

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

DECEMBER 13, 1999

M I N U T E S

The Regular Meeting of December 13, 1999 was called to order by Chairman Alicia Aguilar at 8:53 AM.

PRESENT

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

ABSENT

EXECUTIVE SESSION

County Clerk Kandy Cordova read the agenda for the Executive Session. Commission Frank Pando asked to discuss the attorney’s contract.

Commissioner Frank Pando made a motion to approve the agenda for the Executive Session as amended. Commissioner Eloy Giron seconded the motion. Motion carried.

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

NEW HIRES: (Pending drug test and Pre-employment physical)	Dolores Niles Robert Haas Ruben Chavez
TEMPORARY HIRE:	Tiffany Fuller
FAMILY MEDICAL LEAVE:	Steve Sanchez
TITLE CHANGE:	Steve Sanchez from Acting Animal Control Director to Animal Control Director/Supervisor
END OF SEASONAL EMPLOYMENT:	Orlando Montoya
END OF PROBATIONARY STATUS with Salary Adjustment of 30 cents	Corrine Porter
FULL-TIME to PART-TIME:	Josephine Irvin
RETURN FROM LEAVE WITH PAY	Duane Campos

Commissioner Eloy Giron made a motion to ratify the recommendations of Carol Anaya. Commissioner Al Padilla seconded the motion. Motion carried.

County Attorney Tom Garde stated, “In Executive Session we discussed current litigation with regards to Bonito Land & Livestock, we discussed the status of Equity Growth, Sant Tana, Lobo Valley, Curfman and Mariposa and no action was taken on any of those items.”

James Fernandez said, “During Executive Session administration was directed by the County Commission to go ahead and purchase Pet Vista at the cost of \$185,000.00.”

Commissioner Giron asked if a motion was needed to ratify the Commission’s agreement on the land acquisition. Tom Garde said, “The direction is to direct administration to prepare a contract for the purchase of that property.”

James Fernandez said, “In Executive Session, the Commission did give direction to administration to negotiate with the firm of Olguin and Echols on a contract price for a 30-day session as opposed to a bid. We will be attempting to negotiate with that firm to see if we can come up with a dollar amount that is acceptable.”

Commissioner Al Padilla made a motion that the discussion that was held in Executive Session was all that was discussed. Commissioner Eloy Giron seconded the motion. Motion carried.

INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

Chairman Alicia Aguilar introduced Elected Officials and County Staff as well as former State Representative Ron Gentry, Emergency Services Coordinator Wayne Gallegos, Arley Sanchez from Journal South and Kathy Saltzstein from the Valencia County News Bulletin.

PLEDGE OF ALLEGIANCE

Sheriff Juan Julian led the Pledge of Allegiance

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the agenda as presented. The County Manager said Item H (Award RFP #127 "Lobbying Services") could be deleted. That item was taken care of during the Executive Session. He also said the Warrants should be listed as Item O.

Commissioner Eloy Giron made a motion to approve the agenda as amended. Commissioner Frank Pando seconded the motion. Motion carried.

APPROVAL OF MINUTES

The Minutes of November 22, 1999 were presented for Commission approval. Commissioner Frank Pando made a motion to approve the Minutes of November 22, 1999. Commissioner Eloy Giron seconded the motion. Motion carried.

Commissioner Frank Pando asked to be placed on the agenda under Public Requests to give a report on the Hospital Committee. Chairman Aguilar said she would place it on the agenda during the County Manager's Report.

PUBLIC REQUESTS

(A) Bridge

Jim Miller spoke to the Commission regarding the proposed bridge. He opposes the bridge, but does not oppose growth. He said growth is evident but he does not see how the schools are going to be able to handle the growth in the future.

Mr. Miller called for a public meeting where ideas can be shared. It should be advertised and be a large enough meeting place to handle a large crowd. The meeting should not be changed at the last minute. It should be scheduled and all interested parties are invited. He said the community has many intelligent residents and they should use their own resources to solve this problem. If they decide "no bridge", and then they take their plan and their desires to the State level and let it be known. Mr. Miller believes this is the way to approach this problem when it impacts so many of our citizens.

(B) Burglaries in County

Mike Riddle did not show up for the meeting.

ACTION ITEMS

(A) RESOLUTION

Interim Loan Agreement

Dennis Falk presented an Interim Loan Agreement Resolution with respect to the Correctional Facility.

