

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

AUGUST 2, 1999

MINUTES

The Regular Meeting of August 2, 1999 was called to order by Chairman Alicia Aguilar at 9:17 AM.

PRESENT

Alicia Aguilar, Chairman
Aurelio H. Padilla, Vice-Chairman
S. T. Frank Pando, Member
Eloy Giron, Member
Helen Baca, Member
James Fernandez, County Manager

ABSENT

Thomas Garde, County Attorney

Kandy Cordova, County Clerk
Press and Public

EXECUTIVE SESSION

County Clerk Kandy Cordova read the agenda for the Executive Session. Chairman Alicia Aguilar stated that the County Attorney would not be present for this meeting and Steven Chavez would be sitting in for him during the Executive Session and for the meeting.
Commissioner Frank Pando made a motion to approve the agenda for the Executive Session and to go into Executive Session. Commissioner Eloy Giron seconded the motion. Motion carried.
Commissioner Frank Pando made a motion to return from Executive Session. Commissioner Eloy Giron seconded the motion. Motion carried.

Carol Anaya stated during the Executive Session, discussion was held on the following items:

NEW HIRES/Pending Drug Test and Pre-employment Physical.	Joe Portio Lawrence Salazar Isidro Ornelas
FAMILY MEDICAL LEAVE:	Carol Mallory
RESIGNATION'S:	Robert Felix
PROBATIONARY TO NON-PROBATIONARY STATUS:	Viola Vallejos

Commissioner Eloy Giron made a motion to take the recommendation of Carol Anaya and ratify action taken during the Executive Session regarding Personnel Items. Commissioner Al Padilla seconded the motion. Motion carried.

Chairman Alicia Aguilar said Pending Litigation was not discussed due to the absence of County Attorney Tom Garde.

Commissioner Al Padilla made a motion that the items mentioned was all that was discussed during the Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

Chairman Alicia Aguilar introduced County Manager James Fernandez, Business Manager Carlos Montoya, Human Resources Director Carol Anaya, Commissioner Frank Pando, Commissioner Eloy Giron, Commissioner Al Padilla, Commissioner Helen Baca and herself, County Planner Steven Chavez, County Clerk Kandy Cordova, Paula Weathersby, Planning and Zoning Administrator Mike McCartney, Monica Mireles, Barbara Garcia, Belen City Councilor Richard Jaramillo, Valencia County Fire Marshal John Cherry, Robin Ver Eecke, Lisa Miller from the Soil Conservation Service, Arley Sanchez from the Albuquerque Journal and Kathy Saltzstein from the Valencia County News Bulletin.

PLEDGE OF ALLEGIANCE

John Cherry led the Pledge of Allegiance

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the agenda as presented. Mike McCartney requested permission to add the Findings of Fact and Conclusion of Law for Sant Tana Estates. County Manager James Fernandez said the Minutes of the July 27, 1999 Special Meeting were in the packets to be approved.
Commissioner Frank Pando made a motion to approve the agenda with the changes. Commissioner Eloy Giron seconded the motion. Motion carried.

APPROVAL OF MINUTES

The Minutes for the July 19, 1999 Regular Meeting were presented for Commission approval.

Commissioner Eloy Giron made a motion to approve the Minutes of July 19, 1999. Commissioner Helen Baca seconded the motion. Motion carried.

The Minutes for the July 27, 1999 Special Meeting were presented for Commission approval. Commissioner Eloy Giron made a motion to approve the Minutes of July 27, 1999. Commissioner Helen Baca seconded the motion. Motion carried.

PUBLIC REQUESTS

Leonard Garcia, representing the MeadowLake Community Association said in July the El Cerro Sub-station was a done deal. He asked how the sub-station was going to be constructed since there was not any appropriations for it that he is aware of. He also asked about the \$125,000.00 that was appropriated for a hospital study. He thought that money was supposed to be split up by districts, instead of being used in two districts. He said his district needs the \$25,000.00 that would have been given from the hospital study. It could have been used for MeadowLake Road that is in dire need of repair.

Chairman Alicia Aguilar said Mr. Garcia's questions are of record. She asked that administration respond in writing to the questions.

