

VALENCIA COUNTY BOARD OF COMMISSIONERS

REORGANIZATIONAL MEETING

JANUARY 4, 1999

M I N U T E S

The Reorganizational Meeting of January 4, 1998 was called to order by Vice-Chairman Eloy Giron at 10:00 AM.

PRESENT

Alicia Aguilar, Chairperson
Aurelio H. Padilla, Vice-Chairman
Helen Baca, Commissioner
Eloy Giron, Commissioner
S. T. Frank Pando, Commissioner
Lloyd Sais, County Manager
Thomas Garde, County Attorney
Kandy Cordova, County Clerk
Press and Public

ABSENT

PLEDGE OF ALLEGIANCE

Sheriff Juan Julian led the Pledge of Allegiance.

INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

Vice-Chairman Eloy Giron introduced Commissioner Helen Baca, Commissioner Alicia Aguilar, Commissioner Al Padilla, Commissioner Frank Pando and himself, Commissioner Eloy Giron.

APPROVAL OF AGENDA

Paula Weathersby read the agenda as presented. Commissioner Al Padilla made a motion to delete the Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

Commissioner Alicia Aguilar said, "I would like to add an Item E and this would be notice to all appointed positions and contractual positions granting them a 30 day notice with the understanding that administration will bring the names of these individuals to the Commission on the 11th in addition to contracts that are due to expire January 31, 1999 so that there will not be automatic extensions. The Commission can then make a decision to know who is in an appointed position. If we want to re-appoint, we can do it. We can replace, we can go out for RFP, but there will not be automatic extensions on the professional services. That is in the form of a motion." Commissioner Al Padilla seconded the motion.

Commissioner Frank Pando asked if she was talking about the County Manager, Road Superintendent, etc. Commissioner Aguilar said she was talking about any appointed position to be brought forth for notification. She said, "This is notification and what I am trying to do is be fair to everyone. The attorney's position terminates the end of January." Motion carried.

Commissioner Alicia Aguilar made a motion to approve the agenda with the deletions and additions as stated. Commissioner Frank Pando seconded the motion. Motion carried.

APPROVAL OF MINUTES

The Minutes of December 7, 1998 were presented for Commission approval. Commissioner Pando said he did not get copies of the Minutes. Commissioner Giron said the only ones that will be able to vote would be Commissioner Aguilar, Commissioner Padilla and himself.

County Attorney Tom Garde said, "Basically the vote would be to approve the Special Meeting Minutes of December 7th and December 14th. The only people that would have any idea of what was happening in those Minutes would be the persons attending, so I would recommend that the only people that would vote on the Minutes would be the ones that were present at those meetings. With regards to the meeting of December 7th, Commissioner Padilla was on the Board at the time, so he would be allowed to vote on the Minutes. If there are any changes on the Minutes, it will have to be made by Commissioner Aguilar or Commissioner Giron."

Commissioner Alicia Aguilar said based on the Attorney's recommendation, she would make a motion to approve the December 7th, Special Meeting Minutes. Commissioner Al Padilla seconded the motion. Motion carried.

The Minutes of December 14, 1998 were presented for Commission approval. Commissioner Alicia Aguilar made a motion to approve the Minutes of December 14th, with one change. That would be under Villa de Suenos Subdivision, it was a request for a preliminary plat approval and not a final plat approval. It is on page 10.

The County Clerk acknowledged the request and the Minutes will be corrected.

Commissioner Al Padilla seconded the motion. The County Attorney said to place the words, (Preliminary Plat Approval) next to the name of the subdivision.

Motion carried.

ACTION ITEMS

(A) RE-ORGANIZATION

Commissioner Eloy Giron said at this time, the Commission would need to nominate a new Chairman for the Valencia County Commission.

Commissioner Al Padilla made a motion to nominate Commissioner Alicia Aguilar for Commission Chairman for Valencia County. Commissioner Helen Baca seconded the motion.

Commissioner Frank Pando said, "Under discussion, I cannot vote personally for Alicia Aguilar, even though I have the utmost respect for her. The only reason that I can't vote for her is, she is in the wrong party. She is a Republican. To me it would be an embarrassment and a slap in the face to the Democratic Party to nominate and elect a Republican with a four Democrat member Commission. However, apparently Alicia has the votes and I will give her a big vote of confidence and I will assure you that if she is elected, I will work with her with the utmost of my capacity and give her every help that I possibly can."

Commissioner Al Padilla said he would like to read a statement that he has prepared. He said, "I feel that Commissioner Alicia Aguilar would be the best candidate for Chairperson of the Valencia County Commission. I understand that my nomination of Commissioner Alicia Aguilar as Valencia County Chairperson will be considered unprecedented due to our different party affiliation."

