

VALENCIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING

November 8, 1999

M I N U T E S

The Regular Meeting of November 8, 1999 was called to order by Chairman Alicia Aguilar at 8:42 AM.

PRESENT

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

ABSENT

Eloy Giron, Member

Helen Baca, Member
James Fernandez, County Manager
Thomas Garde, County Attorney
Kandy Cordova, County Clerk
Press and Public

EXECUTIVE SESSION

County Clerk Kandy Cordova read the agenda for the Executive Session as presented. Chairman Alicia Aguilar said Item C of the Executive Session would be Land Acquisition. The County Manager said Edwin Esquibel has been put on notice that he is expected in Executive Session.

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

Chairman Aguilar said, "Let the record show that Commissioner Giron is absent."

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

NEW HIRES:	John Elledge (pending physical and drug test)
	David Gutierrez (pending physical and drug test)
	Miriam Perez
	Laura McLemore
TEMPORARY HIRE:	Eli Perea
LEAVE WITH PAY:	Octaviano Gonzales
	Duane Campos
APPOINTMENT:	Mike McCartney appointed Department Head with Salary Adjustment

Commissioner Frank Pando made a motion to ratify action taken during the Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

Chairman Aguilar said, "Let the record show that Commissioner Giron was in Executive Session. He had to leave and will return later to the meeting."

James Fernandez said during Executive Session administration was given direction on two pieces of property, one being Pet Vista and Tri-Sect Landfill. No action was taken.

Chairman Alicia Aguilar said Edwin Esquibel from Adult Detention was called into Executive Session to discuss personnel matters. Pending Litigation was not discussed because of time. It will be placed on the agenda at the end of the meeting.

INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

Chairman Alicia Aguilar introduced the County Commissioners, Elected Officials and Staff.

Commissioner Frank Pando requested that all Veterans in the audience stand in honor of Veteran's Day.

PLEDGE OF ALLEGIANCE

All Veterans' in the audience led the Pledge of Allegiance.

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the agenda as presented. County Manager James Fernandez said an Executive Session would need to be added as Item N at the end of the meeting.

Commissioner Al Padilla made a motion to approve the agenda. Commissioner Frank Pando seconded the motion. Motion carried.

APPROVAL OF MINUTES

The Minutes of October 18, 1999 were presented for Commission approval. Commissioner Frank Pando made a motion to approve the Minutes of 10-18-99. Commissioner Helen Baca seconded the motion. Motion carried.

The Minutes of October 25, 1999 were presented for Commission approval. Commissioner Helen Baca made a motion to approve the Minutes of 10-25-99. Commissioner Al Padilla seconded the motion. Motion carried.

The Minutes of November 1, 1999 were presented for Commission approval. Commissioner Al Padilla made a motion to approve the Minutes of 11-1-99. Commissioner Frank Pando seconded the motion. Motion carried.

PUBLIC REQUESTS

Valencia County Treasurer Diana Martinez-Coplen reported on the 1999 Tax Bills. The tax bills were mailed on November 1, 1999. The first half is due December 10, 1999 and the second half is due May 10, 1999. The taxes can be paid in the Treasurer's Office. The Wells Fargo Branches in Belen, Bosque Farms, Los Lunas and Rio Communities will accept only payments made by check and not cash. First Security Bank will accept property tax payments, cash or check at any of their branch locations in Los Lunas, Belen, Albuquerque, Rio Rancho, Santa Fe and Espanola.

