

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

July 21, 2004

The Meeting was called to order by Chairman Gary Daves 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
Mike Trujillo, County Manager	
Wimberly Law Firm, County Attorney	
	Tina Gallegos, County Clerk
Press and Public	

Chairman Gary Daves called the meeting to order at 5:10 PM.. Pursuant to Section 10-15-1 NMSA 1978, Limited Personnel Matters (10-15-1 (h) (2) NMSA 1978) and Pending or Threatened Litigation (10-15-1(h) (7) NMSA 1978) would be discussed. Commissioner Trujillo made a motion to go into Executive Session. Commissioner Padilla seconded. Motion carried. 3-0.

Executive Session

Chairman Daves called the meeting back to order and asked for a motion to go back to Regular Meeting. Commissioner Trujillo made the motion. Commissioner Padilla seconded. Motion carried. 3-0.

County Manager, Mike Trujillo reported that Jacquelyn Chavira had been hired as Human Resources Director. He also advised them of the Supreme Court lawsuit being over, on charges against the County. This was all that had been discussed. County Attorney, Cynthia Wimberly updated the commission on the status of the case of Sisson versus Valencia County. Chair asked for a motion on, that, this was all that was discussed, and that no final action was taken. Commissioner Padilla made the motion. Commissioner Trujillo seconded. Motion carried. 3-0.

Pledge of Allegiance led by Ms. Baker

Approval of Agenda

County Manager, Mike Trujillo asked that Item G 2 and make it after Item 10 A. Sally Perea, Chief Deputy for the County Clerk, read the agenda. Commissioner Padilla made a motion to approve the agenda as amended. Commissioner Trujillo seconded. Motion carried. 3-0.

Approval of Minutes

Commissioner Padilla made a motion to approve the Minutes for July 7, 2004. Commissioner Trujillo seconded. Motion carried. 3-0. See Exhibit.

Public Comments

Mr. Marcel Reynolds, from the Valencia Soil and Water Conservation District wanted to bring the commission up to date on the wild life areas that they had in the process now. The Wetland field on Hwy 47 north of Belen had just been approved for funding. The design was been done by Ducks Unlimited and Bosque del Apache. The Natural Resources Conservation Service, who implements the farm bill, will do all the modification on the facility beginning in 2005. There is money in 2004 to provide funds, for the easement that they give the Federal Government, to go in and do these modifications. The district retains the deed. They had offered \$423,000 for the easement, which has been accepted. This will go into a fund to provide money for the operation, essentially, self sustained, and would not require additional funds out of the district. They had joined with Bosque del Apache, NM Game & Fish Dept., Sandia, Cochiti Pueblos and Ducks Unlimited as part of the Rio Grande Wetlands project. In this project, these partners and the district will get improvements to assist in wetlands improvements. They were able to take the value of the property, which was a little over one million dollars and use it as a match for the North American Wetlands Conservation Act. Within that grant, they should receive about \$75,000 to concrete line the Constanacia ditch. The race horse facility on South Hwy 47 is 240 acres. Fifty acres is horse facility only, 110 acres are grassland and 80 acres of Bosque. It was planned for development, until they had talked to the owner and he was offering to deed the property to the district. It would provide close to 200 acres of nice wild life area. It would be for open game. It would also provide an income to the district from the operation of the training facility. This transfer has to happen this year, he said, because the owner is selling some property and so is looking for some tax benefits of this gift. This property has a resident, horse facility, two stables, offices and other living faculties for the hired help, round pens, track for training. There is a rail crossing that provides access to the people at the race training facility and also four other residents nearby that are not part of this property The access to the property is shared by five families. Presently, the owner provides liability insurance to cover the possibility of any accidents. He has a private crossing agreement with the railroad. What they would to do in the future, if the district

accepted this, is to have it changed to a public access. They have talked to the railroad, the department of transportation and the insurance companies, and right now this is all in the middle of trying to get everything resolved. This has been included as one of their infrastructure capital improvement projects to cover any costs that would be necessary to upgrade the safety of that crossing.

Chair Daves suggested that he follow the process and get on the agenda for the next meeting.

Discussion (Non-Action) Items:

Presentation and Update on Quiet Zone trains.....Marsha R. Sherry

Marsha Sherry and her husband had moved to Mesa Road about fourteen years ago and had enjoyed a quiet rural area for many years. Unfortunately, at the foot of their field, is the East, West Burlington Northern Santa Fe Railroad corridor, which is one of the busiest corridor in the United States. The train traffic in the last fourteen years has increased enormously. In 1990, there were 30 to 40 trains a day. Today there are 100 trains a day. There are three railroad crossings within a mile.

