

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

SEPTEMBER 7, 1999

MINUTES

The Regular Meeting of September 7, 1999 was called to order by Chairman Alicia Aguilar at 9:16 AM.

PRESENT

Alicia Aguilar, Chairman
Aurelio H. Padilla, Vice-Chairman
S. T. Frank Pando, Member

Helen Baca, Member
James Fernandez, County Manager
Thomas Garde, County Attorney

Press and Public

ABSENT

Eloy Giron, Member

Kandy Cordova, County Clerk

EXECUTIVE SESSION

Paula Weathersby read the agenda for the Executive Session as presented. County Attorney Tom Garde said, "Under pending litigation, we have with us today Mr. Frank Salazar and Chris Holland. They are here to discuss the Bonito Case. I would also like to discuss a draft of the Solid Waste Contract." Chairman Alicia Aguilar said she would like to discuss some personnel issues and some potential litigation and the Adult Detention Facility. Sheriff Juan Julian said he would like to address the Commission regarding personnel issues.

Commissioner Frank Pando made a motion to approve the agenda as amended and go into Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

Chairman Alicia Aguilar said the Commissioners were in Executive Session and the only item that was discussed was the pending litigation with Bonito Land. There were other items and personnel matters, the Architect Contract, other pending litigation, the Solid Waste Contract, Sheriff Juan Julian and matters of the Adult Detention Facility. These items will be discussed at the end of the meeting.

Commissioner Frank Pando made a motion to return from Executive Session and that discussion was held only on the pending litigation with Bonito Land during the Executive Session. They will move the other items to an Executive Session to be held at the end of the meeting. Commissioner Al Padilla seconded the motion. Motion carried.

INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

Chairman Alicia Aguilar introduced County Manager James Fernandez, Commissioner Frank Pando, Commissioner Al Padilla, Commissioner Helen Baca and herself, Chairman Alicia Aguilar, Deputy Clerk Paula Weathersby, Sheryl Salas, Mike McCartney, Helen Cole, Carol Anaya, Carlos Montoya, Barbara Garcia, County Assessor Beverly Gonzales, John Cherry, Belen City Councilman Richard Jaramillo, County Planner Steven Chavez, Terry Baber, Frank Barka and Wayne Gallegos.

PLEDGE OF ALLEGIANCE

County Manager James Fernandez led the Pledge of Allegiance.

APPROVAL OF AGENDA

Paula Weathersby read the agenda as presented. Commissioner Frank Pando requested that the Architect Contract be moved from the County Manager's Report to the Executive Session. County Manager James Fernandez requested that Item E [Certification of 1999 Property Tax Rates] be moved to the last item on the agenda as the Assessor said she is waiting for the rates to be faxed to her from Santa Fe. If they do not receive the rates today, a Special Meeting will have to be held to approve the 1999 Property Tax Rates. Chairman Alicia Aguilar requested that Other Reports be added to the County Manager's Report in case the Commissioners have any questions on any other projects. Item P would be another Executive Session.

Commissioner Al Padilla made a motion to approve the agenda with the changes. Commissioner Helen Baca seconded the motion. Motion carried.

APPROVAL OF MINUTES

The Minutes of August 16, 1999 were presented for Commission approval. Commissioner Frank Pando made a motion to approve the Minutes of August 16, 1999. Commissioner Al Padilla seconded the motion. Motion carried.

The Minutes of August 23, 1999 were presented for Commission approval. Commissioner Al Padilla made a motion to approve the Minutes of August 23, 1999. Commissioner Frank Pando seconded the motion. Motion carried.

PUBLIC REQUESTS

Commissioner Frank Pando spoke to the Commission regarding the issue of the Hospital Committee. He said they have talked to a number of groups that have come before the committee. He said they had a meeting last Wednesday with Coventry Health Group out of Lubbock, Texas. They are very enthusiastic and very knowledgeable about what they are doing. He asked direction from the Commission on what they wish him to do. They have explored almost every possibility. He said, "It seems to me like the only way that this is going to become a reality is by us forming what is called a "Hospital District". That would have to go before an election of county residents. Before that can be done, we have to go out and petition the County to get 10% of the voters that voted in the last Governor's Election in the form of a petition. If that were successful, then at that time we would have an election for a Special Hospital District. At that time also we would probably have 5 members running to be a permanent part to this hospital committee board. That would have to be funded by the County."

Chairman Alicia Aguilar asked if this should be discussed under the County Manager's Report because Public Requests is for information purposes only and no decisions can be made.

Commissioner Pando said Richard Jaramillo, Diane DeBaca Luna and Dr. Gamaz are also here to speak on this issue. He said he is asking for direction from this board on whether to continue or to drop this issue.

Chairman Aguilar said, "I appreciate all of the efforts that you and the committee members have placed into the hospital issue. However, I do feel that the request should be in writing, especially if you are asking for direction, I wouldn't want us to be bound and say that we are going to do design build, or say that the County is financing a hospital, without being fully informed. I would like to hear from the other Commissioners, but me personally, I would like to see this item placed on the agenda, a proposal provided to the Commissioners informing us on who you have spoken with and what the options are and what you are asking of the County, whether it be today or two years from now. Today I'm not prepared to even respond."

Commissioner Pando said, "I was getting to that, but you didn't give me a chance. I would like to be placed on the agenda at the next regularly scheduled meeting to have the group out of Lubbock, Texas come and speak to us only as information. I don't want any action on it. I would like for the group to speak to the Commission and at that time we can make a decision to either continue or forget about it."

Commissioner Al Padilla said, "I think what you said made some sense, but I think for something like this you could have a Special Meeting because this issue is going to take some time."

Commissioner Pando said when he was appointed to this committee, he made a statement that he would keep the public fully aware of what is going on and what they are trying to do.

Chairman Aguilar said, "What I'm trying to get across is, what we ask of the public, we should ask of ourselves. The report is necessary and important, but I think it should be under either the County Manager's Report because we have already approved the agenda and not Public Requests for two minutes because if I'm limiting the public to two minutes, I think we should all abide by that rule or close to it. I think it is an important issue but I still feel, me as a Commissioner, I'm not prepared to comment because I'm not informed. I'm not willing to say design build or that the County can fund a hospital till I'm better informed."

Commissioner Pando said, "I thought that's what I was trying to do, but apparently you don't let me so I'll just be quiet. If the other members want to speak, I'd appreciate it if you would let them say a couple of words."

Richard Jaramillo said he believes in the interest of everyone he believes it was informational and maybe they can put together an informational sheet on what they have done and what their recommendation as a committee is. It can be presented to the Commission at the next meeting and can be reviewed prior to the meeting. It will include everyone they have talked to and what the best approach would be as far as feasibility and what the strategic approach would be as far as what would happen next.

Chairman Aguilar directed the County Manager to place the Hospital Committee on the agenda for the next meeting.