The County Treasurer gave a breakdown of where the tax dollars go. 10.03% goes to the Middle Rio Grande Conservancy District, 4.98% goes to the State of New Mexico, 3.45% goes to the Village of Los Lunas, 0.22% goes to the Village of Bosque Farms, 2.35% goes to the City of Belen, 24.73% goes to the Los Lunas Schools, 16.60% goes to the Belen Schools, 0.06 is for Cattle Indemnity, 7.62% goes to UNM Valencia Campus and 29.96% goes to Valencia County. **(See Exhibit A)**

Chairman Alicia Aguilar said 29 cents out of every tax dollar collected goes to the County to take care of the County budget and all of the State mandated offices and run the County's business. She said, "I think that's important for the public, because I get questions where the public feels this is the tax they pay and they think it all comes to the county and it isn't." Chairman Aguilar asked Ms. Coplen if a taxpayer disagrees with the tax assessment, what remedy is there. Ms. Coplen said they should go to the County Assessor's Office. All of the tax records come from the County Assessor. If a change needs to be made, the Assessor's Office will make the change and send it to the Treasurer's Office and the taxpayer will then be notified.

Martin Frank Kirtley spoke to the Commission regarding the conditions at the animal control facility. Chairman Aguilar told Mr. Kirtley that the Commission is looking into the situation.

ACTION ITEMS

(A) MIDDLE RIO GRANDE CONNECTION/Bridge Update

Chairman Alicia Aguilar said this is a presentation that is being done for the Commission and the public. She asked that there be no disruption and said there would be time given to ask questions after the presentation. She then introduced Tony Abbo, Project Development Engineer for the New Mexico State Highway Transportation Department and Dave Pennington, Consultant Project Manager for Parsons Brinckerhoff who made the presentation. **(See Exhibit B)**

Their presentation included slides and handouts of the Interstate 25 to NM 47 River Crossing Corridor Study.

Discussion was held with the County Commission, the County Attorney and Steven Chavez. Those participating from the audience were Fabian Padilla, Ken Copes, Jack Ferguson, Elena Sandoval, Peg Ross, Simone Seiler, Debbie Hughes, Phillip Castillo, Marcel Reynolds, John Eplen and Ronald Mansfield.

A complete study should be completed by March and a decision should be made by that time.

Mr. Pennington and Mr. Abbo said there would be a Community Open House held on Tuesday, November 9, 1999 from 4:00 PM to 8:00 PM at the Dennis Chavez Elementary School. The open house will include maps, information summary sheets and other information for each alignment alternative. There will not be a formal presentation although staff will be available to provide information and answer questions.

Commissioner Eloy Giron returned to the meeting.

(B) COLLABORATIVE ACTION TEAM

Dolores Marquez did not show up for her presentation.

(C) PUBLIC HEARING/FINAL CONSIDERATION

Valencia County Comprehensive Zoning Ordinance

Steven Chavez presented the County of Valencia Comprehensive Zoning Ordinance #99-07 for public hearing and final consideration. Mr. Chavez said there were a few changes from comments and letters he received from developers and citizens of Valencia County. He said he met with the attorney and representatives from PNM regarding utility facilities were not included in all of the districts. They agreed that all utility facilities will be "Conditional Uses" in all zones. It was done because in the past, it was required that all utility providers to go through a conditional use permit, get their public hearing, the residents would be notified and then they can deal with the design standards.

Utility facilities, in this ordinance are required to meet the design criteria in Section 1001. Utility facilities are conditional uses in all zone districts.

There has been a proliferation of joining of mobile homes in the County, merging them together to make one individual residential unit. The zoning officers have had a problem with it in the past. Many of the mobile homes that are joined don't meet building code standards and they can be dangerous to the people that are living in them. In the past they have been required to go through the conditional use permit application and get a building inspectors permit as well. Mr. Chavez read Section 909.02-E. It says, "Two or more mobile homes shall not be combined, joined, fused together, or otherwise attached for the purpose of creating, building or constructing one single residential unit without approval from the Valencia County building inspector and a conditional use permit issued from the Planning and Zoning Commission under the type B application process."

The third change is in the flood plain. He said they refer to not only the insurance rate maps, but they also refer to the FEMA Regulations. It is in the definition section.

The fourth change is under the Planned Development District, Section 804.03-A, the minimum parcel size of any PD shall be sixty-five hundred (6,500) square feet for residential uses. They wanted to create more incentive for planned development rather than in the suburban residential. They believed that the way it was written, the large developers would use the suburban residential, because of the lot size, rather than the planned development.