Commissioner Frank Pando said for the benefit of the general public, at least one of the questions should be answered. He said, "The \$125,000.00 that was appropriated by the housebill was not appropriated for \$25,000.00 per district. My understanding is that the money was divided by two as there was a need for two substations, one in Jarales and one in El Cerro and that's where that money went. I don't know where the idea came from that the money was going to be split up by districts."

Chairman Alicia Aguilar said, "I was asking for substation money and this Commission had about fifteen requests or appropriations from our legislators and only three were approved. In getting the substations on the \$125,000.00, we were going to lose it if we did not go out for an election and the way the bill was written we would get \$125,000.00 for the planning but we had to commit to having an election and commit to a 1/8 gross receipts hospital tax. We couldn't do that. The time just wasn't there, so rather than give the money back to the State, the legislature said we could appropriate it for a need. This Commission decided that we needed a substation on the southern end and we needed one on the east mesa. I'm one that went to Santa Fe and I did testify on behalf of this and the appropriations did get changed. That's where we get \$62,500.00 to make a reality of one and \$62,500.00 for the other."

Leonard Garcia said he understood that, but Ron Gentry appropriated the \$125,000.00 and it was for a hospital study and the hospital study did not want the money or need the money to do the study, they would pay for the study themselves.

Chairman Aguilar said, "The appropriations and what happens later on, one has nothing to do with the other. There was one where there was a bill for the study. The money was going to be lost. Thanks to the efforts of Commissioner Pando and also his committee, they found a company that said, "We'll do the study and there won't be a charge to Valencia County." We were then able to go back and ask the legislature to not lose the \$125,000.00 and give it back to the State, but re-appropriate it so that it would benefit Valencia County."

Commissioner Frank Pando said, "The \$125,000.00 that was appropriated had to only be used if the hospital was going to be built next to the University. It was the consensus of this Commission at that time that, that was not the most ideal location. Consequently we were very limited as to what you could do with the money. That's why this Commission felt, and I wasn't on the Board yet, but I completely concur with them, that it was not in the best interest of the residents to put that type of money in just one block."

Chairman Aguilar said, "We did discuss this in a public meeting and it was Dr. Alice Letteney and Board Member Boni Tabet that did come forth to this Commission and mention that, on that appropriation, UNM had never donated the property for the hospital to be built. There were some issues that needed to be addressed."

ACTION ITEMS

{A} REQUEST PERMISSION TO PUBLISH NEW SOLID WASTE ORDINANCE

Chairman Alicia Aguilar stated, "We have been discussing this for five or six months. I'd like to thank all of the Commissioners for their input. We have taken the existing Solid Waste Contract, we've taken the amendments and we've taken some other information from other solid waste ordinances and tried to come up with a first draft that would have some definitions that would address, not only the public, but also address that it would not be an exclusive hauling contract as far as one hauler, but opening it up to the haulers in Valencia County. Having it so that it is very specific so they would know that there is a permitting process and that there is fairness and there is a consistency. What you have before you is not perfect, our attorney has not reviewed it, he is out of town, but I think today we can have a short discussion on some recommendations. I would also like to hear from Mr. Chavez on some of his recommendations and I would like to hear from the public and the haulers." **{See Exhibit A for Draft of Ordinance}**

Chairman Aguilar opened up the discussion to the public and the haulers. She said a meeting was held on Friday and they were all given a copy of the draft. It is not perfect, but it is a beginning.

Mel Sisson thanked the Commission for making the decision to open it up to the haulers. It allows him to stay in business. He said they would not regret that they did that. He asked a question regarding the issue of, if the Tri-Sect Landfill opens will the haulers be mandated to take all trash for Valencia County there. He said they need to know what the rate will be.

Chairman Aguilar said her response to Mr. Sissons was that the County does not own Tri-Sect and the ordinance allows for amendments. Any amendments that are done will take place in a public meeting with input from the haulers and the public.

Chairman Aguilar said, "Waste Management met with Valencia County back in March shortly after they closed the landfill. They did offer Tri-Sect to Valencia County. Valencia County contacted the Village of Los Lunas because we felt in purchasing Tri-Sect it should be more of a cooperative joint effort, not only Los Lunas, Belen, Bosque Farms, but jointly throughout the County. Los Lunas and Belen, Socorro and Magdalena are part of the Central Solid Waste Authority. The Village of Los Lunas recommended that we take this proposal to the Central Solid Waste Authority. Mr. Fernandez is the individual who met with that group and presented it to them. Valencia County has committed to some of the funds required to do a study on Tri-Sect before any decisions are made."

