

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**REGULAR MEETING**

**February 21, 2000**

**M I N U T E S**

The Regular Meeting of February 21, 2000 was called to order by Chairman Alicia Aguilar at 4:13 PM.

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

**EXECUTIVE SESSION**

County Clerk Kandy Cordova read the agenda 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 stated during the Executive Session, discussion was held on the following:

<b>NEW HIRES:</b>	<b>Leticia Sedillo</b> <b>Jason Baldonado</b>
<b>DISMISSAL:</b>	<b>Eli Griego</b>
<b>SEASONAL EMPLOYMENT:</b>	<b>Inez Anaya</b>
<b>TRANSFERS:</b>	<b>Viola Muniz/Part-time Older American Program</b> <b>Tiffany Gurule/Temp. to Part-time Older American Program</b> <b>Carlos Griego/Temp. to Full-time Animal Control</b>
<b>PROBATIONARY TO NON-PROBATIONARY WITH SALARY ADJUSTMENT:</b>	<b>Gabriel Facio</b> <b>Neil Brown</b> <b>Marcos Lovato</b>
<b>RETURN FROM LEAVE WITHOUT PAY:</b>	<b>Paul Sanchez</b>

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

County Attorney Tom Garde stated, “During the Executive Session we discussed the current lawsuits with regards to the appeal of the Sant Tana Subdivision, the Ken Williams Subdivision and the two decisions by Judges Sanchez and Pope and with regards to those two cases, I’m taking the direction of this Commission to seek an appeal of the Ken Williams decision. With regards to other matters in the Executive Session, we discussed the enforcement of the Solid Waste Ordinance and Staff has been directed to deal with that appropriately. We discussed the purchase and management agreement between the County and Waste Management and that matter is currently still under negotiations and no action was taken.”

Commissioner Al Padilla made a motion that these items were all that was discussed in Executive Session. Commissioner Frank Pando seconded the motion. Motion carried.

**INTRODUCTION OF COUNTY ELECTED OFFICIALS & STAFF**

Chairman Alicia Aguilar dispensed with the Introduction of Elected Officials and Staff.

**PLEDGE OF ALLEGIANCE**

Sheriff Juan Julian led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

County Clerk Kandy Cordova read the agenda as presented. Commissioner Helen Baca made a motion to approve the agenda as presented. Commissioner Frank Pando seconded the motion. Motion carried.

**APPROVAL OF MINUTES**

The Minutes of February 8, 2000 were presented for Commission approval. Commissioner Frank Pando made a motion to approve the Minutes of 2-8-2000. Commissioner Al Padilla seconded the motion. Motion carried.

**PUBLIC REQUESTS**

Ray Garcia thanked the Commission again for doing what they did at the last County Commission Meeting in supporting the Tome Association on the bridge issue. He said if the Commission does not support them, they will not have an opportunity to express their opinions on the bridge and if their elected officials cannot support them, then no one can. He said he has a very difficult time in trusting government in general, but he really appreciated the courage it took to do what they did. He said he knew that people with money were after the Commission wanting them to change their minds.

He showed the Commission an article from the Albuquerque Tribune about Neighborhood Associations. The article says the Neighborhood Associations need to be thought of when changes are being considered.

Mr. Garcia said the Tome Association has been labeled a "Special Interest Group" by some of the proponents of the bridge. He said it upset him in the beginning, but he said the Tome-Adelino area is special so they really are a Special Interest Group.

He asked for more money for the Sheriff's Dept. so that they could have more police protection in their area.

Chairman Aguilar said, "We do have a COPS Grant, so there are 10 full-time officers being hired, 4 part-time officers and the Commission in the last month and a half have authorized the purchase of five new Sheriff's vehicles. Now you tell the Sheriff to get his deputies out there."

Mr. Garcia said, "In the Tome-Adelino area, we are seriously considering incorporation and we would like the County Commission to assist us with this to help us decide whether or not we should do it and how we should go about doing it. It is something that has become a very important thing for us."

Commissioner Frank Pando said Cliff Hammond called him and about a year ago the Commission discussed a Fire Station in the Highland Meadows area. He asked for this to be discussed with the Commissioner's to see what they can come up with.

Chairman Aguilar said she had talked to John Cherry about this issue and she said, "I would like for him and the Fire Board to come to this Commission with a five year plan, not only for Highland Meadows, but for all of Valencia County so that the Commission can look at where the needs are. I also mentioned to the Fire Marshal that I felt and I feel very strongly that each Fire Department should be looked at in improving their ratings. If the ratings are improved, the premiums go down for the residents, but there is more money that comes into this area for the fire departments. John said that he would be doing that for me and presenting it to the Commission hopefully within the next month."

Commissioner Eloy Giron came into the meeting.

## **ACTION ITEMS**

### **(A) BRIDGE UPDATE**

Dave Pennington of Parsons Brinkerhoff, Tony Abbo and K. Lynn Berry from the New Mexico Highway and Transportation Dept. appeared before the Commission to give an update on the River Crossing Corridor Study.

Dave Pennington said he would like to update the Commission on what has transpired over the last couple of months. He presented a handout that was presented at the Public Open House Meeting that was held on November 9, 1999 at the Dennis Chavez Elementary School. He said it is not the extent of their analysis; it is just a summary of analysis that has been conducted up to that point.