Diane DeBaca Luna said she is the secretary for the Hospital Committee and she will get the minutes of all of the meetings they have had by the end of the week. She said they have been working very hard on this project.

Dr. Gamaz said creating a "Hospital District" might be the way to get this project done. The Committee felt that might be the direction that we need to move forward into.

Commissioner Frank Pando thanked the people that serve on his committee. He appreciates the hard work and caring attitude that they have had in working on this project. He said this is just to make the Commission aware that they would like to make a presentation so that they can make an intelligent decision regardless of what that decision would be.

ACTION ITEMS

A) COMMUNITY REPORT/EI Cerro Mission (10 Minutes)

Clay Mansfield was not at the meeting to make this presentation.

(B) QUARTERLY REPORT/Tierra Bonita

Robin VerEecke presented the quarterly report for Tierra Bonita. She reported that Tierra Bonita received both the first place county award from the Governor's Community Achievement Award program as well as the Truitt Gill award for an excellent program from Governor Johnson.

During this period, a list of potential board members was compiled. Ted Hodoba, Steven Chavez and Debra Sanchez were the new members elected and approved by the Tierra Bonita Board at the July meeting.

Preparations were made for the Keep America Beautiful environmental education training for teachers. This is the third year Tierra Bonita has partnered with Keep Bosque Farms Beautiful to host the event at UNM-VC.

Groups to work the Valencia County Fair were advertised by the News Bulletin and the 4-H newsletter. Eight groups responded. Tierra Bonita and the Fair Board advertise in the fairbook that this is a litter free event. Car litterbags will be handed out at the gates. Waste Management donates two roll-offs, one for manure only, which will be taken to Miller's Composting on south Coors. The hired youth groups will empty trashcans, patrol the grounds for litter and remind people to keep the grounds clean.

The 1999/2000 grant was approved July 1, 1999 by DFA in Santa Fe in the amount of \$17,800.00. **(See Exhibit A)**

(C) HIGHLAND MEADOWS ROADS (10 Minutes)

Martin AcAnally said Highland Meadows is a community approximately 35 miles west of Los Lunas. There are approximately 350 families living there.

George Neal said he started a petition a couple of weeks ago and he acquired more signatures today. He presented the petition to Commissioner Pando. He said the concerns out there are basically the roads. When are they going to get them fixed and when are they going to get them maintained. He passed out a letter to the Commission outlining their concerns. They would like to have a schedule of when they will be getting their roads fixed and how long it will take. Mr. Neal asked if there was a study going on and what is happening at this point. The concerns listed in the letter are:

- Being threatened at their jobs for being absent.
- The School Bus unable to run their route and concern for the safety of the buses and the children on them.
- The problems that would arise if there were an emergency such as fire or health issues.

Mr. Neal said he would help the Commission any way he could and he thanked them for what they have already done out there. He asked that the Commission respond to him in writing on these concerns.

Chairman Aguilar said she is looking at item 3 and she directed that to John Cherry and asked Mr. Neal to provide the Commission with a plan in writing.

Commissioner Frank Pando asked Mr. Neal how long he has lived in Highland Meadows. Mr. Neal said five years. Commissioner Pando said, "When you bought your land, how was it represented to you as far as roads and so forth and so on?" Mr. Neal said, "When I first moved out there, I used to see your county road grader going up and down the roads and grading our roads. At that point I figured they were being taken care of by the County."

Helen Cole said some of the roads are listed under mileage.

County Manager James Fernandez said, "The culvert has been replaced and the repairs for that particular area since the last meeting there are basically four roads that they have indicated that the County will be accepting for maintenance, one of them being Amarillo which was formerly known as Elm, Calle del Llano which is the main entrance going into one of the areas, I believe it is about 2.7 miles, Highland Meadows Blvd. The County is not changing the road names; these roads are what the County has indicated these road names are. Initially when they were platted, they were platted with duplicate names and they had to be changed." A lady in the audience said that is not what the map says. Chairman Aguilar said, "Excuse me ma'am." The lady said, "I am fed up with you people." Chairman Aguilar said, "Excuse me ma'am, you have not addressed the Commission. Mr. Fernandez is updating us, if you wish to speak, then you can let him give his report and I'd be happy to then allow you to speak." James Fernandez said, "We have roughly a total of 5 miles of roads that we do indicate at this time that the County will be accepting for maintenance that we are verifying also with our school bus routes. They have been indicated out of the 21 bulk miles that we have been able to verify at this time that the County will be accepting. We are looking at the possibility of four others that they are verifying as to whether or not they are actually roads that are servicing individual families. That's where we are with this particular project."

George Neal said Mr. Fernandez is talking about the south side only. He said the concerns are also on the north side. They are a community that is split by the tracks. The roads on the south side are in worse condition.

The County Manager said, "The roads that specifically are on the north side of Highway 6, a lot of those lots were sold with the front footage as being owned by the owners as being part of the property. None of that has been turned over to the County so the people that bought that piece of property, they own the roadway."

Chairman Alicia Aguilar said, "There has to be an understanding that, though it may be a public road, the road may not have been accepted by the County for maintenance. That would mean that they are privately maintained roads. We did meet with the developers and my understanding from Mr. McCartney is that Mr. Samuels has come forth and he is the only one that has come to discuss the road issues. As far as your request Mr. Neal, you have provided us a memo and we will respond in writing to you." Mr. Neal said, "We understand, weather permitting, on the repairs, we understand that, but we'd like to have some kind of schedule where we can post it. We are using two places out there for posting if anybody wants to put anything out there. Our local grocery store out there, if you guys would like to put anything out there, we'd appreciate it."

Chairman Aguilar said, "One final comment is that you're asking for courtesy grades or you're asking the County to go and give you a schedule on maintaining private roads and that I would have to ask our attorney to look into that and update this Commission. There is a difference in public roads that are privately maintained and those roads have been brought up to specifications, the County has accepted for maintenance and those are the ones that we have a responsibility to

maintain. There are specifications that we have on file that we will be happy to make a copy for you. Mr. McCartney will get one for you to let you know the specifications to bring those roads up to so that the County can send the viewers out and accept them for maintenance. If they are private roads, they are privately maintained."

George Neal said the purpose of them being on the agenda today is to ask the County to put in writing their plan of action as to what is what and what is not what. They want it in writing so that they understand where they are. They want a snapshot of how they stand with the County. They want to know what road studies are being done and when they will be finished. They want to know what will be maintained and what will not be maintained. They want to know construction maintenance plans and when the county will finish. They want a schedule about that. They want consideration of the current and projected school bus routes. They want input from the members of the community into this plan and they want the plan to be published as a matter of public record. He said he can be used as liaison and post it at the store. They would like to see something within 10 days, next month or as soon as possible. They would like a status report within 10 days or by the next meeting.