James Fernandez said, "Right now the Village of Los Lunas through the Central Solid Waste Authority is doing an engineering study on Tri-Sect to see if it would be feasible as purchased for the Central Solid Waste Authority and Valencia County. We have not gotten those recommendations back yet."

Chairman Aguilar said, "We see a need for having a landfill in Valencia County, but in the process we're working into it. It is not going as quickly as some of us would like, but we are working on it."

Mr. Sisson said he was asking when the new ordinance would go into affect. James Fernandez said, "If the Commission goes out today for publication on this new ordinance, the earliest we could have the public hearing on this will be the 23rd of August so at that time if they approved this ordinance, it would take effect 30 days later, so we're looking at September 23rd."

Marlene Feuer stated, "I appreciate the efforts of Commissioner Pando and Commissioner Aguilar to bring forth a new ordinance. Waste Management is in support of an ordinance for Solid Waste collection in Valencia County. Not having an ordinance, we feel, would have taken the County back many years. Pursuant to that meeting, we were asked and offered to provide some information regarding that." She presented the Commission with a list of concerns regarding the ordinance as drafted. She also gave some backup information regarding these concerns. **{See Exhibit B}**

Steven Chavez said, "I reviewed the ordinance this week-end and I think Mr. Garde needs an opportunity to review it further. I have some general comments and it goes to the language itself. If we can make it a little more uniform and consistent it meets the intent of what this Commission wanted. I think we will need to review it later for amendments regarding the tightness of the language and the conformity and consistency of the language."

Randy Sanchez expressed concerns about whether or not he will be able to park his truck in the place where he parks it at the present time. He said he has parked it in the same place for 17 years.

Chairman Aguilar said, "Under the permitting, one of the items that we have is that the Business Site Disclosure Zoning Compliance, that the site of the hauler business site must meet federal, state, local laws, rules and regulations. Where you had it, you've had it for seventeen years and not necessarily zoned for a solid waste business. We'll make a note of that and get together with the County Planner and Mr. McCartney to see where it is and what is there."

Chairman Aguilar said Charles Apodaca was at our meeting on Friday and he mentioned he was going to be out of town. She said, "His comments on Friday were that we be a little bit more specific on the language regarding commercial and residential so that there is no confusion that a paragraph may apply to only one or the other. There were concerns about the rates that were being charged for commercial and that he doesn't do residential hauling at this time though he may be interested in doing that in the future. He was concerned that the rates may be a little low."

Commissioner Frank Pando thanked the haulers for coming to the meeting on Friday.

Chairman Aguilar said she took the existing ordinance, the amendments and put them all together so that they could have one working document. She said, "By law, only two Commissioners can meet. I did get a call from Commissioner Giron who wanted to be a part of this meeting and it is not that the other three Commissioners were not interested, but it is just the way the law is, that only two can meet."

Commissioner Frank Pando made a motion to allow the publication of the New Solid Waste Ordinance. Chairman Aguilar requested that the recommendations of Marlene Feuer be included.

Chairman Aguilar said, "What has happened is that two weeks ago there was a motion to repeal the existing ordinance and in going back and doing some research, what we are doing is, there is a section to repeal in the new ordinance so that it will be automatic in repealing the existing ordinance and all of the amendments, at which time the new ordinance would simultaneously be effective. There seems to be much documentation in the past that we can't really chronologically put together or understand. In order to clean it up, rather than work with an existing ordinance that we may not have all of the facts, get rid of it and let's start from scratch. That's what we're doing. This ordinance, there is a section that repeals the existing ordinances, the existing amendments and it also addresses an effective date, whether those ordinances or amendments are recorded or not."

Commissioner Eloy Giron seconded the motion of Commissioner Pando to allow the publication of the New Solid Waste Collection and Disposal Ordinance for the County of Valencia. Chairman Alicia Aguilar said subject to Marlene Feuer recommendations and the attorney reviewing the recommendations she provided for this. Motion carried.

