

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

October 1, 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 for the October 1, 2002 Regular County Commission Meeting.

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. Commissioner Baca voted yes. Motion carried. 4-0.

Chairman Padilla called the meeting back to order.

Carol Anaya reported that in executive session the following was discussed. New Hires, Pending Pre-employment Drug and Alcohol Testing for Albert Sais, Sheriff’s Department Security, Resignation Shawn Quintana, Sheriff’s Department, Maternity Leave With Pay for Sheryl Salas, County Clerk’s Office beginning 9-20-2002 and ending 01-07-2003. Ms. Anaya said this is what was discussed in executive session.

Tom Garde reported that in executive session the following was discussed. Status of the Environmental Department Administrative Order and advised the Commission that at this time the expert, Jim Wayne with Tera Con is awaiting direction from ED with regards to how to perceive with the clean-up of the Conejo Transfer Station and at this point the County is in compliance with the Environment Department. Also discussed was the status of the Attorney General’s review of the Cornell contract between the County and Cornell, there was some clean-up language that they requested and we have proceeded to get that information to them. Mr. Garde said that is all that was discussed in executive session due to pending and existing litigation.

Mr. Fernandez said to reiterate on what Mr. Garde said they did receive a call from Judith Namark and just for clarification on the term of county inmate, they wanted a narrative on how this will benefit the County on the renegotiated contract.

Commissioner Daves made a motion to accept these reports given by Carol Anaya, Personnel Manager and Tom Garde, County Attorney as to what was discussed in executive session. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Chairman Padilla asked Tom Garde to lead the Pledge of Allegiance.

Approval of Agenda

Commissioner Daves made a motion to approve the agenda for the October 1, 2002 Regular County Commission Meeting. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Approval of Minutes

August 6, 2002 – Regular Meeting
August 20, 2002 – Regular Meeting
August 26, 2002 – ICIP Workshop
Commissioner Pando made a motion to approve the above minutes. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Public Requests

Cliff Nichols was before the Commission because of a petition that each of the Commissioners was sent and said he had spoke briefly with Commissioner Pando and his request was to come forward today during public request. The petition addresses two stages of emergency that exists in New Mexico currently largely due to the overgrowth of the watershed areas in the natural forests. One is the catastrophic fire danger that these overgrowth conditions present. The second stage is the water shortage that this entire state is suffering from and that is a direct result of the overgrowth on the watershed. Discussion ensued with Mr. Nichols and the Commission on this public request and Commission requested Mr. Nichols get on the agenda for next meeting..

Mike Mechenbier discussed with the Commission the difficulties that have been going on with the Isleta Indians and Quarry Road and that access has been denied. Mr. Mechenbier stated this is a public road and a locked gate denies emergency vehicles or anyone going in.

Tim Lardner said he has a problem with getting access that Mr. Mechenbier mentioned. If this matter comes before the Commission on an agenda how does a person get this issue resolved today? Commission discussed this matter with Mr. Lardner and stated that nothing can be done under public requests.

ACTION ITEMS:

GENERAL REQUEST

Approval of 2002 Property Tax Rates – Beverly Gonzales

Ms. Gonzales requested Commission approval for the 2002 property tax rates in accordance with the Property Tax Code (Articles 35 to 38 Chapter 7, NMSA 1978). Ms. Gonzales said the biggest increase in tax rates was in the new School District; the one that was put on last year BN03, there were three mills dropped from that because they felt Belen would not lap over Los Lunas. The State mill did go down a little bit and other than that overall tax rates stayed the same. Commissioner Daves wanted more detail of the tax rates and asked Mr. Fernandez to explain. Mr. Fernandez said the County is already at maximum level for their tax rates, we impose 11.85 for non-residential property tax rate and the residential property tax rate is affected by the value. Commissioner Aguilar made a motion for approval of the 2002 property tax rates. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Public Hearing/Final Consideration Amendment to Solid Waste Ordinance – Tom Garde

Mr. Garde stated the purpose of this amendment is to extend the existing solid waste ordinance not to exceed six months and will allow this Commission to review the existing solid waste ordinance and review potential amendments to that ordinance that this Commission deems appropriate. Mr. Garde said the ordinance expired yesterday. The purpose of this ordinance is to ensure appropriate trash collection in an orderly manner and ask the Commission to declare this amendment an emergency otherwise we could face problems. Mr. Garde said there was a meeting held last week and the determination was issues as to the enforcement of the existing ordinance. Mr. Garde said he met with Planning and Zoning, Ruben Chavez and County Manager, James Fernandez and they discussed the fact that we have not had was an investigative agency to determine as to whether there have been any problems with regards to the enforcement of the existing ordinance. Mr. Garde stated due process requires there be an investigation before we can allege that anyone has not in fact been in compliance with the ordinance. Mr. Garde said direction has been given to the Zoning Office to follow up with regards to the existing ordinance and the haulers themselves.

