regular Meeting,

June 18, 2002 – Preliminary Budget Approval

June 18, 2002 Comprehensive Plan

June 25, 2002 – Regular Meeting

Commissioner Pando made a motion to accept June 10, 2002 Regular Meeting Minutes and the June 25, 2002 Regular Meeting Minutes but the other two meetings he stated he was not present. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0. Commissioner Daves made a motion for approval of the June 18, 2002 – Comprehensive Plan and the June 18, 2002 – Preliminary Budget Approval Minutes. Seconded by Chairman Padilla. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Public Requests

Joe Griffinberg from Meadow Lake addressed the Commission on the trash buildup and had photographs of the area for the Commission to view. Mr. Griffinberg first of all wanted to thank the road crew for grading the roads and second of all they are not quite finished but at least there is an accomplishment there. Mr. Griffinberg said he had brought this to Commissioner Dave's attention and had discussed options on how to handle the situation that was feasible for everybody. Mr. Griffinberg thanked the Commission for listening. Commissioner Pando said this Commission needs to look into for the whole of the County to implement a clean-up plan. Chairman Padilla agreed that there needs to have something done about the trash problem. Commissioner Daves said he had met with them and will admit at the dismay of how trashed out the place was at Meadow Lake. This is a real crisis and he was able to get Ruben Chavez from Planning and Zoning to review the area. Meadow Lake is on the list for complete clean up for trashed out mobile homes and abandoned homes.

David Martinez addressed the Commission and said at one time he did own a salvage yard in Tome and they use to move about 1000 cars out of the County in a year and they stopped doing this. Mr. Martinez said the trash situation is a huge problem. Mr. Martinez said he is proposing to open up another salvage yard so maybe they can start on a clean up plan for the County.

Action Items

General Request

Consideration of New Appointments to Valencia County Animal Control Advisory Board – Linda Cisneros

Ms. Cisneros requested a list of new appointments to the Valencia County Animal Control Advisory Board to be considered by the Commission. Ms. Cisneros said they have received four applications. The Board would like to recommend three of the four applications be appointed. Ms. Cisneros reported two members on the Board are asking to be removed Ruben Chavez and Steve Chavez. The three names the Board is asking to consider appointment is Dr. Debra Trujillo, Lorell Campbell, and Jean Dobbs. Commissioner Daves said there was another name Terence Toomey. Ms. Cisneros said the members of the Board asked that he not be appointed to the Board due to personal reasons. Commissioner Pando asked how many members are on the Board now? Ms. Cisneros said with the two that will be removed there are four members. Ruben Chavez stated he does not have time to do justice to this Board and therefore asked to be removed. Commissioner Daves asked Ms. Cisneros to name the remaining Board members. Ms. Cisneros stated they are Judy Babcock, the Chairman, Cynthia Ferarri, Lee Laney, Michelle Jesperson and herself. Ms. Cisneros said her numbers are off, and there are actually five remaining Board members. Commissioner Daves said as he has stated before he feels that the Director should be the ex-officio of the Board and not a voting member of the Board. Ms. Cisneros said she is in agreement with Commissioner Daves. Commissioner Pando made a motion to approve the appointment of Dr. Debra Trujillo, Lorell Campbell and Jean Dobbs and retain the existing Board members. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Update on Valencia County Juvenile Regional Facility – Tom Swisstack