Robert Coleman, Transportation Supervisor for the Los Lunas Schools said they provide transportation for approximately 120 students per day out of the Highland Meadows area. They run approximately 90 miles per day on dirt roads. They have some serious safety issues as the transportation provider for the safety of the students as the buses are traveling down the dry roads as well as when they become mudslick with rain and snow. He said it poses a danger to the students. They spend a lot of time when they go out there to get the buses that are stuck or when they slide down the bar ditches.

Chairman Alicia Aguilar asked Mr. Coleman if he had provided the County with a list of school bus routes. He said no because no one had asked him. Chairman Aguilar said she asked for one a year and a half ago.

Commissioner Frank Pando said, "I don't know how to say this nicely so I'll just say it. I really appreciate what you people are trying to do and I have a lot of admiration and respect for the people that are trying to do this. However it seems to me like, we had a meeting here about two weeks ago. These people that sold you this land don't want to be called developers, they want to be called sellers, whatever the difference is I don't know, but they don't want to be called anything but sellers. It seems to me like they have a responsibility to the consumer to at least bring the roads up to date and make them passable and get the roads up to par so that the County can accept them and maintain them. I don't think the County has any problem whatsoever in trying to get the road approved and maintained, but the seller still has the responsibility to bring them up to date. We don't have a problem busing these kids, but it is the responsibility of the developers and not the County. You are not the only ones that have bad roads. We have Sausilito Estates, we have El Cerro Mission, we have them all over the County and it is the same problem everywhere else. We have people that keep on selling and putting money in their pocket, but they are not making any effort to help the consumer. I'm on your side, I would do anything in my power to help you, but the responsibility has to go someplace and before we can accept the responsibility, the responsibility has to be placed where it belongs."

George Neal said he would like to acknowledge that work has begun on Amarillo and Calle del Llano.

Robert Samuels said, "I would like to agree with Mr. Pando that the responsibility of these roads does need to be placed on who's responsible for them and I've got documentation here from the State of New Mexico where Valencia County has been receiving money from the State dating all the way back to 1971 for maintenance on our roads out there. You guys said at our last meeting that Unit 8 was not an approved unit. I've got a map here from your office, stamped by the County, approved and I've also got documentation here as late as this year, 1999, this year you put in for 27 miles of road maintenance in Highland Meadows and all of the roads that are listed on your list of county roads for the area. There has been a lot of money received through the years that hasn't been spent on our roads and I think this pretty much says it all right there."

Bobbi Claytor said, "I live at 4 San Pablo. When I bought my property over three years ago, Mr. Richard Chavez showed me a plat and a mandate that was issued in 1955 that said the County would be responsible for all roads north of the railroad tracks. That includes every one of our roads. It doesn't include just some. I'm getting a little bit fed up with people coming out there, digging up and grading stuff that one of our homeowners spent six hours with a front loader putting dirt into the road so that it could be passable and then somebody is going to come out there and tell them to grade it down. You all don't live out there. You need to come out and see what we're dealing with and quit sitting on your behinds and making statements about what you can and can't do when it was platted and said the county would be responsible in 1955." Chairman Aguilar asked Ms. Claytor if she had a copy of the mandate. Ms. Claytor said, "Get it from Mr. Chavez."

Richard Zing said he lived on San Sebastian. He asked if there were regulations that had to be in place before they could sell the property. Chairman Aguilar said the Subdivision Regulations do not mandate that a developer has to do that.

Tom Garde said, "Part of the problem is that we have new Subdivision Regulations that went into effect three years ago. Those regulations authorized the County to basically set out standards with regards to the quality of roads in a subdivision. Unfortunately the subdivisions that were approved prior to that don't have such requirements. Basically the land seller has the responsibility to maintain the roads. If the County is to accept the roads for dedication, the roads must meet the county's specifications and in the county ordinance it sets out what those specifications are."

Mr. Zing said, "But you're saying that these specifications were not set up until three years ago. This property was developed before three years ago so what about that?" Tom Garde said, "Then, you go back to the developer." Mr. Zing asked, "Why shouldn't the County have to accept the roads if they indicated the subdivision to be sold, then why doesn't the County have to accept the roads?"

Chairman Aguilar said, "When we met with the four developers, we asked any one of them to please provide us with a copy of a plat of the entire Highland Meadows that had been approved by the County. To date I have not received that. Going back to that plat and other plats, it's specific on there where it says the roads are not accepted by the County for maintenance. We accept the plat; we accept the roads for public use, but not the maintenance. That is part of the plat approval and that goes back decades." Mr. Zing asked, "Then why do we have to pay property tax?" Chairman Aguilar said, "By law we cannot use any of your tax dollar for road maintenance, that's by law." Mr. Zing asked, "What does it go to?" Chairman Aguilar said, "We're talking about the roads now."

County Manager James Fernandez said, "Of every dollar that is collected by the County, roughly 34% stays with the County. The remainder of that goes to other entities, the school district, the State, the irrigation district, so 34 cents out of every tax dollar that the County collects for you goes to public safety, goes for the public mandated offices such as the County Clerk's Office, the Sheriff's Office, the Assessor's Office, Animal Control."

A lady in the audience said they did not receive any of those privileges because they can't have their roads fixed so they can't get in for public safety. Mr. Zing said, "There is no fire stations, there is no Sheriff's station out there so why don't we take our tax money and put it in the bank." The lady from the audience said she lost her job over the roads and asked how can she continue to pay her bills.

The County Manager said, "I was asked why portion of this went to the County and that is what I was trying to explain. 34 cents from every dollar is what remains with the County." Mr. Zing said, "I understand that sir and you did explain it, but what I am saying is the 34 cents you say goes to the police and the public fire departments. We don't receive any of that."

Chairman Aguilar said, "Before we even get down to the County level, we have to house the District Attorneys and the Judges. That's by law, the rooms, and the furnishings and in addition to that there is the Health Dept., Probation and Parole, there are 30 departments. When you go back to a development like that, what we are trying to do now is address as many of these issues. That's why we're doing a comprehensive plan where we have growth and we are now trying to say if there is going to be development there, there has to be a substation. How are we going to address crime? What we are trying to do with this Commission is play catch-up, for two decades, if we go to Highland Meadows, and I'll be honest with you, the practice was, however it got done, someone placed a phone call whether it was the developer or not and said I need this road to be graded, someone would go out there. It never came before the Commission. There are no minutes. Now, we're being told no. If it was done in the past, it can't be done that way in the future. We are being held accountable, so we're trying to address issues or practices that are decades old."

Commissioner Pando said he did not know where the 27 miles came from. They cannot find documentation as to when the roads were accepted or what condition they were in.

Chairman Aguilar said, "When we learned of this problem about two months ago, we are looking into it, as far as the culvert on Elm Street, there is a new culvert there, it has been repaired. As far as all of the roads, we have to go back and actually say what roads are there that we can look at and say they are county dedicated and correct the list that was to the State. We will correct it and that is where we are. As far as the north side and if your road is not on the list, it is a privately maintained road. Go back to your developer, the person that sold you lot."