Section 804.03-B concerns density of development. This section has been fine-tuned this section to refer to density only as parcel sizes. It can be done either way, but they chose to leave the density calculation based on lot sizes, parcel sizes and they included residential parcels anytime they refer to density under B-1 and B-2.

There is one more minor amendment regarding signs. Mr. Chavez said in subsection F, they deleted any reference to approval with New Mexico State Highway and Transportation Dept. and they require billboards to go through the Type B application process. It is basically a conditional use process for a billboard. They go through a public hearing and the residents can be notified. The political signs can be posted 90 days before the election and must be removed ten days after the election.

The Real Estate Signs were increased to 8 feet, which is equal to what the municipality of Los Lunas is doing.

Mr. Chavez said they deleted any reference to "fencing in". "Fencing out" under State Law is acceptable.

Mr. Chavez said the zoning maps are available and there have been some minor changes to them.

Discussion was held on suggested changes with the County Commission, County Attorney, Steven Chavez, Mike McCartney and the following people from the audience: Marcel Reynolds, Dale Jones, Michael Lundmark, James Stroger, Jack Huning, Ambrose Chavez, Harvey Yates and Elliott Mabe.

Marcel Reynolds presented a graph chart that shows the distribution of farm sizes, the farm sizes in acres and how the land-pie is sliced up. The data represents distribution of farm sizes within Valencia County and is taken from County tax rolls. Farms typically are made up of parcels that qualify for special method assessment for irrigated farmland or pasture. The exclusions are the New Mexico Game Commission with 375 acres, NMSU with 87 acres, State Highway with 14 acres and the Penitentiary with 808 acres. The total acreage is 1,284. **(See Exhibit C)**

County Attorney Tom Garde stated, "There are a couple of things. This draft that is prepared before you, and I've discussed this with Mr. McCartney, what the Commission will do is, if this is approved today, we will also need an effective date, I think the recommendation from staff is that it go into effect on Wednesday. It would be reflected on the face of the ordinance. The statute provides 15 or 30 days from the date of the last publication and that would comply with the State Statute. There is one issue that this Commission needs to deal with. From the comments that I've heard, the clean-up language that Mr. Chavez has prepared, there is really not any question as far as the language. The only issue is the size of the PD lots and if the Commission wants to change the 6,500 square feet. This Commission took on a great endeavor and I think generations to come will be thanking this Commission and Mr. Chavez for the effort that they have taken in basically cleaning up all areas within this County. We've had a number of lawsuits that I think will be directly addressed and future lawsuits that will avoid situations that prior Commissions and this Commission have had to deal with. I commend this Commission and Mr. Chavez for the job that was done on this matter."

Chairman Alicia Aguilar echoed the comments of the County Attorney.

Commissioner Al Padilla thanked the public for coming in with their ideas. He said that is what it is all about, sharing ideas.

Chairman Alicia Aguilar called for a motion for approval of this ordinance with the changes. She will be asking for a break after the motion to allow Planning and Zoning an opportunity to make the changes allowing for the document to be signed today with an effective date of November 10, 1999.

Commissioner Frank Pando made a motion to approve Ordinance 99-07, making it effective November 10, 1999. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit D for the Comprehensive Zoning Ordinance. Map is also available in the Clerk's Office in Cabinet J Page 307.)**

Mike McCartney said most of the praise should go to Steven Chavez. He put in many hours working on this document that included Saturdays and Sundays. He said they could not have accomplished this task without the full support of the County Commission.

(D) EL CERRO MISSION/Clay Mansfield

Clay Mansfield said he lives in El Cerro Mission and has been there for about seven years. He said they have had several groups picking up trash in the area, but there is still a lot to do. They have a new Community Center opening soon and there will be many new people coming into the area and it is still a mess. He said there are a lot of hard working families up there that are trying to raise their families and they take pride in their homes. He said he is very concerned about the basic services in that area. They seem to go so far, but stop at a certain point. He commended Mike McCartney for all of the help he has given them. He is concerned about basic services such as emergency services. They did get road signs, which helps.