Tom Swisstack, Director of the Bernalillo County Detention Center and John Chavez of the Regional Facility stated they have been in partnership with Valencia, Sandoval Counties for approximately six years. The last four years the partnership has grown to become stronger and stronger through a lot of good management. Mr. Swisstack wanted to update the Commission on the projection of what is going on right now with the Juvenile Facility. Last year Valencia County used approximately 2665 bed days, last year meaning 2001 and Sandoval used approximately 3779 bed days throughout the course of the year and bed days means sometimes they stay long periods of times. As a result of that not all can be held here at Valencia due to issues of mental health or co-conspirators, drug abuse, issues of suicide attempts and Mr. Swisstack said they feel like these types of cases they are held in the Bernalillo facility. This is due to the fact there is a structural difference of the facility in Bernalillo. John Chavez spoke to the Commission on behalf of the Regional Facility the repor with the Manager's Office, James Fernandez has been extremely supportive in managing and keeping costs down for the County. Mr. Chavez said he is proud of the fact there have been no lawsuits filed against the Regional Facility and that has been due to good management on both sides the County and the Regional Facility. Mr. Fernandez stated that this past week Chairman Padilla and he attended the annual meeting of the Mid-Region Council of Governments and at that time the three Counties, Bernalillo, Sandoval, and Valencia, the Board of Directors presented the three Counties with the public partnership award for the Regional Juvenile Detention Facility. This award indicated the recognition of an innovative approach to the integration of services and cooperative operational strategies for the Regional Detention Facility and Mr. Fernandez presented the award to staff.

Accept Petition for Paving 2003/2004 – Diebold, La Escondida, Rector Roads and Amor – Commissioner Daves

Commissioner Daves asked Mr. Fernandez to update on the meaning of accepting petitions for paving. Mr. Fernandez stated that when the Commission accepts these petitions from the individuals they accept them from the indication at some point in time they will go on a priority list for paving as funding is available. Commissioner Daves said that is what he told the individuals on these specific roads and said he is presenting the petitions for paving these roads. Commissioner Daves made a motion to accept the petitions for paving Diebold, La Escondida, Rector Roads and Amor Roads. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Planning and Zoning Matters:

Request to Amend Zone Maps:

Zone Maps from RR2 to RR1– Entrada Aragon, Los Lunas – Patricia Martinez – Deleted from Agenda

Zone Maps from C1 to C2 – Hwy 47, Peralta – Express Development/Agent – Howard McCall

Howard McCall, from Express Development requested to amend the zone maps from C1 to C2 for the purpose of building a 14, 000 square foot building upon approval by the Board based upon the following conditions: 1) that a 200 foot buffer on the west side of the property has no lighting, no paving and no buildings; 2) that the lighting will face to the east so as not to affect the back property owners; 3) that the number of buildings will be determined by EID. Commissioner Pando asked Mr. McCall if EID was approved and he stated yes. Commissioner Daves asked if Mr. McCall has discussed this with the State Highway Department and he said yes. Mr. McCall said they were working with the State Highway Department for ingress, egress and access lanes. Steve Crawford with Mr. McCall discussed the driveway permit and the septic usage for this request. Commissioner Daves requested to listen to public input.

Modesto Sanchez represented the residents along the area in which the property is to be zoned. Mr. Sanchez stated his property did boarder the land in question. Mr. Sanchez said he is against the lighting and noise pollution in the residential area that would be affected. Mr. Sanchez is worried about the water if possible would it affect their drinking supply. They are also worried about traffic. They already have a difficult time getting out of Sunflower Lane, which is South of the property in question. Mr. Sanchez said he is not opposed to progress just opposed to this zone change.

Commissioner Daves asked Herman Tabet in attendance his views since he chaired the Planning and Zoning Meeting and is interested in his comments because it passed with a 2-1 recommendation and also the property does require a variance because it is not quite 2 acres. Mr. Tabet said Mr. Sanchez has a right to voice his concerns. Mr. Tabet said there is a lot of discussion on the traffic situation and it is going to be there regardless. Mr. Tabet said he would like to have seen the bridge issue gone through but did not get involved. The congestion problem is going to be very bad, Wal-Mart Super Center is coming in, Home Depot and there is only one way to get to the freeway. Mr. Tabet said bringing in these stores is fine but there is only one way in and one way out as he has stated before.