Kathy Sylvia from the New Mexico Finance Authority explained the Interim Loan Resolution between Valencia County and the New Mexico Finance Authority. It is for the purpose of authorizing and approving an interim loan from the New Mexico Finance Authority in an aggregate principal amount of \$1,000,000.00 to defray a portion of the costs associated with acquiring, constructing and improving an adult correctional facility for the County; instructing that County Officers take necessary action to provide long-term financing for the correctional facility project as set forth in Ordinance No. 99-01; providing for the payment of the interim loan from the proceeds of bonds to be issued by the Authority or Tax Revenues to be pledged to pay such bonds; ratifying certain action and repealing all action in conflict with this resolution.

Ms. Sylvia said they have been advised by their underwriting team that the month of December is not the month to go to the bond market because of the concerns generated by Y2K problems. They advised them to wait until January. If there are no construction draws on the Interim Loan Agreement between now and January 25th, there will be nothing to pay back.

Commissioner Al Padilla made a motion to approve the Interim Loan Agreement Resolution. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit A)**

(B) DEDICATION OF GENERAL EDWARD BACA ROAD

Richard Jaramillo, Belen Division Manager for the Middle Rio Grande Conservancy spoke to the Commission requesting the dedication for paving of General Edward Baca Road. The road is approximately three miles south of Belen and allows access to not only the Conservancy Dept., but also the Belen National Guard Armory.

Commissioner Helen Baca requested that this item be tabled to gather more information from the Road Viewers and the Road Superintendent. Commissioner Baca then made a motion to table this item until the January 10th, 2000 meeting. Commissioner Al Padilla seconded the motion. Motion carried.

(C) REQUEST APPROVAL/Road Maintenance Agreement with Cibola National Forest

John Elmquist requested approval of an annual project agreement for road maintenance with the Cibola National Forest for 7.3 miles of a county road that accesses JFK Campground.

Valencia County condemned a 60' wide right-of-way for an access road through Jesus Chavez and Odelio Baca's land to access Trigo Springs on the West Side of the Manzano Mountains in 1965. This road provides one of the few access points to National Forest Lands on the West Side of the Manzano Mountains.

The JFK Campground serves as a trailhead for Comanche, Osha, Trigo and Salas Trails. These trails are used for year round hiking and horseback riding. Dispersed camping also occurs at JFK Campground.

Valencia County has had a cooperative road maintenance agreement with the U. S. Forest Service since 1985. The last annual project agreement for maintenance of this road was in 1995. The road has

received very little maintenance since that date. Mr. Elmquist said they propose to renew the project agreement for this road to allow for better public access to the National Forest.

The County Attorney said, "This agreement is based on a 1985 agreement. I don't have a problem with the Commission accepting the agreement, but I think we need to update a 14-year old service agreement. Prior to next year's agreement, I think it needs to be reviewed and modified."

Commissioner Frank Pando made a motion to approve the Road Maintenance Agreement with the Cibola National Forest with the stipulation that the agreement will be updated next year. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit B)**

(D) Y2K CONTINGENCY PLAN IN CASE OF EMERGENCY ON 12-31-99

Larry Mervine said he has been working on this project for over a year. The software vendor (Triadic Enterprises) made the indexing records compliant. The Purchasing Dept., Payroll and Accounts Payable were done in February. In November they did the Treasurer's Dept. In September of 1998, they held a workshop and informed all of the Department Heads of the problem and asked for an inventory of their department. They turned in their inventories and began to work on a plan of attack.

Mr. Mervine said, "The President of the Association of Counties made the statement in 1998 that we are working to make governments aware that they may be liable for doing nothing to address the problem. Cities and towns are going to need to demonstrate that they took reasonable and prudent steps to bring their governments into compliance." Larry said in July, Lawrence Kaneshiro started to help him. They visited all of the departments and tested their equipment, however there are things that are beyond their control. They developed a contingency plan and on Friday they will have a meeting and Wayne Gallegos is going to work with them on a situation to see if they can solve it. There could be changes to the plan after the meeting. **(See Exhibit C)**

Chairman Alicia Aguilar thanked Wayne Gallegos for working with the County and also the media for making people aware of Y2K and what they should and should not do. She also expressed appreciation to the Elected Officials for their cooperation on this project.

