

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

JANUARY 10, 2000

M I N U T E S

The Regular Meeting of January 10, 2000 was called to order by Chairperson Alicia Aguilar at 8:45 AM.

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

EXECUTIVE SESSION

County Clerk Kandy Cordova read the agenda of the Executive Session as presented. Commissioner Al Padilla made a motion to approve the agenda of the Executive Session and go into Executive Session. Commissioner Frank Pando seconded the motion. Motion carried.

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

NEW HIRES: Pending Physical/Drug Test	Reyna Aragon Carrejo Daniel Vigil
SEASONAL HIRE:	Orlando Montoya Carlos Griego
END OF SEASONAL HIRE:	Robert Trujillo Milton Sanchez
RESIGNATIONS:	Levi Swint David Baca Marion Perez
LEAVE WITHOUT PAY: [One Month]	Paul L. Sanchez
PROBATIONARY-to-NON-PROBATIONARY/State Certification with Salary Adjustment	Julian Torrez Moises Grossette
STATUS CHANGE/Full-Time to Part-Time:	Carolyn Quintana

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

Pending Litigation

County Attorney Tom Garde stated, “During the Executive Session we discussed the lighting situation with regards to Public Service. We discussed the status with Bonito Lawsuit. We discussed the status of the Price Dudley Subdivision Administrative Appeal. We discussed the status of the Lobo Valley Lawsuit and we also advised the Commission that at the request of the administration that the road at Lobo Valley has been brought up to County standards. We also discussed the Public Records Act with regards to the Detention Center here in Valencia County. We discussed the billing by the Department of Corrections concerning a Belen Police Department prisoner. No action was taken on any of these items.”

County Manager’s Contract

County Manager James Fernandez stated, “Direction was given to administration to draw up a new contract with a 5% salary increase that would take place now and a 2% increase in July.”

Chairman Alicia Aguilar said, “It would be a total of \$3,000.00 increase now and \$2,000.00 effective July 1st if the figures work out.”

Land Acquisition

County Manager James Fernandez said, “Direction was given to administration to make a counter offer on a piece of property west of the County Courthouse. We will be sending that counter offer to the owners.

Chairman Aguilar said, “Just so the public knows, the funds that will be used to purchase that, we have asked the Legislature to sponsor legislation so it is contingent on us hopefully getting some monies from the State Legislature to buy that land.”

The County Manager said the piece of property is approximately 1.6 acres. He also said there will be a “closing” on Pet Vista on January 24th at 3:00 PM. The final documents are in the process of being prepared. One of the specific recommendations is that all debts must be paid prior to the “closing.”

The County Manager said they are in the process of working on final documents for Tri-Sect and they should be brought before the Commission on January 24th.

Chairman Alicia Aguilar requested that all cellular phones be turned off, as they interfere with the recorder.

Commissioner Frank Pando requested that Chairman Aguilar refrain from making comments regarding Tri-Sect until the media was present. He said he wholeheartedly agreed with her, but he believes this is a very important issue and should be discussed in front of the media. Chairman Aguilar said she would make her comments when the media arrived.

INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF

Chairman Aguilar introduced the County Commissioners, other Elected Officials, County Staff and members of the audience.

PLEDGE OF ALLEGIANCE

Commissioner Frank Pando led the Pledge of Allegiance.

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the agenda as presented. County Manager James Fernandez said they received one item today from Jim Miller and he would like to make it part of the record. Mr. Fernandez then read the letter into the record. **(See Exhibit A)**

Chairman Alicia Aguilar said Mr. Miller came before the Commission about a month ago. He lives off of the South El Cerro Loop. She said, “We learned about the bridge project about a year and a half ago, at which time there was a meeting at Dennis Chavez Elementary School. I attended and Commissioner Padilla attended and we were very vocal with the meeting with the Highway Dept. and also with the Council of Government. This was the first time we learned of this project and if they were going to do the study they should have public meetings prior to any decisions being made. At that time they had seven alternatives and they were going to narrow it down to four and now they have narrowed it down to two. There have been public meetings in Los Lunas, in Los Chavez, in Tome; the Highway Dept. has also met with the different groups. I have gone to Los Chavez and Tome and also talked to the different groups. I have diligently been in contact with the Highway Dept. and the consultants every step of the way. If you go back to 1988, it was Paul Gabaldon that was the Commissioner and he was the one that was in favor of a river crossing along with Max Kiehne and they were recommending the Peyton Road Crossing. During that time there was also talk where Ruben Baca was involved on a river crossing or another alternative north of Belen. This has been going on for about ten years, even though we didn’t know it. Congress did appropriate the funds. They didn’t make us aware of this. The State supported it. It is my understanding that the funds are there. The State did the study. As far as Mr. Miller, we are still insisting on public hearings being held. The Highway Dept. will be having a hearing in March to let us know about the findings from the last meeting. I’ve gone further and contacted the consultant that is doing the widening of Highway 47, out of Denver, Colorado. Commissioner Padilla and I will be meeting with him in addition to Steve Harris and several engineers from the Highway Dept. to discuss the widening of 47. My understanding is that project is in danger of not even happening any more. I’d like to know why, but my main question is, I want an update on the river, I want an update on 47 and not only on 47, but any other studies on projects that are going on in Valencia County. When we do report back to the Commission or to the public we will be able to inform them of what is going on in Valencia County as a whole. What goes on in one area impacts the other.”

“To Mr. Miller, in responding to him, I will be there on Sunday, but I think, in all fairness to his letter, we need to let the public know that this Commission has been on top of it and has been encouraging public meetings and they have been held. The Highway Dept. has been invited to address this Commission several times and there have been updates and I don’t know if Mr. Miller has attended or not.”

She thanked the media because they have been very good about notification of the meetings and keeping the public updated on what is going on.

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

APPROVAL OF MINUTES

The Minutes of December 13, 1999 were presented for Commission approval. Commissioner Eloy Giron made a motion to approve the Minutes of December 13, 1999. Commissioner Helen Baca seconded the motion. Motion carried.