{B} REIMBURSEMENT RESOLUTION/NEW MEXICO FINANCE AUTHORITY

Katherine Creagan was not in the audience.

James Fernandez said, "The Resolution that you have before you in essence allows the County to seek reimbursement for any expenses that they have incurred in regards to the adult detention facility and its construction."

Commissioner Al Padilla made a motion to approve Resolution 99-35. Commissioner Helen Baca seconded the motion. Motion carried. **{See Exhibit C}**
Commissioner Eloy Giron was absent for this vote.

{C} PROCLAMATION/Boys and Girls Club

Richard Jaramillo said he is here today to present a Resolution for signatures as well as possible action on assistance for the Boys and Girls Club. He said instead of creating a resolution for each municipality, he consolidated a resolution and will be asking for a signature from each entity.

Commissioner Eloy Giron made a motion to approve the Resolution for the Valencia County Boys and Girls Club. Commissioner Frank Pando seconded the motion.

Commissioner Frank Pando asked if there is any way the County could support the Boys and Girls Club with money.

County Manager James Fernandez said, "I asked that question of Mr. Chavez in the absence of Mr. Garde and he has given us some information in regards to, not only the Boys and Girls Club, but YDI who is also requesting increments of money from you. In view of Mr. Chavez's comments, there is some concern that this might be in violation of the Anti-Donation Clause."

Steven Chavez said, "I haven't seen the request from Mr. Jaramillo and I don't know what is really being requested. I did some general research regarding the Anti-Donation Clause and I reviewed the analysis that Mr. Peter Franklin, general counsel for D.F.A. put together for the local governments. It appears quite clear that donations or funding provided to private entities which are not subdivisions of the State can very well violate the Anti-Donation Clause, even if those private entities provide public functions or public benefits to the County. The crux issue is whether or not the County or any local government will receive a comparable in value consideration for the funding source. I use the example of YDI, if they provided direct services for the County, then funding to them may not violate the Anti-Donation Clause, but the hinge falls on whether or not these entities can provide satisfactory or adequate consideration in comparable to the value of what is provided to them by the County, otherwise it will be in clear violation of the Anti-Donation Clause, irregardless of whether or not it occurred before."

James Fernandez said, "In my discussions with Mr. Jaramillo, the Boys and Girls Club is requesting \$6,000.00 to be utilized for transportation costs."

Chairman Aguilar said, "For clarification, the \$6,000.00 wasn't budgeted and it hasn't been approved as far as budget." The County Manager said, "That is correct."

Chairman Aguilar said, "For clarification, when Mr. Jaramillo came to us the last time, we indicated that financially we really didn't have the money, but we wholeheartedly supported the organization."

Commissioner Frank Pando asked how the County was able to give youth the \$4,000.00 that the County gives every year. He said he is in favor of it.

The County Manager said, "There is another related issue in that Youth Development Inc. is also requesting a commitment from the Commission on \$30,000.00 under the budget that has been appropriated for youth employment and not specifically directed to any entity. There is some concern as to whether that is a violation of the Anti-Donation Clause."

Chairman Aguilar asked, "Can we support the Resolution on the Boys and Girls Club, but direct administration to hold off on any funds to YDI until we get further clarification from D.F.A. and at which time the question can be answered if we can support you financially and we can always ask you to come back before us." Richard Jaramillo said that would be great.

Motion carried in support of the Resolution for the Boys and Girls Club. **{See Exhibit D}**

County Clerk Kandy Cordova requested a copy for the record when all signatures have been completed.

County Manager James Fernandez said, "We received clarification from Katherine Creagan as to whether or not she would be appearing before this Commission to present the reimbursement resolution. She indicated that it wasn't necessary for her to be here. It was just a formality for the Commission to pass this Resolution so that we can be reimbursed for any costs."

Chairman Alicia Aguilar said, "For the record we will be going back to Item B."

{D} PRESENTATION FOCUS 2050 MRGCD

Steve Bernstein was not present at this time.

Steve Bernstein passed out the Focus 2050 Regional Plan Update. Focus 2050 is the long range regional planning project commissioned by the MRGCOG Board of Directors in 1996 and is nearing completion. After an intensive, three-year effort, a critical stage will be reached this fall when a "preferred scenario" for the region's development will be selected. Once selected and adopted by the Board of Directors, the preferred scenario is meant to serve as a regional framework for local plans. While it does not supplant local planning and zoning in any way, its effects may well be felt in your community.