The City of Belen has a new train rule that goes into effect on December, 18, 2004 and Valencia County could piggyback on some of the funding to created alternative safety measures. She wanted to make the commission aware of the concerns that many of the citizens have for the issue and hoped that they would invite the same railroad administrator, Carolyn Cook, and have a public meeting to discuss the options and the concerns.

Chairman Daves said this was a very important funding issue and believed that the county needs to do what they could.

Commissioner Trujillo thanked Ms. Sherry for bringing the issue to the commission and giving them time to consider it before the federal legislation went through. The balance between the noise issue and a safety issue needed to be established.

Commissioner Padilla, who lives about four blocks from the railroad tracks, agreed with Ms. Sherry.

Judicial Complex Update.....Judge William Sanchez

Judge Sanchez, one of six judges in the county, and the chairman of the courthouse committee, wanted to bring the commission up to date on the complex. He had met with David Decker, from DCSW and talked about space needs. The committee has also been working with County Manager, Mike Trujillo, in trying to coordinate their efforts in deciding how much space is needed to make sure that they take care of the needs for the future. One issue, was that the site across the street had always been the proposed primary site for the new courthouse, and is not the ideal situation for the building, because of the railroad tracks that run right next to the property, parking and room for expansion.

Recently, an alternative site, and solely within the decision of the commission, and just a recommendation from the committee, was a four acre tract of property that is on the frontage road by the Los Lunas Hospital and Training School. He, County Manager, Mike Trujillo, and Senator Sanchez had been talking with state officials to find out, if there was a possibility that the state would donate the property to the county, solely, for the purpose of constructing a courthouse on it. This is a meaningful project which serves the state as well as the residents of the county. He had explained to state officials that the county could not purchase the property, because the county does not have the money. This was a golden opportunity to be able to showcase an eight million dollar plus building on main street, which has plenty of parking and has many pluses.

County Manager, Mike Trujillo said that the committee was meeting on Friday at 12:30, to discuss architectural style. Commissioner Trujillo knew a resident in this area, who studies architectural history in the valley, and would make presentations to the committee, so that the architect has some sense of our style that might be considered as part of the judicial complex design. He had spoken to Mike Northrop, who is the real estate agent for the State Property Control Division, and they will meet within the next week and let him know on a couple of issues that would have to be overcome if the site would be considered. The Hospital and Training School is not within the Village of Los Lunas, it is in the County, however, State Property Control says that both the pool and the gymnasium, have being donated to the Village of Los Lunas for their use. Because they are going to try to make the entire campus a governmental center, they will entertain an annexation of the entire Hospital & Training School. Judge Sanchez said he had talked to the four Village Councilors and all seem to be in favor of annexing. Commissioner Padilla asked the Judge if he and Senator Sanchez were exploring all this with the state, as far as having the property. Judge Sanchez said they were. As far as how much land was across the street, Manager Trujillo said it was two acres. Commissioner Trujillo wanted to make sure that there were no federal issues that they might stumble on later on. Commissioner Aguilar agreed with Commissioner Trujillo on federal issues. She would request from Mr. Steininger, that whatever site was being recommended, she would like to know what financial impact it would have on the county, as far as heating and maintenance on an almost fifty thousand square foot building. The district court will only budget for so much furnishings and the county may have a responsibility for others. She wanted a clarification, especially in that, there was a new commission coming in and she did not want to bind them with any surprises. Also transportation from the Sheriff's department would come into play. Does the county need to go back to the Association of Counties for insurance, because now, they would be transporting. These are issues she would like to have analysis's for, on each site. She would not want to disregard the property behind the courthouse, which was the original plan for the judicial complex. Maybe the Los Lunas Hospital and Training School is the best site, she said, but, she would like to look at the total picture and the financial impact on the county.

Detention Facility Service Agreement.....Mike Trujillo

Manager, Mike Trujillo said this was based on a question that Commissioner Aguilar had raised at the last meeting. The issue was on the Sandia Pueblo services agreement for adult detention as to whether or not they were charging equitable fees. He presented them with a handout that showed the fees that were proposed. He planned to address those that needed to be renewed and offer them a new service agreement. It would be a multi-year contract with appropriate cost increases if necessary and they have to send it to DFA for approval as a joint powers agreement. Municipalities are paying \$61.17 and he had no problem with that.