County Manager James Fernandez presented Resolution 99-53 for signatures. When the original resolution was signed on November 22, 1999, there was a typographical error on it. It had 12:00 am and it should have been 12:00 PM. This is to correct that error.

Commissioner Helen Baca made a motion to approve the corrected resolution. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit D)**

(E) REQUEST APPROVAL OUT-OF-STATE TRAVEL

Animal Control Officer Rueben Aguilar to Phoenix, Arizona

Mike McCartney said this is a request for Officer Rueben Aguilar to go to Arizona for certification and continuing education of animal control.

Chairman Alicia Aguilar said, "Just for the record, he has the same last name as I do, but we are not related."

Steve Sanchez said Officer Aguilar has passed his Level One Course in the National Animal Control Association. This conference will enable him to get his Level Two Course.

Commissioner Frank Pando made a motion to approve the out-of-state travel for Rueben Aguilar. Commissioner Eloy Giron seconded the motion. Motion carried.

2000 IACREOT Mid Winter in Cleveland, Ohio

County Clerk Kandy Cordova requested approval for out-of-state travel to Cleveland, Ohio to attend the 2000 IACREOT Conference to be held January 6th through January 8th, 2000. Mrs. Cordova is a New Mexico State Director and the meeting is for Board Members.

Commissioner Frank Pando made a motion to approve out-of-state travel for the County Clerk. Commissioner Eloy Giron seconded the motion. Motion carried.

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

(F) INDIGENT REPORT & INDIGENT APPEAL

Indigent Report

Barbara Baker presented the Indigent Claims from October 28, 1999 to December 2, 1999. The total amount of claims submitted is \$115,453.00. Mrs. Baker asked the Commission to approve \$88,767.30 and to deny \$26,685.70.

Commissioner Eloy Giron made a motion to ratify the recommendation of Barbara Baker. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit E)**

Indigent Appeal

Barbara Baker said Paul Rizzo was in a motor vehicle accident. He was taken to St. Joseph's Hospital and has a bill there of \$2,440.56. Mr. Rizzo's earnings in 1998 and 1999 were above what is allowed. He was denied in October.

Commissioner Eloy Giron asked Mrs. Baker for her recommendation. She said, "My recommendation would be, I did deny it and his income is above what is allowed and I would probably still deny it."

"The bill is \$2,440.56 and he was involved in a motor vehicle accident and I don't know if there was insurance because he was with a person that he really didn't know."

Chairman Aguilar said he is over by \$90.00. Mrs. Baker said he is over for 1999 by almost \$200.00. She said she has to follow the guidelines and that is why it is up to the Commission to make a decision or make a recommendation.

Commissioner Frank Pando said he has no problem trying to help the young man, but he hates to go against Staff's recommendation. If you do it once, you will do it over and over again.

Commissioner Al Padilla made a motion to approve the request for assistance for Mr. Rizzo. Commissioner Helen Baca seconded the motion. Motion carried with Commissioner Helen Baca voting yes, Commissioner Al Padilla voting yes, Commissioner Frank Pando voting no, Commissioner Eloy Giron voting no and Chairman Alicia Aguilar voting yes.

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

(G) SIGN FINAL PLAT FOR LAS CALANDRIAS & REVIEW FINANCIAL AGREEMENT

Mike McCartney said on February 22, 1999, Las Calandrias received final plat approval. It is in the MeadowLake area in District 5. Some of the conditions that were imposed were the changing of words with regards to the age of the manufactured homes and regarding onsite construction and with regards to what a residential structure is.

There is an agreement made by Daniel L. DeMar who is the operating manager for the corporation that received approval. It will be on file in the County Clerk's Office, once the plat is signed and approved. He said this is how long it took them to get the financial agreement and meet the conditions, which were imposed.

Commissioner Eloy Giron made a motion to approve the final plat for Las Calandrias. Commissioner Al Padilla seconded the motion. Motion carried.

(H) AWARD RFP #127 "LOBBYING SERVICES"

This item was deleted as direction was given on this issue during the Executive Session.

