

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

May 20, 2003

Chairman Gary Daves called the Meeting to order at 5:10 P.M.

PRESENT	ABSENT
Gary Daves, Chairman	
Paul Edward Trujillo, Vice-Chairman	
Aurelio H. Padilla, Member	
Alicia Aguilar, Member	
Mary J. Andersen, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Gary Daves called the Meeting to order at 5:10 P.M. Commissioner Trujillo made a motion to enter into executive session. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Executive Session

Commissioner Andersen made a motion to enter into Regular session. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Carol Anaya, Human Resources Manager reported in executive session the following. New Hires Pending Pre-Employment Physical/Drug Testing for Richard Tapia, Chief Bookkeeper for the Treasurer’s Office, Voluntary Resignation of Ernie Rael, Conejo Transfer Station, Effective 5-16-2003, Rescinded hire of Mildred VanTheemsche, Older American Program.

James Fernandez, County Manager reported in executive session the following. Under personnel matters the position of the Animal Control Director was discussed with the Commission giving direction to staff regarding that position.

Tom Garde, County Attorney, reported in executive session the following. Under pending litigation Commission discussed the settlement conference that had been scheduled with regards to Marble Quarry Road and that has been scheduled for July 7, 2003, discussed was the Environmental Department compliance order, the County has completed the tenth day of removal of the debris at the landfill and estimates currently exceed the original estimate given by Terracon, this could create some issues in regards to the finances of the County, discussed was the settlement of Yates/Burriss Road and will meet with Mr. Yates within the following week, discussed was People’s Energy with the Court of Appeals has accepted the writ and that has been placed on the general calendar and we will expect a decision in that case within the next two to four months, the second People’s case which involves a declaratory judgment, there was a proposed affirmance on that case but Mr. Alba has filed a response to that and we are waiting for a decision from the Court of Appeals, discussed was the notice of appeals that was filed by Leroy Aragon with regards to this Commission’s decision on the proposed zone change on that property. No action was taken.

Mr. Fernandez said under Land Acquisition discussion was held in terms of the Los Chavez Fire Department and direction was given to administration to meet with the Fire Marshal, the Assistant Fire Marshal and the Fire Chief and come back with a recommendation to this Board in two weeks and also to contact Senator Sanchez in regards to his intent for the utilization of property in Los Chavez.

Commissioner Padilla made a motion to approve the reports as presented in executive session. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Chairman Daves asked Jane Moorman to lead the Pledge of Allegiance.

Approval of Agenda

Tina Gallegos, County Clerk read the agenda for the Regular Meeting of May 20, 2003. Commissioner Trujillo made a motion for approval of the agenda as read. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

## **Approval of Minutes**

No minutes for approval.

## **Public Requests**

Clara Rehr, San Clemente stated she wanted to know on an access road of a subdivision and on the width of the road and would like an answer at some point.

## **ACTION ITEMS;**

### **PLANNING & ZONING**

#### **Findings & Conclusions – Senior Living Systems – Tom Garde**

Mr. Garde said in reference to the Findings & Conclusions of Law with regards to the application of Suzette Lindemuth's Senior Living Systems application to amend zone map. What we have done along with Mr. Chavez is go through the ordinance to set out the parameters of the planned development ordinance within the County and set out the purpose of Ms. Lindemuth's application together with the conclusions of law and ultimately the decision allowing the amendment of zone map in commercial/residential to the planned development. There is one more step in this process in which Ms. Lindemuth's is going to come before the Commission for final approval and the zoning matter that was remaining was the traffic engineer's acceptance of the plan. **Commissioner Padilla made a motion to accept the findings and facts of conclusion of law. Seconded by Commissioner Andersen.** Discussion. Commissioner Trujillo said in paragraph 3E on the findings and facts it states among allowed usages we have light industrial for that particular proposal. Commissioner Aguilar said planned development is more for a larger subdivision that provides for different uses but the ordinance is also specific it addresses pedestrians, recreation and trails and so forth and in planned development the ordinance allows for smaller lot sizes just by giving that zoning. Commissioner Trujillo inquired about the green belt requirements for this property. Mr. Chavez mentioned different locations of the County that were zoned planned development but it works great for subdivisions because it allows for mixed uses, all of Rio Communities is planned development, and the reason it works for this case is that it has a Living Care Center, a restaurant, it has several mixed uses, and it is in the green belt. Planned Development is a process, which allows mixed uses, rather than parcel-by-parcel development but creates a way to mix all the uses within a development plan. Chairman Daves called for the vote. Commissioner Aguilar voted no. Commissioner Trujillo voted no. Commissioner Padilla yes. Commissioner Andersen voted yes. Chairman Daves broke the tie and voted yes. Motion carried. 3-2.