Ruben Chavez said he doesn't want to get into the septic tank issue because that is why they ask for permit from EID or want to get into a discussion with the engineer on how to design a pond. We have already dictated that and the theories have never agreed anyway and will leave it up to the engineers to do that design and make it work. Mr. Chavez said he will talk about the zoning itself. There will always be a conflict between commercial and residential because they clash. Mr. Chavez stated in sticking to the purpose of the C2 change because that is the request here and it does require the two-acre minimum and they have obtained a variance through the Planning and Zoning Commission for that and the buildings. Mr. Chavez said the C2 from the zoning standpoint already has a recommended criteria for the site and those two criteria's for the site is the main intersection and off a collector or arterial road. This site does both of those it is near an intersection and off a highway collector road. Mr. Chavez said from the Planning and Zoning standpoint this is where this building belongs. Mr. Chavez said from looking at the map there is commercial zoned from Los Lunas boundary line to Bosque Farms boundary line. Commissioner Daves made a motion for approval from C1 to C2 with the conditions that have been opposed. Commissioner Daves asked Mr. Sanchez to keep his elbows out but with the conditions of the 200 ft are honored and staff needs to keep a good record of that because property owners can be protected if a subsequent owner of subsequent use does come in and violate this use. Commissioner Pando seconded the motion. Discussion. Mr. Sanchez asked if the buffer was going to continue in the future? Commissioner Daves said as Planning and Zoning has stated they will flow with the land and not with the owner. Chairman Padilla commented it will be a nightmare because of the traffic usage through that area. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Department Requests/Reports

Request Permission for In State Travel – Ruben Chavez

Managing the Comprehensive Planning Process Course/Taos, NM

Mr. Fernandez requested in state travel for Ruben Chavez to Taos, New Mexico to attend a workshop on comprehensive planning August 7, 2002. Mr. Fernandez said Mr. Chavez is asking for the registration fee for \$100.00 as well as the combination fee of \$60.00. 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.

Update the Valencia County Dedicated Road Map – Ruben Chavez

Mr. Chavez said the following roads have been accepted for maintenance and dedication to the County by the Commissioners, Diana Drive, Diana Road, Diana Circle, Palomar Place, James Street, and El Cielo. Mr. Chavez said these roads have been accepted so the Commission needs to sign an updated map reflecting these changes. Commissioner Daves said he has not signed an updated road map to his recollection and stated they have accepted many road changes but doesn't remember signing an updated version and would like to see one. Mr. Chavez said every year the Commission signs a map with the State Department showing all the inventory and this is a mid-year update keeping the map current but said if the Commission needs to see a map with all the changes then recommends tabling this request. Commissioner Pando made a motion to table this item. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Board of Commissioners Convenes as Indigent Board Indigent Appeals and Report

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

Ms. Baker requested on behalf of Lana Minter would like to appeal the indigent denial of July 2, 2001 which was denied as applied after the 90 day limit and her income was over the maximum allowed. Ms. Baker said Ms. Minter was not aware of the Valencia County Indigent Program and now her income has changed. Ms. Baker said at this time her income is under the maximum allowed. Commissioner Daves said why was she not aware of the program. Ms. Baker said no one told her and you find out through your providers and recommended this be approved. Commissioner Daves made approval for this claim. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Ms. Baker requested on behalf of Angel Bravo to appeal the indigent denial of June 10, 2002. Angel Bravo had used Valencia County Indigent Assistance but has already used the 2-transport limit in a 12-month period. Ms. Baker said Mr. Bravo is a diabetic and has seizures and took it upon himself to be present here today for this appeal. Ms. Baker recommended this claim be paid. Commissioner Pando made a motion for approval. Commissioner Daves seconded it. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Ms. Baker on behalf of Mr. Fernandez has requested an appeal to the indigent denial of July 2, 2002 for Phillip Lopez. Valencia County Indigent received the bill from UNM Health Sciences Center 90 days after service. Mr. Fernandez would like the Commission to reconsider this denial as Ms. Baker also recommend this denial be approved. 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.

Ms. Baker reported to the Commission on Indigent Claims from June 19, 2002 to July 25, 2002. The total amount of claims submitted is \$170,701.69. There were 132 claims submitted and 39 applicant denials. Ms. Baker asked the Commission to approve \$46,239.77 and to deny \$124,461.92. 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.