They are focusing on two build alternatives and the no build alternative. These build alternatives include the C-1 alternative and the A-2 alternative. C-1 is the northern route that goes between the prison facilities and the Honor Farm and ties in 47 south of Edeal Road and the A-2 alignment is the alignment that crosses north of Dennis Chavez Elementary School and 314 and ties with New Mexico 47 north of Jose P. Sanchez Road.

They have been developing the engineering concepts for the two build alternatives. They are predicated on a four-lane limited access highway. One concept would entail a grade separated interchange at NM 314. A second concept that they have more recently started working on is the development of what they call a modified four-lane highway. They have been hearing what the people have been saying with regard to the freeway type facility that they fear is being proposed. What they are developing is a four-lane at-grade facility, which would be similar in profile to the portion of NM 6 from I-25 to 314 except that it would not have as much access. It would cross at-grade at the regular intersection and NM 314. It would be at-grade at NM 47 and it would require an interchange at I-25 just as NM 6 does.

Mr. Pennington said they are evaluating each of the alternatives along with the no-build alternative evaluating the environmental affects of each concept, the impact to the communities that includes formal communities and the smaller communities that do not have the formal recognition, the right-of-way requirements, the cost and the effectiveness of each of the concepts. They have also assembled and had a first meeting with the Citizen's Advisory Committee. That committee consists of individuals from each stakeholder jurisdictions. It includes a representative from the City of Belen, the Valley Improvement Association, Adelino, Tome, two representatives from Los Chavez and a couple of representatives from the Los Lunas area. He said they had their first meeting on February 1<sup>st</sup>. The next meeting will be next week.

They expect to complete the current phase of the project, which is the detailed look at each of the alternatives by mid-April. There is a documentation period that will follow and it should be completed sometime in April or early May. He said they will likely come back before the Commission and the community at large sometime in May, at which time they will provide information on all of the alternatives being considered, both the at-grade and grade separated concepts for the A-2 alignment, for the C-1-3 alignment as well as for the no-build.

Mr. Pennington said they have also been meeting with some of the other municipal bodies within the County. They met last Thursday with Bosque Farms and are scheduled tonight to speak at the City of Belen

Council Meeting at 7:00 PM. They have had some meetings with the Village of Los Lunas, but not with their Council. They have brought some issues to the State Highway Dept. and asked them to do some problem solving and they are working on those questions.

Mr. Pennington said this information is to upgrade the Commission on what has happened in the last couple of months, but he would like to address a couple of issues that they keep hearing that there is some misinformation about.

He said, "For the record, I would like to state what our position on some of these issues are. One is the growth projection; we do not prepare road projections that are the basis of this study. The University of New Mexico, the Bureau of Business and Economic Research prepare Road projections. They are in-turn provided to the Middle Rio Grande Council of Governments and they allocate where growth will occur and they prepare traffic forecasts. All of these are prepared either directly by the Middle Rio Grande Council of Governments or under the direction of MRGCOG. We do assist MRGCOG with some of the refinements of traffic projection, but they ultimately are the provider of those forecasts."

"After talking about the growth projections, we based all of our analysis off of a twenty-year condition. Currently MRGCOG is operating off of a twenty-year scenario. All of you have heard about Focus 2050. Focus 2050 is a visioning effort by local governments along with MRGCOG or under the direction of MRGCOG that is pushing towards a development pattern within the entire region for what they call a balanced community. Some of that effort does have the effect within a fifty-year time frame of putting some of the growth that would have occurred within Valencia County and maintaining it within Bernalillo County and Sandoval County. MRGCOG is busy developing their twenty-year horizon, which is now even though it is only the year 2000, they are working on their twenty-five year scenario. We have asked MRGCOG to share draft projections for growth within Valencia County to see what effect it might have on the population. What the preliminary projections show is a population of about 115,000. This is about 8000 persons less than was projected in their prior 2020. I would say that from the transportation planning point of view, the 8000-population difference over a base of 120,000 plus or minus people has negligible effect. That alone would not determine whether or not a facility or other transportation improvements like this would be needed. We will be working closely with MRGCOG to see how those forecasts develop. As it appears, based on preliminary numbers, it will not have a substance of effect on how much traffic is generated from Valencia County."

"Second, is an issue that we keep coming back to and I want to say it one more time. That is the issue of the Manzano Expressway. We have been asked many times or told many times by many, that the answer is in the Manzano Expressway. Everyone wants to travel back and forth to Albuquerque, why don't you look at the Manzano Expressway? I have said publicly, I've said to the Citizen's Committee, to individuals, that I agree with you that part of the long term transportation needs of Valencia County are in the Manzano Expressway or similar type facility. Whether it is additional north-south capacity on whatever road that may serve that demand, however I have also said that in the twenty-year condition there will be additional need to travel east west within Valencia County. The future mobility of valley residents will be key on having east-west linkages in order to make maximum use of all of your existing north south roadways, 314, I-25 and NM 47. It is also important that as the County develop and as economic development occurs within Valencia County there will be additional commercial development, there will be additional other services where access across the river will be very important. That is our opinion as transportation planners. I know there are different opinions with regards to that issue, but for the record, I want to be clear about that."