Chair Daves said that jails are part of free enterprises and the reason that Taos pays \$45.00 is because that is what they were willing to pay and we wanted it. Our costs are fixed and was a negotiated amount. **See Exhibit.**

Discussion on Industrial Zoning at Industrial Park.....Commissioner Paul Trujillo

Commissioner Trujillo said it was important that they take a look at this within content and context. There are two issues here, one has to do with the zoning of the Industrial Park and the other is specific to Peoples Energy and the dispute that exists regarding a location of a power plant, within the Industrial Park. If they have an appropriate plan for the county, it was important that there be a coordination between industrial type efforts, commercial efforts and residential efforts. In looking at the comprehensive plan and the history of it, he finds many serious questions about the zoning and the documentation that exists within Planning & Zoning. At a seminar regarding land and water planning issues, it was made very clear by the attorney's, that zoning cannot be effected by the adoption of a plan. Zoning proceeds from a different set of statutes and in order for a zoning change to be effected, it must follow procedures outlined by those statutes, one of which is public notice and hearing. He wanted the commission to consider, that they properly and formally zone that industrial park, not based on some technical error, but zone it appropriately for the neighborhood. There are four elementary schools within a two mile radius and is a highly residential area. The impact of allowing it to be a I-3 title would be very serious. He proposed to the commission, that they formally zone, appropriate, based on the surrounding area, barriers and other considerations. In terms of People's Energy issue, as to whether they can rely heavily on a letter, stating that it was I-3, zoning does not occur by virtue of a letter, or a planning process, it has to follow zoning procedures. Having read the opinions of the courts, he did not believe that the Appellate Court decided the issue of whether it was I-3 or not. The decision was that the time frame for Mr. Alba to have presented additional information had lapsed. They did not rule on substance of issue.

Mr. Lawrence Alba, who owned land east of the industrial park, had become concerned when he had found out that it was heavy industrial district. He had searched the records to see when it had become industrial park and where the property state laws followed that would make it a heavy industrial park. In researching back to the 1970's when it was first platted out by Horizon Corporation for industrial park with protective covenants, it stated that it was for offices, warehouses and light manufacturing and no polluting businesses. In 1999 the county planner had stated, in a letter, that all special purpose districts in the county were to be renamed I-1. He had the urgent letter, and he had sent it to the county attorney and commissioners, but, it was one of the most important piece of evidence that he had, which said it was just supposed to be re-named. After researching Ruben Chavez files at P & Z, he found a draft map that showed SP had gotten crossed out and turned into an I-1, just like the urgent letter showed. He had then gone to the Council of Governments who had the original map, and gotten a copy of it, which he showed to the commission. He also read a portion of the protective covenants which Horizon Corp. had filed in the county clerk's office.

Mesa Oil had put in an oil filter burning machine, which had totally burned out in March, and according to the fire marshal had spilled out 1200 gallon of oil. These were heavy industrial businesses in a residential area.

Ernest Jaramillo had the same concerns as Mr. Lawrence Alba.

Mr. Alba had discovered a map of the Rio Communities, filed in the county clerk's office on December 20, 1997. It shows that it is an office, warehouse industrial park. Just north of the park, it shows single family townhouses. These are things that are listed in the master plan and was never an industrial park.

Mr. Bill Dean, from Los Chavez, thanked the commission for allowing him to be on the committee that evaluated the zoning. It gave him an opportunity to read a lot of material from other states and other counties. He provided the commission with copies of discussion material that they had talked about two days before. This was personal and not from the committee. He recommended that the Industrial Park, which is only two miles long and half a mile wide, be an I-2 Zone, as this does allow a municipal power plant. If industrial parks allow the power plant, they require a 1,320 Ft buffer, grounded. That's one quarter of a mile and if you put it on the side, you wouldn't have anything left to use in that area. There are also many restrictions and are limited to hours of operation.

Mr. Gill Gray, from Los Chavez, had a strong interest in helping the county, however they could, to become a better place. The Valencia County Zoning Ordinance does not allow for I-3 zoning next to residential zoning, he said, so the questions are, how it got to be I-3 and how do we fix it. Regarding the heavy industries, why do some county leaders feel that we need to have nuisance industry in the county. This county has been a farming, ranching, residential community and as prudent leaders, we are here to guide the future of Valencia County. Personally, he would like to attract clean, healthy, low water use businesses to the county. Let's make Valencia County a more not less desirable place to live and raise our families. Those of you that sit on the commission are in a key role to help that evolutionary process. Bottom line, let's stop attracting heavy nuisance industries.

Mr. Carlos Lopapalo has done the mapping of this county five of six time in the last twenty years at the request of commissioners and clerks. The one thing that he finds interesting, is that, there was never a I-3 in the county. The comprehensive planning committee that he was on, didn't have any I-3, they just had a suggested I-3. He goes back to 1966, and, Horizon never had an I-3 and if they have it now, he would like to know, because he has the original maps, and not only those, but, the continuing maps that were redrawn and he had done those also.