#### **Request to Amend the Master Plan - Ruben Chavez/Manuel Martinez**

##### **Rio Del Oro – Unit 54, Tract C**

Mr. Chavez said this is another planned development in Unit 54 and what we have here is a request to amend the master plan by Manuel Martinez. Mr. Chavez said that Mr. Martinez is represented by Counsel, Sam Herbert. Mr. Chavez said Mr. Herbert requested to table this item until he can get more familiar. Mr. Herbert requested a continuance for thirty or sixty days so he can prepare at a next meeting. Commissioner Trujillo made a motion to table this item for the meeting of July 1, 2003. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

#### **Request to Name a Road After Relatives – Ruben Chavez/Mario Baldonado**

##### **KD Lane – Aunt Katy & Uncle Denny**

##### **Tract A & B1-A1, Map 92, Lands of Bert King, Belen, NM**

Mr. Chavez said Richard Chavez, Rural Addressor and GIS person helps out in naming of the roads and in his criteria people's names are not allowed administratively. They are allowed to petition this Commission for that name. The request is for KD Lane and is for Mr. Baldonado's Aunt Katy and Uncle Denny. Commissioner Trujillo made a motion for approval. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Commissioner Aguilar left the meeting at 6:50 PM.

## **First Public Hearing: Request to Amend the Valencia County Comprehensive Zoning Ordinance 99-07 – Ruben Chavez**

### **Manufactured Home Rental Property – Section 909-02**

Mr. Chavez said this is the first hearing to amend the Valencia County Comprehensive Zoning Ordinance 99-07, which is 909-02 E manufactured homes rental property. Mr. Chavez said in the Commission's packets note that the two items to amend the ordinance, 909.21 and 909.22. Chairman Daves asked the public if they had any comments since this is a public hearing.

Joe Griffenberg, Meadow Lake said in order for him to sell his home, he was told he had to have his home on a permanent foundation in order to sell it which he was told was the new state law. So he went down to the department that handles the mobile homes and it states on there if you bring a mobile home into the County, it must be put on a permanent foundation. There is a whole list of things you have to do. Mr. Griffenberg said his mobile home is already there, he had somebody underneath to dig it out, put it in there while his home sat there and this was expensive in the amount of \$5,000. To him that is the law, maybe the paperwork he has at home is wrong, but it seems to control what we have going on out there we already have an ordinance that states mobile homes be put on a permanent foundation. Mr. Griffenberg said there is a whole sheet that states unless you have a mobile home on permanent foundation you get your permit at that point you give it to your electric company and then they will allow for electrical hook-up. Mr. Griffenberg said there is no

control out there and he knows of fifteen mobile homes that have been brought in and do not adhere to the rules. Mr. Griffenberg said let's stick to the rules.

Chairman Daves said there were many mobile homes in this County that weren't on foundations before the County passed a requirement that they be put on permanent foundations and that change did not retroactively apply to those mobile homes that had already been in the County.

Mr. Chavez said Mr. Griffenberg may or may not be right in that we are not enforcing the ordinance, our office and officers will not fax over the permit to PNM to hook-up a mobile home unless all the requirements are met. We do have a lot of mobile homes out there, there are 4700 units in Meadow Lake and another 4000 in El Cerro Mission. These units move on Saturday and come back by Monday morning there is a new one that we don't know is there. What we have done is permitted that first one that got there but if they move them in and out we have no way of knowing and did not catch that. That is the problem we have and not only in that area but everywhere. To police those are tough and hard to deal with and ongoing. But as far as someone coming in with a permit to meet that list there are requirements that they do go by.