This community has already made a significant investment in the development and evaluation of alternative scenarios for growth. As community leaders, you now have an opportunity to validate that work by helping to make the final selection this fall at a Town Hall Meeting.

The purpose of Focus 2050 is to create a long range vision and strategy for managing growth and development within the Middle Rio Grande region that is characterized by long range, sustainable economic vitality.

Development of the plan has occurred on two intertwining tracks, Technical Development and Public Involvement, and this community has had the opportunity to be involved in both.

The process began by creating and computerizing a geographic information system {GIS} inventory of existing land uses throughout the MRGCOG area. Using this as a base, alternative land use scenarios were developed and refined in iterative waves as new technical information and public response were factored in. The more promising scenarios are currently being evaluated for the

linkages between land use, transportation, air quality, water, linked regional open space, housing, and economic development. **{See Exhibit E}**

Chairman Aguilar thanked MRGCOG for their help during the past year. She said the County is not looking at the growth around them and trying to adapt to it, they are saying "this is what we want and this is our growth, so how does the rest work around us?" There has been a reversal in the last year as the result of having a Steering Committee and having a Planner and having better communications with MRGCOG. She said they are committed to the preservation of farmland. The urban growth is more on the mesas. Mr. Chavez is also looking at the zoning and the land use element of the Comprehensive Plan where we're not only saying let's preserve the farm land, but there will be some consistencies, but there will be some elements in there to achieve this and not just as a goal, or as an objective, but to make it a reality. She said hopefully the land use element will be done in another two months to present to the Commission.

Steven Chavez said, "We hope to have the land use element completed before the moratorium is lifted. If I may add to what Steven just presented to the Commission. The fifth scenario is a scenario that includes our 2020 future land use map. It is just scaled back 30 years. What we have done is just looked at the existing satellite communities. We're trying to take the pressure off of the valley. By doing so we recognize that we do have to place pressure somewhere else in the County and the east mesa and the west mesa with those existing communities and how they are developing is the most rational place to put the growth and urbanize those satellite communities a little bit more so that the pressures from the valley will be released. In doing so we recognize that it is not perfect, but it is probably the best and the most rational solution to the problem."

Steven Bernstein said it was very important for him to continue to help Steven Chavez and the Valencia County Steering Committee. He said they are looking at a workshop that they are calling a listening session. They would like all Commissioners to attend. It will be held on August 25th from 7:00 PM to 9:00 PM at the City of Belen Council Chambers. On October 14th there will be another forum where they will have the elected officials as the centerpiece of the discussion. They will be inviting some of the other people who have been participants and stake holders in the process. It will be in Albuquerque, however the place has not been decided. At the end of November they are planning an electronic Town Hall Meeting televised. They are trying to get Channel 13 to help broadcast that. The next day they will have another session with just elected officials as the main participants.

Chairman Aguilar said she is excited and pleased about this because in the past with the MRGCOG there was a representative from each municipality, but the rest were kind of left in the dark. MFGCOG has changed that.

{E} APPROVAL OF MCH COUNCIL ROSTER

Leona Woelk stated this is an annual process, which must be completed for Maternal Child Health Contract compliance. They have been submitting this roster to the Board of Commissioners for approximately seven years for approval. Any community member can participate in the MCH Council as an approved member as long as their name is submitted to the Board annually. It is an open process.

Commissioner Helen Baca made a motion to approve the MCH Council Roster. Commissioner Al Padilla seconded the motion. Motion carried. **{See Exhibit F}**

Commissioner Frank Pando was absent for this vote.

{F} TOME HILL PHASE V/Professional Services Agreement/Construction Management

Jacqueline Guilbault with Valley Improvement Association presented the Professional Services Agreement for Construction Management for construction of Tome Hill Park, Phase V of Tome Hill Pathways. She thanked the Commission for their participation in this project.

Commissioner Al Padilla made a motion to approve the Professional Services Agreement for Construction Management. Commissioner Helen Baca seconded the motion. Motion carried. **{See Exhibit G}**

Chairman Alicia Aguilar said Steve Bernstein is now in the audience. He will report on Item D.