(I) AWARD OF BID #506 BACKHOE/ROAD DEPARTMENT

Carlos Montoya presented an award of bid #506 for a Backhoe for the Road Department. There were two bids received, one from Tom Growney Equipment, Inc. in the amount of \$894.77 per month with a 30 to 45 day delivery time and one from Rust Tractor Co. in the amount of \$890.00 per month with a 2 to 4 week delivery time. The recommendation was to award the bid to Rust Tractor Co. in the amount of \$890.00 per month.

Commissioner Frank Pando made a motion to award the bid to Rust Tractor Co. in the amount of \$890.00 per month. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit F)**

(J) RESOLUTION/BUDGET ADJUSTMENTS

Carlos Montoya presented Resolution 99-54 for Commission approval. It is for Budget Adjustments on the debt service for the Correctional Gross Receipt Fund.

Commissioner Frank Pando made a motion to approve Resolution 99-54. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit G)**

(K) STREET LIGHT AUDIT

Carlos Montoya stated this is the PNM Light Audit that was requested by the Commission for Staff to perform. He commended Anne Jojola for making this report.

He explained the report as presented and discussion was held. Direction was given to contact PNM and the City of Belen to try to obtain reimbursement for bills that are still being paid by the County and should be paid by the City of Belen. There should also be a separate letter requesting reimbursement.

Discussion was held on the lights on Molina Road in Belen. Chairman Aguilar requested that they find out who requested the lights and whom are they benefiting. If the lights are benefiting one person, then that person should be paying for the light.

Commissioner Pando said he has been contacted by some of the residents of Sichler Road regarding lighting in their area. Chairman Aguilar recommended that a task order be turned into the County Manager and then the Engineer could look into the situation. **(See Exhibit H)**

(L) RESOLUTION/ Authorizing & Approving of Application Approval to the N. M. Finance Authority/Tri Sect

County Manager James Fernandez presented Resolution 99-55 for Commission approval. It is a resolution authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the purchase of Tri-Sect. There is also a copy of the application that will be submitted in the amount of \$3,500,000.00 for the purchase of Tri Sect. The total project cost is \$50,000.00 for planning and design, facility acquisition is \$3,100,000.00, and utilities are \$100,000.00 and project administration/legal fee (railroad crossing) for \$250,000.00 for a total of \$3,500,000.00

The County is proposing to pledge the Tipping Fees from Tri Sect as well as the Environmental Gross Receipts Tax if that would be required. The Gross Receipts Tax brings in approximately \$11,000.00 per month. It will be pledged as a supplemental source if needed, but they do not believe it will be needed.

Kathy Sylvia said applications should be received by December 27, 1999. You will then be blended into the overall project bill with several other projects that require legislative approval. Upon legislative approval, if the County is ready to move forward with the financing, their first meeting is in late March after the Legislative Session is over. They do not meet during the Session. They are looking at funding some time in May of 2000.

The County Manager said the earnest money the County is placing for the acquisition of Tri Sect is fully refundable in the event that the County is unable to receive financing.

Commissioner Giron said it does not say in this agreement that the \$50,000.00 is fully refundable. The County Manager said there are two separate agreements. In the purchase agreement that the County has

with the individuals who own Tri Sect, in the event that the County could not find funding, then the refund would come from them.

Tom Garde said, "This document is solely for financing, but there will be a separate document that pertains to the lease agreement together with the purchase agreement. The only connection between the two is the financing. There will be a separate document drawn up that will address your concerns."

Commissioner Frank Pando made a motion to approve Resolution 99-55 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority. Commissioner Al Padilla seconded the motion.

Mel Sisson of Superior Waste Systems stated he is concerned about the negotiations regarding the purchase of the Tri Sect Landfill. He is more concerned about the awarding of a landfill management long-term contract to Waste Management of New Mexico and tying that to the agreement. He said he believes everyone agrees that the County should own its own landfill. He said he was happy when the Central Solid Waste Authority approached Valencia County to ask them to join them in the purchase of the Tri Sect Landfill, at a price of 4.1 million dollars with a calculated dump fee of \$15.00 per ton. The Commission decided the purchase was not feasible. He said he was hopeful again when he read in the paper that the County was approached by Waste Management to again try to purchase the landfill.

He then read the list of the conditions. He said they would drop the asking price from 4.1 million to 3.1 million. They would only ask for \$50,000.00 in refundable earnest money in comparison to the \$500,000.00 they were asking prior. They would help the County find funding. They would assist in getting the required State Permits. They would agree to haul all of the trash collected in Valencia County to the landfill at a newly calculated rate. They would agree to assist the County in the management of the landfill procuring a long-term management contract.