Commissioner Trujillo said in reference to Mr. Chavez and Mr. Griffenberg a lot of the development that he has seen around mobile homes within the County is deplorable. He has been in the P & Z office and sees that Mr. Chavez has his hands full with planning, enforcement, listening to complaints, and trying to inform the Commission and the public as to what is being done to address their issues. There are three enforcement officers and he would need double the amount of officers just to handle all the complaints and enforcement issues. He as well as Chairman Daves mentioned have gotten calls from constituents with particular complaints. We need ordinances that we can enforce; we need ordinances that protect a person's investment. If you have made an investment, you shouldn't see that investment go down the drain because some ordinance carelessly let someone slip in next door to you and basically destroyed your investment. Those are not easy issues to answer, especially considering the budget crisis we are in and our inability to properly enforce ordinances that are on the record simply because we don't have enough hours in the day and enough personnel to get out there to be pulling people in. We need someone to be driving Meadow Lake, Salomon Estates day and night and picking out someone that has put a mobile home in there that doesn't belong there is an issue. As for this particular ordinance regarding rental property, he has some reservations about, what's to prevent people from classifying something, as rental property in order to move in what otherwise might not be allowed. On the other hand what are we really after? Commissioner Trujillo said his understanding of a permanent foundation is quite an elaborate work of art. If a mobile home is going to be there it should be aesthetically appealing.

Commissioner Andersen said she concurs with Commissioner Trujillo, we have to find a way to clean up this County and the major issue is the trailers that we have allowed to come in without any skirting, the abandoned ones, the ones that are sitting around that nobody pays any attention to. Those have to be cleaned up; we have to find a way to do this.

Toby Lyon said that he has a mess in Tome but has been working with the State and it might help and keep one requirement because aesthetics are important. There is also a safety issue that the foundation brings to the equation and also the investment, it takes place when you put money into your property along with the investment comes a love of the land and further investments usually follow. But if we allow for people to set things up on a temporary basis, when things get rough, they decide to pull up camp and pull out quickly leaving bills behind unpaid. Mr. Lyon said he has seen seven trailers come into his neighborhood in the last couple of years without permits. He doesn't want to go into that. Mr. Lyon said Chairman Daves was very hard on him last time he came down on some individuals here in the County and he doesn't want to see that happen again. He is in contact with the State and there is one State inspector that does the whole County for new installations and foundations but he will continue to get a hold of him to work on this issue.

David Crawford said he is here to speak on the idea of changing the law to accommodate residents in the County, which sometimes is necessary. He thinks an obvious question has been brought forward this evening as to what is the reason for a foundation if there is no reason for it as kind of been implied there is no reason to put a foundation in a rental unit. What is the reason for putting a foundation into any unit? If there is no reason then he is in favor of removing the entire law, if you do this it is a pretty obvious slap in the face to those who have complied. The information he would like for someone to tell him is what is the reason the foundation was put in there originally? If there is a reason for it, a safety issue, then do we devalue people who rent trailers so much that we are willing to let them live in unsafe conditions? Are we so crass that we can say, no you don't matter enough, that we should enforce the law for you? Another question comes up, is that in this whole scenario if someone loses property or is injured as a result of us not enforcing our own ordinances does that put the County as liability because we did not enforce our own protections?

Chairman Daves said what is before us is an ordinance that would amend the law so that in fact rentals under the law would not be required to have foundations.

Clara Rehr said she doesn't see this problem in San Clemente that they have in Meadow Lake. Mostly because people have bigger acreage and she doesn't know how many are rentals but a lot of them don't have foundations. What she has seen around her are two trailers and they keep them nice and there is a house nearby and it is a junkyard.

Karen Clary said she would like to state why the mobile homes are required to be put on permanent foundations. This is a financing issue; in order for FHA to finance those mobile homes they have to

be put on permanent foundation so maybe this is more of a finance issue. If this County has laws the original term was mobile home and that was because they could be mobile and there are landowners in other Counties that have spaces that they lease out. The general premise behind mobile home is that it was mobile and the permanent foundation and safety issues involve with that but with financing they are going to be required to be put on permanent foundation.