Commissioner Aguilar said she wanted to go back and said to her understanding when the ordinance was approved the funds were to be used to hire a P & Z officer to make sure we were in compliance with this ordinance and that is what this officer did was actually go out in the field to ensure compliance. Is this not correct?

Mr. Garde said that is correct but mentioned to Commissioner Aguilar that Planning and Zoning Officer Edward Gonzales is no longer with the County so the P & Z officers are going to have to double up to ensure compliance.

Commissioner Daves made a motion for approval on this request for final consideration on the amendment to the Solid Waste Ordinance. Seconded by Commissioner Baca. Discussion. Mr. Garde stated to the Chairman to ask the public for any comments since this was a public hearing. Mr. Chavez asked why are we only doing six months at a time? Mr. Garde said the ordinance expired yesterday and this Commission over the past year has discussed amendments on the mandatory trash pickup throughout the County and other issues the haulers have brought into play with regards to the cost of the bond and those are issues that need to be developed and this Commission needs to act on. The purpose of the six months is to make sure we have a deadline to accomplish those errands. Chairman Padilla called for the poll of the vote after discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Solid Waste Haulers Report

Mr. Garde said the Commission has in their packet a listing of the Valencia County Enforcement Fees for 2002 that have been received with regards to the Solid Waste Ordinance. Mr. Garde said we are in the process of monitoring these enforcement fees. Commissioner Pando said in looking at this listing there are some haulers that are not paying their fees and one of them has their money in escrow because of non-compliance with other haulers. Commissioner Aguilar said when we have a

P & Z officer hired we can comply with this ordinance to make sure all haulers are also in compliance. Mr. Fernandez said as of this week there are interviews that will take place to hire a P & Z officer. Mr. Sisson, owner and operator of Superior Waste Systems and also one of the haulers under contract with the County discussed with the Commissioners he is in favor of enforcement issues with the haulers. Mr. Sisson said the reason he has the money in escrow is because of non-compliance with the other haulers. Mr. Sisson said we do need an enforcement officer but not just to check the trucks because we do get stopped and get checked but that we are doing a good service for the County.

PLANNING AND ZONING

Request Amend the Zone Maps from RR2 to RR1 (20 Don Pedro Road) Benjamin/Patty Armijo

Mr. Armijo before the Commission is requesting to amend the zone map from an RR2 to an RR1. This is for the purpose of splitting 3.311 acres into three tracts for their children. This property is currently zoned RR2 and on 20 Don Pedro Road in Peralta behind the Peralta church. Mr. Armijo said their prime objective of setting up this land so that their children, whenever they wish and they have expressed a desire to move to the Peralta area, so that they can have a place to build a home. Commissioner Pando said he was familiar with Mr. Armijo's land and feels as he does because he has three children and would like to do the same someday and give them an acre each. Commissioner Pando said he believes in La Familia, we've got to keep the land in the family and he said he would support a motion to allow this to happen. Commissioner Pando said he realizes there are a lot of people that are going to speak out against this zone change and that is their right but this ordinance was written to where we as Commissioners can look at each case individually on its own merits. Commissioner Aguilar said she would like to hear from the public.

Lar Thomas and his wife Roxanne said he is before the Commission to address this zone change issue. Mr. Thomas said he lives in the area on 25 Green Drive and is on the north and east of the Armijo's property and understands what they want to do. Mr. Thomas said they moved to this area to stay in the country and not be in an urban area or development area. Mr. Thomas stated he too is all for La Familia but these are problems that have to be recognized because if the Commission divides this land into one acre parcels, you will have more buildings, more people, more cars and more people coming into the area. There will be an increase in water and an increase in the watershed and these things have not been addressed in any meetings. Mr. Thomas said there are also increased utilities that need to be addressed that have not been looked at, emergency vehicles ingress and egress concerning law enforcement. Mr. Thomas said the 2-acre minimum was put in the ordinance for a specific reason. There has not been a formal petition passed around but Mr. Thomas said he has talked to most if not all the adjoining landowners and not a single one that supports this subdivision. Mr. Thomas said he is an advocate in what someone wants to do with his or her property and is very familiar with the Hispanic culture and this is not the place to do this. The laws have been put into place to prevent this very reason from happening. Mr. Thomas said he would stand for any questions.