{G} PUBLIC HEARING/FINAL APPROVAL/EMS ORDINANCE

Valencia County Fire Marshal John Cherry said this is the second public hearing on the EMS Ordinance. He did meet with Mr. Garde on July 30th and they did make some changes on the proposed ordinance. The biggest change was made in Section 4, at Mr. Garde's recommendation they renamed Section 4. It was previously named (Impact Fees) and it is now (Reimbursement Cost). Mr. Cherry then read the paragraph, "A reimbursement fee for materials provided by the Fire Department and Rescues (FDR) to the certified ambulance service shall be twenty five (25.00) dollars per transport on all calls originating or terminating in the County. This reimbursement shall be imposed in which the County fire departments and rescue (FDR) are the initial response team. Fees for material that are in excess of twenty five dollars that have been incurred by the County FDR shall be billed to the appropriate certified ambulance payable within thirty days of billing. This reimbursement fees shall be deposited in the FDR fund."

Steven Chavez said, "I still believe that this is an Impact Fee. It's just disguised as a reimbursement cost. I think the only way to do this is to rationally relate the cost to what is actually being expended and to do that it has to be a true reimbursement cost. The language in Section 4 should, anywhere that it says, "fee" be changed to cost. The Commission may not want a fee in a set amount. It would probably be more rationally related if it weren't attached to a fee rather than a cost itself. It should be for reimbursement cost and the EMS Director should determine how much that cost is on a per transaction basis, rather than set a transactional fee."

Chairman Alicia Aguilar said, "I respect Mr. Chavez' opinion and what he is mentioning to us. I'm not sure what the answer is, but it was discussed at a previous meeting and the clause was provided to us by Tom Garde."

John Cherry said he did not believe that this has to be the final hearing, maybe we can table this item until the next Commission Meeting.

Commissioner Al Padilla made a motion to table this item until the next meeting. Commissioner Eloy Giron seconded the motion. Motion carried.

Commissioner Frank Pando left the meeting.

{H} PUBLIC HEARING/Property Moratorium on Lot Splits (3 or more)

Mike McCartney said this is the first hearing to place a moratorium on lot splits of 3 or more (summary reviews) within the unincorporated jurisdiction of the Valencia County Board of County Commissioners until November 15, 1999, with a provision that the moratorium be extended for another 90 days if necessary.

**{I} REQUEST FOR APPROVAL/Findings of Fact and Conclusion of Law
Curfman Estates and Sant-tana Estates**

Mike McCartney said, "You have before you the Findings of Fact and Conclusion of Law that were put together by the County Planner, the County Attorney and myself and the testimony that was provided at the different hearings. All we need is approval of these at this time so that they will be a matter of public record."

Commissioner Eloy Giron made a motion to approve the Findings of Fact and Conclusion of Law for Curfman Estates. Commissioner Helen Baca seconded the motion. Motion carried.

Commissioner Eloy Giron made a motion to approve the Findings of Fact and Conclusion of Law for Sant-tana Estates. Commissioner Al Padilla seconded the motion. Motion carried. **{See Exhibit H}**

{J} TIERRA BONITA/Acceptance of Award

Robin Ver Eecke presented the award to the Commission that Tierra Bonita won for the first place in the County category from New Mexico Clean and Beautiful. There were six or seven Counties that applied for the award and Valencia County won first place, in addition to that they presented an award called the Truett Gill Award for Excellence of Program. They have not given it to the Counties before and this year they opened it up to everybody. This year Tierra Bonita won the Truett Gill Award for Excellence.

{K} TIERRA BONITA/1999-2000 Board Members

Robin Ver Eecke presented the 1999-2000 Board of Directors for Tierra Bonita for Commission approval.

Commissioner Eloy Giron made a motion to approve the Board of Directors list as submitted by Robin Ver Eecke. Commissioner Al Padilla seconded the motion. Motion carried. **{See Exhibit I}**

Commissioner Eloy Giron made a motion to convene as the Indigent Board. Commissioner Al Padilla seconded the motion. Motion carried.