Clara Rair, from San Clemente, said that two years after she had moved to the county, fifteen years ago, someone had wanted to put in a medical waste incinerator on the west mesa. They did not want them hauling this on Highway 6, so they had come to the commission meetings and they had stopped it. Now, do you believe that the county commission who wouldn't put a medical waste incinerator in a very sparsely populated mesa, then put heavy industrial across a street with residential zoning, she said. She had heard the many commissioners, back then, state that their biggest concern was protecting the residents and bring industries that were more compatible with the heritage, which was ranching and farming.

Joan Artiaga, wanted to say ditto and applaud Commissioner Trujillo for bring this to their attention and she also wanted to applaud the commission for listening to them. She had sat in every zoning hearing in the 70's and in the 80's, and there was no I-3. the county was very careful to look at the Master Plans for every subdivision, when they considered zoning. Somewhere along the line a mistake was made and it was the commission's opportunity to correct it now. It was important, because some of these industries and the power plant that are being shut out of Albuquerque and Bernalillo County are now heading south. Heavy industry and residential are not compatible.

George Faust said he agreed with Commissioner Trujillo. Mistakes were made, bringing in Mesa Oil because they don't even come close to what the planning & zoning ordinance says about the buffers. He owns property that adjoined Mesa Oil, you can see tankers with big holes cut out of them, evidently to patch other tankers. The whole affect, is a junk yard, and who wants a junk yard across the street from your property. He can't do anything about it now, because it's already in, but possibly, he would hope that some action, or agreement, could be taken, or made, with these people, to soften their effect on the community.

Mike Burke, retired, from California, did not recommend a power plant. He said people from other states are buying land to make their home here after retirement and it was not right for these power plants to be able to get permits for water, sewer and other.

Georgia Winston thanked all the people that had showed up at the meeting. She has lived in the county since 1991 and owned property just south of the industrial park, in Vista Manzano Estates and her concern was that things were changed without anyone knowing. She had come here to take care of her mother and live her life in a quiet farming community. If they have heavy industrial zonings going on, all the community is going to suffer, for their use of water and the changing of the environment. She thanked the commission for doing something about it.

Lillie McNabb, from Bosque Farms, native of Los Lunas, wanted to applaud the commission, as elected officials, for doing a whale of a job and this was why they had been elected. This is why they come to them and why they bother to vote, she said. Her husband and herself owned property in that area and she totally apposed any type of industrial going in that area. That is where they would retire to, and she did not want that going in her back yard. She thanked the commission for allowing the public that had elected them, to have a voice, in which are their rights, to live in Valencia County.

Chairman Daves appreciated the economy and the content of this discussion. He wanted to make the point that the Mesa Oil and the Lime Plant went in before there was any zoning, on any property, in Valencia County. But, certainly to the extent that these constitute a nuisance that the zoning laws will apply to those, both visual and pollution wise. In regards to permits, the state has authority, which apparently it is hooked into Mesa Oil to make sure, that state regulations are not violated, he would hope, with their process. Restrictive covenants, were mentioned, and those, are for those protected, to use to prevent things that occur. They are not very efficient, and give the county no authority. They have provided the bases for some of the zoning decisions, and should have been followed more closely with regards to this area, but, restrictive covenants remain a mechanism, and in place and a bases for private legal actions to correct violations, of those restrictive covenants. They are independent of zoning. He appreciated Mr. Dean's comments and recommendations. Nuisance, he said, were in the eye of the beholder. For some people barriers, and, agricultural feed lots, were a nuisance. One of the things that might need to be done, in terms of the reality of nuisance that proceeded the zone code going in, is maybe re-zoning and making those none conforming nuisance, that might have an ability to have a life, but not a continuing life, and also looking at fixing the problem, through creation of buffer zones, and, through re-zoning of adjacent properties. That has to go through a process,. Buffer zones are something that the commission ought to look at, as they contemplate this issue.