Commissioner Pando said he had some questions for Mr. Thomas in the fact that he keeps stating subdivision and this is not even close to a subdivision and you mentioned traffic, Mr. Armijo's kids live there so there is no additional traffic. Commissioner Pando said you are looking at three lots and not a subdivision.

Tom Mitch said he is the neighbor directly to the west of the Armijo's and has been friends with them for a long time. Mr. Mitch said he does oppose this zone change because he felt this would never change being zoned RR2 per County ordinance and now someone wants to change this ruling to one acre parcel and he doesn't see someone else trying to do the same thing. Mr. Mitch said he doesn't see a problem with the culture but we need to stick to the rules and that is what we all thought when we bought the property that it would stay RR2.

Commissioner Daves asked Mr. Mitch how many acres does he have? Mr. Mitch answered 5 acres. Commissioner Daves discussed on the map the acreage with Mr. Mitch.

Leroy Sandoval said he lives at 2540 Green Drive which is located northwest of Mr. Armijo's property. Mr. Sandoval said he bought a 2-½ acre parcel fifteen years ago and when he bought this property one of the covenants that he had to abide by was that the property would remain with a minimum 2 or more acreage per residential area. The petition was formed to oppose this change because if we allow this to happen what is to stop someone from coming back in and now want to reduce that to a ½ acre parcel. Mr. Sandoval said to Commissioner Pando he too is Hispanic and understand what he saying but does not make sense.

Commissioner Aguilar had a question for Mr. Chavez in looking at our packet is this a platted subdivision and she would like to know when it was platted. Commissioner Aguilar said the other concern she has even though they are coming for a zone change doesn't guarantee them the one-acre and don't they have to come back and do a replat because it is a subdivision? Mr. Chavez said the process is this property used to be Lands of Pete Gurule and is still that way, in 1993 split into 4 tracts, Lot 1 with 4 acres, Lot 2 with 2 acres, and Lot 3 with 2 acres and Lot 4 with 3.3 acres.

Dale Jones with the Soil and Water Conservation District said he was confused with this last conversation on the 10-acre parcel and now it is a 3-½ acre parcel and this needs to be clarified. Mr. Jones said per the ordinance why not abide by it and if you have the acreage give them the 2 acre minimum and go along with the ordinance and doesn't see a problem doing it this way.

Commissioner Pando said he agrees with what Mr. Jones has said but not a lot of people own 30 acres or so some own 4 acres and have 4 children so this is where we are.

Ron Bell said he is an attorney practicing in private practice in Bernalillo and Valencia County and has owned property since May of 1998 he bought a 2-acre parcel to the north of Mr. Armijo's land and said he is farming this land with alfalfa and cattle which Mr. Armijo manages. Mr. Bell said he feels like Commissioner Aguilar until Mr. Armijo can come up with a use for the property or until he has shown what access such as road access or utility access and it is premature to grant this motion for the sole reason he just wants to give it to his children. Mr. Bell said he thinks the Commission is being asked to redefine the zoning map and that is a very drastic measure. Mr. Bell said Mr. Armijo does own more than 10 acres and can afford to give his children the minimum of a 2-acre parcel and this would eliminate the problem. Mr. Bell said he is going to stand up for the farmer and leave the land for agricultural purposes.

Curtis and Susie Smith said they have been in the area since 1965 and bought 13 acres on the west of the Armijo's and also on the south. Mr. Smith said he does graze cattle on his property. Mr. Smith asked the Commission to make a decision not based on emotional status because of the children's homestead but based on what is right for the people. Mr. Smith said they are all friends and don't want to make this a personal issue and said he fully supports the RR2 zoning because that is how the ordinance reads. Mrs. Smith said she wants to keep the land like it is, rural because that is how it should be.