{L} RESOLUTION/Amending Valencia County Indigent Hospital Claims Program

Barbara Baker presented Resolution 99-36 for Commission approval. It is a resolution approving a change to Section 10, G, 1,2 of the Valencia County Indigent Hospital Claims Program to read as follows:

The maximum amount to be paid for each approved ambulance claim will be on a mileage basis only up to \$550.00 with a three (3) trip limit per patient per twelve (12) month period. (Example: \$550.00 times three (3) trips = \$1,650 which would be the maximum paid for service per twelve (12) month period.)

Commissioner Eloy Giron made a motion to approve Resolution 99-36. Commissioner Helen Baca seconded the motion. Motion carried. **{See Exhibit J}**

Chairman Alicia Aguilar requested that Resolution 99-36 be listed as an amendment to Resolution 94-33 so that there will be documentation on the amendment.

{M} INDIGENT REPORT

Barbara Baker presented the Indigent Report for June 24, 1999 to July 22, 1999. The total amount of claims submitted is \$83,002.64. She asked approval of \$65,236.99 and to deny \$17,765.65.

Commissioner Eloy Giron made a motion to approve the Indigent Report as presented. Commissioner Al Padilla seconded the motion. Motion carried. **{See Exhibit K}**

Carlos Montoya stated, "In regards to the Indigent, we are still having a little bit of problem as far as the jail is concerned and our inmates not signing the proper documentation. By not signing the proper documentation, Barbara won't pay for the medical expenses. The General Fund has to pick up all of that cost. I think if there could be a little coordination between Barbara and the jail with a form that gets signed by every inmate that comes in whether he's county resident or not so that it can be a part of the procedures and that form will be part of the permanent file of the inmate. What is happening is the people in the jail are not filling out the indigent form that Barbara provides them and Barbara is refusing to pay because of this form. I brought this to the attention of the County Manager and Edwin Esquibel and Anne Jojola. This has been going on for nine months. Barbara has a healthy fund and indigent is set up to help indigent people."

Chairman Alicia Aguilar said, "Mr. Fernandez can you get together with Mrs. Baker and look at this. It seems that it is a policy issue and if we need to amend the policy, if you could bring that to this Commission at the next meeting, then we can review it and implement it."

Commissioner Helen Baca made a motion to reconvene as the Board of County Commission. Commissioner Eloy Giron seconded the motion. Motion carried.

{N} COUNTY MANAGER'S REPORT

County Manager James Fernandez reported on the following items:

- Will be in contact with DFA to get clarification as to the ability of this Board to contribute to both the Boys and Girls Club and YDI.
- The final walk through on the El Cerro Community Center will be on Wednesday at 11:00 AM. Mr. Fernandez invited any Commissioner to attend.
- In the past a heating and cooling specification has been developed for the jail and the Sheriff's Office, but they have not been followed through on. They are in the process of being updated so that they can go out for bid on a system for the jail as well as the Sheriff's Office.
- Mr. Montoya, Steven Sanchez and Mr. Fernandez have been meeting with Mr. Medalie on a facility that he is proposing to sell to the County. Mr. Medalie asked that this information be presented to the Commission. He owns the Pet Crematorium known as PetVista. He is looking at the possibility of selling the facility to the County to deal with some of the problems that the County has been having with animal control. Chairman Aguilar asked if the County houses animals for Belen, Los Lunas and Bosque Farms and if they do, is the County compensated for housing their animals.
- The County Manager said that leads to the next item, which is a Joint Powers Agreement with each of the municipalities and Isleta as it pertains to animal control. They will be sent onto each municipality for approval seeking reimbursement at increased cost to meet the increasing needs that the County is facing with this particular facility. The County is going to have to look at upgrading the present facility. Chairman Aguilar said, "I think this is where there is a lack of information to the community, when they look at Valencia County and the municipalities. We don't stand alone. Even on the adult detention facility, we take in the population from the other municipalities. Animal control is another example, there are no other facilities, and we take those in. We also cooperate with the municipalities and they cooperate with us. I think in the past there has been a lack of Joint Powers Agreements and that's what Mr. Fernandez is trying to do. We must have Joint Powers Agreements. It is not that we're going after any municipality because the practice hasn't been there is the past." The County Manager said the County needs to recoup the expenses that they are incurring. He said Mr. Sanchez said they should look into entering into an agreement with Socorro County because they make calls in the Veguita, Las Nutrias area.
- Mr. Garde has given us written notice as required by his contract that he is proposing to sub-contract with Mr. Frank Salazar who is a land use attorney for litigation dealing with Bonito Land and Cattle. Chairman Aguilar said Mr. Salazar has already entered a pleading of appearance on the County's behalf. She said Commissioner Pando wanted to meet Mr. Salazar, however if he is going to charge for coming to meet the Commissioners she does not believe it is necessary to incur those costs. Commissioner Giron said he would like to meet Mr. Salazar. Chairman Aguilar said, "He is already on board and if it would be a courtesy meeting, if we are going to be paying him \$145.00 per hour from the time he leaves Albuquerque, I have to trust our attorney." Commissioner Al Padilla and Commissioner Helen Baca said they feel the same way.
- Been in the process of trying to deal with some of the residents of Highland Meadows in terms of what roads the county has been claiming maintenance miles on. The Rural Addresser and the individual who is handling the GIS Program have been out in the area mapping the roads. They will be providing the Commission with a report in terms of the road miles and what might be looked at by the Commission in the future for possible acceptance.
- Received a Memorandum from Mr. Chavez, the County Planner regarding Development Impact Fees and the request to meet with Mr. Fernandez to discuss the requirements, drawbacks and benefits. Mr. Fernandez asked for direction on whether he could proceed to meet with Mr. Chavez to see if they can develop some type of requirements so they can go out for a proposal.
- Chairman Aguilar said, "You know where my stand on this is, I think this is a wonderful tool that's out there and it can benefit all of Valencia County. On the Advisory Committee, I think there are individuals that are part of the steering committee that Mr. Chavez and yourself can pull four or five of them as the Advisory Committee because they are already informed. They have been part of the comprehensive plan and it would expedite it by doing it that way." Steven Chavez said that is a good idea. They do have to have a committee by State Law. He said charging impact fees are not an easy thing to do. He said he would like to meet with Mr. Fernandez as well as Mr. Garde. He believes once this is started it can bring in a large amount of money for the County. Commissioner Al Padilla made a motion giving direction to proceed on this issue. Commissioner Eloy Giron seconded the motion. Motion carried. **{See Exhibit L}**
- Received a call from Dennis Foltz requesting a letter of support for a resolution that was passed by MRGCOG as it deals with the Regional Concept as it deals with the

Workforce Investment Act. He said Commissioner Aguilar and himself met with individuals about two weeks ago. Chairman Aguilar said the program is where individuals are placed with businesses and get training to be placed with the workforce. The government helps with the cost. Mr. Fernandez said that MRGCOG developed a resolution stating that Valencia County, Bernalillo County, Torrance County and Sandoval County be established as a Region and be recognized by the Governor as a Region because of similarities in terms of the workforce and similarities of other issues that these four counties are dealing with. Commissioner Al Padilla made a motion to accept the resolution and send a letter of support as presented by MFGCOG. Commissioner Helen Baca seconded the motion. Motion carried.

{O} WARRANTS

Carlos Montoya presented the Warrants in the amount of \$391,338.00 for Commission approval. Chairman Alicia Aguilar questioned Check #57780 in the amount of \$238.00 to the Hispano Chamber of Commerce for Sheriff Juan Julian. She said she joined, but she paid her own membership fee.

Commissioner Eloy Giron made a motion to approve the warrants with the exception of #57780. Commissioner Al Padilla seconded the motion. Motion carried.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 16, 1999, at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

There will be a Special Meeting on August 23, 1999 at 10:00 AM regarding the Solid Waste Ordinance.

ADJOURNMENT

Commissioner Eloy Giron made a motion to adjourn the August 2, 1999, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Al Padilla seconded motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the August 2, 1999, Special Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

ss

ALICIA AGUILAR, CHAIRMAN

ss

AURELIO H. PADILLA, VICE-CHAIRMAN

ss

S. T. FRANK PANDO, MEMBER

ss

ELOY GIRON, MEMBER

ss

HELEN BACA, MEMBER

ATTEST: ss

KANDY CORDOVA, COUNTY CLERK

DATE: August 16, 1999

For an official copy of these minutes and attachments see Commission Book 35 Page 150