Commissioner Trujillo said it is not a matter of how expensive the house and structure is but how well maintained it is and the appearance of it. Maybe we need to look at ordinances that we can go out and take a picture of a manufactured unit and put it in somewhere and say that is not allowed. To put more demands on Planning and Zoning for enforcement is unreasonable considering how many people we have in that department right now.

Commissioner Padilla said in following up with Commissioner Trujillo's comments we have El Cerro Mission, Meadow Lake, Monterey Park, Salomon Estates and other areas in the Counties with thousands of trailers out there so enforcement would be an awesome job for Planning and Zoning to handle. Some of these mobile homes have been abandoned for thirty years and we have to come up with some kind of ordinance that we can insert in there to make sure people follow up on it. Commissioner Padilla said he can't see anyone setting up with electricity, gas, water and whatever without having to come and get a permit for it.

Chairman Daves said he would like to comment and say if this ordinance is appropriate. First, it was generated by Mr. Crawford saying what authority do we allow rental properties to have foundations and he pointed out the specifics in the ordinance. At this point there is no authority for the County other than a back door waiver and he is not saying back door in a bad sense but in a sense that there should be a requirement that we allow rentals to not have permanent foundation. We ought to make our law conform to our practice, that is why the amendment is here today. There have been concerns that we need to look into and we need to look at the issue of taxes also. Safety is an issue and he was glad to hear on the matter of financing of a mobile home and their requirements.

Mr. Garde said the next step is the final action and that will be at the next meeting.

#### **FINANCIAL/BUSINESS MATTERS:**

##### **Approval of Payroll & Warrants – Edward Archuleta**

Mr. Archuleta presented computer printout lists of all the checks issued by the Manager's Office on May 16, 2003 covering payroll process on that date. Payroll Check #57557 thru Payroll Check #57727 inclusive. Deduction Check #72534 thru Deduction Check #72564 inclusive for a listing total of \$182,269.51 and of that amount \$113,377.00 is from the General Fund. Commissioner Padilla made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Mr. Archuleta presented computer printout of all the checks issued by the Manager's Office on May 8, 2003 covering vendor bills processed on that date. Check #72423 thru Check #72424 inclusive for a total of \$9,699.51 impacting the General Fund \$5,720.68. Commissioner Padilla made a motion for approval. Seconded by Commissioner Trujillo. Discussion. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

Mr. Archuleta presented computer printout of all the checks issued by the Manager's Office on May 14, 2003 covering vendor bills processed on that date. Check #72426 thru Check #72533 inclusive for a total of \$440,336.97 and of that amount \$31,688.79 is from the General Fund. Commissioner Padilla made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0.

#### **MANAGER'S REPORT**

##### **Manager's Report – James Fernandez**

###### **Jail Monitor's Report - Informational**

Mr. Fernandez reported for the period of May 1, 2003 to May 15, 2003 the average prisoner count was 157 inmates and of that count 125 were males and 32 were females. During that time period an average of 33 individuals were from Bernalillo County. The most recent billing sent to Bernalillo County for their inmates was \$48,943.44.

Mr. Fernandez said on May 22, 2003 between 9:00 AM and 12:00 PM there will be a public meeting to discuss the Open Meetings Act that will be presented in conjunction with the News Bulletin and FOG (Foundation For Open Government) and June 2, 2003 at 9:00 AM will be the final consideration of the Preliminary Budget.

The next Regular Meeting of the Valencia County Board of County Commission will be held on June 3, 2003 at 9:00 AM Executive Session and 10:00 Regular Session in the County Commission Room at the Valencia County Courthouse.

#### **Adjournment**

Commissioner Andersen made a motion to adjourn. Seconded by Commissioner Padilla. Discussion. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0. Time being 7:45 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**

**GARY DAVES, CHAIRMAN**

**ss/  
PAUL EDWARD TRUJILLO, VICE-CHAIRMAN**

**ss/  
AURELIO H. PADILLA, MEMBER**

**ss/  
ALICIA AGUILAR, MEMBER**

**ss/  
MARY J. ANDERSEN, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: July 1, 2003**