Commissioner Aguilar said she was glad that this had been placed on the agenda and said that this commission needed to admit that mistakes were done in the zoning map. Pollution and contamination has no boundary. Vegita was an example when farm land was changed to subdivision and it got plotted, so now there is a community that is so high in nitrate that the people are having to settle for a new waste water treatment plant that will cost millions. As commissioners they have a responsibility to look past one industry, but have a vision for the entire community. As a

commissioner for seven and a half years, the zoning ordinance was drafted, but the maps were not a part of it, those came later. She is very familiar with Horizon Corporation and the master plan that it had done and she had never heard of I-3 until the last few years. Before that It was light industrial. They need to look at specific, like getting an ED permit, and if they read the regulations on the permit, it is also contingent on the county having proper zoning. In looking at a comprehensive plan, in which zoning should be based on a plan, and, the new comprehensive plan hasn't been adapted, they still have one in existence, even though to some it may be obsolete. It does talk about the ruralness of the community, preserving the character and the agricultural. This is still in place, whether they like it or not, so take it off the shelf, dust it off because that is what they have until they adapt the new comprehensive plan. This is what they need to look at. Mesa Oil had started out small, but keeps growing and growing, and she disagrees when it is said that nothing can be done about it.

Commissioner Padilla applauded and thanked the people that were at the meeting, taking time to be here is not an easy task. And if there was a mistake made and brought to their attention they would certainly look into it and do their best to correct the situation.

Dieter Hartenoff had made his retirement home in Meadow Lake and things that are going on there were atrocious, and if some of the things that were being talked about today could corrected, it would be beautiful.

Commissioner Trujillo pointed out that if property notice of the re-zoning of that industrial park to I-3, had in fact been given, at the time that it was allegedly resolved, don't you think that these people here would have showed up for that hearing, he asked? This alone was evidence because he didn't see how a proposed I-3 could have slipped by these people.

He proposed that this commission in the very near future, address a re-zoning of the Rio Grande Industrial Park in accordance with the recommendations made by the heavy industrial committee regarding graduating zoning away from residential areas, so that they have a residential area, and nothing other than I-1 can be adjacent to it. Next to that I-1, nothing beyond an I-2 can be next to it. The recommendation was that they did not need I-3 in the county. He agreed with that, because the better industries don't fall into that category. He recommended that the commission do a formal procedure with two process. Public notice and hearings, re-zone the Rio Grande Industrial Park, per the recommendations of the heavy industrial committee. Commissioner Trujillo made a motion to place it as an action item for the next meeting. Commissioner Aguilar seconded. Motion carried. 3-0

Commissioner Aguilar, for the record, said that when they had done the ordinance and all of the issues that they had, she recalled that staff administration had made them aware, that if there was an error in the ordinance, there was a procedure for correcting the mistakes. Every time they bring this up and when issues come up, it is said, that it is in the ordinance under I-3, and that they can't do anything about it. She thinks this will solve that and it forces ED to notify the county, and then they can have an input on any industry getting ED permits.

Comments by Commission Members.....County Commission
None.

Action Items:
Indigent Report/Appeals

Commissioner Padilla made a motion to convene as Indigent Board. Commissioner Trujillo seconded. Motion carried. 3-0.

Ms. Barbara Baker presented the Commission with the appeal for Mrs. Martinez, whose husband had been in the hospital. They do have insurance but with a high co-payment. The indigent fund does not pay if there is insurance, but their co-payment is very high and they honestly don't have any money and there may be more co-payments for ambulance charges. They do fall within the criteria of salary. Commissioner Padilla made a motion to approve the appeal. Commissioner Trujillo seconded. Motion carried. 3-0..

The next appeal was for Mr. Gonzales who was at the Lovelace Medical Center from March 19th through March 30th. After that he went to Roswell treatment center and hasn't been to work since. He is separated from his wife, so he qualifies. Ms. Baker said he is not working. Commissioner Padilla made a motion to approve. Commissioner Aguilar seconded. Motion carried. 3-0.

The next appeal was for Tara Hawthorn who was involved in an automobile accident. She did have automobile medical insurance, but only in the amount of \$2,000 and her medical exceed that by \$2,158.85 and Ms. Hawthorn asked the commissioner to consider paying these bills, because she did have insurance, but not enough. Commissioner Padilla made a motion to approve on Ms. Baker's request. Commissioner Aguilar seconded. Motion carried. 2-0. **See Exhibit.**

Commissioner Trujillo was excused from the meeting.

The last appeal had been made by Michael Trujillo, for indigent Nathan Windham. The bill had been received after the 90 day limit. If approved, the amount was for \$513.97. Commissioner Padilla made a motion to approve the appeal. Commissioner Aguilar seconded, with a question. She asked if this was one of Valencia County's inmate. Ms. Baker said yes. Motion carried. 2-0. **See Exhibit.**

Indigent Claims for June 4, 2004 through July 9, 2004 was a total amount of \$816,253.41. There were 147 claims submitted and she asked for approval of \$86,178.60. There were 40 applicant denials. Commissioner Padilla made a motion to accept Ms. Baker's recommendation. Commissioner Aguilar seconded. Motion carried. 2-0. **See Exhibits.**

County Manager, Mike Trujillo informed the commission that at the New Mexico Association of Counties Conference, a proposal had been made by the Secretary of Health, Patricia Montoya, on that it was looking at taking away indigent fund money from the counties. The NMAC followed it with a letter saying that they wanted to discuss it in detail. Based on what was stated by the Secretary, is that they are just looking for funds, other than state funds, for certain health related problems. This would bankrupt the Indigent Claims Fund.