Patty Armijo had comments on the public comments and discussed these issues with the Commission. Ms. Armijo said how do we know that some of these people do have rural property but live within the Village of Bosque Farms how do we know that they are not going to change this in the future if they need to. Ms. Armijo said we have no intention of subdividing, but all we are asking is a change on this one Lot 1B.

Commissioner Pando said he strongly agrees with the 2-acre minimum but also does look at each issue on its own merits and if you were to sell it then Commissioner Pando said he would look at it differently. But since it is being handed down to your children he stands behind families helping families.

Commissioner Padilla said Commissioner Daves this is your District and we would like to hear your comments. Commissioner Daves said he will state up front that he votes sometimes based on the criteria of the RR2 zoning which is to preserve the greenbelt and the density issue. Commissioner Daves said about four weeks ago he voted for an RR1 and he will be criticized for that because he could distinguish that wasn't within the ambient of the reasons that lost its agriculture. Commissioner Daves said this is the case where the reasons for the RR2 still exist and therefore seek to overturn the P & Z vote, which was a 2-1 vote in favor of granting the RR1. It does about the Village of Bosque Farms and Commissioner Daves said that this Commission should not exceed to this pressure willingly, it is a beautiful area and the Armijo's are 68% responsible for that beauty. Commissioner Daves made a motion to oppose the zone change. Seconded by Chairman Padilla for the sake of discussion. Discussion. Commissioner Pando said he is going to vote against the motion and would like to see the land cut up to 1 acre instead of the Village of Bosque Farms within the annexation to ¾ lots. Commissioner Aguilar said to Chairman Padilla you seconded the motion for the sake of discussion and feels like today is not the day to act on this item. Part of it Commissioner Aguilar said she disagrees strongly with staff bringing this before them without providing all the information, they are requesting a zone change but in addition to the zone change you also have to look at the subdivision regulations, because this is technically a Type 3 Subdivision. Commissioner Aguilar said it is two splits because we are dealing with a replat. Commissioner Aguilar said this is why she cannot support the motion to deny the zone change at this time.

Commissioner Daves said this is policy and it is there and he doesn't see any votes his way so he would withdraw his motion but hopes this Commission does not take action for this zone change to go to RR1. Chairman Padilla said he would withdraw his second. Commissioner Daves said he would ask Commissioner Aguilar to make the motion. Commissioner Aguilar made the motion to table this item for 30 days and would like to see more information and have it provided to them. Seconded by Commissioner Daves. Discussion. Someone in the audience said let them know when this will be on the agenda again. Commissioner Aguilar said by tabling it for 30 days it will be on the agenda November 12, 2002. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Mr. Chavez said you are tabling this item and are asking for more information and want to see this replat but it is an expensive procedure for people to go and replat 10 or 12 acres with a cost of \$2,000 or \$3,000 just to make one split. P & Z asked the Armijo's to give them a scenario and if the zone change is approved then they will hire a surveyor to do this. You already have in your ordinance regulations that state you must have a 50-ft cul-de-sac, you must have a 40-ft road, get PNM for the utilities and have the people go get a survey and bring all that information before they come to a zone change. Mr. Chavez asked the Commissioners so what items do we bring to you?

Commissioner Aguilar said to Mr. Chavez policy is already in place and regulations state you must look at the abutting properties and you must be notified, look at what roads are there and so forth.

FACTS AND FINDINGS

Patricia Martinez – Tom Garde

Mr. Garde said to the Commission before you are the Facts and Findings that were developed by himself and Mr. Chavez with regards to this Commission's decision to amend the zone map of the David Martinez property from an RR2 to an RR1. Commissioner Baca made a motion to approve these Facts and Findings. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Commissioner Pando abstained due to his relationship to the party. Motion carried. 3-0.

Mary Anderson asked the Commissioners what just happened? Chairman Padilla answered the Commission just approved the Facts and Findings. Mr. Garde answered under the rules with regards to County Commission's decisions involving land decisions the Commission must make findings of fact and conclusions of law subsequent to their vote and so what has been presented were the findings and conclusions so this will allow if there is an appeal of that decision.