The Minutes of December 20, 1999 were presented for Commission approval. Commissioner Frank Pando made a motion to approve the Minutes of December 20th with one correction. On the last sentence it says, “Chairman Frank Pando said,” and I am not Chairman. Commissioner Eloy Giron seconded the motion. Motion carried.

PUBLIC REQUESTS: At the Discretion of the Chairman, For Information Only.

Chairman Alicia Aguilar stated, “During the Executive Session, we discussed the purchase of Tri-Sect. Discussion was also held on a newspaper story that was printed regarding a letter from Los Lunas, it’s the Solid Waste Authority to Valencia County and comments from their administrator. The Commission wanted me to explain or just briefly state that the County is purchasing Tri-Sect at 3.1 million dollars. The \$24.00 per ton fee is just an approximation. The fee is based on only County volume going to Tri-Sect. We based it on the worst case scenario.”

“If you look at it originally, there was a 4.1 million dollar sales price on this and the County, according to the Authority would be responsible for 60% of the debt, and they were basing it on population.”

“The volume that the County has was not going to Tri-Sect because Waste Management was still going to continue to take their volume to their landfill in Rio Rancho. When you’re talking about a debt of approximately \$300,000.00 per year to repay, what the County did, we negotiated it and we’re not paying 4.1 million. We’re paying 3.1 million. If our initial debt was \$300,000.00 to pay back and be responsible for 60% of the debt and not have any guarantees on what volume was going there in repayment. We worked with Waste

Management and negotiated the debt down \$900,000.00, which is a savings to the taxpayers. For an additional \$30,000.00 to \$35,000.00 per year in repayment, we own the whole enchilada. If you look at it, originally it was presented to us at 4.1; we were going to be responsible for 60% of the debt with no guarantee on the volume. What we did, we just added another \$600,000.00 and we own it and we will be working with the municipalities, but at this time we’re still negotiating. We’re still working the details. That’s what our attorney is doing. The terms, the agreement will be coming back to this Commission at the next meeting on the 24th. For us to meet with the Authority now and determine prices or conditions, it’s premature. I just wanted to clarify that, because we didn’t exclude them and the fact when Waste Management came and wanted to sell Tri-Sect, they came to the County. It’s the County that said we should include the Solid Waste Authority so we ask Waste Management to make the presentation to the Solid Waste Authority.”

ACTION ITEMS

(A) RESOLUTION/Setting date, time & place of public meetings

County Manager James Fernandez presented two resolutions for Commission approval. Resolution 2000-1 is a resolution that sets the time and place of County Commission Meetings.

Commissioner Frank Pando made a motion to approve Resolution 2000-1. Commissioner Helen Baca seconded the motion. Motion carried.

Resolution 2000-2 stipulates that the Valencia County Board of Commissioners will adopt Robert’s Rules of Order as the parliamentary authority, as well as following four special rules: (1) The Chairman may vote an all issues. (2) The Chairman may make motions. (3) The Chairman may second a motion. (4) Any previously tabled agenda item that appears on a subsequent agenda is automatically untabled once the Board of Commissioners approves the agenda.

Commissioner Al Padilla made a motion to approve Resolution 2000-2. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit B for both resolutions)**

(B) 2000 HOLIDAY SCHEDULE

County Manager James Fernandez presented the 2000 Holiday Schedule for Commission approval. This Holiday Schedule parallels the State of New Mexico Holiday Schedule. The Holiday’s observed are:

Martin Luther King’s Birthday	Monday, January 17, 2000
President’s Day	Friday, November 24, 2000
Memorial Day	Monday, May 29, 2000
Independence Day	Tuesday, July 4, 2000
Labor Day	Monday, September 4, 2000
Columbus Day	Monday, October 9, 2000
Veterans’ Day	Friday, November 10, 2000
Thanksgiving Day	Thursday, November 23, 2000
Christmas Day	Monday, December 25, 2000

Commissioner Eloy Giron made a motion to approve the 2000 Holiday Schedule. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit C)**

(C) REQUEST:

Letter signed to submit with grant application for Recreational Trail

Jacqueline Guilbault presented a letter to be signed by the Chairman for submission with the grant application for a Recreational Trail. Valley Improvement Association is applying for NM Recreational Trails funds for a bicycle and pedestrian path, the Greenways. Part of this path is planned within or across Valencia County’s roads right-of-way.

The Valencia County Commission does authorize and support the grant application for these funds. VIA will provide matching funds.

Valencia County has jurisdiction over several public roads the trail will cross. The Commission has reviewed this project and approved these crossings.

The Commission agrees to provide access along and across the public roads for the recreational trail for 25 years.

Commissioner Al Padilla made a motion to approve the signing of the letter to submit with the grant application. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit D)**

(D) REQUEST SPACE FOR WIRELESS ANTENNAS

Joe Cantergiani requested that the Department of Public Safety along with the New Mexico Corrections be granted permission to place three wireless antennas on the tower outside the Sheriff’s Department. He said they discussed this issue with Fire Marshal John Cherry and Sheriff Juan Julian and were advised that Commission approval was needed.

The antennas will not conflict with the County communications because the County broadcasts at 1.55 and 1.75 Mega hertz and they will be broadcasting at 2.4 Mega hertz. They want to connect the Correctional Facility to the Probation and Parole Office and back to the main facility in Santa Fe via the State Police Network.

John Cherry said the gentlemen met with him and Sheriff Juan Julian. They discussed this issue and the frequencies are so wide spread that they do not anticipate any problems at all.

Chairman Aguilar asked if this would impact the 911 Grant. John Cherry said no it would not impact the grant at all. Chairman Aguilar asked if there was anything in the Village of Los Lunas this would interfere with. John Cherry said they might have to obtain a permit, but he is not sure about that.