"The third issue that I would like to address is the question of the future extension of a new east-west roadway from NM 47 up to the east mesa, whether it terminates at the Manzano Expressway or some other point is not too material, but that the question of how do you eventually get up to the mesa? I have said before and I will say it again tonight, that the reason that the focus is on NM 47 to I-25 is because that is what was asked of the Highway Dept. by the Joint Resolution of the County and the municipalities within Valencia County. It is also imperative that the river crossing issue be addressed to determine whether or not a crossing is viable. If it is not, it makes no sense to go from 47 up to the mesa or it makes less sense. To the question or comments made about who is responsible if and when an extension from NM 47 to the East Mesa becomes a reality. I've heard it said that it is the County's responsibility and that the County cannot afford that. I will tell you that if a Highway goes from I-25 to 47 and if that highway were to be extended in the future, then that would be a continuation of the State Highway and would be paid for by using State or Federal dollars. It would not be a fiscal responsibility of the County, other than if there were a local match required, but even then that is typically provided by the State Highway and Transportation Dept."

Commissioner Frank Pando asked who appointed the Citizen's Advisory Committee and can anybody attend the meetings.

Dave Pennington said Citizen's Advisory Committee is not something that is automatic on a highway improvement project. It is typically used whenever there are diverse interests of the communities that are affected by this type of action. It is used to get feedback from the community and they can provide information to the community. He said anyone could participate in the Citizen's Advisory Committee, however if the groups become excessively large, then they would probably go to a different format.

Commissioner Eloy Giron asked Mr. Pennington how much weight their support of the No-Build Option held. Mr. Pennington said, "Valencia County is very important, you are the umbrella jurisdiction throughout Valencia County, however the State feels that it is extremely important to gather all of the facts, evaluate all of the alternatives, disclose this information to not only this body and other governments, but to the public so that everyone can have facts in front of them to make a decision. With regards to what ultimately comes from that decision and what role you play, I'm going to defer to Tony."

Tony Abbo said, "Basically what Dave Pennington said is what the Highway Dept. feels. There are several entities that will be affected by this decision. We have invested a lot of time and money into this study so far. What we intend to do is complete it to the end of this stage, present all of the factual information to yourself as well as the other entities involved and then we will evaluate whether this project goes along or not."

He said, “By no means are we saying that we’re going to do whatever we want because I want to reiterate that we are over half way, 75% of the way being done with this phase of the study. What we are going to do is document what we have found and then if what you said that all of the entities don’t want this, the people don’t want this, then there is no need for us to continue beyond that point, but we’re just trying to complete what we started. Document everything and make that presentation to you as well as officials in the area. If that is the sentiment of the whole community, that they don’t want to go along then we just close it up at that point. The success of this thing depends on the support it gets, during the environmental phase. If there is no support and we go through with this, we’re not going to get anywhere in the third phase, we will make our recommendations and I am not 100% sure that they will listen to me or Dave, but there stands a good chance.”

Dave Pennington said, “There are 100 + people in this room that are stating their opposition. We are looking at others who are very supportive of this project. There are many individuals who support the need. There are many groups that have said we need to evaluate this facility. I can’t tell you why they are not here, but based on public comments and discussion, there are people that support this bridge.”

Commissioner Eloy Giron said his concern is that Valencia County knows they need some sort of relief on the East Side that goes from North to South and not East to West. He is concerned that because Valencia County doesn’t make up their minds as to a definite route, the Federal Money will be channeled to other road projects throughout the State.

Dave Pennington said they will come back in a couple of months with additional information that will hopefully explain why they believe the East West link is critical to the future of Valencia County. He said, “The second suggestion or comment is that, if as an elected body, you have very strong feelings about other transportation needs, I would suggest that you express those needs to Federal Highways, to the State Highway and Transportation Dept. Managers and let them know what your concerns are and begin discussions with the Pueblo as well. We cannot forget the fact that the Manzano Expressway as proposed, will cross Sovereign Lands.”

Mr. Pennington said, “We are in the second of a three phase process, whether the third phase ever commences is to be determined after Phase II. The conclusion of Phase II will involve a comparative evaluation of all three alternatives that are currently on the table. Those three alternatives, being the C-1 Option, the A-1 Option and the No-Build Option. It will provide facts about each of those. It will conclude with recommendations with regard to, should one of the build alternatives be advanced, is it clearly preferable into an environmental impact statement. The No-Build automatically gets advanced all the way through the Environmental Impact Statement, so there are always at least two alternatives on the table throughout the completion of the EIS Process. It is possible that if one of the two alternatives being the C-1 or the A-2 does not clearly rise, that two would be advanced into the EIS process, however based on the analysis that we have completed today, I believe that one will rise.”