People's Energy – Tom Garde

Mr. Garde said to the Commission before you is the decision of the appeal that the People's Energy site design review application. This is an administrative process that is required once the Commission makes a decision with regards to land use. These findings and facts before you is the appeal by Lawrence Alba with regards to the five issues that he raised as follows:

- 1) Heavy Industrial District (I-3) does not authorize an electric power plant as either a permissive use or a conditional use.
- 2) The Planning and Zoning hearing notice did not provide adequate notice to the general public to discuss all aspects of the construction and the appropriateness of the zoning.
- 3) The location of the proposed electric power plant is 86 feet from the property of the grievant, Larry Alba, and the proposed use does not promote the public health, safety and general welfare of the surrounding property owners.
- 4) The location of the proposed power plant can create or be subjected to catastrophic events, both natural and accidental.
- 5) There are adequate energy resources available to serve the public without the need for an additional electrical energy power source.

Commissioner Daves made a motion to accept these findings and facts and conclusion of law. Seconded by Commissioner Aguilar. Discussion. Commissioner Pando voted no. Commissioner Aguilar voted yes and for clarification on the motion at the previous Commission meeting she had voted no but this is the facts and findings and this is the information that was provided to us, which is the distinction. . Commissioner Daves voted yes. Chairman Padilla voted yes. Commissioner Baca voted yes. Motion carried. 4-1.

DEPARTMENT REQUESTS/REPORTS

Request for Temporary Employment in Bureau of Election – Tina Gallegos

Ms. Gallegos said at the last Commission Meeting she had requested a temporary employee and there were questions that were asked and she does have that information. First for the temporary employee in visiting with the County Manager, they came up with is the cost that would incur upon the County budget to hire a temporary employee for approximately three pay periods. The County's portion would be almost \$1900.00 for this temporary employee but if she were to continue through the school election and contact the school board both Los Lunas and Belen and ask if they could cover the salary for this employee. Ms. Gallegos said she could do this and get in writing from the School District if they could support this individual through the School Election. Ms. Gallegos said for now she is requesting a temporary employee to take her through the General Election through November 8, 2002 and bring back to the Commission an approval from the Schools to help with funding through February 14, 2002. Commissioner Pando asked who is on 40 hours in your office? Ms. Gallegos said Recording/Filing along with Bureau of Elections until the Friday after the General Election on November 5, 2002. Commissioner Aguilar said there were issues on this increase and asked Mr. Fernandez due to the budget what would have to be done. Mr. Fernandez said we will have to do a budget adjustment. Commissioner Aguilar said she would like to see the Resolution in the next 30 days because it has to go before DFA. Ms. Gallegos said that would be possible as long as she gets this employee on board because she is extremely needed now. Commissioner Daves said even with our budget situation we have an obligation to run an election that is competently run and he has every faith in Ms. Gallegos ability to do so. Commissioner Daves said we need to support her in this matter. Commissioner Daves made a motion to approve this request for a temporary employee. Seconded by Commissioner Pando. Discussion. Commissioner Pando said if Commissioner Daves would amend his motion to read to get the schools input on the funding of this employee. Commissioners discussed that was understood and would come before them at the next meeting. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Ms. Gallegos mentioned that at the last meeting Commissioner Aguilar brought up to have another site for early voting. It is not feasible at the time. Ms. Gallegos said right now there are no voting machines to accommodate to have an additional site as also maintenance would be involved and this also was not fiscally feasible. Ms. Gallegos said but at this Commission's discretion to alleviate not having an additional site is to open every Saturday until the Saturday before the election to help the voters throughout the County. Ms. Gallegos said early voting starts October 16, 2002. Mr. Fernandez said with the Resolution that we are bringing forward we can incorporate this request with that. Commissioner Daves said we have that opportunity at the next meeting to have you get us the figures that this would entail and go from there. Commissioner Daves said he is willing to support this request and give Ms. Gallegos the go ahead to open every Saturday for this General Election to accommodate the voters. Commissioner Daves made a motion to authorize Saturday voting. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner

Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Board of Commissioners Convenes as Indigent Board

Commissioner Pando made a motion to convene as the Indigent Board. Seconded by Commissioner Aguilar. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Indigent Report – Barbara Baker

Ms. Baker presented the indigent claims from August 22, 2002 to September 18, 2002. There were 77 claims submitted and 18 applicant denials; the total amount of claims submitted is \$409,481.21. Ms. Baker asked the Commission to approve \$58,199.60 and to deny \$351,281.61. Commissioner Pando made a motion to approve Ms. Bakers request. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Board Re-Convenes as Valencia County Board of Commissioners