Commissioner Eloy Giron asked Steven Chavez if he was aware of this. Steven Chavez said he was not, but after what he has heard today he does not believe the County Planning and Zoning Office has jurisdiction to review this, since it is a State function. Commissioner Giron asked if there was a moratorium on wireless towers right now. Steven Chavez said he did not know, however he believes the State is exempt from County regulations. If the purpose of this communications system is just for the State and for local law enforcement, then he thinks the County is exempt.

Commissioner Frank Pando said this is an existing tower and the moratorium is for new towers.

Chairman Aguilar asked the County Attorney if there would be an agreement between the Dept. of Corrections and the County, because they do have an antenna there and any maintenance coming onto County property would need to be addressed.

Tom Garde said if the Commission approved this, he recommends that a Joint Powers Agreement be drawn up to set out the perimeters of each entity's obligations under the terms of the agreement. Mr. Cantergiani said he expected that a Joint Powers Agreement would be executed.

Commissioner Eloy Giron made a motion to approve the request to place three wireless antennas on the tower outside the Sheriff's Dept. contingent on the Joint Powers Agreement. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit E)**

Mr. Cantergiani said he would get with the County Attorney to draw up the Joint Powers Agreement.

(E) HOSPITAL FEASIBILITY RFP

Dr. Manuel Gamez spoke on behalf of the Hospital Steering Committee. He said they met during the past week with two of the candidates that had placed bids for the Hospital Feasibility Study. The interviews went well and the committee ranked the two groups one and two. The results of the interviews were that the Fred Mondragon Group was ranked number one and the Sabitini Group was ranked second.

County Manager James Fernandez said for the record, there were four entities that were interviewed.

Commissioner Frank Pando said, "I don't know how you want to handle this. I realize at the time that we conducted these interviews that we were to pick two finalists, turn the names into you James and you in turn would interview them and at that point in time you would come back to the Commission with a recommendation of who we would want to award this RFP to. I realize that time is of the essence because we are asking for legislative support on this. I really don't know how you want to handle it from here."

The County Manager said, "We will do whatever the Commission directs us to do. My point was to clarify that there were four entities interviewed and not just two."

Chairman Aguilar asked who the other two entities were. Commissioner Pando said he had all of them. There was Fred Mondragon & Assoc., Becker, Perry, Sabitini, Neffi & Rachid and the other was Sandia Consultants. He said they rated the people on experience and knowledge and what they had done in the past. He said he would like to see this placed on the agenda for the 24th to award the contract, if they are going to do it. He said, "I feel I've spent a lot of time and effort on this and so has Dr. Gamez and Richard Jaramillo. There have been about 10 of us that have been involved in this from day one. If we are not going to go forward, then we might as well forget it. This hee haw of every time I open my mouth, I'm shot down on it and nobody seems to know what we're doing with it. I know what we're doing with it, but it is up to the Commission on whether they want to continue it or not. At this point in time this is a County project, it was originally thrown at me as a County project that the Commission gave me their blessings on. You can continue blessing me or tell me to quit it right now."

Commissioner Eloy Giron said, "This Commission has given Commissioner Pando direction, he has also said that to the committee and the committee has followed that direction. They came with four groups that would consider this and they have narrowed it down to two. Right now what we need is Mr. Fernandez to go ahead and sit down and continue the negotiations at the County's end. Commissioner Pando is asking for us to take action on the 24th, so it would be my recommendation, and that's in the form of a motion, that we give Mr. Fernandez direction to go ahead and negotiate with the final two entities that are involved and come back to us on the 24th with a recommendation."

Chairman Aguilar said, "Can you clarify 'negotiations'? What do you mean by that?" Commissioner Giron said, "The committee was not able to go ahead and disclose any of the contract negotiations because that has to be ratified before us. I'd like to have James go ahead and dot the I's and cross the T's on that and come back to us with a recommendation."

Chairman Aguilar said, "This is an action item today. Are you asking that it be tabled until the 24th with a recommendation from Mr. Fernandez? I'm asking for clarification."

Commissioner Giron said, "What I'd like to do in the form of a motion, go ahead and give direction to Mr. Fernandez to talk to the last two entities that the committee recommended to the County and go ahead and negotiate from there and give us a recommendation so we can take action on the 24th."

Chairman Aguilar said, "It would have to be tabled until the 24th and let Mr. Fernandez at that time, come back to us with whatever information he has and then Mr. Fernandez would get direction from the Commission as to the negotiations and how to proceed to the next level. Am I not correct?"

Tom Garde said, "It's presented on the agenda as an action item. This item would have to be tabled."

Commissioner Pando said, "The only reason we were trying to expedite this is due to the fact that we are asking for legislative money to do this, if it is even awarded. We don't know if we're going to get any. I feel like Tom because it's unfortunate that there is not enough time and James had to be out of town on other business. There is just not enough time to do what we wanted to do."

Chairman Aguilar said, "We have a motion on the floor and that is to give direction to administration to meet with the two entities and discuss, negotiate. Is that not what the motion was? Is there a second?"

Commissioner Frank Pando seconded the motion.

Chairman Aguilar said, “Are you clear Mr. Fernandez on what the direction is?” James Fernandez said, “My understanding, Commissioner’s is, based on the information that was supplied to the County to review that and make a recommendation. Not to specifically come up with a dollar amount from these individuals, but to make a recommendation as to who the County should use.” Chairman Aguilar said, “So you come back on the 24th as to which of the two would be the top one.” Mr. Fernandez said, “My understanding is, at that time, you’re not directing me to negotiate a dollar amount, it is just to review the information.”

Commissioner Al Padilla said, “That doesn’t mean we are committing ourselves to whatever the set amount of dollars that you are going to come back with?” The County Manager said, “That commitment can only come from you, the Commission and what we’ll be doing is reviewing the information in terms of recommendations of the advisory committee on the Hospital Feasibility Study and bringing that for concurrence.”

Commissioner Frank Pando said, “I sat with James and Tom and Dr. Gamez last Thursday and we did this according to the way you told us to do it. You guys are the ones that told us to find two, present them to you and you would take action. Now, all of a sudden, I’m hearing wishy washy from everyone. I really don’t appreciate that. I’d really like to get some type of commitment one way or another. All we are coming for at this time is that we continue forward if possible.”