"I have worked with Commissioner Aguilar this past two years on many issues in which we were in the minority. With much perseverance, diligence, and intense study, we were able to turn the vote around. Commissioner Aguilar should take a lot of credit for our successes and our philosophies regardless of the difference in our party affiliation. Commissioner Aguilar has worked with our legislators and staff well and she devotes many hours a week at her office. Sometimes you need to put party affiliations aside and pick who is best for the job."

"Due to the fact that Commissioner Aguilar is an elected Republican official and serving well with a Democratic majority, proves that the parties can compliment each other. The bottom line is, all members of the Commission should be working for all of the people of Valencia County."

"One thing I would like everyone to understand is that I have always been a Democrat, I am a Democrat now, and I will always be proud of my Democratic affiliation, but my objective in running for office was not to serve solely one party, but to serve an entire community."

"Some members of the Democratic Party may question this nomination of Commissioner Aguilar for Chairperson, but do keep in mind that the commission does consist of four Democrats and one Republican. If I felt that this move would jeopardize the Democratic Party in the least bit, be rest assured that it would not have been a consideration of mine."

"The one thing we can all gain by this nomination is true leadership in the Chairmanship position so Valencia County can move forward. Thank you!" **(See Exhibit A)**

Commissioner Alicia Aguilar stated, "I would like to thank Commissioner Padilla and Commissioner Baca for their confidence in making this nomination. I feel that it takes a lot of courage to nominate an individual of a different party when you do have a majority, but I also feel that in this time, when throughout the country when the people are crying for nonpartisan politics, they are asking for accountability, they are asking for integrity, they are asking for open government, this is something that I have committed to do and I have committed and worked at it for two years. I feel that I have represented the citizens of Valencia County and in this nomination, I would like to stress that credit should not be given to the leadership of the Republican Party. I represent the people of Valencia County as a Commissioner, both Democrats and Republicans. My last statement would be that in all of this, about a year ago, I was criticized for being an embarrassment to my party because I did put party aside and I represent the people of Valencia County. If that has been working with Democrats for the last two years, look what we have accomplished. Together this Commission, Democrat and Republican, just working together, we are now building a jail. We have solved a twenty-year old problem. The District Attorney has a new office. We have a pit-sand gravel site that we didn't have before. We are addressing so many issues in this county in moving it forward and with the result of the hiring of a planner doing a comprehensive plan, having a strategic plan, guiding this county forward so that we all know where we're headed, the elected officials and the public. Thank you!"

Commissioner Eloy Giron called for the vote on Commissioner Padilla's motion to nominate Commissioner Aguilar as Chairman. Motion carried with Commissioner Padilla, Commissioner Baca and Commissioner Aguilar voting yes. Commissioner Pando voted no. Commissioner Giron did not vote.

Chairman Aguilar said the next item under re-organization is nominations for Vice-Chairman.

Commissioner Eloy Giron made a motion to nominate S. T. Frank Pando for Vice-Chair. Commissioner S. T. Frank Pando seconded the motion.

Commissioner Giron said, "I've thought about this for the last couple of weeks on my nomination of Frank Pando for Vice-Chair. The reason is his leadership abilities, his experience on the Planning and Zoning Commission, he's served 12 years and I think at this time it would be a great loss for the Commission to not take this recommendation."

Chairman Aguilar called for the vote. Commissioner Padilla voted no. Commissioner Giron voted yes. Commissioner Pando voted yes. Commissioner Baca voted no. Chairman Aguilar voted no. The motion failed.

Commissioner Frank Pando made a motion to nominate Commissioner Eloy Giron for Vice-Chairman.

Motion died for lack of a second.

Commissioner Helen Baca made a motion to nominate Commissioner Al Padilla for Vice-Chairman. Commissioner Al Padilla seconded the motion. Motion carried with Commissioner's Baca, Aguilar and Padilla voting yes. Commissioner's Pando and Giron voted no.

Discussion was held on the seating arrangement.

(B) RESOLUTIONS

Setting Date, Time & Place for Meetings/Adoption of Robert's Rules of Order

County Manager Lloyd Sais presented Resolution 99-01 for Commission approval. This Resolution is for setting the date, time and place for County Commission Meetings.

Chairman Alicia Aguilar said in following Robert's Rules of Order, it should be noted that Commissioner Giron has left the room.

Lloyd Sais said this Resolution is pursuant to the Open Meetings Act, Section 10-15-1 (b), 1 - 4. He said if there are any changes the Commission wishes to make, they can make them at this time.