Chairman Alicia Aguilar said, “The comments that I’m going to make are representative of the people and what I have heard and the calls that have come to me. We go back to 1995 when this Resolution was adopted by the so-called four entities. We have one entity being Los Lunas, being the lead agency. It seems that we have benefits to some and a burden on the other. When this first started, it seems to me that the lobbying was done and the money was appropriated and the routes and the burden and what affect it had on the citizens was taken for granted, without the people actually being consulted. I realize that Los Lunas has wanted an interchange. They have annexed thousands of acres to the West and it would benefit them. Economic development would be fantastic. Gross Receipts would be great for them, so they want that. I have talked to some of the individuals in Belen and they’re saying the closer you put it to Belen, the better it would help us, because then we could get gross receipts and people would shop in Belen. I look at those answers being more gross receipts and being very localized to the benefit for those communities. Bosque Farms is saying, their gross receipts is being affected. Four years ago they wanted a “no-build” because they wanted more people to shop in Bosque Farms. The wheels, the table has turned now, so they are saying take away some of the people so the people are able to stop and shop. Going back, this Commission learned about this, at least I did, about two years ago. At which time, I brought it to the people and started asking questions. At that time I learned there had been different studies that are done and it looks like they are localized in an area and then there is a decision made like the 1 North thing, no-build, spent a quarter of a million dollars on it so then we go to another study. Even though you’re saying through the study, the money is already there to build a bridge. It is not a study. A decision has already been made. When the monies are appropriated, a decision has been made. Let’s go back and we’re dealing with the Council of Government’s and that they are the ones that basically submitted the information to the State Highway Dept. and is the agency that helps us with our transportation planning and we’re talking about 2050 Focus, I’m the representative on that, not on the Executive Committee, but on the Regular Board. When they adopted their 2050 plan two weeks ago, I voted against it. Part of it is that, I do not feel that someone else should be telling us that we’re going to be urbanized. That’s what I’m hearing. I hear that we want a rural atmosphere. There is a difference between a municipality and Valencia County. They need urbanization, which is fine. They need to do their planning and figure out their transportation needs, but for Valencia County, just today we’re talking about this Middle Rio Grande connection. We haven’t even finished this study and there is another study that is starting. This study, the Middle Rio Grande Connection will address the Manzano Expressway, will address traffic, not only from Belen, but all the way north to Bernalillo, to Tijeras and Moriarty, Ranchos de Albuquerque, correct, both sides of I-25. I found it interesting that they are asking, why is the study needed. What transportation solutions would be considered?”

“We’re going to be looking at commuter rail, light rail, monorail, enhanced bus, bus rapid transit, express bus, express ways, toll bridges and high occupancy vehicle lanes. It all seems to me that this study, if we were to wait, we would have all of the answers. Thirdly, I’d like to mention that if the Census proves Valencia County, Valencia County will probably qualify as our own MPO by next year. That means we will no longer need to be a part of the metropolitan planning office of which Albuquerque is. Right now, even the votes on the Council of Governments, there are six to our one, and I’m not sure about the voting, I’m just recommending. Our vote on the Council of Government is Mayor Allen and Pasqual Armijo. Really the County doesn’t have a voice, but going back to these individual’s, I feel that we need to respect and we really

need to address the fact that they really want a rural atmosphere. You're saying you are going to urbanize and that's the east mesa, the west mesa so I need it. If the east mesa is going to be urbanized, let's go back and in fact confirm that the numbers are there, which I'm not sure if 80,000 is an accurate number right now. There are too many questions out there for any one of us to step forth and say, we need a bridge at this time. I think we need to take it slow. You started this in 95, we just learned about it and we have questions. I don't think the people are that anxious or that, they're not saying that the traffic isn't there. They're not saying that there is not congestion. They're saying, prove to us that if you do a four-lane bridge or a five-lane bridge, then a week later we learn about this and now all of a sudden you're giving us something else. They want to preserve their culture. They want to preserve their history. They want to preserve their rural atmosphere. I think that needs to be respected."

David Gabaldon spoke of his concerns of the traffic so close to the Dennis Chavez Elementary School.

Discussion was held with the County Commissioners, Jack Fergeson, Jim Smith, Peg Ross and Ruben Thomas.

Dave Pennington said, "The decision for whether or not a build or no-build option is advanced, is based on ultimately community input, by the elected officials of the affected or stakeholder jurisdictions, by what the overall compelling need for the project is and ultimately whether or not a proposed roadway were to be funded on the shoulders of the Federal Highway Administration, assuming that it is built with Federal funds. The chances of you all building it are not real high. This, ultimately if implemented, would be built with Federal Funds of one variety or another. The decision to provide grant monies to advance a project into design and construction is by the Federal Highway Administration signature. In this instance, since it is likely to be an environmental impact statement, it is a joint authorization by the division administrator of the New Mexico Division of FHWA Administration plus input from the FHWA headquarters that is in Washington D. C."

Chairman Alicia Aguilar said, "What I'm hearing from the Commission, correct me if I'm wrong, the Commission's position is still a no-build and it would be whereby the information provided to us does not satisfy us, that this is warranted at this time. The planning from the inception of this, Valencia County and the residents that will be impacted have been left out. It looks like at this point; there is also another study that is starting. It would be premature to continue and what if this study says we need two or three more bridges or monorail or toll bridges. It seems that we should have one study that looks at the transportation needs and come back to us with that. I agree with my colleagues as I have and I worked on this from the beginning, the Manzano Expressway should come first and then the bridge and not the other way around. As far as COG, I'm very grateful for what COG does in helping us, but they are not charged with doing our planning and implementing what we want. It's the other way around. We tell them what we want and that is what they should be taking on to the federal level. Lastly, when we're talking about the federal level, we've got congressional people that requested these funds. Somebody had to have asked the Highway Dept. for them. I know that I did ask our Congress Woman and she made the comment that she was going to get more funds. We did ask her about this project, she said it's a local issue. Well, darn if it is. At this point, I'm saying, finish your study, I would love to see the information, but I don't think we want it to go forward. Last comment, both Tome, Adelino and Los Chavez are now in a flood plain area, so I realize that the environmental impacts and the studies have to address that. There are some regulations that come into play. They are also some wetland area and we do have the minnow that is protected. In reading some of the information from that, it goes back to the no-build that the community input is extremely important because if you want to retain the historical and cultural environment for the community, that's taken into consideration as part of the environmental impact."

#### **(B) REQUEST ACCEPTANCE ROADS FOR COUNTY MAINTENANCE**

Mike McCartney requested that this item be tabled until the next meeting. The Road Superintendent viewed the roads and out of the eight roads requested, he asked that six roads not be accepted. There are some problems that need to be addressed.