Financial/Business Matters

Approval of Resolution on Legal Fees for Commissioners –James Fernandez

Mr. Fernandez presented a resolution providing for the payment of criminal defense expenses in certain circumstances for the Commission. Mr. Fernandez said if the Commission would like to discuss the issue with Mr. Garde. Commissioner Daves made a motion to table this item, as there are only two Commissioners present. Mr. Garde said what is before you there was a Resolution that was adopted in 1997. That resolution was rescinded and a new resolution was prepared specifically on the animal control grand jury issue. Chairman Padilla said he would like to resolve this item as it has been brought before them in the past. Commissioner Pando said he feels the same way Chairman Padilla does and sees the only change in the resolution is the one with the grand jury on animal control but would like to see a resolution drawn up protecting the elected officials on every issue. Commissioner Daves commented that elected officials are due representation and that is why we have counsel but we don't need to go out and hire an attorney. Commissioner Daves said the appropriate course is for the County Attorney to represent the Commission to the extent we are being charged with a violation of any sort within the scope of their duties as County Commissioners. Commissioner Daves said he has a concern where we have a situation where Commissioner Aguilar who is not present here today was a named target on a grand jury petition. Chairman Padilla asked Mr. Garde do we table this item or do we look at the situation where we have a bill to be paid on Commissioner Aguilar's legal fees pertaining to Marci Britton. Mr. Garde said the way the Resolution reads is that there is checks and balances and the bill would be submitted to the County Manager's Office and the County Manager would determine if the bill was reasonable. This Resolution only applies to criminal defense as Commissioner Daves indicated action within the scope of duties of the

County Commissioners would not require such a Resolution because you are performing duties within the scope of your employment. Commissioner Daves made a motion again to table this item and be redrafted. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Request Signature on Service Agreements – James Fernandez

Impounded Animals of City of Belen

Impounded Animals of Village of Los Lunas

Housing of Prisoners of Village of Los Lunas

Mr. Fernandez requested Commission signature on the above service agreements. Commissioner Pando made a motion to approve signatures on the service agreements. Seconded by Commissioner Daves. 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 computer printout of all checks issued by the Manager's Office on July 26, 2002 covering payroll processed on the above date. Warrant #69256 thru Warrant #69288 inclusive. Payroll #53051 thru Payroll #53229 inclusive in the amount of \$171,060.93 and of that amount \$106,400.98 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 August 5, 2002 covering vendor bills processed on the above date. Warrant #69551 thru Warrant #69631 inclusive listing total of \$284,562.95 and of that amount \$63,226.82 if from the General Fund and upon approval the cash balance is \$1,371,004.48. 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

Conejo Transfer Station New Schedule

Mr. Fernandez reported for the period of July 13, 2002 to July 31, 2002 the average prisoner count was 132 and of that 114 were male and 18 were female.

Mr. Fernandez reported the Conejo Transfer Station has changed their days beginning August 11, 2002, they will be closed on Sundays and Mondays and all County recognized Holidays and are open Tuesday through Saturday from 8:00 AM to 4:00 PM.

Monica Mireles reported on the Mid-Region Council of Governments annual ICIP Meeting that she and Ruben Chavez attended and would like to request the County hold a workshop so that she and Ruben Chavez can start prioritizing the projects for the plan. Mr. Fernandez said if possible the Commission could meet August 26th or August 27th as the ICIP report has to be submitted into Santa Fe by September 30, 2002. Mr. Fernandez said that would allow enough time for any changes to be submitted and to hold a public hearing. The meeting is set for August 26, 2002 at 10:00 AM.

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 20, 2002 at 5:00 PM Executive Meeting 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 1:00 PM.

<p>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.</p>

VALENCIA COUNTY BOARD OF COMMISSIONERS

ss/
AURELIO H. PADILLA, CHAIRMAN

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

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

**ss/
ALICIA AGUILAR, MEMBER**

HELEN BACA, MEMBER

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: October 1, 2002