Chairman Aguilar said, “Commissioner Pando, we do have a motion and a second. That motion was by Commissioner Giron and it was to give direction to administration to meet with the top two and then administration will come back to us with a recommendation.”

Commissioner Pando said, “When I met with James and Tom and Dr. Gamez, it was expressed that we had to come up with a dollar amount from one of these two outfits. Now we’re saying, no, don’t talk money. Are you supposed to give a “no check” or a “blank check”?”

Chairman Aguilar said, “That’s why I was asking for clarification and asking Mr. Fernandez if he understood what the direction was because I was a little confused. Now it has been clarified.”

Tom Garde said, “I don’t believe the motion was specific to direct administration to negotiate with anyone. Basically it was to direct administration to make a recommendation as to who the administration would recommend.” Chairman Aguilar said, “As the top.” Mr. Garde said, “Correct, I think that’s what the motion was.”

Commissioner Giron asked Counsel, “Would it be proper for the County Attorney to disclose dollar amounts?” Tom Garde said, “No, it would not. The motion that is before this Commission is solely to have the County Manager select the top candidate and make that presentation to this Board.”

Commissioner Pando said, “I have no quarrel with that. That’s very good, in fact let the Commission, and let the Commission face the monkey and not James. It should come to the Commission with a recommendation of number one or number two and let this Commission pick whoever they want.”

Chairman Aguilar said, “Commissioner Pando you are changing the motion.” Commissioner Pando said, “I’m not changing anything. I’m just telling James to give us a recommendation out of two people. When James makes the recommendation to this Commission, we will decide who we want to appoint.” Tom Garde said, “At that point, administration will set down and negotiate a price with the person that this Commission selects.”

Richard Jaramillo said after the selection of the two, the next process would be the best and final offer. At that point, once the recommendation from staff is brought to the Commission for approval, we contact the attorney for legal review and then award it. He said the procurement process is a little lost as far as the best and final offer. All of that could be done by staff because it is not negotiations, it is a matter of setting into the best and final offer and staff can either accept that or not.

Commissioner Eloy Giron withdrew his motion. Commissioner Frank Pando withdrew his second.

Commissioner Frank Pando said, “I’d like to make a motion, an addendum to Commissioner Giron’s except I’d like James to have the authority from this Commission to do the best and final offer that he can present to us. That was my direction given by Counsel, yourself and James at Wednesday or Thursday’s meeting and this is our understanding. Carlos and all of the committee sat here and it was our understanding at that time. That’s what I would like to make my motion at this time.”

Commissioner Eloy Giron said, “He will be disclosing figures at that time?” Commissioner Pando said, “Yes.” Commissioner Giron said, “I’ll second that.”

Chairman Alicia Aguilar asked Commissioner Pando to restate his motion.

Commissioner Frank Pando said, “I make a motion to give direction to James to go ahead and negotiate with these two top vote getters, as we call them and also to negotiate their best and final offer and for James, at that time, to disclose figures and give us his recommendation.”

Chairman Aguilar asked, “This will be by the next meeting?” Commissioner Pando said, “Yes.”

Chairman Alicia Aguilar said, “I do have one concern on this and it is not to rebuke that I am against the hospital or the committee. They have given a lot of their time, but in this motion they are giving the County Manager authority to negotiate and come back to us. I don’t even know these companies. I haven’t seen the RFP. I haven’t seen any of the RFP’s, so it’s coming to us with the rest of the Commission being blind basically and authority just being given to the County Manager. I just want to state that as clarification.”

Commissioner Pando said he has all of the four copies. He said he would be happy to have James get copies for everyone.

Chairman Aguilar called for the vote. Commissioner Pando voted yes. Commissioner Giron voted yes. Commissioner Padilla said, “When they come in with final recommendation, does that mean we’re going to commit ourselves and that we have to commit that funding whether we have it or don’t have it? We did make a request to our legislator’s in a dollar amount for this feasibility study.”

The County Manager said, “That question would be directed to Counsel, if not it needs to be determined that it is contingent upon Legislative Funding.”

Tom Garde said, “I would recommend that that be added to the motion, that it be subject to legislative approval.”

Commissioner Frank Pando said, "I amend my motion to that affect. We don't have the money to do it anyway. If we don't get the money from somewhere, it is going to die and I don't want it to die, I'd rather go out and try to obtain funds."

Commissioner Eloy Giron seconded the amendment to the motion.

Chairman Aguilar said, "We were voting on Commissioner Pando's motion. We were up to Commissioner Padilla. Commissioner Padilla how do you vote?"

Commissioner Padilla said, "I pass."

Commissioner Helen Baca abstained.

Chairman Aguilar said, "We have two voting yes, one pass and one abstention. For clarification, the abstention goes with the majority, am I not correct?" Tom Garde said, "Yes, if there is not a majority, it dies."

Chairman Aguilar said, "Motion dies for lack of a majority."

Commissioner Eloy Giron asked the County Attorney if there is an abstention and a pass, is the pass counted as an abstention?

The County Attorney said, "The pass has not voted yet."

Chairman Aguilar said, "The pass chose not to vote."

Commissioner Eloy Giron said he does not know why everyone is afraid of the hospital issue. It first started with Ron Gentry two years ago. It became even more controversial than the jail. The Commission decided to get a committee together. They gave them direction and they gave Commissioner Pando direction as the Chairman. He said, "It is not going anywhere. If we are going to run a dog and pony show, these guys are decent human beings, spending their evenings trying to figure out how to bring a hospital in here. We're over here b—sing. I don't know where it's headed. It just died here. Let's be straight up with the people, I would love to see a hospital come in here. I don't know what problem we have with it."

Tom Garde said, "I think for the record, to clarify the record, if it was a pass or an abstaining on the vote, it would clarify the actual vote of the Commissioner's."