Martin McAnally again asked for a report on what will and will not be done out there and if they could be given a time frame. Chairman Aguilar said, "Yes, we will, but let me go back and mention that the County schedules a meeting with the four developers and we also had Laguna Pueblo and they sent their Governor and many of their Council Members to a meeting. It was supposed to be a productive meeting that we were to talk to the developers about the issues and coming up with a solution. It turned out to be, someone brought in the property owners and it was more road concerns and nothing got done. We spent two hours with the same type of information. What we wanted to do was address the roads and come up with a solution and with Laguna Pueblo, see if we could develop a dialogue as to what their concerns were. They are the ones that respond in case of an emergency such as a fire. None of that got done. What we are doing, we are looking into this; we're doing our homework. We're finding out what roads are going to be maintained. We will send a letter to Mr. Neal." Mr. McAnally asked for a date on that. Chairman Aguilar said, "We've been working on it. We still have to contact the State. We have had to go back twenty years and we are having to go back to the minutes of the County Commission Meetings. I think in the next 30 days we should hear something." Mr. McAnally said in the next 30 days we should hear something from the County. Chairman Aguilar said, "We will call Mr. Neal and put it on the agenda so that it is a public record and invite you to the meeting and we can then report on our findings and have a discussion."

Sharon Little asked when the meeting was held with the developers and how many attended. Chairman Aguilar said Mr. Hammond, Robert Samuels, Fran Wood and Buddy Major and the Pueblo. James Fernandez said the meeting took place on August 24th at 10:00 AM.

Commissioner Al Padilla said, "This is for the people that are concerned about the roads, by doing these studies, within 30 days you will have something confirmed and you will be notified."

Robert Samuels said, "Can you tell us how you are going to go about confirming what roads you are going to accept?" Commissioner Padilla said, "They are doing a study right now." Mr. Samuel's said, "The way I look at it, you guys are going to accept the roads that have gravel on them and you are not going to accept the ones that don't although you've been getting money from the State for maintaining these roads for years and haven't done anything with them." Chairman Aguilar said, "You keep bringing up the State and what we have been receiving. We acknowledge that we

have, but I'm also saying that what has happened in the past maybe can't happen in the future. We became aware of this in the last few months and we are addressing it. The State is aware of it and if we have to go back and change it, we will change it." Mr. Samuel's said, "There should be enough money that has accumulated over the years, that you can do a lot with all of the roads up there." Chairman Aguilar said, "When we're talking the road money and this is only a comment, that even the tornado that happened, that affected Los Chavez, Tome, the flooding that happened in Highland Meadows, those repairs to the roads, the emergency response comes out of that fund."

Helen Cole stated, "The money from the State, we receive approximately \$500,000.00 and maybe less than that. We have 1300 miles in this county. We don't even have enough money to keep up with what we have."

Mr. Neal presented a petition to Commissioner Pando and said if he needs any help to let him know. Chairman Aguilar said, "Mr. Neal give us 30 days." **(See Exhibit B for letter and petition.)**

(D) REPORT ON CSWA MEETING/Tri-Sec/Village of Los Lunas

Phillip Jaramillo, Chairman of the Central Solid Waste Authority introduced Peter Fernandez, administrator of the Authority. He said he is the representative of the Village of Los Lunas for the Authority. He said their basic function today is to make the County aware of the Authority's intent to pursue the acquisition of the Tri-Sect Landfill. He said they want to make the information related to this issue available to the County and to ask the County if they would like to join in that effort and become a member of the Authority or if choose to not become involved in the purchase of the landfill. The Authority has negotiated with the current owners of the landfill a price, which is approximately 4.1 million dollars, with a non-refundable down payment of \$500,000.00 (Earnest Money) by September 30, 1999. Preliminary indications are that Valencia County would not be charged a fee to enter into the Central Solid Waste Authority, however this would have to be ratified by the entire membership of the CSWA.

Discussion was held on this issue. Chairman Alicia Aguilar recommended that this item be tabled until the next meeting.

Commissioner Al Padilla made a motion to table this item until the next Commission meeting. Commissioner Helen Baca seconded the motion. Motion carried.

(F) PUBLIC HEARING/FINAL CONSIDERATION/EMS ORDINANCE

John Cherry presented the EMS Ordinance for final consideration. He said he received a fax from the County Attorney on his recommendations for Section 4. Mr. Cherry read the recommendation of the County Attorney.

- **Section 4. Reimbursement Cost**

A reimbursement cost for materials provided by the Fire Department and Rescues (FDR) to the certificated ambulance service shall be paid by the ambulance service or replacement of said items used on the patient prior to transport on 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. Replacement cost shall be billed to the appropriate certificated ambulance payable within thirty days of billing. The reimbursement payment for materials shall be deposited in the FDR fund.

Chris Archuleta of Superior Ambulance expressed some concerns regarding Section 4. It was his understanding that the ambulance service would be charged for items used or they could replace the items they used. He asked the Commission to give the ambulance service the option to either be billed for the supplies or they would reimburse the fire and rescue for the supplies.

The County Attorney said they could replace the language on this section.

Commissioner Helen Baca made a motion to approve the EMS Ordinance (99-05) with Section 4 amended. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit C)**

(G) REQUEST TO PUBLISH

Amendment to Ordinance 89-05

John Cherry requested permission to publish an amendment to Ordinance 89-05 and put a Penalty Clause and a Severability Clause into the ordinance due to the fact that it cannot be enforceable at this time.

Commissioner Frank Pando made a motion to allow the publication of the amendment to Ordinance 89-05. Commissioner Helen Baca seconded the motion.

County Attorney Tom Garde said he would prefer that it be advertised as a new ordinance and repeal Ordinance 89-05.

Commissioner Frank Pando withdrew his motion. Commissioner Helen Baca withdrew her second to the motion.

Commissioner Frank Pando made a motion to repeal Ordinance 89-05 and to allow the publication of a new Ordinance Providing for Pre-Hospital Emergency Care of Sick and Injured Persons. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit D)**

(H) APPROVE RESOLUTION FOR BANC ONE LEASING CORP.

John Cherry presented a resolution for the lease purchase of fire apparatus. There will be two, one ton trucks 4X4 that go to the Rio Grande Estates Fire Department and one tanker that will go to the Los Chavez Fire Dept. Mr. Cherry said this is the customary resolution and will allow the Road Dept. to fall in with Banc One Leasing if they so desire.

Chairman Alicia Aguilar asked the County Manager if they needed to go out for RFP's in order to acquire financing because of the dollar amount. James Fernandez said in conversation with

the County Auditor he indicated that if the financing is over \$10,000.00, they do have to go out for RFP's. John Cherry said he did discuss this with Mr. Gaylord. He said this issue was already in the process and Mr. Gaylord recommended that they go out for RFP for future lease purchasing, but since this was in progress, they could go ahead and go with this one.