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

#### **(C) LITTLE LEAGUE FIELDS/Property Control**

Carlos Montoya said there is a copy of a Lease Agreement that was signed between the State of New Mexico, Property Control Division, General Services Dept. and the County of Valencia. The Lease expires in May. The Village of Los Lunas has been in contact with staff and they are showing an interest to take over the Little League Fields. No one came to the meeting from Property Control.

Michael Jaramillo from the Village of Los Lunas said the Village of Los Lunas is looking into the expansion of their programs through athletics and other ways.

He said, "Approximately about three years ago, the County Manager at the time, Mr. Gabaldon, and myself teamed up to make some change over there. We shut the park facility down and wanted to have some by-laws in place for the residents of the community. Change has happened, the Little League is doing very well there and what we started working on this past year was the infrastructure, some irrigation, grass and the facilities. We do have interest in the property and we would like to continue with the Little League. If the County doesn't want to do it or the County feels that they can't do it at this time, we would like to acquire the lease. If the County wants to stay with the program, that's their choice, we'd still like to be a part of the program. One of the reasons why is, most of the kids that do participate in the program, about 70% are within the Village limits. The rest of them are from El Cerro, Meadow Lake and Tome area. We feel this will help us in the future in having us not to build baseball facilities, that we could concentrate on soccer facilities, football facilities or swimming pool facilities. That's the reason we want to see if the County would want to, because there might be other interests that they need to look at within the County, and we would be willing to step up and accept the responsibility for the Little League."

Mr. Jaramillo said there is about 8 acres. About a year ago, the County fenced off the back part of it to increase the holding capacity for dirt and trees. A survey would need to be done to get an accurate size.

Carlos Montoya said a couple of years ago Valencia County gave some of the property to the Los Lunas Schools for their transportation department.

Discussion was held on the land division shown on the plat of the property in question.

Chairman Alicia Aguilar said, "We have four players, the State, the County, the Village and the Schools and what we really need is a meeting with Property Control because the Schools may not be aware of this. They may think that we just gave them the property and we don't know what improvements they have made on the property. My concern is that it is expiring and from what Property Control has told us, they will not do \$1.00 per year anymore. They want to charge rent on the property plus improvements. If that is still the feeling and their policy, it does affect Los Lunas. For us, we're saying, fine, take the Little League Field. It would be great, it benefits the kids and an expansion of the program, and you've been taking care of them. More information has come to light so I would be more comfortable setting up a meeting with Les Swindle, inviting the Schools, who has what and what is it going to cost and how can we give the Schools their portion, how can Valencia County retain a portion in the back and how can you get it, but not on a lease. How can we deed it so there is ownership."

Commissioner Frank Pando made a motion to table this item until the end of the meeting to see if Les Swindle shows up. Commissioner Eloy Giron seconded the motion. Motion carried.

#### **(D) FIRST CHOICE/Request for Letter of Support**

Bob De Felice, the CEO for First Choice Community HealthCare said they operate nine medical and dental facilities throughout Bernalillo County and Valencia County. There are two facilities in Valencia County, one in Belen, which are the medical and dental complex and the one in Los Lunas that has been in operation for over 20 years. He introduced two of their Board members, Mr. Paul Luna and Wilfred Otero, both from Los Lunas.

Mr. De Felice said they have operated a medical facility in Los Lunas for over 20 years and are located at 1259 Highway 85. It is on a piece of State Land and has leased the land for the past 10 years under an agreement for \$1.00 per year. They are in the process of increasing the size of the facility in the next few months. Their lease expires on May 31, 2000. They are trying to secure an exemption from the State that would allow them to lease the land under the current agreement. The exemption is based upon their designation as a healthcare entity and as a sole provider for services in Valencia County.

Commissioner Frank Pando said there is no difference between First Choice and the Little League Fields. If they support the exempt classification for one, they should do it for both of them.

Mr. De Felice said they lease the land directly from the State. They only thought that it would strengthen their application if they could get a letter of support from the Valencia County Commission.

Chairman Alicia Aguilar said, "We are trying to do a study for the medical needs of Valencia County and there was an issue brought up about the need for a hospital. That is being looked into. The information that came to me from that committee was that they wanted to form a Board. The Board would be a 501C Corporation. The Board then, would govern, manage all of the medical needs as far as the funds coming in, but you would need to be a sole provider, which would then give you sole access into federal or Medicare monies and possibly our Indigent Fund. We're not a sole provider County and you're asking us to be a sole provider County."

Bob De Felice said, "No, I'm not Commissioner. What I'm asking for is for a designation for First Choice as a sole provider. We're the only community health center in Valencia County."

Commissioner Aguilar asked, "What will that do if our study determines that there are some medical needs that we may have, whether it's a urgent care health center in Los Lunas or whatever, and then they come back and say we also want a sole source designation to be able to tap into the funds." Mr. De Felice said he did not believe it would have any affect, they currently receive State money and Federal Funds because they qualify as a Federally designated health center. They are one of 28 in the State of New Mexico. Commissioner Aguilar said, "If your lease is directly with the State and you're talking one acre, what do we have to do with it? Your lease expires in a couple of months so it is not like we could say; you're sub-leasing from us so we are going to extend our lease. We have nothing to do with it." Mr. De Felice said, "Correct, that's the point I'm trying to make. We have a direct lease with the State of New Mexico to use one acre of land to provide services. We have applied for an exemption for rules that govern State land. We thought a letter of support could strengthen that."