Chairman Aguilar said if there is an impasse, the Chair couldn't vote. She asked Commissioner Padilla, "Just for clarification, the position of pass and I will also ask Commissioner Baca if she wishes to abstain." Commissioner Padilla said, "I stay with my vote." Commissioner Baca said, "I stay with mine."

Commissioner Frank Pando said, "It seems this is not going to go anywhere and I have a lot better things to do with my evenings. I do want to thank the committee for working so hard. I think these people did an outstanding job, not only for us, but also for the benefit of the people of the County. I want to congratulate each and every one of them. It is unfortunate to know where people stand on the issue. I don't know what their problem is. I know there has been some discussion that perhaps someone else can take over this committee, I resign from this committee and let someone else take over. I have worked my tail off and so has this committee in trying to accomplish something that I thought was very beneficial to the community. At this point in time, I am going to submit my resignation to the Board and I will still continue to pursue the hospital with or without you."

Chairman Aguilar said, "The vote that was taken was on the motion. It was not on you." Commissioner Pando said, "It's a reflection on me, I don't care what you call it and I don't appreciate it. If that is the feeling of this Commission, I think I'm doing something wrong and maybe you can do it better or someone else can do it better. I don't want to fight you guys any more."

Commissioner Eloy Giron apologized to the rest of the committee for what took place and said this is a sad day in Valencia County. He would have liked to see a hospital come into the County.

Dr. Gamez said he was disappointed because the committee and Frank Pando have spent a lot of time working on this. He said there are other ways to pursue this issue. He thought the feasibility study would show what type of hospital was needed or if we even needed one. He said when he announced his candidacy for County Commission; people in this area would understand why he is doing that.

Commissioner Helen Baca made a motion to table this matter until after the Legislature. Commissioner Al Padilla seconded the motion.

Commissioner Frank Pando said, "I hope that you are successful in your motion. God help you and I hope you are very successful. Whatever direction this takes, I don't want any part of it and I am resigning effective immediately."

Commissioner Eloy Giron said, "I just hope we can tell the public they can table their heart attacks and broken legs or accidents until we can get our stuff together."

Chairman Alicia Aguilar said, "My understanding on the motion is, the monies we do not have. We were awaiting the legislature to provide funds for this study. From the beginning, we have never had appropriated funds for the study. This is a 30-day session so all we are doing is placing the finalist on hold for 30 days to see how much money we do get from the State. Is that not correct?"

Commissioner Frank Pando said, "That was the intent all the way through."

Chairman Aguilar said, "I'm clarifying it because this is the motion. It's where it is not saying the committee's efforts are being shelved and disregarded. What we're saying, if I understand the motion is that on the dollar amount as far as the original motion was to negotiate the best and final offer, which would be awarding it to the best and final. I think Commissioner Baca is saying, let's wait 30 days on the final awarding of the contract to see how much monies the legislature provides, if any. At which time the County would know what money they would have to budget and what commitment would come from the other municipalities."

Commissioner Pando said, "I was under direction by you and this Commission that once this RFP was presented, my committee would no longer be a working committee that the County was going to take over. I am going to notify all of my committee members that I am resigning and if they want to continue to help whoever takes over this, please do so because they are very worthy. They have done a good job the last 12 to 15 months, but I personally will follow my own route. I don't feel I can work with this Commission on this particular issue, I don't know why, I will follow it on my own rather than have wishy washy people working on it."

Chairman Alicia Aguilar said, "At the beginning of this action item, Counsel did recommend tabling this item."

Former Representative Ron Gentry said when he started this issue approximately five or six years ago, they appropriated \$125,000.00 and the Commission chose to use the money for two substations for the Sheriff's Dept. He said he didn't understand the motion. He thought you could only pass once and then you would have to vote.

He said if the Commission does not give the Legislature some guidance as to an amount that they might need prior to a session, as a Legislator why would you appropriate money when you haven't negotiated a price that you are seeking? He said in his opinion it would be more appropriate for the County Manager to negotiate a price and bring it to the Commission and then table it and make a recommendation to the Legislature to appropriate the money. That way you would still function instead of killing the whole possibility.

Discussion was held on the motions that have been made.

County Attorney Tom Garde said, "There was a vote on the first motion. Now there is a second motion to table. That is the motion the Commission needs to address."

Chairman Aguilar said, "For further clarification, it is not killing the efforts of the committee, it is just saying that we are not acting on the RFP today. We would act on the RFP after the session." The County Attorney said, "That is the understanding of the motion that I have."

Commissioner Pando asked the County Attorney, "What are you tabling now? The whole thing was already killed." Tom Garde said, "That motion died."

Commissioner Pando called for the vote.

Commissioner Pando voted no. Commissioner Giron voted no, not to table it. Commissioner Padilla voted yes. Commissioner Baca voted yes. Chairman Aguilar said, "There is a tie, two to two and I'm going to vote yes because I don't want the RFP, I don't want this issue to die. The award gets tabled until after the session, but we have already met with the Legislator's so that I thought the understanding was to give them the highest dollar amount of one of the RFP's. Am I not correct? There is a bill being sponsored in the Legislature asking for funds for this feasibility study."

The County Manager said, "That is correct. We have not given them a dollar amount as of yet."

Chairman Aguilar said, "The motion carries, three to two."

Commissioner Pando said, "I hope that you are successful with your legislative request, but I don't want any part of it."

Commissioner Giron said, "At this time Commissioner Pando has resigned from the hospital committee and I think it is in order and we need one other Commissioner to go ahead and work with this committee. I've stepped down from it also."

Chairman Aguilar said, "As Chair of the Commission, I will not see this issue die, so I will go ahead and participate in the committee and work as best as I can with committee to see this a reality, but I don't think the intent of this Commission and surely not mine, I don't feel the intent was to go through this process and then kill it. I think the issue here was the funds and the awarding as far as taking action was awarding or negotiating with the top two before we even know if we have the monies."

Commissioner Al Padilla said, "The whole intent of the Commission isn't to kill this and I don't believe that is what Mr. Pando is stating. I think the direction was that our legislator's support us on the feasibility study and that is what we intend to do. Until the end of the session to see what kind of money comes forward, we intend to proceed."