Mr. Sissons said, "We all know that Waste Management is a large national company owned by stockholders. They are in the business of making money. They don't do anything just because they like you. None of us do, because it's a business. I wasn't sure what the catch was until I was told by the County Manager that if the County purchased the landfill, all of us haulers in the County would be required to go there and would be required to pay a rate starting at \$25.00 per ton. I expressed my concern at the time. That sounds kind of high. It makes us all question, who did the calculations that say if the authority purchases the landfill at 4.1 million and self managed it, they figured the price would be around \$15.00 per ton. If Valencia County purchases the landfill for a purchase price of 3.1 million and allows Waste Management to manage it; it is going to cost us \$25.00 per ton. It doesn't make sense. Can it be that Waste Management can afford to give a million dollars in the purchase price in order to get that and more through a very lucrative management contract of much more than it is really worth? When we were talking earlier about the cost or the money that you needed to borrow, I didn't hear it mentioned how much of it was going to go to Waste Management to manage the contract. All of these costs are going to be passed down to us haulers, to the local residents and all of the businesses in the County. I could be wrong and I could be proved wrong very easy, let's just ask these questions: 1. Would Waste Management sell to anyone for 3.1 million dollars without a management contract? 2. Would Waste Management haul all of its county generated trash to Tri Sect and pay \$25.00 per ton without a management contract? 3. Would Waste Management agree to open the management contract negotiations to competition and bid? Would Waste Management sell the landfill to any other company? We need answers to these questions."

Mr. Sisson said he is also concerned as a competitor with Waste Management having the management contract that they will use the site to store their equipment and that would be a disadvantage to the rest of the haulers. They all need to use that as a yard. That's what they do now and they should because they own it. When they are managing it, they shouldn't have access to it for that use unless all of the haulers have access to it. He said Waste Management is doing a good job in the County. This is just business. The County has to be careful. He said, "Waste Management has used that landfill as a pinch on the county for some time and they are still trying to do that. We have to look and make sure that we don't say, "the county bought the landfill", but in the process we gave Waste Management, the management where they say what it is going to cost and have a big benefit over the rest of us haulers. I would hope that because the county put down \$50,000.00 earnest money that they would not be willing to reconsider the agreement if in further thought this proves to not be in the best interest of the county residents. If so, I'm sure that Waste Management will be willing to refund the earnest money for the sake of the community relations and in their best business interests. Thank you for listening to me."

Discussion was held on where trash is taken at this time and what the price will be if this venture is successful.

Chairman Alicia Aguilar said, "We go back to when this first started, even a few years ago. At that time the County was willing to pay 6.1 million for Tri Sect. Then it got negotiated down to 4.5 million. We are the ones that went to the Authority and asked for cooperation in purchasing Tri Sect. They negotiated it at 4.1 million with \$500,000.00 non-refundable earnest money. The deal could not work unless you have volume. The Authority had said, let's base it on population. That's fine, but the County would be responsible for 60% of the debt, with no volume going there. We have done our homework. There has been a model prepared also, whether it is Waste Management or A.B.C. or Sisson himself, in managing, there is going to be a fee and in this fee it included them operating it. In the original transaction with the Authority, there would also be a million dollars for start up equipment that we do not have to pay for. In addition, there are other conditions and benefits that are just being worked on now, so that the 3.1 million was not a deal to where we said, "Waste Management lower the price and we'll give you the management fee." Both of them are separate,

but yet bringing it together. Even in checking with three counties on the north, they are all bringing in \$25.00 per ton, so that at \$24.00, the deal is not done yet. We're still working on the specifics. What we do know is that it has been offered at 3.1 million, it's \$50,000.00 earnest money, we're trying to finance it through New Mexico Finance Authority and the contract is just now being put together to address the specifics."

Commissioner Eloy Giron said, "I know there is a motion on the floor and a second, but there are still a lot of questions that I have and I haven't received any answer on. I will be asking Mr. Fernandez and I will be asking our attorney for some of these questions. It seems like we've had these problems before any of us were sitting up here. I was looking at a letter from the previous Commission and they had the same problem. I just want to make sure we cross the T's and dot the I's on this."