Commissioner Frank Pando made a motion to approve Resolution 99-01 as presented and changes can be made as needed. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit B)**

County Manager Lloyd Sais presented Resolution 99-02 for Commission approval. This Resolution is to adopt Robert's Rules of Order as the parliamentary authority. He said, "There was some controversy a while back as to whether consideration should be made for a variation from Robert's Rules of Order and still be within the guidelines. It has to do with the Chairman. At this time you can accept this or reject it and follow fully Robert's Rules of Order. This is only a suggestion. The Special Rules are 1. The Chairman may vote on all issues; 2. The Chairman may make motions; 3. The Chairman may second a motion; and 4. Any previously tabled agenda item that appears on a subsequent agenda is automatically untabled once the agenda is approved by the Board of Commissioners."

Commissioner Al Padilla asked the County Attorney if they would be in order by adopting these Special Rules. The County Attorney said, "In reviewing Robert's Rules of Order, there is language in there that the Commission can modify Robert's Rules so long as it is based on a vote. If the Commission is going to do it, it needs to be done at this meeting. If the Commission does not adopt this and a matter comes up later on where that happens, then we have to abide by the original Resolution that this Commission adopted. If you are going to modify Robert's Rules, it needs to be done at this meeting."

Commissioner Al Padilla made a motion to approve Resolution 99-02 as it is written. Commissioner Helen Baca seconded the motion.

Commissioner Frank Pando asked, "In the past, has the Chairman been able to make motions." Tom Garde said, "Under Robert's Rules of Order, the Chairman cannot make a motion." Mr. Pando asked, "What is the reason for changing it?"

Lloyd Sais said, "About a year ago we had an issue that the Chairman was very much interested in and he wanted to bring it to a vote. The membership did not feel that they wanted to bring it to a vote. He did bring it just for a yes or a no. That is what brought this about. Another time he wanted to second a motion to represent his constituents and he was not able to do that." The County Manager said at that time they considered putting this issue on the agenda and change it. Commissioner Pando asked how long this Resolution would stay in effect. The County Clerk said it would be for two years.

Commissioner Pando asked the County Attorney, "Under re-organization, if things are not working properly, can a member of the County Commission ask for re-organization a year from now?" The County Attorney said, "In regards to re-organization, there cannot be another vote on the election of the Chairman or Vice-Chairman in this time frame. In regards to this particular Resolution, this can be modified at any time during the course of the next two years."

Sheriff Juan Julian requested that the resolution be read for those people in the audience that do not understand the issue being discussed. Chairman Alicia Aguilar asked the County Clerk to read the Resolution.

Motion carried to approve Resolution 99-02. **(See Exhibit C)**

(C) APPROVAL OF 1999 HOLIDAY SCHEDULE

County Manager Lloyd Sais presented the 1999 Holiday Schedule. He said the County usually abides by the Holiday Schedule that is followed by New Mexico State Government.

Commissioner Al Padilla made a motion to approve the 1999 Holiday Schedule. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit D)**

(D) APPOINTMENTS TO PLANNING & ZONING COMMISSION

Commissioner Frank Pando made a motion to allow the name of Ed Gonzales to be accepted as his appointment to the Planning & Zoning Commission. Commissioner Al Padilla seconded the motion.

Commissioner Pando said there are a number of things he would like to bring up regarding the Planning & Zoning Commission. He said, "We've had members that come to a meeting once in a great while. I would like to make this in the form of a motion. If you miss two consecutive meetings, for no reason, that you be removed from the Board." He said, "We have also had two at-

large members for years and for some strange reason they were taken away from us. I would like to bring those two back. The names could be discussed between ourselves and come up with somebody that we feel could do the job."

Chairman Alicia Aguilar said as Chairman she thinks these are very good recommendations, but they need to vote on Mr. Gonzales first.

Motion carried on Commissioner Pando's motion to name Ed Gonzales to the Planning & Zoning Commission.

Chairman Aguilar said, "The second item regarding absenteeism from the meetings, sometimes it is very crucial and I think it is a wonderful recommendation. If you would like to make it in the form of a motion, where we can have discussion."

Commissioner Frank Pando made a motion that any Planning & Zoning Member that misses two meetings in a row be removed from the Board and the Commissioner from that district will appoint someone else. Commissioner Helen Baca seconded the motion.

Commissioner Al Padilla asked, "What if these people have a good excuse?" Commissioner Pando said, "I was here for a long time and I have missed meetings also. Sometimes things happen. 99% of the time you will not be sick for two months. There are excuses and non-excuses. It just seems that we have some members that don't care or they just don't want to come to the meetings."

Chairman Alicia Aguilar said, "For the record, Commissioner Giron has returned to the meeting."

Commissioner Pando said, "If there is a justifiable reason, then I'm in favor of it. It is not an easy job to serve. You serve for free, but whether you serve for free or not is immaterial. If you are not going to do the job, then don't do it." Commissioner Padilla requested that that be made a part of the motion.