Chairman Alicia Aguilar said, "As Chair, I can make a motion and I will do that right now. I as Chair make a motion to give direction to Mr. Fernandez to review the top two, negotiate the best and final offer, provide this information to the lobbyist and to the Legislator's, but the contract is not to be awarded until after the session when we know what funds are available." Commissioner Al Padilla seconded the motion.

Commissioner Pando abstained. Commissioner Giron voted yes. Commissioner Padilla voted yes. Commissioner Baca voted yes. Chairman Aguilar voted yes.

Chairman Aguilar asked Commissioner Pando to reconsider his resignation from the committee. Commissioner Pando said, "I would have, but since I started this, maybe it's me, but every time I have sat up here and I've been on the agenda maybe four or five times. I never get to open my mouth once. Every time I open my mouth, I'm told to shut up. If that is the case, I feel maybe you can do a better job and I wish you all the luck and success in the world. I don't want this issue to die; I think it is something we very definitely need for the community. I, personally cannot work with this Commission to try to accomplish it, at least I know you got three votes on your side for sure. In my case I only have one."

Chairman Aguilar called for a five-minute break.

(F) REQUEST

Paving of A T & T Road

Commissioner Frank Pando presented a petition in the absence of James Maag. The petition is from the La Asociacion De La Comunidad De San Clemente with approximately 140 signatures. They are requesting that A T & T Road be added to the list for paving.

Commissioner Frank Pando made a motion to add A T & T Road to the list for paving. Commissioner Eloy Giron seconded the motion. Motion carried. **(See Exhibit F)**

(G) UNTABLED ITEM:

General Edward Baca Road/Dedicated for County Maintenance

Mike McCartney said this item was tabled at the Valencia County Commission meeting on December 13, 1999, due to the applicant not following proper procedures.

Richard Jaramillo requested that General Edward Baca Road be dedicated for maintenance. The Middle Rio Grande Conservancy District as well as the Armory heavily accesses it.

Chairman Aguilar asked for the recommendations of the road viewers and the Road Superintendent. Mr. McCartney said there was one for the dedication and one against the dedication. The Road Superintendent requested that the road be built up. Right now the Conservancy District and the Armory privately maintain the road.

Commissioner Helen Baca made a motion to accept General Edward Baca Road for maintenance and be dedicated to the County. Commissioner Al Padilla seconded the motion.

Chairman Alicia Aguilar said the recommendation of the Road Superintendent was to disapprove and one of the viewers recommended approval and the other one did not approve, the road was not in compliance. The other viewer did not turn in his recommendation. This is also a private road and it would become a public road.

Motion carried with Commissioner Baca, Commissioner Padilla, Commissioner Giron and Commissioner Pando voting yes. Chairman Aguilar voted no. She said, "Part of that is per statute with the viewers. I think if the majority had said yes, build it up and just do this and then it can be accepted, I would agree with that, but also with the Road Superintendent saying disapprove, I have to go with that." (See Exhibit G)

(H) AMENDMENT TO ZONE MAPS

Bobson's Unit D, Inc./Upholstery & Auto Repair Shop/Amend from R1 to C1

Mike McCartney said Mr. Becker is the representative. This is a request to amend the zone maps from R1 to C1 for the purpose of opening an upholstery and auto repair shop. It is on one acre and is between the Veterinarian and the Birdhouse.

Chairman Alicia Aguilar made a motion to approve the zone change from R1 to C1 for the purpose of upholstery and auto repair shop for Bobson's Unit D. Commissioner Eloy Giron seconded the motion. Motion carried.

Mike McCartney said they would be coming back to the Planning and Zoning Commission for the Conditional Use Permit for the auto repair, at which time conditions will be imposed as far as fencing, etc.

Bobson's Unit D, Inc./Screen Printing Business/Amend from R1 to C1

Mike McCartney said this is a request to amend the zone maps from R1 to C1 for the purpose of a screen-printing business. It is still Unit D and is right next door to the previous request. The surrounding property is already zoned commercial.

Chairman Alicia Aguilar made a motion to approve the zone change from R1 to C1 for the purpose of a screen-printing business. Commissioner Eloy Giron seconded the motion. Motion carried.

WW Construction, Inc./Extract Sand & Gravel and Redi-Mix Plant/Amend from R1 to MR

Mike McCartney said this is a request to amend the zone maps from R1 to Mineral Resources for the purpose of extracting sand and gravel and to construct a redi-mix plant by WW Construction, Inc. It came before the Planning and Zoning Commission on December 14, 1999 and received a unanimous recommendation for approval. This is a 78.799-acre tract located on Highway 304 across the street from the Industrial Park.

There is a letter to the New Mexico Highway & Transportation, maps of the property and a letter from Mr. Wood stating what he intends to do with the property. There is also a letter to Casa, Inc. requesting an archeological survey for the property and a response from Casa on their findings.

Paul Wood indicated that he brought two large maps for the Commission to view if they chose to. Discussion was held on this request with Mr. Wood.

Steven Chavez said he spoke with Kathy Trujillo at the Highway Dept. and she indicated that she would get back to him, but she did not have any major concerns, however she did say that she would get back to him and he hasn't heard from her yet. Mr. Wood is aware of the State and Federal environmental Standards for dust, noise, odor, vibration and surface water pollution and that he must conduct mining operations in a manner that minimizes the adverse effects of adjoining property owners. He said the Zoning Ordinance requires a plan for land reclamation and at a minimum an agreement demonstrating the site will be backfilled, contoured or terraced or put to some other use. He will also be required to complete a resource inventory and demonstrate Historic Preservation Division clearance.

Bill Nebe, plant manager of Solo Cup in Belen voiced some concerns regarding this zone change. He told the Commission that he wants more information about the proposal and is concerned about traffic and dust, and the environmental impact on erosion. One of the primary concerns of Solo Cup is that the Belen Plant is a showcase facility. They bring customers here. The plant is environmentally friendly and aesthetically pleasing. They make an effort to landscape and maintain desert landscape.