Commissioner Pando said this has been a headache and on everybody's shoulders. He said, "At this point in time, I think we are moving in the right direction. I'm human and if we make a mistake, please forgive me. I think Mel is mad because he's saying Waste Management is making the money and he's not making any. I don't think a deal has been worked out at this point in time, we're still working on it."

Mr. Sisson said, "I just want to compete fairly and I'm just pointing this out for the good of the County. Let's not pay more than we have to."

Chairman Aguilar said, "Let me assure you, on this Commission, whatever we've done on every issue, the County, the people have been the first that we've looked at. It has always been in their best interest and protecting them and us making the best decision and they haven't always been easy. We're still just as dedicated and we will look at this issue. Before a final decision is made, administration is gathering data for us so that we will be better informed."

Commissioner Giron said, "We are going for an application with the New Mexico Finance Authority. We're not purchasing it. I've been the most vocal on this Commission in making sure that we're not making a mistake in the County purchasing that facility. I've brought questions before the Commission. I know I was the only person opposing that property last time and it is not that I'm endorsing it now, all we have is an application before us and I'm calling for the question at this time."

Motion carried. (See Exhibit I)

(M) PRESENTATION OF AUDIT 1998/1999 FISCAL YEAR

James Fernandez presented the Independent Auditor's Report for the Fiscal Year 1998/1999 that was prepared by Gary E. Gaylord, LTD.

Discussion was held on some of the findings in the report. Chairman Alicia Aguilar said the Commission would appreciate knowing which items have been corrected and the ones that have not been corrected, direction was given to administration to notify the departments if there is a need to make a correction in their individual department and make a report back to the Commission.

Commissioner Eloy Giron made a motion to accept the Auditor's Report as presented. Commissioner Frank Pando seconded the motion. Motion carried. **(A copy of the Auditor's Report will be on file in the Office of the County Clerk)**

(N) COUNTY MANAGER'S REPORT

County Manager James Fernandez reported on the following items:

Workforce Investment Act/Letter to Mayors & Pueblo Governors

In each packet there is a letter dated December 3, 1999, addressed to the Mayor's and Governor's within Valencia County asking for their support that Bernalillo County be designated as Fiscal Agent for the Workforce Investment Act. It will allow them to receipt \$65,000.00 in transitional planning funds from the Department of Labor.

The Workforce Investment Act replaces the old JTPA (Job Training Partnership Act) and must be implemented by July 1, 2000. It is a Federal Program that will take approximately five million dollars for the region that Valencia County is in, that will be utilized for training of the work forces such as displaced homemakers, individuals who are under employed, summer youth programs, welfare to work programs, or any program that would fall under the old JTPA Program. It will require that a Board is made up of CEO's or President's of businesses, there are 19 mandated partners that must be a part of this Board. They go from education, labor, youth development, etc. 51% of this Board has to be made up of non-governmental.

It is geared toward the training of the workforce for the needs of the particular community.

Chairman Aguilar said the Workforce Investment Act was passed in Congress in 1998. The Commission didn't know about it until about 3 months ago. It mandates that the Governor appoints a Workforce Board at the State Level. At the County level, there are four regions in the State. Our region is Valencia County, Sandoval County, Bernalillo County and Tarrant County. Recommendations for the Boards come from organizations. 51% have to be from businesses. Other members will come from the likes of education. It will be tied to workforce development.

There will be an operating agreement draft to be presented at the December 20th meeting. It will give a better understanding of what this program is about.

Juvenile Probation/Relocation Plan

Mr. Fernandez said they are in the process of trying to relocate Juvenile Probation Offices to some of the vacated space in the Courthouse from the Los Lunas Hospital Training Facility. The move will save the County approximately \$24,000.00 per year in rental fees. He asked direction from the Commission on submitting a letter to the State asking that they be able to get out of the lease giving a thirty-day notice.

Chairman Alicia Aguilar said the consensus is to give direction to administration to proceed.

James Fernandez said the Juvenile Probation Office has specific equipment that must be moved and they will have to use the vendor that they are utilizing and the cost will be approximately \$5,000.00.

Y2K Public Awareness Meeting December 15th

In each packet there is a pamphlet produced by the Y2K Taskforce. They will be holding a Public Awareness Meeting on the County's Contingency Plan on December 15, 1999, from 6:30 PM to 8:00 PM.