Chair Daves asked to keep briefed on it. Ms. Baker said she would be attending a meeting in August, along with Mr. Trujillo.

The board re-convened as Board of County Commissioners.

Approval of Agreement with MRCOG/Comprehensive Plan.....

Joe Quintana/Mike Trujillo

Mr. Quintana, from the Mid Region Council of Governments, was requesting approval of an agreement between the county and the mid-region council of governments for completion of the County Comprehensive Plan. What they were proposing was to summarize, generalize, simplify and make the planning document people friendly. They were proposing three general tasks. Task one, would be the most extensive amount of work, and that would be to review and restructure the 2002 Draft Plan. Re-evaluate goals, Objectives, and Strategies, Prepare a Countywide Profile, Prepare Basic Mapping, and Update Demographic Trends and Projections. Task two, Community Participation Element, Establish a Steering Committee, conduct Public Workshops and Facilitate Public Hearings. Task Three, Develop a Format for the Comprehensive Plan, Formulate Plan Recommendations, Develop Implementation Strategy and Prepare Plan for Adoption. The proposal was to have the planning commission be in the middle of it and maybe the commission could each appoint one more each to have ten in the steering committee. The role of the steering members is that they need a local sounding board as the plan gets put together. All the drafts will be subject to review and comments by the steering committee. Nothing would go to a public review until they are satisfied with it. Then they would hold public workshops and hearings. First thing to do would be to adapt the two objections and early in the process to establish a foundation for them to continue with the plan to develop recommendations later on. This can't be done until they have officially adapted those objectives. What they would use the public hearings for, is to follow in public workshops and come to the commission with a proposed set of goals objectives. Beyond that, developing a plan recommendations and these would be the bases for future policy by the commission.

Commissioner Aguilar complimented Mr. Quintana and said one of the concerns and objections that she had to the original plan was that it was so lengthily and so contradictory. This was a good beginning. They needed to keep the identification of the communities, not devote chapters to each, but at least compare them in commonality. We need to have Valencia County be a community where everyone holds the same importance and all part of the community.

Mr. Quintana said they felt the same way and there had been a lot of work and pride of the community that had come into the plan, and, they would basically preserve all of that in the plan, it just needed to be summarized.

Commissioner Aguilar said it was important to identify the existing subdivisions. For example, Rio Del Oro has thirty some subdivisions. Now, there are water issues, septic and even state regulations about half acre lots.

Commissioner Padilla said they had many hearings on the 2003 document and asked if they would be referring to it, and if they had a time set for accomplishment. Mr. Quintana said there were a lot of words that they would probably re-write, but the content had a lot of knowledge, and they were proposing twelve months.

County Manager said that the reason it was important approaching the COG, was because \$25,000 was all that they had, so that the COG was putting in some of it's resources. The way that state government works now is, that if they go for any waste water project in the future. Unless they have a comprehensive plan that includes water, conservation and grout management, they would have a hard time getting the points that are necessary to obtain that funding. The COG was moving in the right direction and he recommended approval of the agreement.

Commissioner Padilla made a motion to approve the agreement. Commissioner Aguilar seconded. Motion carried. 2-0.

Approve Form of Findings/Decisions from June 23, 2004 Actions...Cynthia Wimberly Vacation of Eric Lane, Nolte Ave., & Risetete Ave., Rio Del Oro Unit 65-Mike McCartney 3147 A Hwy 47, Los Lunas, NM – Roger Montano #2 Leslie AKA Lot 142, Lake View Acres- Ron Hibdon 152 El Cerro Loop AKA Tr 40-A-1-A Los Lunas, NM – Gary Richardson

County Attorney, Adren Nance presented the commission with the above facts and findings and asked for approval. Commissioner Aguilar made a motion to approve the above. Commissioner Padilla seconded. Motion carried. 2-0.