Chairman Alicia Aguilar said she has been in contact with the developers so that the roads can be brought up to specs so that the County can accept them. She said some of the roads are getting paved and there is a park being built. They are working with the schools to get a list of all of the school bus routes so they can be maintained. Mr. Mansfield said the people in El Cerro Mission want to have a nice community.

Chairman Alicia Aguilar called for a 30-minute break. The meeting will resume at 2:00 PM.

(E) QUARTERLY REPORT OF TIERRA BONITA

Robin Ver Eecke presented the quarterly report for Tierra Bonita. They hosted a Keep America Beautiful environmental education class at UNM-VC with Keep Bosque Farms Beautiful in August. There were only 8 people in attendance. They held an inservice at Desert View Intermediate with Keep Bosque Farms Beautiful in September and had 25 teachers attend.

October 8-12 Governor Johnson rode his bike from Chama to Ruidoso to bring attention to the litter problem in New Mexico. A family cleaned 4 miles of road in Los Chavez with 6 people participating using a pass to dump at the Conejo Transfer Station. Martin Romero had 25 volunteers clean almost 10 miles of Highway 47 north from Tome. John Stikar in Peralta and his wife cleaned 4 miles of road using their trash service to dispose of the bags. Tierra Bonita cleaned the bosque north of Main St. and west of the river with 17 volunteers and dumpsters donated by the Village of Los Lunas.

The City of Belen cleaned Friday, October 8th, with city officials spending half a day picking up trash and clearing weeds from the main streets. The Village of Los Lunas had a few employees and 10 youth volunteer to clean parts of Main Street and Highway 85. Manzano Vista Mid School volunteered the entire school Friday, October 15th and cleaned close to 10 miles of road. Reliable Waste donated a roll-off for the school's cleanup. Over 5,500 pounds of trash was collected in Valencia County during the month of October.

November will include Use Less Stuff Day and New Mexico Recycles Day. A chance for residents to win a house made of recycled materials in a drawing held nation wide will be available. **(See Exhibit E)**

(F) RESOLUTIONS/Naming Absentee & Early Voting Polling Locations

Valencia County Clerk Kandy Cordova presented Resolution 99-48 and 99-49 for Commission approval. Resolution 99-48 is a resolution naming absentee and early voting polling locations.

Commissioner Eloy Giron made a motion to approve Resolution 99-48. Commissioner Helen Baca seconded the motion. Motion carried.

Resolution 99-49 is a resolution naming polling locations for each precinct in Valencia County as required by New Mexico State Statute.

Commissioner Eloy Giron made a motion to approve Resolution 99-49. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit F for both resolutions)**

(G) FIRE MARSHAL'S OFFICE REPORT

County Fire Marshal John Cherry reported on the Fire Marshal's Department. The Fire Marshal oversees seven volunteer fire departments. There are a total of 10 fire station buildings. The Valencia County Fire Department has five medical rescue squads. The medical rescue squads operate with various levels of training from First Responders, EMT-Basics, EMT-I IV Tec's to Paramedics who volunteer their time with the rescue squads.

Valencia County Fire Departments have sixty-eight pieces of rolling apparatus. All fire department apparatus are paid for with the exception of six units.

All Valencia County Fire Departments are radio dispatched from the 911 center operated by the Valencia County Sheriff's Department.

The listed support truck maintains compressed air supply, restroom, portable lighting equipment, generator, and re-hab area and liquids for re-hab for the firemen on extended fire scenes. This unit is available to each fire department in Valencia County.

The Fire Marshal's Office is not establishing a data base for fire and rescue reports which in the future the office will be able to provide data such as number of emergency calls within Valencia County.

The Fire Marshal's Office has three employees, John Cherry, Terry Baber and Charles Eaton. The duties of the Fire Marshal are to conduct investigations of all structure fires and inspection of schools and businesses for the life safety code 101. **(See Exhibit G)**

Discussion was held on the newly created Fire Board and the dissention that has been caused.