Chairman Alicia Aguilar asked if they got this recommendation in writing. Mr. Cherry said no. Chairman Aguilar said, "I would have a concern, if our auditor mentioned that to our County Manager and we seem to have conflicting information, I would be hesitant to approve something when I have been made aware that we may have to go RFP. I would prefer to have a yes or a no answer."

County Attorney Tom Garde suggested that they go out for RFP, otherwise they are going to get an audit exception on this item during the next audit.

Chairman Alicia Aguilar made a motion based on the attorney's advice and go out for RFP and be brought back to the Commission for action. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit E)**

(I) RESOLUTION TO ESTABLISH VALENCIA COUNTY FIRE CHIEF BOARD

Chairman Alicia Aguilar said the purpose of this resolution is to recognize the Chief's of each fire district, including Belen, Los Lunas and Bosque Farms. There would be seven, allowing them to have some authority to have some input on the fire districts, the ratings and the benefits to all of the citizens of Valencia County. She said the past two years she has attended the Fire Chief's Council meetings and the Chief's have some really good ideas. They are the ones that are out there and in charge of the districts and they are the ones that know what is good for their districts and for all of Valencia County. It is good to have a relationship between the Fire Marshal and the Fire Chiefs to come together and then come to the Commission.

Commissioner Frank Pando asked where does this put John Cherry. Chairman Aguilar said, "John is the Fire Marshal. What we're doing is we're saying to the Fire Council, you are a Board so you have a Chairman or a Fire Commissioner so that then the recommendations from all of the fire districts can go to the Fire Commissioner. He can then meet with the Fire Marshal and they can bring it up to the Commission so that there is a clearer funnel of information and authority."

Commissioner Pando said this Fire Commissioner would still have to be appointed. Chairman Aguilar said, "Chances are it would be one of the Fire Chiefs." Commissioner Pando said he knows in Los Lunas there is no real cooperation with the County and the Village Fire Departments. He asked if this would help with that matter. Chairman Aguilar said, "I think the problem would be alleviated. The relationship would become better with open dialogue because with Los Lunas, with having a board, they would all have input into what is going on so that if there are recommendations, they can vote on it as a board and they can document it and then provide to our Fire Marshal and bring it to the Commission so that some of these good ideas don't get lost in the cracks."

Commissioner Al Padilla said, "I think what she is trying to say is that it will work very similar to the Commissioners here when it comes to recommendations and issues and ideas. Instead of maybe one person holding power over all of them, it will be a Commission formed to toss the ideas around."

Commissioner Frank Pando said he is in favor of something like this as long as it works. He said, "It seems to me, like in the past three or four years there has been a power struggle over everything. I don't want to see this develop into another power struggle. Right now it seems like Valencia County wants to be the chief in everything sometimes. Sometimes it's Belen and sometimes it's Los Lunas or Bosque Farms. I think we all need to try to work this out together."

Terry Baber said they all ready have a Fire Chief's Council, which is explicitly identified in the resolution. They already meet for the benefit of all the residents in Valencia County. He said as far as the matter in Lakeview Acres, they have a Mutual Aid Agreement and they work together with Los Lunas. They also work with Belen and Bosque Farms. It has been that way for quite some time. One of the things they hope to accomplish is a broader expanse of empowering the Fire Chief's Council to where they can work more closely together such as in training issues. If they are able to train together it will enable them to be more effective for the residents of the different areas where they are working. He said, "One of the things that I have seen that is really important is, if any of you are familiar with the Insurance Services Office, there is a way that all fire departments are rated based on their ability to provide fire protection. That rating is a scale from 1 to 10, with 10 being no fire protection and 1 being the very best fire protection. Right now the municipalities have a Class 6 rating. The County Fire Districts have, what is called a split rating because they have so many areas that have the best fire protection and some areas that are poor as in the lack of water. By enabling this Fire Chief's Board to help make some of those decisions, we can see a potential for a number of things to occur."

"If fire department's lower their rating like Tome did a number of years ago, we went from a class 9 to a class 6, we improved the budget going into that fire department by about \$30,000.00 per year. The County, being administrator of the County budgets, benefits from that as well as the fire departments and the homeowners. Everytime we lower our ratings, they manage to pickup from 7 to 15% on savings to homeowners insurance. Right now they have Valencia-El Cerro, Tome, Los Chavez and MeadowLake that are all prepared for the highest soil evaluation. If we all pull together to achieve this, the benefit will be three fold, because the homeowners are going to save money, the fire departments are going to make some more money, which will improve our ability to provide services and it will also improve the County overall because they will be administering our funds. In a nutshell, the Fire Marshal's Office will remain the Fire Marshal's Office and John Cherry will remain the Fire Marshal. His duties as far as the Fire Marshal will not change. Some of the administrative tasks that John is burdened with will be alleviated."

Commissioner Pando asked if they make a monthly report to the different municipalities in the County. Terry Baber said they do have monthly meetings and the reports are distributed.

Chairman Aguilar said in the meetings that she has attended, they do have minutes of what they have discussed. She said, "What I see as a big advantage on this is, when they are talking

about the ISO ratings, then if they want to do that, information would come to us and we have concerns that would benefit even Highland Meadows we could talk to them so that working together as a board, they would also be able to analyze all of the equipment and how they can all respond on emergencies."

Paula Weathersby said on the second page, in the third paragraph where it says, "Whereas, the Secretary may keep minutes, and attendance records of all meetings. It may be more advisable, however, for a member of the County Clerk's staff to record and transcribe such meeting minutes. The Secretary shall keep such records as shall be deemed necessary for the proper and efficient operation of the Fire Board. The Secretary may appoint one assistant correspondence secretary." She said she did not believe a member of the County Clerk's staff would be able to keep the minutes. Chairman Alicia Aguilar said they could change the word "may" to "shall" and delete "it may be more advisable" from that sentence.

Frank Barka said, "This is to unite the Chief's and work together to plan the future of the fire departments so that we don't get left behind as the growth grows. We are already about 10 years behind the times and we need to catch up. Equipment wise we are going in the right direction, building wise we are going in the right direction, our training needs a lot of work. Working together in each district to make sure all of our equipment works together and functions together not just with Valencia County Fire Departments, but the municipalities, Socorro County, Bernalillo County and all of the other adjoining counties as well as the Indian Reservations. That is what we are trying to do so that we can focus on this and get going in the right direction."

Commissioner Al Padilla made a motion to approve Resolution 99-39, the organization of the Fire Board with the suggested changes. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit F)**

Commissioner Frank Pando made a motion to take an hour break and reconvene at 1:45 PM. Commissioner Helen Baca seconded the motion. Motion carried.