Request for In-State Travel

OAP Capital Outlay Hearings, Truth or Consequences, NM July 27-28, 2004..... Mary Ann Gonzales

The Older American Program was having its legislative Capital Outlay in Truth or Consequences on July 27th and 28th . The request will include the new central kitchen for the Fred Luna Center, more equipment to deliver home bound meals. She was requesting five vans, half of them will be handicap accessible. In the legislative packet she was requesting five more positions, a case manager, two van drivers, a respite worker and a housekeeper. Mike Trujillo said he had initiated discussion with both village and city to discuss an exchange of services agreement, where the county is not totally shouldered with the burden of all costs. Commissioner Aguilar was concerned, and she appreciated that the legislators are bringing home money for all these communities centers, but its putting the county in a terrible position, in that they are having community centers, not seniors centers, and the county has to bear the financial impact. This is not taken into consideration. The commission needs to take a hard look and meet with the legislators or say no to some of this money and ask them to re-appropriate it, to renovate or help in the existing centers. Ms. Gonzales said this was one of the concerns of the State Agency on Aging. They need to do a needs assessment first to see if the centers are needed. If they are needed, they will provide the operating funds. The centers that have been built have not gone through that process. The agency has spoken to Representative Cordova about the concerns. Commissioner Aguilar made a motion to approve the request. Commissioner Padilla seconded. Motion carried. 2-0. **See Exhibit.**

Recommendation to Governor for District 14 State Senator’s Position.....
Board of Commissioner

Commissioner Aguilar believed that Mr. James Taylor would be the best person to representative the district and she made a motion to approve the recommendation. Commissioner Padilla seconded. Chair Daves also agreed that he has the experience. Motion carried. 2-0.

Chair Daves noted that Commissioner Aguilar noted that Danny Hawks, District Judge, was being deployed to Iraq and it would be appropriate for a letter to be sent wishing he Godspeed. Mike Trujillo said he would certainly do that.

Public Hearings
Request to Accept Road for Maintenance-Garley Lane (tabled 4-21-04)
Dan Trujillo

Mr. Trujillo presented the commission with a survey of Garley Lane. Commissioner Aguilar said the resolution on this would be to contact the owners of Tr. A,B,C,D and have them sign a quitclaim deed. This was in her district and if this was the way to resolve it, she wanted to directed staff to go in that direction and determine if the road can be dedicated. Commissioner Aguilar made a motion to approve acceptance for maintenance contingent upon the four owners of Tr. A,B,C D granting permission through a quitclaim deed or whatever the attorney feels is appropriate. Commissioner Padilla seconded. Chair Daves said that perhaps there be a commitment that if they are willing to quitclaim it, that they move their post a foot. Chair called for the vote. Commissioner Aguilar voted yes. Commissioner Padilla voted yes. Motion carried. 2-0. **See Exhibit.**

Consideration of Resolution 2004-39, adopting a Multi-Year Infrastructure Capital Improvement Plan (ICIP).....Ruben Chavez

Mr. Chavez presented the commission with a tabled item from the last meeting. The commission had requested a resolution adapting the Infrastructure Capital Improvement Plan. What this did, was set a priority list for our legislative appropriation request for the year 2005 through 2009. They included, as requested, a summary. Commissioner Aguilar said she appreciated the summary, the only concern was that she was seeing so many communities centers and her comments before were the financial impact on the county. Mr. Chavez said her comments were well taken and not only heard by them, but also at the state level. The understanding was that Governor Richardson was not going to approve any funds, unless they were on this plan and the reason for it was that they had the Los Chavez Community Center/Fire Station as a means of getting the people to solicit the legislator. Commissioner Aguilar said that the community is going directly to the legislators and then we are putting it in the ICIP without looking at the total budget. The ICIP should be working together in conjunction with the budget.

Chair Daves said this was a very legitimate concern of Commissioner Aguilar and it was within their discretion to not accept the \$485,000 for the Tome Center, unless it was re-structured to a consolidated center. We do have discretion and he proposed that they might want to use some of that discretion.

Commissioner Padilla said the important factor was to meet with the legislators and express their concerns of having to support these centers. The legislators might not understand, unless we have a dialogue with them and is explained to them.

Commissioner Aguilar made a motion to approve the ICIP Plan and in addition, that it conditions upon them meeting with the legislators to have a discussion about the Plan and that the meeting take place before the end of August. Commissioner Padilla seconded. Motion carried. 2-0. **See Exhibit.**

Request to Publish.....Mike Trujillo
IFB, Golf Course Street Lights/Projects & Paving
IFB, Almame Loop (Rd. to La Merced Elementary School)
IFB, Curfman Road