Anthony Baca presented some pictures for viewing by the Commission. He said there were approximately 100 trucks a day going through there because of the construction in Belen.

Additional discussion was held with the Commissioner's and Anthony Baca, Bill Nebe, Ron Gentry and Mike McCartney.

Commissioner Al Padilla made a motion to table this item until Mr. Wood and Mr. Gentry can meet with the individuals from Solo Cup and then they can come back and address the Commission. Commissioner Helen Baca seconded the motion. Chairman Aguilar said, "Whether they are hometown boys or not, to me I have to take the position that we need to treat this in the same manner as we treated Max Kiehne. He came before us and we did not take any of his information. We requested that everything be documented, his I's be dotted and his T's be crossed so that we would all be informed as to exactly what was going on, so if something didn't happen and someone had a question they could come back and look at the documentation. We have a complete Archeological Service Associates Report right here and right there they are saying there are six pre-historic archeological sites recorded within the sixty-acre survey and a complete inventory report will be

completed by the end of the month with site specific recommendations concerning avoidance and fencing. I think that is extremely important. On the environmental and reclamation and this is from Mr. Chavez and he's saying that Mr. Wood must conduct mining operations in a manner that minimizes the effects of the adjoining property owners. That may be what Commissioner Padilla may be requesting as far as get the adjoining property owners some additional information so that they feel comfortable as to what's coming, what's going and what's happening. The ordinance also requires a plan for land reclamation and a minimum. At a minimum, an agreement demonstrating the site will be contoured, terrace or put into some land use. Though we have an assurance, I think we need it in writing and we also need a resource inventory. That's just from some of the information that I am looking at. I'm not saying it will be done or it won't, but I would feel more comfortable in knowing that we're not also in the traffic impact and that we're not just looking at one site, we're looking at the traffic impact, everything from Casa Colorado into Rio Communities and even the possibility of the traffic going into Belen and further north. That's what we asked of Mr. Kiehne and fair is fair and that would be my position."

Mike McCartney said, "This is not in a residential environment. The eleventh hour appearance by Solo Cup and to say they weren't notified, I resent that."

Motion carried with Commissioner Al Padilla, Commissioner Helen Baca and Chairman Alicia Aguilar voting yes. Commissioner Frank Pando and Commissioner Eloy Giron voted no. **(See Exhibit G-A)**

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

County Attorney Tom Garde had to leave the meeting.

(I) INDIGENT REPORT & INDIGENT APPEAL

Barbara Baker presented the Indigent Claims from December 2, 1999 to December 30, 1999. The total amount of claims submitted is \$68,331.47. She asked the Commission to approve \$61,603.95 and to deny \$6,727.52.

Commissioner Frank Pando made a motion to approve the Indigent Report as presented. Commissioner Al Padilla seconded the motion. Motion carried.

Commissioner Eloy Giron left the meeting.

Barbara Baker said Douglas Burson had applied for assistance and was denied on November 8, 1999. His income was over the allowable amount.

Mr. Burson lives with his girlfriend and they have three children. He also has three children from a previous marriage and is paying child support in the amount of \$476.00 per month to these children. The three children who are receiving child support were not included in the figures although Mr. Burson's girlfriend's income was included. If these children were included, Mr. Burson would not be over the income limit.

Barbara Baker recommended approval of the appeal. Commissioner Frank Pando made a motion to approve Mr. Burson for Indigent Assistance. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit H)**

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

(J) AWARD BID #509/New Brush Truck Chassis/Peralta Fire Department

John Cherry requested the award of bid #509 for the Peralta Fire Dept. to Don Chalmers Ford in the amount of \$33,495.00. They were the low bidder.

Commissioner Frank Pando made a motion to accept the recommendation of John Cherry. Commissioner Eloy Giron seconded the motion. Motion carried.

John Cherry said he requested to be placed on the agenda to have the Fire Dept. Elections ratified. The new Chief for Rio Grande Estates is Vincent Giangrossi with the Asst. Chief being Tom Caldwell. The chief for Valencia / El Cerro is Frank Barka with Thomas Lamb and Ruby Boyd serving as Asst. Chief's. The chief in Meadow Lake is Jim Patraw with Linda Goetz serving as Asst. Chief. In the Peralta Fire Dept. John Dear is Chief with Cole Ward serving as Asst. Chief.

Commissioner Eloy Giron made a motion to ratify the elections in the four Fire Departments. Commissioner Frank Pando seconded the motion. Motion carried. **(See Exhibit I)**

(K) APPOINTMENT OF PLANNING AND ZONING COMMISSIONER

Commissioner Frank Pando submitted the name of Jamie Goldberg to serve on the Planning and Zoning Commission from District One.

Commissioner Frank Pando made a motion to accept Jamie Goldberg to the Planning and Zoning Commission. Commissioner Al Padilla seconded the motion. Motion carried.

(L) JOINT POWERS AGREEMENT/DISPATCH SERVICES/Village of Bosque Farms

James Fernandez presented a Joint Powers Agreement with the Village of Bosque Farms for Dispatch Services and other miscellaneous services. The compensation to the County on the basis of \$600.00 per month. This is an interim agreement that is being proposed from November 1, 1999 through June 30, 2000. In April of 2000 the County will negotiate the agreement.

Sheriff Juan Julian said the JPA that is being proposed he is not in agreement with on several points. They met with the Village of Bosque Farms and his real concern is that there has not been a JPA with the Village of Bosque Farms for almost two years. The proposed JPA would place Valencia County and the

Sheriff’s Dept. in a predicament where they could not handle the calls they are requesting. On New Year’s Eve, the County Manager and the Sheriff were in the Communication’s Dept. and the total amount of calls that were presented for the last year was approximately 62,000. Sheriff Julian said this poses a burden to his department without additional funding or additional help. The amount of \$600.00 has been in effect for several years and has never been upgraded.