(J) ROADS REVIEWED FOR COUNTY DEDICATION

Antonia Chavez Loop & Charles E. Baca

Helen Cole said the first set of roads are in District 3. They are Antonia Chavez Loop and Juan Chavez y Baca. All of the viewers were contacted, but a report was received from only one viewer. Juan Maestas. There is also a report from the Road Superintendent and Commissioner Helen Baca. Helen Cole said, "According to the Road Superintendent and the viewer, they feel that these roads do not meet county spec.'s at this time and should be brought up before we accept them for maintenance."

Johnny Maldonado said they have been trying to get in touch with the developer, Roman J. Chavez. These roads are in P & M Farm Estates. Mr. Chavez told them to submit a petition to the Commission, however he has not complied with the regulations.

Chairman Alicia Aguilar said, "Mr. McCartney and Mrs. Cole, has the developer contacted either of you for specifications to bring it up to specs?" Mike McCartney said this is quite an old subdivision.

Chairman Aguilar asked the County Attorney if they could send Roman Chavez a letter asking him how he was going to respond and address the concerns that have been brought before the Commission.

Tom Garde said, "As long as I get a copy of the disclosure statement, we can get that accomplished."

Chairman Aguilar said, "We're giving direction to administration to contact Mr. Chavez about his responsibility on the road maintenance and to respond to us."

Helen Cole presented roads in District 4, which is Commissioner Padilla's district. They are located in Las Maravillas. The names are Pinon Avenue, Juniper Avenue, Dogwood Lane, Cliffrose Trail, Buckbrush Place, Willow Trace and Artissima Drive.

Commissioner Al Padilla said, "All of these roads, I notice the comments by the Road Superintendent and they all seem to have a question as far as the completion of bringing them up to specs. I would like to have this brought up to the attention of Sivage-Thomas Homes." Commissioner Padilla asked if the County pays for the stop signs. Helen Cole said they request that they pay for the stop signs before the roads are accepted.

Commissioner Padilla recommended that the concerns on these roads be met before they are accepted for maintenance.

Chairman Alicia Aguilar said, "Direction is given to administration to contact Sivage-Thomas Homes regarding the concerns, identify them and have them bring the roads up to specifications and have the viewers go out again and have the Road Dept. confirm that these things have been done and bring it back to the Commission for action."

(K) FINAL PLAT APPROVAL/Tome Vista Subdivision

Mike McCartney requested final plat approval for Tome Vista Subdivision. The developer is the Tome Vista Group LLC. He said this is approximately 130 acres, Southwest corner of Sec. 6; Northwest corner of Section 7; Township 6N; Range 3E; bounded by El Cerro Mission Road to the North, Van Camp Blvd. and Mission Park to the South and the above mentioned Section Line to the West. The proposed subdivision will make 612 lots.

Mr. McCartney said preliminary plat approval was given on April 5, 1999. There have been numerous meetings with Steven Chavez, the developers and Mr. McCartney. It is Mr. McCartney's opinion that Tome Vista LLC have met all of the conditions that were required of them at the April 12th meeting. He thanked Bill and Gaylord Campbell for their cooperation throughout the entire review process.

Bill Campbell III, one of the developers explained the issues that have been addressed since April.

Commissioner Frank Pando asked about the hauling of the solid waste since Valencia County no longer has an exclusive contract with a particular hauler. Mr. Campbell said Waste Management was the only one that was available at the time this plan was submitted. Chairman Alicia Aguilar recommended that there are several collector companies and the purchaser consumer is asked to make their own choice. Mr. Campbell said in having dealt with this issue on reports, they always ask for one recommendation, they do not want a vendor listing, it is up to the consumer to make their choice. The developer recommended that it be worded "Solid Waste disposal by Waste Management as recommended by the developer."

Commissioner Al Padilla made a motion to grant final plat approval for Tome Vista Subdivision. Commissioner Alicia Aguilar seconded the motion. Motion carried.

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

(L) INDIGENT REPORT & APPEAL

Barbara Baker presented the Indigent Claims from July 22, 1999 to August 26, 1999. The total amount of claims submitted is \$148,525.80. She asked the Commission to approve \$74,854.13 and to deny \$73,671.67.

Commissioner Al Padilla made a motion to approve the Indigent Report. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit G)**

Barbara Baker said she also has an appeal. The gentleman was unable to be at the meeting because he was having seizures. He asked if this issue could be rescheduled.

Commissioner Frank Pando made a motion to table the appeal. Commissioner Al Padilla seconded the motion. Motion carried.

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

(M) REQUEST FOR OUT OF STATE TRAVEL/Louisville, KY

Paula Weathersby requested permission for out-of-state travel for County Clerk Kandy Cordova to attend the IACREOT Conference in Louisville, Kentucky. The meetings will be held at the Camberley Brown Hotel on October 8th and October 9th. The cost of the trip is budgeted.

Commissioner Al Padilla made a motion to approve the out of state travel for the County Clerk. Commissioner Helen Baca seconded the motion. Motion carried.

(N) COUNTY MANAGER'S REPORT

- a. Joint Powers Agreement**
- b. Request for out of state travel/Louisville, KY**
- c. Architect Contract**

County Manager James Fernandez said in the packets there is a Joint Powers Agreement for the City of Belen for housing prisoners, the City of Belen Animal Control, the Village of Bosque Farms Animal Control, there is also a discussion copy from the Village of Bosque Farms for housing prisoners and dispatching services. He said they have been in contact with the Village of Los Lunas on animal control. The item was approved by the Village Council, but has been sent to their attorney for review and the County has not received a copy of it. Mr. Fernandez asked for approval on the Joint Powers Agreements one by one.

City of Belen -- Housing Prisoners

Commissioner Frank Pando made a motion to approve the JPA with the City of Belen for housing prisoners. Commissioner Helen Baca seconded the motion. Motion carried

City of Belen -- Animal Control

Commissioner Helen Baca made a motion to approve the JPA with the City of Belen for animal control. Commissioner Frank Pando seconded the motion. Motion carried.

Village of Bosque -- Animal Control

Commissioner Al Padilla made a motion to approve the JPA with the Village of Bosque Farms for animal control. Commissioner Helen Baca seconded the motion. Motion carried.

(See Exhibit H for all Joint Powers Agreements)

Chairman Aguilar asked Mr. Fernandez to explain the fees for public record. Mr. Fernandez said, "For the first item for the City of Belen, for prisoner care it is \$65.00 per inmate per day based on a billing cycle of 12:00 PM to 12:00 PM the following day plus a \$15.00 booking fee."

"The Joint Powers Agreement with the City of Belen for animal control, the cost is a flat fee of \$500.00 per month. For the Village of Bosque Farms animal control, the cost is a flat fee of \$250.00 per month based on the volume that Bosque Farms has. It is roughly half of the two major municipalities."