Commissioner Frank Pando re-phrased his motion, "If they miss two meetings consecutively for any reason other than health reasons, that they be removed." Commissioner Padilla asked that the people be notified of the policy change.

Chairman Alicia Aguilar recommended that if there is a health reason the Planning & Zoning Commission member should have the courtesy of notifying the County Commission and the Planning & Zoning Chairman at least 5 days before the meeting and by doing that they will have mutual consensus.

Commissioner Eloy Giron said, "I had a Commissioner who was having problems and he felt that he wasn't going to be able to serve Valencia County to the best of his ability, so he stepped down. Do we have problems with the times maybe with that Commissioner? That is addressed to Commissioner Padilla. We have one Commissioner that just hasn't been attending his meetings, does he have a problem with the times or transportation?" Commissioner Padilla said, "I have no idea, I really don't keep up with who is here and who isn't here."

Chairman Alicia Aguilar said, "To update you Commissioner Giron, Commissioner Pando has appointed Mr. Ed Gonzales as his representative to the Planning & Zoning Commission. In addition to that we're discussing absenteeism consecutive. So I think the consensus of the Commission is to, after two consecutive meetings, if they are absent, except for health reasons and on any absentee there must be a five day notice to the Commission and to the Chairman of the Planning & Zoning Commission." Commissioner Eloy Giron said he understood, but should the meetings be changed for that Commissioner to attend. He said he does pay attention when they get a recommendation from Planning & Zoning, how the people vote and the discussion. He said, "I am aware of who is and who isn't showing up."

Chairman Aguilar said the other item that Commissioner Pando brought forth is to add two at-large members so the Commission would expand to seven, so there would always be a quorum.

The County Clerk suggested that when the Planning & Zoning Members are appointed, that they get a MEMO with the recommendations so that they will know what is expected of them.

Motion carried.

Commissioner Frank Pando made a motion to add two at-large positions to the Planning and Zoning Commission. One will be from the East Side of the river and one from the West Side of the river. Commissioner Al Padilla seconded the motion. Motion carried.

Commissioner Frank Pando recommended that discussions become a part of the packet for the Planning and Zoning Commission.

Chairman Alicia Aguilar said the two resolutions that were just approved, applies to the Planning and Zoning Commission also. They should be supplied with a copy of Robert's Rules of Order. This is a direction to administration.

Commissioner Helen Baca made a motion to reappoint Herman Tabet to the Planning and Zoning Commission. Commissioner Al Padilla seconded the motion. Commissioner Frank Pando thanked Commissioner Baca for this motion. Motion carried.

Commissioner Al Padilla reappointed Leonard Castillo.
Chairman Alicia Aguilar reappointed Dr. Phillip Castillo.

Chairman Alicia Aguilar stated, "We have three positions that are under contract and the termination dates are the end of January, 1999. To avoid automatic extensions on the contracts. I wanted this item addressed. Administration can bring forth all of the copies of their contracts, these are professional services and other appointed positions, plus let us know the different appointed positions, who they are and what they do and we can have discussion on that at the next meeting. This way they are all placed on 30-day notice. There are no automatic extensions. I don't want it to

be interpreted that we are chopping heads and people are being terminated. That is not the intent. This is a new Commission. This is the start of a New Year. Everyone will be informed and everyone is aware of who does what and in what position. Administration can provide us with information on each department. We have our attorney here who has served us well and his contract expires the end of January. The attorney's contract must go out for RFP, so that needs to be addressed also. Under professional services, we have Emiliano Sanchez and his contract also needs to be addressed. I would like the consensus of the Commission that they are in agreement with this."

County Attorney Tom Garde said no motion was needed, it could be direction from the Chairman. Chairman Alicia Aguilar said, "Direction is given to administration for the next meeting, which is next Monday."

Chairman Aguilar requested that the County Attorney act as parliamentarian.

EXECUTIVE SESSION

This Item was deleted.

Chairman Alicia Aguilar said she looked forward to serving with Commissioner Pando, Commissioner Giron, Commissioner Padilla, and Commissioner Baca.

ADJOURNMENT

Commissioner Frank Pando made a motion to adjourn the January 4, 1999, Re-organizational Meeting of the Valencia County Board of County Commissioners. Commissioner Al Padilla seconded the motion. Motion carried.

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 4, 1999, Re-organizational 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
ALICIA AGUILAR, CHAIRPERSON

ss
AURELIO H. PADILLA, VICE-CHAIRMAN

ss
HELEN BACA, COMMISSIONER

ELOY GIRON, COMMISSIONER

ss
S. T. FRANK PANDO, COMMISSIONER

ATTEST: ss

KANDY CORDOVA, COUNTY CLERK

DATE: Jan 25, 1999

For an official copy of these minutes and attachments see Commission Book 33 page 610