Sheriff Julian said the County Manager promised him it would be addressed in the next budget. He said this would be an increase in the number of calls because they do not handle the water and sewer system calls now. The County handles their calls 15 out of 24 hours per day right now and 24 hours a day on weekends and holidays.

The County Manager said they are trying to get a JPA in place as an interim and then they can look at the cost associated and renegotiated in April.

Chairman Aguilar asked if the County would be in compliance with the 911 Grant. Sheriff Julian said there were no matching funds; the grant was just to purchase equipment. Chairman Aguilar said when she met with the 911 Committee, they were concerned that some of the equipment that had been purchased was still there and should have been utilized in hiring another dispatcher. It would not only help this, but it would help the County with all of the calls. She said if you have three consoles available to be placed in that room that were purchased with the 911 grant, shouldn’t we have an inventory of the equipment and the space and see what the additional cost will be.

The County Manager recommended that this JPA be passed for the remainder of the Fiscal Year and renegotiate with Bosque Farms in April and at that time recommend an increase in the price.

Commissioner Al Padilla made a motion to approve the JPA with Bosque Farms until June 30, 2000, with negotiations to begin in April of 2000. Commissioner Helen Baca seconded the motion.

Sheriff Julian said he would relay the message to the dispatchers that they are going to have to take on the additional duties without additional pay.

Chairman Aguilar said, “With all due respect, I think that would be a comment that should come from the County Manager and Personnel because for you to relay to them that they are not going to get an increase, that was never an issue and hasn’t been an issue. I think it could create some animosity. If there is additional work that is going to be placed on them, I would recommend that you get together with Mr. Fernandez and Personnel and see if there are some recommendations that need to be made. I didn’t hear that to be the direction of the Commission.”

The County Manager said under the existing agreement, it says the County will answer any and all calls. He said, “Being that we’re adding additional items is something that is already there.”

Chairman Aguilar suggested that during the next budget, if they need additional dispatchers that it be looked at then.

Motion carried with Commissioner Padilla, Commissioner Baca and Commissioner Aguilar voting yes. Commissioner Pando voted no. **(See Exhibit J)**

(M) RESOLUTION/Citizen Advisory Board

County Manager James Fernandez presented Resolution 2000-3 for Commission approval. Direction was given at the last meeting to administration to develop a resolution to be presented to the Commission with regards to establishing a Citizens Advisory Board.

The resolution calls for any group, organization and/or association must identify themselves to the County Manager, with information regarding their boundaries, along with contact information of their President and/or Chairperson. The resolution is for establishing dialogue between the County of Valencia and Homeowner’s Associations, Organizations, Neighborhood Groups as well as Advisory Committees.

Commissioner Frank Pando made a motion to approve Resolution 2000-3. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit K)**

(N) COUNTY MANAGER’S REPORT

County Manager James Fernandez requested that the selection of the lobbyist for Valencia County be ratified. His name is Michael Olguin and he will be paid \$9,000.00 for the 30-day session.

Chairman Aguilar said the County is asking for the following items during the Legislative Session:

\$110,000.00 for a water pumper for the El Cerro Fire Department
\$50,000.00 to purchase two-acres of land for a new fire department in Los Chavez
\$45,000.00 to address the erosion and barricade at the Las Maravillas Substation
Addressing funds for the closure of the landfill
Money for the feasibility study for the hospital
\$300,000.00 for completion of the Manzano Expressway
\$25,000.00 for an animal control vehicle
\$300,000.00 for the addition of a courtroom
Money to purchase the land across the street
Money for leases on State property

Commissioner Al Padilla made a motion to ratify the selection of Michael Olguin as lobbyist for the County. Commissioner Helen Baca seconded the motion. Motion carried.

The County Manager said they received a letter from the Manzano Vista Middle School in regards to a request for a Clean-up Day on January 13, 2000 at 9:30 AM. They received a grant from the Milken Foundation. They are requesting an interview with Chairman Aguilar and the use of some County equipment.

(O) EMERGENCY RESOLUTION

Carlos Montoya presented Resolution 2000-4 for Commission approval. It is for the emergency purchase of five 1998 Crown Victoria Police Units for the Sheriff's Dept. He said they have been working on this for about five or six months. The down payment will be \$10,000.00 and the Sheriff has it in his budget. If this resolution is approved today, the vehicles can be delivered within 2 ½ weeks.

Commissioner Frank Pando made a motion to approve Resolution 2000-4 with the approval of the County Attorney. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit L)**

(P) WARRANTS

Carlos Montoya presented the three sets of Warrants for Commission approval. Mr. Montoya said on Check 59441, he was presented a requisition from the County Planner to pay for his State Bar License in the amount of \$315.00. The County Manager was out of town and he submitted it on the warrant list for direction from the Commission.

The County Manager recommended that Steven Chavez take care of this on his own. It is a personal license and he is not hired as the County Attorney.

Chairman Aguilar questioned an amount on Check 59418. It is for Lexus and it is access to the Law Library. Mr. Montoya said he would hold the warrant until the next meeting for clarification.

Commissioner Frank Pando made a motion to approve the warrants with the exception of 59441 and the clarification of 59418. Commissioner Al Padilla seconded the motion. Motion carried.

There will be a Workshop on January 12, 2000, at 9:00 AM on the Workforce Investment Act.

There will be a Special Meeting on January 13, 2000, at 2:00 PM.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on January 24, 2000, at 6:00 PM with Executive Session to begin at 4:30 PM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Commissioner Frank Pando made a motion to adjourn the January 10, 2000, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Al Padilla seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 10, 2000, 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, CHAIRPERSON

SS

AURELIO H. PADILLA, VICE-CHAIRMAN

SS

HELEN BACA, COMMISSIONER

SS

ELOY GIRON, COMMISSIONER

SS

S. T. FRANK PANDO, COMMISSIONER

ATTEST: ss

KANDY CORDOVA, COUNTY CLERK

DATE: Feb. 8, 2000

For an official copy of these minutes and attachments see Commission Book 36 Page 381