Chairman Alicia Aguilar said, "I really believe that it is just a misunderstanding John. The intent was never to change your duties or put you aside. It was more to force them to work together. That was the only purpose of the Fire Board. I'll give you an example, like the Training

Facility, you could come to this Commission and that's what they would agree on. It wouldn't be my district and everyone just think about their district. It is time that we make it whole. We think of a fire department and if one needs something, maybe the others have to give for that year to help that one, but it is understood. There is dialogue that is being forced."

John said that was the original intention of the Fire Chief's Council. The municipalities of Belen and the Village of Bosque Farms said they did not want any part of the argument, so they were going to back out and that is not good for the whole community. It is not only affecting the County departments; it is affecting the mutual understanding between the departments.

Chairman Aguilar said, "It may require some clarification and the whole intent was to force the fire chiefs to work together. The Fire Dept. in Jarales has not had an OSI inspection for their rating in 12 years. My concern is to make sure that we have ratings inspections done. That would bring in additional revenue to each fire department and it would lower the insurance premiums for all residents. That needs to be prioritized that benefits everyone in the community and before each department was acting independently. This is forcing them to talk whereby they will work together."

Mr. Cherry said there is another minor problem that the County Attorney has been working on with him. There is a radio repeater site at the Tierra Grande Fire Dept. out on South Highway 47. It's for repeaters for the fire departments and the Sheriff's Dept. In the original design they hit a stumbling block on where they were going to put the tower and the antenna. It came in on an easement that they were unaware of that belongs to Plains Electric Co-op and they would not allow them to put up the original design tower. They lost coverage on the radio reception. They moved across the road and approached the Federal Aviation Agency and they are in compliance with the Fire Marshal to use their tower for the repeaters at a no cost situation. The County Attorney is reviewing that permit now and they hoped to get that signed off. It will greatly help the Sheriff's Dept. and the Fire Dept.

The Fire Marshal said they also dispatch three of the Socorro County Fire Departments, La Joya, Veguita and Abeytas in the northern end of Socorro County for emergency services. Mr. Cherry said there would be a minimal cost to move the tower.

Tom Garde said, "There was a permit process. The term of the agreement is for six years. We are trying to see if we can double the term of the agreement. Right now the problem is finding a contact person to talk to about increasing the term of the agreement.

Chairman Aguilar requested that Mr. Cherry get together with dispatch to work on a solution for the problems with 911. She said there are some issues that need to be resolved. The Fire Marshal said there would be a need in the future to hire more dispatchers. Chairman Aguilar said, "Right now it is under the Sheriff and there is a question as to whether we want to look at an administrative restructuring of that department. It's been going on and I think it needs to be addressed. I'm bringing it up because you have also brought it to my attention." John Cherry said it needs to be resolved in order to better the services.

Chairman Alicia Aguilar said, "We did have a meeting with the different department heads and Mr. Cherry was part of it and he is also in charge of emergencies working with Wayne Gallegos and we have Y2K contingency plans and for the Commission and the public, we are moving forward on that. Mr. Cherry did report on New Year's Eve and especially this year with the change in the Millennium, there will be a lot of parties going on and if there is a crisis there were some good suggestions that he brought forward."

John Cherry said the departments anticipated having their own party and opening each fire department having a potluck New Year's Eve dinner with no alcohol. This will allow all crews to be on hand in case of emergency. If there is an emergency people can come to the fire departments and get help.

(H) REQUEST APPROVAL/OUT-OF-STATE TRAVEL/Las Vegas, Nevada

Edwin Esquibel, Administrator for the Adult Detention Center requested approval for out-of-state travel to Las Vegas, Nevada to attend a two-day conference. The first day agenda is School Violence Prevention and the second day is Working with Hostile and Resistant Adolescents Using Reality Therapy. Mr. Esquibel said he believes this is a program that could be presented to the County School teachers and Administration and could be presented to students as a diversion program in an attempt to avoid the wrong path being followed. The program could also be modified to fit the adult environment.