Commissioner Aguilar made a motion to reconvene as Board of County Commissioners. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Tierra Bonita Grant Signatures – Monica Mireles

Ms. Mireles requested signatures by the Commissioners for the Tierra Bonita Program called the Litter Control & Beautification Grant Agreement. Commissioner Pando made a motion for approval for signatures. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Request Permission to Seek RFP for a Contractor Highland Meadows Volunteer Fire Dept – Monica Mireles

Ms. Mireles said to the Commission the request before you is to request a contractor for the Highland Meadows Volunteer Fire Department/Community Center. Ms. Mireles said the request is to purchase a building kit, have it shipped, and then construct the building with volunteer labor. There were some concerns after discussing these plans with Mr. Garde, the attorney and Mr. Cherry, the Fire Chief. Ms. Mireles said the concerns are as follows:

- 1) The purchase of a separate building vs. actual construction may be perceived as “dividing” the purchase
- 2) Using volunteer labor may be in violation with the “Davis-Bacon Act”.
- 3) What kind of warranty and assurances would the County have?
- 4) Purchase of a separate building falls under the definition of “acquire” rather than construct – the language used is very specific.
- 5) In 1996 a 2400 sq. ft. building for Tome/Adelino(Las Maravillas) and El Cerro (Manzano Station) Volunteer Fire Departments were constructed at a cost of \$166,200.00 each. This proposal is for 3700 sq. ft building. At this time the County only has \$50,000.00 budgeted for this project.
- 6) If volunteers construct the building kit, would there be a problem with the State Building Inspector to issue a Certificate of Occupancy and allow the use of the building even if the interior of the building is unfinished?

Commissioner Aguilar said she would listen to Mr. Ashmore but as one Commissioner she wants answers to all these questions and this is an item that needs to be tabled. Commissioner Daves asked Mr. Garde are these concerns that he concurs with? Mr. Garde said he had contacted the Attorney Generals office and they also expressed concerns as how to perceive this. We have several issues here one with volunteer labor and this matter has to go out to bid. The contractor would assume all liability and Mr. Garde suggested this matter go out to bid and a general contractor assume the exposure and all liability. Mr. Cherry suggested this matter go out for RFP and go out for bid. James Ashmore, Highland Meadows Fire Department said he first of all wanted to thank the Manager's Office, James Fernandez and Monica Mireles for all they do. Mr. Ashmore said he does have concerns and as a community we do need to work together. Mr. Ashmore said he realizes the county, the state even furthermore the whole nation has some financial constraints. Mr. Ashmore went into detail on the concerns stated above. Commissioner Aguilar said she understands Mr. Ashmore's concerns but we still need to address those concerns. Commissioner Pando made a motion to let John Cherry, Fire Chief get specifications and any information on these concerns and bring them back to the Commission. Seconded by Commissioner Aguilar. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

County Attorney, Tom Garde left at 1:30 PM.

Request Permission for In-State Travel – Richard Padilla

Alamogordo, NM, Floodplain Managers Association – Richard Padilla

Mr. Fernandez said this request is for Winton Allen to attend a NMFMA Retreat on September 27-29, 2002 in Alamogordo, NM. Mr. Fernandez said this is for reimbursement purposes as Mr. Allen has already attended the retreat and this is why it is placed on the agenda for approval. Mr. Padilla said the cost includes 2 nights with hotel accommodations at \$39.94 per night with the use of a County vehicle. The fiscal impact would be total \$130.00 this is a correction because in your packet it was \$209.88. Commissioner Pando asked so the total is \$130.00 and Mr. Padilla answered correct.