They are hoping to have individuals from the Utility Company's as well as the Incident Commanders, Wayne Gallegos, John Cherry and other individuals who might provide assistance or information to the public. There will be a video shown that was prepared by the National Association of Counties and going over the County's Contingency Plan and some Do's and Don'ts for the public.

Request for Out of State Travel/Cleveland, Ohio

The County Manager requested out-of-state travel to attend the 2000 IACREOT Mid Winter Meeting in Cleveland, Ohio on January 6, 2000 to January 8, 2000. He also serves on the Board of IACREOT.

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

Other Matters

The County Manager said they have been dealing with the City of Belen on attempting to use their Convenience Center as a drop off center for County residents. They have written a letter to Mr. Butch Tongate, Acting Director of the Solid Waste Bureau for the State of New Mexico. The City of Belen also provided Mr. Fernandez with a copy of the letter they sent.

Mr. Fernandez said when they get a letter of approval from the Solid Waste Bureau; he will be bringing it back before the Commission and will make the public aware that they can use the Convenience Center.

The County Manager presented a draft of the Valencia County Landfill Closure Plan. He said they are in the process of reviewing it and making comments on it. They will be forwarded on to Molzen Corbin to be incorporated into the final report that will be issued to the State. A draft has been sent to the Solid Waste Bureau.

The County Manager said they have sent notification to the State of New Mexico that they will not be renewing the lease for the Motor Vehicle Department. The lease runs out on December 31, 1999, and the County has no intention of renewing that lease, however the County will provide a month to month lease until they can relocate. They will be looking into utilizing that area for County offices.

The County Manager said on November 30, 1999, they had their first annual kick-off for the United Way Program. They are looking at the fund drive to take place during the month of December. Each department has been notified of the service that is provided by United Way. The employees can pledge whatever amounts they choose through payroll deductions or make a one time pledge.

The County Manager said there are two Service Agreements that are currently pending. One is with the Pueblo of Isleta for the incarceration of their prisoners. That particular agreement ended on November 1st. They wanted to make some revisions to the agreement. Mr. Garde has reviewed the document and it has been sent back to the Pueblo for their approval. It will be brought back to the Commission when it is received.

The other Service Agreement is with the Village of Bosque Farms regarding their dispatch service. A draft document was sent to them for review. There has been nothing received back from them as of this date.

The County Manager said with any of the Service Agreements that they are working on, they are trying to establish a review policy in April of each year at Budget Hearings, so that they can all end on June 30th of each year and will no longer be staggered throughout the year.

The County Manager said the last item is they will be having their pre-closing meeting on their bonds on Tuesday, January 25, 2000 and the final closing will be on January 26, 2000.

Chairman Alicia Aguilar asked when the El Cerro Community Center would be open. James Fernandez said they purchased furniture from Correction Industries and part of it has arrived, but they are still waiting for remaining furniture. The delivery date was scheduled for December 5th, but they have not come in. They are hoping to have the grand opening in the early part of January. The WIC Offices as well as the University of New Mexico are already using the site. They are using it to teach English as a second language twice a week.

Mr. Fernandez said they would be verifying with Molzen-Corbin and with Steven Chavez what the time frame is for the implementation of the Impact Fees and what the process will be. A report will be brought before the Commission.

Commissioner Frank Pando asked for a report on a "grave yard" for mobile homes. The County Manager said it would be an agenda item in January.

(See Exhibit J for all documents presented by the County Manager)

Hospital Report

Commissioner Frank Pando said they received seven responses back on the Feasibility Study for the Hospital. The prices range from \$25,000.00 to \$90,000.00. He said he realizes that the County was responsible in getting the RFP's out and he thanked them for that. He also said he does not want to disband the Hospital Committee at this point because they have been working for over a year. He would like to set up a meeting for January 6th, 2000. The committee picked four out of the seven responses and he would like for them to come in and report to the committee so they will know what they are getting for the price. At that time he would like to ask James and Carlos to attend the meeting. He said the only reason he wants to involve the committee is because they know what to ask for. After that he said he would probably disband the committee. From that point on it will become a County Commission decision on where they want to go from there.

Commissioner Pando said, "If we do pick a group to do a study, where do we get the funding and where do we go from here?"