Commissioner Eloy Giron made a motion to grant approval for the out-of-state travel for Mr. Esquibel. Commissioner Al Padilla seconded the motion. Motion carried.

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

(I) RESOLUTION

Barbara Baker presented Resolution 99-50 for Commission approval. This is a resolution for the revised Valencia County Indigent Hospital Claims Program Guidelines. The Indigent Committee worked with Mrs. Baker to strengthen the language and make the necessary changes. The major change is decreasing the amount of time a Valencia County resident and also a Valencia County inmate has legally lived in Valencia County. This was decreased to forty-five days from ninety days.

The County Attorney has reviewed and approved the changes.

Commissioner Eloy Giron made a motion to approve Resolution 99-50. Commissioner Helen Baca seconded the motion. Motion carried.

INDIGENT REPORT

Barbara Baker presented the Indigent Claims from September 23, 1999 to October 28, 1999. The total amount of claims submitted is \$88,210.39. Mrs. Baker asked the Commission to approve \$69,606.07 and to deny \$18,604.32.

Commissioner Al Padilla made a motion to approve the Indigent Report as presented. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit H for Resolution 99-50 and the Indigent Report)**

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

(J) COUNTY MANAGER'S REPORT

Notice to Deed Landfill Closure

County Manager James Fernandez said the first item on his report is notice to deed landfill closure. He said the County is required pursuant to Section 20 NMSA 9.1 New Mexico Solid Waste Regulations, paragraph 502 A-7, the owner of the landfill must include language on the landfill property deed, (A) that the land has been used as a landfill facility, (B) it's use is restricted on a post closure care requirement of the New Mexico Environment Department. That is what the County is doing with the Notice to Deed. It is indicating that in the event this property was ever sold to an individual or entity, that it was used as a landfill and there are restrictions as to what can be done with it regarding the Solid Waste Regulations. This is one of the items required with the closure plan.

Commissioner Frank Pando made a motion to approve the Notice to Deed to be recorded in the Office of the County Clerk. Commissioner Eloy Giron seconded the motion. Motion carried.

Elliott Mabe suggested that a Notice of Deed be attached to every landfill in the County. Chairman Aguilar said you couldn't do that if you do not own the property. Mr. Mabe said there was a landfill on Sandhill Rd. and everyone knew it was a landfill.

Web Site Questionnaire

County Manager James Fernandez said there is a memorandum in the packets from the Manager's Office regarding the County Web Page with a questionnaire attached. It needs to be completed and turned into his office by November 22, 1999. This is the first step in the process of establishing a web site.

They are looking at the implementation of a web site on the Internet so that they can put information about Valencia County. There will be departmental information, agenda's and other information about the Commission as well as the departments they are dealing with.

Task Order Request/Road Engineers Molzen & Corbin

The County Manager said at the request of two Commissioners, this item has been placed on the agenda as it pertains to certain roads within their districts. He introduced Kevin Eades, from Molzen-Corbin who will go over what the task order will entail and information they require and what would they request from the Commission and what they would bring back to the Commission.

Kevin Eades said he is a client manager with Molzen-Corbin and they work with the City of Las Vegas, the Village of Los Lunas, Town of Bernalillo, Tijeras, and other municipalities doing the same kind of services. He said the task order could be used as an informal contract. He will work as the liaison on it and hopefully be able to work with the County Manager and Carlos Montoya as representatives of the County. He said if one of the Commissioners has a question that will take about 15 minutes, they don't usually charge for it, however when the project takes two to three hours, they are usually billed on a general retainer bill. If it gets into 10 hours, they would like to have something more formal in place. It protects the company as well as the County.

Chairman Alicia Aguilar said, "I think what the Commission had agreed was that on any task order, it would be filled out by a Commissioner and handed to administration. Administration would then be prioritizing and making the contact with you. Any approvals or phone calls would be from administration and not the Commission directly. Just so you know that, in any billing, calls should not come from the Commissioners. We also prioritized the landfill closure and the other one was the impact fee. I think there is a third one that has to do with the fire department. " The County Manager said, "The engineering on the drainage in Rio Communities."