Commissioner Aguilar said, "Property Control has already mentioned to us that an extension of any leases, the County is not obligated in any manner. We had this conversation once before, where the State came to you and said, we will no longer lease you the property for \$1.00, what we want to do is lease the property at going rate per square foot. Valencia County is paying \$4.25 per foot for utilities. They leased it to us for \$1.00, but in essence at the Los Lunas Hospital & Training School, on one we have a \$28,000.00 bill per year and the other one is \$23,000.00. What would prevent the State from saying, you're supporting it and we're not giving them \$1.00 per year, but the lease is going to be \$25 or \$30 thousand per year." Mr. De Felice said it is the Commission's decision on whether they will support their initiative. He said he would like them to know, for the record that First Choice has been providing services to the under insured and uninsured in Valencia County for over 20 years. They reached capacity to serve last year. To serve that capacity they are now open until 8:00 PM. The Board of Directors has decided to contribute \$150,000.00 to double the size of the facility. They are using their own dollars to double the number of exam rooms at the Los Lunas Medical facility. Commissioner Aguilar said, "Seeing that the lease is with the State and you're within the boundaries of Los Lunas. You're in the Village of Los Lunas, in giving them full respect because you are in their boundaries so that in expansion of the facility, they would have a say-so. Why don't you go to them and ask for their

support?” Mr. De Felice said, “I spoke with you early on about securing that land, the State transfer ownership to the County and then we lease from the County. We had a history and I’m sharing information with Mr. Fernandez as to the strategy on the advice and guidance given to us by Mr. Swindle.”

Commissioner Alicia Aguilar said, “This is me, personally, but the relationship with Los Lunas in the past, even with the jail and all that, I want to make sure that they don’t think they are being left out or that we’re making decisions on something that is within their boundaries. It falls within the Village and I would prefer that you go to them and let them ask us.”

Commissioner Frank Pando said he agreed with Commissioner Aguilar. He said he respects what First Choice is trying to do, but if they vote for an exemption for them, they will have all of the organizations in the County that lease from the State asking for the same thing.

#### **(E) COUNTY EMS MEDICAL DIRECTOR POSITION REPORT**

John Cherry reported on the status of the EMS Medical Director. He said for the past six years, Dr. Richard Madden from the Urgent Care in Belen has been volunteering his services as Medical Director to the County EMS Service. With the complexity of the EMS System constantly increasing, Dr. Madden does not feel that he can continue with the requirements of the Medical Director. Mr. Cherry said Dr. Madden hasn’t really met all of the requirements in the past, but has been helping them as best as he could. Some of the requirements are that the Medical Director needs to attend State Workshops under the direction of the State Medical Director and Dr. Madden doesn’t have the time to do that.

John Cherry said they attempted to acquire the services of a Medical Director and contacted several medical doctors. One of the requirements for EMS is that the doctor needs to participate in an emergency room situation. That is hindrance in our area since there is no hospital with an emergency room. He said they received a commitment from Dr. Gamez that he would volunteer his services until June when a budget could be set for this. Mr. Cherry said in his research, he discovered that the Medical Director’s salary is usually \$8,000.00 to \$12,000.00 per year. He said Dr. Madden is still serving in this volunteer position at this time.

Chairman Aguilar asked the County Attorney if they are looking at hiring someone, do they need to advertise the position and put it out for other doctors to consider.

Tom Garde said, “It appears that if that is the direction that EMS wants to go, I think we ought to do an RFP on that. Based on a Professional Service Contract, we’re looking at a four year contract and it needs to go out to bid for Professional Services.”

Chairman Aguilar asked how is the County going to pay for a Medical Director. John Cherry said they have not found a solution as yet. He is hoping that the County will help out. He said in opening the new jail facility, they will probably need a medical director there and they are hoping that one medical director will cover all areas in Valencia County. He said Sheriff Juan Julian has Para-medics on his Swat Team and they have their own medical director for that. He said it is his idea that they need one medical director covering all facets for Valencia County.

Commissioner Pando asked how many hours they would be working. John Cherry said they would have to attend the workshops put on by the State Medical Director. Para-medics and IV Techs would have to meet with them occasionally and they would be required to meet with the EMS Board once a month. They would also be required to establish and manage medical protocol that the EMS operates under.

Chairman Alicia Aguilar said, “Commissioner’s, I feel we’re a bit premature on this. I would like to see our Fire Marshal meet with Personnel, develop a position description and also a salary range, bring it back to this Commission taking the advise of our Counselor and I would also like to know how he is going to get paid because we don’t have it in the budget. We may need to plan for next year and the new fiscal year starts July 1<sup>st</sup>.”

John Cherry said, “That was the full intention. Dr. Madden will keep on going with us until that point in time.”

Chairman Aguilar said, “Can we maybe send Dr. Madden a letter thanking him for his services and letting him know that we will be looking for a medical director. He may be able to help us with the position description.”

#### **(F) REQUEST OUT-OF-STATE TRAVEL/Sgt. Purdy**

Sheriff Juan Julian requested permission for out-of-state travel for Sgt. James Purdy to attend the National Public Safety Training Institute on School Violence in Scottsdale, Arizona, March 13 – 14, 2000.

Commissioner Al Padilla made a motion to approve the out-of-state travel for Sgt. James Purdy. Commissioner Helen Baca seconded the motion. Motion carried.