Commissioner Al Padilla said the County did not commit itself to pay for a study. Commissioner Pando said all that the County did was to allow them to go out for RFP's for a study. They did not commit for any money.

Chairman Alicia Aguilar said, "This is for clarification and following up on Commissioner Padilla's comment, the RFP, I thought was just to give us an idea of what the cost of the study would be. I think the next step is for the bill to be drafted and find a legislator to sponsor the bill and who is going to go to Santa Fe to testify and get the monies. That is already a few weeks away so that in selecting or interviewing the four, my recommendation would be to just wait and see how much monies you get. The road map that was drawn before the selection committee, you would want to include Belen, Bosque Farms and Los Lunas because if there is some additional funds above what the legislature is appropriating, we were going to ask them to share. This is just me, but I would like them to be a part of the process and not go to them and say we want some money for a hospital and then they say you went through the whole process and didn't include us. I'm just trying to avoid any conflict."

Commissioner Pando said, "You're wrong because we have included Los Lunas, Bosque Farms and everyone else. I have a resolution in my truck where everyone signed in support. Also the State delegations. All we are doing at this time, and this is getting me kind of in a bad mood, because everytime I try to step forward, I seem to get moved backwards. I'm not an expert at this, but I do know what works. There is no reflection on anyone here, all I'm saying is leave me alone until next month and then you can take over from there."

Commissioner Eloy Giron said, "I'm having a real big problem with this right now because we all supported Commissioner Pando. We asked him to go before the other government agencies and they all endorsed the resolution. I don't care if I upset anybody, but right now there are people on this Commission that are getting a little wishy-washy. We have a committee here that is just a dog and pony show. I mean we don't need that committee wasting their time. I was under the impression that we were going forward with this and we're going to support it after we had the other government agencies supporting us. I'm a little upset with this. We just jumped on a resolution for 3. some odd million to take care of our trash, what about \$25,000.00 to take care of our people?"

Commissioner Pando said, "With all due respect, I don't know if this Commission has looked at this as a joke or just to get in the newspaper or what, but I'm very serious about this. I feel it is something that is really needed for the community. If we are successful in obtaining funding to do this study, then we need to go forward from there. If we are going to die at the study area, then there is no sense in doing the study. I think we need to move forward past the study. I'm almost sure that we can get the funding for the study. I've talked to all of the State representative people and they are all in full support of this. We need to look past the study, because once we do the study, it is so easy to take the low bidder, but what are we getting for that? This issue is a complex issue; it is not like buying a tractor. When you go into a study like this, it is not as simple as 1. 2. 3. I'd like to have your blessing until the 6th, at that time I will be happy to turn all of the findings over to you. If you want to continue with it, it's up to you."

Chairman Alicia Aguilar said, "It wasn't that I don't support the hospital. What I was trying to do was anticipate that there wouldn't be any problems in the future and I'm looking at our jail issue to where we thought we had them and at the end something else happened. I apologize for that, but at this point, I support you wholeheartedly and if that is the direction you want to take and interview on the 6th, you've got my support."

Commissioner Pando said, "This is an issue like a jail in a sense, except everybody wants it in their back yard, where a jail no one wants it even by you. Consequently if we do have a hospital some day, and this is one of the things that the committee has worked so hard on, we can't go in and say hospital; we might not even call it that. We might call it an urgent care center, a medical facility because when you say the word "hospital" you get into some real heavy stuff that is real complicated. That is why you need to talk to the experts and see what and how they are doing it so they can educate us. When we decide on one particular outfit to do a study, then it is up to you guys and if you want them to do it. Where to get the funding, it is up to all of us. Do we want it to continue or do we drop it after the study. I'd like to continue, whatever it takes to continue for the benefit of the people."

(O) WARRANTS

Carlos Montoya presented the Warrants for Commission approval. He said there are two sets, one is for the earnest money for the landfill. Commissioner Frank Pando made a motion to approve the Warrants. Commissioner Helen Baca seconded the motion. Motion carried.

There will be a Special Meeting next Monday, December 20, 1999 at 10:00 AM with Executive Session at 9:00 AM.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on January 10, 2000, at 10:00 AM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Al Padilla made a motion to adjourn the December 13, 1999, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Eloy Giron seconded motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the December 13, 1999, Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.
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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: Jan 10, 2000

For an official copy of these minutes and attachments see Commission Book 36 Page 226