Commissioner Pando made a motion to accept this request. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar had a question for Mr. Padilla which one of our employees is a certified flood plain manager that have passed their exams and have been certified. Mr. Padilla answered that would be Winton Allen. Commissioner Aguilar asked then who is our Flood Plain Administrator? Mr. Padilla said that would be him. Commissioner Aguilar asked Mr. Padilla if he was certified and he answered not at this time they are still working on the laws and regulations. Commissioner Aguilar said a while back some of the employees went to a seminar for certification and it was her understanding they would be certified at that time. Mr. Padilla said he was going for examination but somehow paperwork got mixed up and it was not transferred over in the correct time period. Commissioner Aguilar so then are you taking your exam now? Mr. Padilla said no because he had made prior commitments and did not know this was coming up in this time period. Commissioner Aguilar asked Mr. Fernandez aren't we supposed to have a Flood Plain Administrator certified that is on board because that is what our ordinance says? Mr. Fernandez said at the present time we do have the one, Mr. Winton Allen. Mr. Padilla said also Toby Jaramillo will be taking the exam. Commissioner Aguilar said P & Z has the one certified but according to the Federal Emergency Management Assistance Mr. Padilla is the designated Flood Plain Administrator and not Mr. Allen. Chairman Padilla called for the vote on the above motion by Commissioner Pando to accept this request and seconded by Commissioner Baca. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Ruidoso, NM Floodplain Managers Association – Richard Padilla/Ruben Chavez

Ruben Chavez said this request is for in state travel for Winton Allen, Jose Madrid, and Toby Jaramillo to Ruidoso, NM to attend the New Mexico Floodplain Managers Association. The conference is to be held October 15 thru 18, 2002. Toby Jaramillo will also be attending the training on October 15, 2002 for the NMFMA Certified Floodplain Manager Exam. The total impact will be \$739.72. Commissioner Pando made a motion to approve this request. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

FINANCIAL/BUSINESS MATTERS

Approval of Payroll and Warrants – James Fernandez

Mr. Fernandez presented the Treasurer's Financial Report as of Monday, September 30, 2002 pending the approval of the warrants and payroll the cash balance in the General Fund is \$1,376,328.06. Commissioner Pando asked Mr. Fernandez based on this cash balance what is preventing us from bringing our employees back to 40 hours? Commissioner Pando said to his understanding there is only 30 or 25 that are on 32 hours and have fully never understood the full impact of this. At one time it would cost \$250,000 to bring them back and then jumped to \$500,000 and we have met the DFA requirements and feel like we owe it to our employees. Mr. Fernandez said as he mentioned at the last meeting we hope to finish the first quarter of this fiscal year is sometime this month we will have meeting with the Board as well as the elected officials to give the Commission an update as to where we are with the expenditures and revenues that are coming in. Mr. Fernandez said hopefully by that time we will have a better idea of what revenues will be generated from the jail and we will need to get approval from DFA to bring back those employees. Commissioner Pando stated last year we gave our employees a heck of a Christmas present of going on 32 hours and hopes to change that this coming Christmas month. Chairman Padilla said he agrees with Mr. Fernandez as he has said in the past we need to be very cautious because we don't want to bring them back without making sure of revenues and so forth just to tell them down the road that they have to go back on 32 or be laid off. Commissioner Aguilar said this figure may look good but no one has mentioned what are our outstanding debts, we have not received billing for the months of August and September and here we are going into October that is almost \$1 million for that debt. We did get our equalization monies but our next bulk money doesn't come in until November so this is a matter of proceeding. We need to see what revenues are coming in and show the big picture to DFA but we do need to have a meeting to see where we are at.

Mr. Fernandez went on with the computer printout of all checks issued by the Manager's Office on September 20, 2002 covering payroll processed on the above date. Warrant #69995 thru Warrant #70028 inclusive. Payroll check #54669 thru Payroll check #54840 inclusive for listing total of \$181,300.59 and of that amount \$104,547.84 is from the General Fund. Commissioner Aguilar made a motion for approval of payroll. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Mr. Fernandez presented computer printout of all checks issued by the Manager's Office on September 27, 2002 covering vendor bills processed on that date. Warrant #70029 thru Warrant #70115 inclusive for listing total of \$149,350.96 and of that amount \$33,490.23 is from the General Fund. Commissioner Pando made a motion for approval. Seconded by Commissioner Aguilar. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Manager's Report – James Fernandez

Jail Monitor's - Informational

Mr. Fernandez reported for the period of September 13, 2002 to September 26, 2002 the average prisoner count was 185 with 164 males and 22 females.

The next Regular Meeting of the Valencia County Board of County Commission will be held on October 15, 2002 at 5:00 PM Executive Session and 6:00 PM Regular Session in the Village of Los Lunas Council Chambers.

Adjournment

Commissioner Baca made a motion to adjourn. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0. Time being 2:15 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**

ALICIA AGUILAR, MEMBER

**ss/
HELEN BACA, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: November 26, 2002