#### **(G) PUBLIC HEARING/Revised Subdivision Regulations & Guidelines**

Mike McCartney said this item was deleted from the February 8, 2000 meeting. Another public hearing will be held at the March 13<sup>th</sup> meeting.

Steven Chavez said this is the second public hearing on the revised Subdivision Regulations. He said he spoke with the Attorney General’s Office regarding the proposals. They have a problem with the appearance design standards. Mr. Chavez said he is beginning to agree with them and they will be taking a closer look at them.

Discussion was held on the Summary Review Process, Procedure and Requirements. the paving of roads in subdivisions and in the greenbelt area as well as the rest of the County, water availability and the floodplain management plan.

Those people participating with the County Commissioners were Michael Lundmark and Jim Smith. Steven Chavez said he would have a new draft of the Subdivision Regulations in the County Clerk’s Office by Friday.

Commissioner Frank Pando made a motion to continue this hearing at the next County Commission Meeting on March 13, 2000. Commissioner Helen Baca seconded the motion. Motion carried. **(A copy of the amendments to the Subdivision Regulations is available in the Office of the County Clerk.)**

#### **(H) REQUEST PERMISSION TO PUBLISH MORATORIUM/Combining Mobile Homes**

Mike McCartney said this issue has been coming to a head for quite some time. The issue has been addressed in the new zoning ordinance. The Planning and Zoning Commission has denied the last two requests and recommended that the County Commission place a moratorium and not accept any more applications until such time as they can address it in the zoning ordinance to prohibit the combining of two mobile homes.

Commissioner Eloy Giron made a motion to allow permission to publish for a moratorium on the combining of two mobile homes. Commissioner Al Padilla seconded the motion. Motion carried.

**(I) REQUEST APPROVAL OUT-OF-STATE TRAVEL/Steve Sanchez-Animal Control**

Mike McCartney requested out-of-state travel for Steve Sanchez to attend the National Animal Control Training Academy in Denver, Colorado March 6 thru March 10, 2000.

Commissioner Al Padilla made a motion to allow the out-of-state travel for Steve Sanchez. Commissioner Helen Baca seconded the motion. Motion carried.

**(J) AMENDMENT TO ZONE MAPS**

**Land Split to Create Three 1 Acre Lots/Ladis Romero/Amend from RR2 to RR1**

Mike McCartney said this is a request that was heard before the Planning and Zoning Commission on February 8, 2000. It was sent to the County Commission with a recommendation for approval.

Ladis Romero said he does not have any water rights on this property and that is why he is asking to change it to one-acre lots.

Commissioner Helen Baca made a motion to deny the zone change. Chairman Alicia Aguilar seconded the motion. Motion carried.

**Catering Business & Restaurant/Bill & Anita Meeks/Amend from RR1 to C1**

Mike McCartney requested that the word "restaurant" be removed. This is a request for a zone change from RR1 to C1 for the purpose of operating a catering business. Mr. Meeks will have a facility available if a group of people cannot find a place to meet. He will be doing all of the cooking in his home. The recommendation from the Planning and Zoning Commission was unanimous approval.

Chairman Alicia Aguilar made a motion to approve the zone change and allow the catering business. Commissioner Al Padilla seconded the motion. Motion carried.

**COUNTY MANAGER'S REPORT**

**Legislative Update**

Lobbyist Michael Olguin reported that during the 30-day Legislative Session, there were House Bills that were approved by the House and then died in the Senate. He said at issue right now is the actual budget itself. The legislature gave one bill to the Governor about a week before the end of the session and the Governor vetoed that within 45 minutes. The legislature went back to work quickly to see if they could compromise and provided the Governor with another one, which passed the House the last day of the session. He said it is his understanding that the Governor also intends to veto House Bill 2, which will force a special session.

There are some additional possibilities depending on whether or not the Indian Gaming Compacts can be settled by the special session and the State has additional money.

Some of the initial funding that was made available for Valencia County was \$50,000.00 for the El Cerro-Valencia Fire Dept. for a pumper truck, Las Maravillas Fire Station improvements \$45,000.00, the Manzano Expressway \$50,000.00, Los Chavez Land Purchase \$25,000.00, Hospital Feasibility Study \$40,000.00 and he was not sure if the monies for equipment for the Sheriff's Dept. was \$25,000.00 or \$50,000.00. He spoke with Senator Sanchez and he was under the impression that it was \$50,000.00. Mr. Olguin said he was unable to get a spreadsheet on the capital projects from the Senate. House Bill 169 sponsored by Senator Salazar and having to do with the gross receipts tax where they could leverage additional Medicaid dollars did not get very far and Senate Bill 33 presented by Senator Altamarino on the Subdivision Act was tabled and a generic bill that appeared was also tabled.