(Draft) Village of Bosque Farms -- Adult Incarceration/Dispatching/Miscellaneous Services

The County Manager said, "This is a draft of a Joint Powers Agreement. In discussions with the Village of Bosque Farms, we find that a JPA for dispatch and all of their prisoner care, which has been at the rate of \$600.00 per month, has expired. It expired on June 30, 1998."

Mr. Fernandez said they are reviewing all of the Joint Powers Agreements and they will be having discussions with the Village of Bosque Farms. He said, "One of the concerns was, and Sheriff Julian was in the meeting, was the dispatching, and even more concerned about the dispatching for the Waste Water Treatment Plant that has just opened up in Bosque Farms. The way Bosque Farms is reading this, Item B, the County agrees to accept and process any and all phone calls rendered to the phone numbers listed for the Village and any phone calls directed to the Valencia County Sheriff's Department that are intended for the Village. Sheriff Julian has concerns about this."

Sheriff Juan Julian said, "I do have concerns about this Joint Powers Agreement to the extent that we would provide service to Bosque Farms for the Water Treatment System. That means that individuals having problems with their water or sewer system in Bosque Farms would call dispatch here and we would call their officer and he, in turn would dispatch somebody to go take care of the problem. We haven't had a current agreement with Bosque Farms for over a year. I believe that this is not within our capability to put that extra burden on our dispatchers to handle this for the Village of Bosque Farms. I recommend that they get a phone number of somebody that they can contact locally. Right now we handle 15 hours out of 24 hours a day, all holidays, weekends for \$600.00 per month. I believe this is putting an extra burden, due to the number of calls that is coming in. Last month we had over 650 calls that came into Valencia County."

Chairman Alicia Aguilar asked if there was some software where it could automatically be directed to where it is supposed to be instead of 911 answering all calls. The Sheriff said he did not know if there was software available. Chairman Aguilar said, "I understand what you are telling me, but if there is software through advanced technology, I wonder if we could contact Advanced Communications to see if capability is there. I thought the capability was there for the fire departments for a nominal fee of \$150.00." The Sheriff said he wishes the County would look at a Joint Powers Agreement with the Village of Bosque Farms.

James Fernandez said they did meet with Sue Padilla as well as the Chief from the Village of Bosque Farms and there was discussion that there was existing JPA's. This is when this item came up. He said he would meet with Sue Padilla and come up with some wording that would be agreeable with the County and the Village of Bosque Farms.

Commissioner Al Padilla made a motion to table this item until the next meeting allowing Administration and the Sheriff to meet with Bosque Farms and resolve the concerns. Commissioner Frank Pando seconded the motion. Motion carried.

Request Out of State Travel

The County Manager requested permission to travel to Louisville, KY to attend the IACREOT Conference. He serves on several committees.

Commissioner Frank Pando made a motion to approve the out of state travel for the County Manager. Commissioner Helen Baca seconded the motion. Motion carried.

Engineering Services

There is a draft proposal for Engineering Services. If there are any concerns that need to be added to this proposal, it can be done. The engineering services would be used for a number of items, one being for the development of impact fees, road issues and the closure plan for the landfill.

Commissioner Frank Pando made a motion to approve going out for RFP for Engineering Services with the specific items outlined. Commissioner Al Padilla seconded the motion. Motion carried.

James Fernandez said that the existing landfill is in the process of being closed, there is a gate missing as well as a dumping tank on the particular site, they are working with EID to make sure that they have correct signage and wording that meets with their requirements. He has given Mr. Montoya direction about adding an additional gate to that area.

Chief Judges Council

Mr. Fernandez said they received draft minutes from the Chief Judges Council and the Presiding Judge, William E. Sanchez, 13th Judicial District putting the County on notice that Valencia County (13th Judicial District) is being asked for an additional full time Judge. This will probably take place within a year or so. They will need Judge's Chambers and Facilities for the new Judge.

Chairman Aguilar recommended going to the Legislature during the next session to seek funding.

The County Manager said, "Listed on the agenda was the Architectural Services Contract. That contract was for John Friedman who deals with specific projects for the County. It is not a jail contract; Nims Calvaney is the architect for the jail.

Chairman Aguilar asked the County Manager to report on the following items:

El Cerro Community Center

Mr. Fernandez said they have received a temporary occupancy certificate for the El Cerro Community Center. They are trying to get furnishings for the facility and have had a number of inquiries on the usage of the facility.

Destruction at the MeadowLake Community Center

One week ago the County Manager was notified that over the weekend the MeadowLake Community Center was vandalized. They toured the facility. The facility had been tagged, windows had been broken, and fire extinguishers had been emptied. They contracted with a private entity for cleanup. The cost was approximately \$1,097.00 and that excluded any painting of the walls. He said some items were picked up and moved rather than throwing them on the floor. Tables were tagged, TV's were tagged, and pool tables were tagged. The Senior Citizens were working on a quilt and it was picked up and placed somewhere else. Leonard Garcia, President of the Community Association has asked for a security system, but Commissioner Giron is not here to direct that the \$25,000.00 grant be used for security.

There is a deputy who lives on the premises, however it is obvious that the individuals were watching the movement of the Sheriff's Deputy and waited until he went on duty to do the damage.

Chairman Alicia Aguilar said they were negotiating the lease on the building with Kathy Chavez from YDI. They are requesting that we waive half of the rent so that she could employ additional youth. The County has already donated \$30,000.00. She said, "Lupe Garcia, with the Alternative School mentioned that she was requesting that some of the youth from the Alternative School be employed. Mrs. Garcia informed me that Mrs. Chavez had mentioned that she could have five positions and there were administrative costs. My understanding from DFA was that the \$30,000.00 had to be used for youth employment only and could not be used for administrative costs. I feel that needs to be identified. I would like to see the names of the students and maybe how much is being expended. If you agree with me then we will be in compliance."

Chairman Aguilar gave the Business Manager and the County Manager direction that the Commission wants a letter written to Mrs. Chavez denying the request and that they want a report monthly as to the students and the amount of money that is being expended and it should be used for youth employment and not administrative costs.

Chairman Alicia Aguilar said they received a letter on the ICIP Plan and it is due the end of September. Mr. Chavez prepared it last year and he does have the master copy in his computer that they can look at and make changes on instead of starting from scratch.

Chairman Aguilar said the other items to be looking at are the termination of the lease on the Motor Vehicle Building and addressing the Probation and Parole Lease. The County Manager said they have already received notice from Motor Vehicle that they are going to be sending out RFP's on rental space. They also received a visit from one of the individuals from Probation concerning their relocation. Mr. Fernandez told them that he and Mr. Montoya would be going out to see what space they are utilizing so they can verify that the proposed space will meet their needs.

Chairman Aguilar said, "Mr. Fernandez and I were invited to a meeting with Torrance, Bernalillo, Sandoval and Valencia County's on the Workforce Investment Act. The four county's have been acknowledged as one region and Bernalillo County is now looking at Valencia, Sandoval and Torrance County's signing a Joint Powers Agreement to get the ball going on this. COG is also involved in an advisory capacity only. Bernalillo County wants to come before us at the next meeting."