Mr. Eades asked if he could get some direction from the Commission to coordinate with James and Carlos to get the process in order. Chairman Aguilar said, "The final would be Mr. Fernandez, so you would work through him."

Discussion was held on stop signs or speed bumps in Commissioner Pando's district and Commissioner Giron's district.

RFP #124 Report – Lobbyist

The County Manager said the next item is the RFP for Lobbying Services. The amount budgeted for this fiscal year was \$6,000.00. Each of the individuals submitting an RFP were above that amount. He asked for direction on whether to negotiate with any of the individuals since it was an RFP or would the Commission like for them to rebid.

Commissioner Eloy Giron recommended that the County not go out to bid for a Lobbyist. He said he could not see blowing money like that.

Commissioner Al Padilla said he believed that it was necessary to have a lobbyist so that a representative would push the needs of the County.

Commissioner Al Padilla made a motion to readvertise for lobbying services. Commissioner Helen Baca seconded the motion. Motion carried. Commissioner Eloy Giron voted no.

RFP Update-Hospital Feasibility Study

The County Manager said it was a request of the Commission to establish an RFP for a Hospital Feasibility Study. There are two sample documents in your packets. One is a single page document that was basically taken from the Resolution that was adopted by the Commission and adding some additional wording to it. The other is a lengthier document and goes into more detail.

Chairman Aguilar said she would like to see something tied to the Legislature as far as the funding, disclosing to the consulting firms that the funding is going to be through Legislative Appropriation. The County Manager said it is Item #5 on the single sheet.

Commissioner Pando requested that the "type of services" be added to the list of the RFP. Chairman Aguilar said, "It says the type and size of facility needed, but you wanted, "urgent care/emergency, full medical facility" so that it is further identified."

Chairman Aguilar requested that on #5, where it says "The Valencia County Board of Commissioners will be requesting support for this study including legislative appropriation at the 2000 Legislative Session", she suggested that the word "financial" be placed between the word "requesting" and the word "support".

Commissioner Frank Pando made a motion to establish the RFP from the single sheet draft. Commissioner Eloy Giron seconded the motion. Motion carried.

5-Year Franchise Extension – Jones Intercable

The County Manager said there is a copy of the certified letter that was sent to Jones Intercable. In 1997 Jones Intercable exercised their option under Ordinance 79-02 for a five-year extension of their franchise agreement. They did send certified notice to the County at that time that this extension was at their option, the way the ordinance was written. They have given the County notice of that. The County is acknowledging the fact that they have exercised that option in accordance with Ordinance 79-02.

Quarry Road

The County Manager said they were given direction by the Commission when Mr. Mechenbier appeared before the Commission with a petition on Quarry Road. Mike McCartney and Helen Cole from the Road Department went out and looked at the road. They made a recommendation that the County not accept this road for maintenance until such time as improvements are made. They stopped after driving seven miles because they ran into a fence. The cost of improving and maintaining the road would be extreme.

Easement

James Fernandez said they received a memorandum from Michael McCartney, dated November 4, 1999. It said Steven Chavez and Mike McCartney viewed the easement regarding Timeteo Aragon and they talked to John Cherry and it is their recommendation that this easement not be abandoned. It is beneficial to the Peralta Fire Department and has been used for many years. If Mr. Aragon wishes to petition the Commission, that is his prerogative.

Commissioner Eloy Giron asked for a recommendation from the County Attorney on this issue.

Chairman Aguilar said administration was given direction to look into this issue and bring it back to the Commission. She said it is her understanding that it belongs to the fire department, but it is in front of Mr. Aragon's home and if he had it, it would give him better access or more property. The Fire Marshal says he uses it and it belongs to the Peralta Fire Department. She suggested that Steven Chavez make a report on it since he viewed the easement.