There were negotiations between the Governor's of the different Pueblos and a legislative committee to try and see if they could compromise some of the percentages of revenue sharing. Right now the existing compacts call for 16% to come to the State. Native Americans say that is illegal, that is totally counter to the Dept. of Interior and that they did it under protest. Most of them have stopped making payments to the State. Under House Bill 2, they put in there, fifteen million dollars anticipating that they would at least have that in Indian Gaming. The Pueblo Governor's have said that if they are not able to settle this issue and come to a compromise that they will stop making payments and go to arbitration. If they are able to reduce that revenue sharing to about 7.5%, that's what the Native Americans want, the Legislators want 8.5%, if they can find a common ground that will mean approximately 70 million dollars that can be appropriated for capital outlay. That would free up more monies for Valencia County

**Workforce Investment Act Update**

James Fernandez said there is a copy of an agenda in the packets of a meeting he attended at the Middle Rio Grande Council of Governments Office on February 18, 2000. He said Commissioner Aguilar was elected Chairman of the Chief Elected Officials Group that was present at the Workforce Investment Act meeting. She presided over that meeting that began the process of selecting a Workforce Investment Board. A forty-two member board was selected and an additional meeting was scheduled for March 9, 2000, at the Middle Rio Grande Council of Government's Office between the hours of 3:00 and 6:00 PM and at that time the Board will be meeting with the Chief Elected Officials.

Chairman Alicia Aguilar said she was elected Chairman that includes Bernalillo County, Sandoval County, Torrance and Valencia County of all of the elected officials. The next step is to have a meeting. They



appoint the board, the individuals that were appointed to the Board are Steve Anaya, Del Archuleta, Kathleen Aguilar, Paul Baca, Grace Chavez, Robert Davey, Liz Gallegos, Jan Garcia, Frank Herrera, Leon Holbrook, Jack Huning, Rick Johnson, Ed Lopez, Mike Larimore, Terry McDermott, Myra Koncrosio, Alex Romero, John Salazar, Wendy Shannon, Martin Sisneros, Jack Torres and Hank Vigil. They will represent the private industry. There were others elected for community-based organizations. They will meet on the 9<sup>th</sup> and the board will have the challenge of setting up a five-year plan and appointing a youth council and approving and setting in place a Memorandum of Understanding. These are contracts with providers and services and deals with sort of welfare to work, but it takes in training from kindergarten to high school to adult education.

Michael Lundmark voiced some concerns regarding the clientele they would be dealing with. Chairman Aguilar explained the way the Commission became acquainted with the Workforce Investment Act.

**Tome Hill Park Interpretive Signs/Professional Service Agreement**

James Fernandez said in the packets is a Professional Services Agreement between Valencia County and Sightworks, LLC. It is for Interpretive Signs for the Tome Hill Project.

**Findings on Twin Mountain**

County Attorney Tom Garde said, “With regards to the document before you, with staff, we prepared findings from the denial of the zone change from OD to MR. These findings are consistent with this Board’s motion to deny and also required by our ordinance to adopt.”

Commissioner Frank Pando made a motion to accept the Findings of Fact on the zone change request by Twin Mountain Construction II Co. Commissioner Eloy Giron seconded the motion. Motion carried.

**Other Matters**

James Fernandez said he received a letter from Linda Lawrence from the Highland Meadows Citizens for Responsive Government commenting on the Commission’s vote on the Twin Mountain issue. They request to be involved in other issues with Valencia County.

A letter was received from the New Mexico Energy, Minerals & Natural Resources Department. Since 1965, almost every village, town and city in New Mexico has benefited from the land and Water Conservation Fund program, which provides federal matching money for the development of outdoor recreation facilities. Valencia County has been the recipient of such grants administered through the State parks Division of the Energy, Minerals and Natural Resources Dept.

In order to be in compliance with National Park Service requirements for the State of New Mexico, they ask that we visit our sites, complete a separate Post Completion Inspection Report Form for each site and take representative photographs. There are four sites in the County. One of the sites is Los Chavez Park and the County received \$25,480.00 and was approved in 1974. Another site is the Old Town Mini Park that was approved June 23, 1978 in the amount of \$15,987.00, Acomita Lake approved May 24, 1979 in the amount of \$40,640.00 and Belen Ball Fields approved June 27, 1980 in the amount of \$20,185.00.

The Old Town Mini Park, Acomita Lake and the Belen Ball Fields no longer fall under the jurisdiction of the County. Mr. Fernandez said they would notify the Energy, Minerals and Natural Resources Dept. as to the respective parties. He said there is one item that is a potential problem that they are still investigating, the particular ball field, the County no longer owns and it was deeded by the County to a private individual, which is contrary to one of the requirements that these particular sites have to be held in perpetuity.

Chairman Aguilar asked, “Is this my Los Chavez Park that I’ve been asking about that money came in and now it’s not a park and there’s mobile homes on it?” Mr. Fernandez said, “Yes, Commissioner it is.” Chairman Aguilar asked Mr. Fernandez to keep her updated. Mr. Fernandez said they would be getting copies of deeds and bringing them to the Commission.

Chairman Aguilar said, “I don’t see the taxpayers having to pay or reimburse \$25,000.00 for something like this. This is my district and I’m going to hold firm. I’m going to hold people responsible.”

Commissioner Frank Pando made a motion to untable item C (Little League Fields/Property Control). Commissioner Al Padilla seconded the motion. Motion carried.

The County Manager said he has been checking to see if there is a message from Les Swindle and he has received nothing.

Commissioner Helen Baca made a motion to table Item C until the next meeting on March 13, 2000. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit A for all items presented during the County Manager’s Report).**

**(L) WARRANTS**

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

**NEXT MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on March 13, 2000 at 10:00 AM in the County Commission Room at the Valencia County Courthouse, with Executive Session to begin at 9:00 AM.

**ADJOURNMENT**

Commissioner Frank Pando made a motion to adjourn the February 21, 2000, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Eloy Giron seconded the motion. Motion carried.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the February 21, 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, 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: March 13, 2000**

**For an official copy of these minutes and attachments see Commission Book 36 Page 710**