(O) PERMANENT CASH TRANSFERS/BUDGET INCREASES/WARRANTS

Carlos Montoya presented Resolution 99-40 for Commission approval. It is for Budget Adjustments. Commissioner Frank Pando made a motion to approve Resolution 99-40. Commissioner Helen Baca seconded the motion. Motion carried.

Carlos Montoya presented Resolution 99-41 for Commission approval. It is for Permanent Cash Transfers and a Budget Increase. Commissioner Helen Baca made a motion to approve Resolution 99-41. Commissioner Al Padilla seconded the motion. Motion carried.

Carlos Montoya presented Resolution 99-42 for Commission approval. It is for a Budget Increase. Commissioner Al Padilla made a motion to approve Resolution 99-42. Commissioner Helen Baca seconded the motion. Motion carried.

(See Exhibit I for all Resolutions)

Carlos Montoya presented the Warrants for Commission approval. Commissioner Frank Pando made a motion to approve the Warrants. Commissioner Al Padilla seconded the motion. Motion carried.

Commissioner Frank Pando asked if there was an answer on who has the responsibility of the street lights in certain areas.

Carlos Montoya said, "I have a copy of all of the utility bills. I'm just waiting on some direction on what you want me to do with them. At one time there was talk about doing a field audit. There was some discussion in last years budget, maybe hiring a part-time person to go out with a representative from PNM, especially if you look at the utility bills around the Wal-Mart Interchange. Next to the Courthouse that is our biggest expense."

Commissioner Pando said he has had a number of requests from Sicler Road for street lights. He said if we are paying for lights and they are not ours, we should take them off of our inventory and let the responsible party pay for them and give the County residents some of that.

Chairman Aguilar said, "My understanding was that, we wanted a field audit done because we needed to know what was on private property and if they are on private property they need to be removed and what the public lights are and the City of Belen has annexed the north interchange and we were paying for those lights and if in fact they are on city property, they need to be transferred over to the City of Belen. Planning and Zoning, with the addition of another clerical worker, is it possible to utilize that to do the field work. We've been asking about this for four or five months."

James Fernandez said this is an opportune time, especially with the moratorium in place.

Chairman Aguilar asked what was being done about the trash hauling contract for the Conejo Transfer Station. Carlos Montoya said it expires at the end of September. He said they were waiting for direction from the Commission.

Chairman Aguilar asked the County Attorney to check into this issue and have it on the agenda for the next meeting.

Chairman Alicia Aguilar said the Commission approved the Solid Waste Contract, but she is getting calls from the haulers regarding the \$500,000.00 Performance Bond is not a reasonable

request. She asked the County Attorney to look into the matter and if they need to amend it, it can be put on the agenda for the next meeting.

Carlos Montoya said, "We are in the 6th week of 12 weeks of removal of the pigeons. I have been assured that we have complete elimination of the pigeons."

"I talked to Larry and they have run all of the cable and telephone lines for the P & Z Building and everything is ready to go."

Chairman Alicia Aguilar had to leave the meeting for 20 minutes.

(P) CERTIFICATE OF TAX RATES

County Assessor Beverly Gonzales presented the Certificate of Tax Rates for 1999. County Manager James Fernandez explained the tax rates. **(See Exhibit J)**

Commissioner Helen Baca made a motion to approve the Tax Rates for 1999. Commissioner Frank Pando seconded the motion. Motion carried.

Commissioner Frank Pando made a motion to take a 15 minute break. Commissioner Helen Baca seconded the motion. Motion carried.

Commissioner Frank Pando made a motion to go into Executive Session. Commissioner Al Padilla seconded the motion. Motion carried.

EXECUTIVE SESSION

Commissioner Frank Pando made a motion to return from Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

Carol Anaya stated during the Executive Session discussion was held on the following personnel matters:

NEW HIRES/Pending Pre-Employment Physical/Drug Test/Alcohol Screening:	Lorenzo Mata Vincent Chacon
RESIGNATION'S:	Danny Bustamante Christopher Trujillo
END OF SEASONAL Employment:	Jason Romero
STATUS CHANGE/ With Certification STATUS CHANGE/Probationary To Non-Probationary:	Michael Gabaldon Levi Swint Flora Armijo
MATERNITY LEAVE WITH PAY:	Monica Mireles
ADMINISTRATIVE LEAVE WITH PAY:	Terri Anne Julian
RETURN FROM FAMILY MEDICAL LEAVE:	Terry Baber
SALARY INCREASE/ CERTIFICATION	Beverly Gonzales
SALARY ADJUSTMENT:	Joe Ray Carrillo

Commissioner Frank Pando made a motion to ratify action taken during the Executive Session regarding personnel matters. Commissioner Al Padilla seconded the motion. Motion carried.

County Attorney Tom Garde stated, "Under pending litigation during the Executive Session, we discussed the current lawsuit with regards to the Village of Los Lunas and the current status of that litigation. We also discussed certain issues with regards to the Solid Waste Contract that ultimately be approved at the next Commission Meeting and no action was taken on either item."

Mr. Garde said, "During the first Executive Session, we met with Frank Salazar and Chris Holland with regards to the current litigation ongoing against Bonito Land & Cattle. There is a hearing scheduled for this coming Thursday at 2:30. We discussed during that session, options that that the Commission may in fact have available to it and again no action was taken."

The County Manager said, "Under other personnel matters we did meet with Sheriff Julian on some concerns that he had. We also met with the Jail Administrator Edwin Esquibel and we will be posting a position of Asst. Jail Administrator as well as Mr. Esquibel will be updating us on the nurse's position and we will also be proceeding to post the position for a secretary. Also discussed was the Architectural Contract and I recommended to the Commission that the existing architectural contract with John Friedman be renewed for one year under the same terms as the existing contract. I would ask the Commission to ratify those."

Chairman Alicia Aguilar said, "Another direction that this Commission is giving to Administration is that we have an upcoming political year coming up and it is early on that we need to post some policy clarifications on campaigning or receiving information on County property and using County equipment." James Fernandez said, "We discussed political activity from the employees now that we're getting into the political season. We will be sending out a memo to the individual departments stating the sections of the Personnel Policy that are applicable."

Commissioner Al Padilla made a motion that these items were the only ones discussed in Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

The next Regular Meeting of the Valencia County Board of County Commission will be held on September 20, 1999, at 6:00 PM in the County Commission Room, with Executive Session to begin at 4:30 PM, at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Helen Baca made a motion to adjourn the September 7, 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 September 7, 1999, Regular 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

ELOY GIRON, MEMBER

ss
HELEN BACA, MEMBER

ATTEST: ss

KANDY CORDOVA, COUNTY CLERK

DATE: Sept. 20, 1999

For an official copy of these minutes and attachments see Commission Book 35 Page 303