At the last meeting the contract for Golf Course Street lighting and paving had been brought to the commission, and Almame Loop, which is in the legislation for roads and on Curfman road. County Manager Mike Trujillo, would like authority to either issue an invitation for bid or paving, and, or, lighting, and, or, to use existing state purchase agreements to do those roads. The only one that they would have any problems in getting under way, would be Curfman road, in light of the law suit that they have for the fence encroachment unto their property. However the road superintendent said there is enough road way to pave without getting next to the fence. Commissioner Aguilar preferred to approve one and two ,and take no action on Curfman Rd. She made a motion to approve the request to publish Golf Course Street Lighting projects and paving, and the Almame Loop only. Commissioner Padilla seconded. Motion carried. 2-0. **See Exhibit.**

Financial Matters

**Request Approval NM Aging/Long Term Services.....Mike Trujillo
Renovations to Valencia County Senior Center**

Mr. Trujillo requested approval for the above item. Commissioner Padilla made a motion to approve. Commissioner Aguilar seconded. Motion carried. 2-0. **See Exhibit.**

**Approval of New Mexico Finance Authority Loan Agreements.....Michael Steininger
Valencia County (El Cerro Volunteer Fire Department)
Valencia County (Tome/Adelino Fire Department)**

Mr. Steininger,on behalf of Mr. John Cherry, was asking for approval of the above items, which the commission had approved and the New Mexico Finance Authority has issued contracts for the loan agreements. The Valencia/El Cerro Fire Dept. loan is \$194,445. and the Tome/Adelino was \$170,000. Commissioner Padilla made a motion to approve the loan agreements. Commissioner Aguilar seconded. Motion carried. 2-0. **See Exhibit.**

Approval of Payroll & Warrants.....Mike Trujillo

Mr. Trujillo was asking approval of Check #77294 through Check #77295 inclusive for a total of \$5,762.44 and check 77186 through check #77221 for a total of \$194,109.75. Commissioner Aguilar asked Mr. Steininger for recommendation on approval, since they did not final approval of the budget. Mr. Steininger recommended approval. Commisisoner Aguilar made a motion to approve. Commissioner Padilla seconded. Motion carried. 2-0. **See Exhibit.**

County Manager’s Report: Information Only

Adult Detention Facility Fee/Report **See Exhibit.**
On the Juvenile Detention Facility Report, he hoped to have the Joint Powers Agreement with Sandoval County and Bernalillo County available for their review at the next meeting.
Valencia County Older Americans Program **See Exhibit.**
Building Inspector’s Department **See Exhibit.**
Road Department Report which was handed to him later.

On the request of the commission, on the issue of last year’s audit, the State Auditor said, that, our auditor still has seven outstanding issues. As soon as they respond, they should be getting a release by the State Auditor.

At the previous meeting he had mentioned that the environmental protection agency had come because of the gasoline leak at the yards. They had sent a letter fining the county in the amount of \$2,200. The county has to respond before August 09th, asking for a thirty day extension for agreeing to their settlement agreement and payment of the money. The two tanks that were in question, have already been removed.

Mike Trujillo scheduled a tour of the jail for the next meeting day.

Status Report, Fire Department Stipend Program.

Michael Steininger pointed out that at the last meeting he had been unaware that there was still an outgoing, outstanding issue regarding the stipend checks. These checks were issued in the same manner as they had been issued last December. At the request of the commission ,staff pulled the documents that were provided by the IRS, by the attorneys, and by the auditors, regarding what had happened before. The IRS takes the position that everything you get is taxable, and, this he does not dispute. They would prefer that we issue W-2 because we become responsible for paying the taxes instead of the individuals. The commission will have to make a decision on what kind of risks they want to take on. If the program is continued, by doing it on a 1099 form, the county pays out whatever has come in tax receipts. If they switch to a W-2 position and the firefighter and EMT become classified as county employees, there are a number of thing to take into consideration. In addition, the county needs to pick up on the Medicare and PERA match, as required of every employer, the immediate cost of bringing them on would be almost \$33,000. Commissioner Aguilar said they have gone round and round on this and this, is why there is an attorney. Part of the interpretation and the direction had from the Forest Service, so they had depended on their council. As a commissioner, she was not going to approve anything that isn’t budgeted or that she is going to take on personal liability. If the issue needs to be resolved, then they should direct the attorney to research and come back to them. Mr. Steininger said he was presenting this as an update, a possible exposure that needs to be addressed and make sure that it is tight enough to sustain a challenge, should one be presented.

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 4, 2004 at 5:00 PM in the County Commission Room at the Valencia County Courthouse. July 28, 2004 Special Final Budget Adoption (Resolution) 10:00 AM

Adjournment: 10:00 PM

Motion by Commissioner Padilla . Seconded by Commissioner Aguilar

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/
GARY DAVES, CHAIRMAN**

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

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

**ss/
ALICIA AGUILAR, MEMBER**

MARY J. ANDERSEN, MEMBER

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: August 14, 2004