Commissioner Eloy Giron questioned the ownership of the easement. Mike McCartney said, "It is my understanding that it has been there for many years and it is even on the Conservancy Maps. We felt it wasn't the County's place to take the initiative to abandon it. I asked Mr. Cherry and it is very important to the Peralta Fire Department. In essence we felt that Mr. Aragon should be the one petitioning the County."

Commissioner Giron said he was under the impression that the legal description did not belong to the County. Mr. McCartney said it was not a county dedicated road. It could never be a county road because of the size. It is an existing easement that has been there for years. Mr. McCartney said, "I believe it is a public easement and it belongs to no one. Maybe we should ask Mr. Aragon if he is paying taxes on it."

Chairman Aguilar asked the County Attorney, "Unless it specifically belongs to the County can we initiate action for abandonment or any transfer of property to a private citizen?"

The County Attorney said, "We can't initiate it. It has to come from the citizen."

The County Manager said, "Just as a reminder, November 25th is deadline date for any haulers who wish to make application with the County for hauling contracts on solid waste. At this time we've only had one entity and that is Waste Management who has come to the County and has given us a partial file. After the 25th of November we will be going to the paper as indicated in the ordinance, to publish who is a licensed hauler within Valencia County per the ordinance and notifying that that is the entity that has applied at that time and the County is recognizing as the legitimate hauler in Valencia County."

Chairman Alicia Aguilar said the haulers were sent a certified letter because of all of meetings and public hearings that were held, making them aware that November 25th is the deadline and if they don't have an executed agreement, they are in violation.

(See Exhibit I for all presentations by the County Manager)

(K) AWARD RFP #502/Courthouse Re-Decorating Project

Carlos Montoya presented RFP #502 for the Courthouse Re-Decorating Project Phase II. This bid includes the re-roofing of the Courthouse, the enclosure of the second story and the first story, providing heating and air-conditioning for the northern end of the Courthouse, it includes re-stuccoing the outside surface of the Courthouse. It also includes landscaping.

Commissioner Helen Baca made a motion to approve RFP #502 to Vigin Contracting Services in the amount of \$247,626.25. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit J)**

(L) RESOLUTIONS

Carlos Montoya presented Resolution 99-51 for Commission approval. It is a resolution for Budget Increases.

Commissioner Frank Pando made a motion to approve Resolution 99-51. Commissioner Helen Baca seconded the motion. Motion carried.

Carlos Montoya presented Resolution 99-52 for Commission approval. It is a resolution for Intra-Budget Transfers.

Commissioner Helen Baca made a motion to approve Resolution 99-52. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit K for both resolutions)**

(M) WARRANTS

Carlos Montoya presented the Warrants for Commission approval. The warrants are for the last three weeks. The total warrants is \$523,475.00.

Commissioner Al Padilla made a motion to approve the Warrants. Commissioner Frank Pando seconded the motion. Motion carried.

Chairman Alicia Aguilar said she worked with Mr. Fernandez and Monica Mireles in getting all of the information on the Juvenile Detention Center. It was her understanding and from Attorney General's opinion that the Juvenile Detention Center could be used only as a juvenile detention center. She said, "If we ever want to use it for anything else, there is a possibility that we may have to pay back some of the funds that were obtained in building it. They were grant monies. I have sent all of the information to General Accounting Services in Washington D.C. asking for their help in seeing if we can get that changed to see if the juvenile detention center couldn't be transferred back to the County without any restrictions or letting us know what the minimal restrictions would be. I am working on that."

EXECUTIVE SESSION

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

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

County Attorney Tom Garde said during the Executive Session discussion was held on pending litigation and no action was taken.

Commissioner Frank Pando made a motion that pending litigation was all that was discussed during the Executive Session. 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 November 22, 1999, at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Al Padilla made a motion to adjourn the November 8, 1999, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Frank Pando seconded motion. Motion carried.

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 8, 1999 Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>

VALENCIA COUNTY BOARD OF COMMISSIONERS

SS

ALICIA AGUILAR, 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: Nov.22, 1999

For an official copy of these minutes and attachments see Commission Book 36 Page 11