

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

APRIL 17, 2000

MINUTES

Chairman Alicia Aguilar called the Regular Meeting of April 17, 2000 to order at 5:09 PM.

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

EXECUTIVE SESSION

Paula Weathersby read the agenda of the Executive Session. Commissioner Frank Pando asked to discuss a couple of items. Chairman Aguilar said Fire Marshal John Cherry and Brian Culp would be coming into Executive Session and she would like to discuss the Adult Detention Facility.

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

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

NEW HIRES: Pending Pre-employment physical, drug and alcohol test	Eric VasConselles (COPS Supplement II)
STATUS CHANGE: Probationary/Non-Probationary with Salary Adjustment	Laura McClemore
STATUS CHANGE: Temporary to Probationary Full-Time	Jess Weston Larry Garcia
LEAVE OF ABSENCE:	Tina Gallegos Josephine Ervin Matthew Carrasco
ADMINISTRATIVE LEAVE WITH PAY:	Jaime Alvarado

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

County Attorney Tom Garde said, "Under Pending Litigation we discussed the current status of the case involving the San Clemente Grant versus Valencia County with regards to the motor park. We discussed the status of the existing litigation between Valencia County and Bonito Land and Livestock and Mr. Kiehne. We discussed an update with regards to the appeal filed by this County concerning Coffman Subdivision and I also advised this Commission that last week Judge Pope upheld this Commission's decision with regards to the 1½-acre lot size with regards to the Sant Tana Subdivision owned by Matthew Otero. Lastly we discussed the potential RFP with regards to the closure of the Valencia County Landfill and with regards to those items no action was taken."

County Manager James Fernandez said, "Under Land Acquisition the property west of the Courthouse that is owned by Anthony Apodaca and Mark Jarner was discussed and no action was taken."

Chairman Alicia Aguilar said, "Other items that were discussed was, Brian Culp came into Executive Session and informed us about the need for a Medical Director and he will be gathering information and bringing it to this Commission with a recommendation."

"The other item is our Adult Detention Administrator was also called into Executive Session to give us an update and there was some concerns on the Adult Detention Facility that were raised and the statement I'm going to make next is me, personally. It doesn't come from the rest of the

Commission, but I feel at this time, because of the concerns that I feel are quite serious that I personally would like to publicly indicate that I am giving the Adult Detention Director or Administrator a vote of no confidence.”

“There are many issues and concerns that need to be addressed and I have brought him up in the past and I just want it to be of record of where I stand.”

Commissioner Frank Pando made a motion that these were the only items discussed during the Executive Session. Commissioner Helen Baca seconded the motion. Motion carried.

PLEDGE OF ALLEGIANCE

Dave Vickers led the Pledge of Allegiance.

APPROVAL OF AGENDA

Paula Weathersby read the agenda as presented. 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 April 3, 2000 were presented for Commission approval. Commissioner Eloy Giron made a motion to approve the Minutes of April 3, 2000. Commissioner Al Padilla seconded the motion. Motion carried.

PUBLIC REQUESTS

There were no Public Requests.

ACTION ITEMS

(A) SIGNALIZATION AND LIGHTING AGREEMENT

County Manager James Fernandez presented the Signalization and Lighting Agreement. It is identified as Project TPO-0047(15)31, CN2105 with regards to Valencia Road and Highway 47, Molina Road and Highway 47 and McGee Road and Highway 47. There is a letter from the County Attorney regarding his review of the Agreement.

The County Attorney said, “In reviewing this document, this basically provides protection for the County during construction of the lighting. It also provides that the County is required, at its expense, certain items with regards to the maintenance of them. This document is a document that, I think is in the best interest of the County.”

Commissioner Eloy Giron made a motion to approve the Signalization and Lighting Agreement. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit A)**

(B) PUBLIC HEARING/ADOPT ORDINANCE/SPEED HUMP POLICY

County Manager James Fernandez stated in the packets there is a sample of the Ordinance known as the Speed Hump Policy for Valencia County. There is also notification that was sent to the newspaper in regards to the intent to adopt this ordinance. This is the first public hearing with regards to this matter. Copies of the proposed ordinance were sent to each of the Homeowners Organizations who have registered with Valencia County. In the audience there is a representative from Molzen-Corbin to answer questions on the specifics of the policy.

Discussion was held on the proposed Speed Bump – Speed Hump Policy. Those participating in the discussion were Cynthia Mabe, Debbie Young, Ruben Valesquez, Elliott Mabe, Kevin Eades of Molzen-Corbin, Demecio Martinez, Mark Martinez, Orlando Sanchez and the County Commissioners.

Commissioner Eloy Giron asked if the speed bumps are put in, would they be able to remove some of the stop signs that were installed earlier.

Kevin Eades said the best thing to do when taking this into consideration is that you don't try to use a stop sign to control speeds. It happens frequently, but if it ever came to litigation you would want to back up your procedure ordinance and want to have the traffic warrants that require the stop signs or not. If they put in the speed bumps they would probably do a traffic count and see if stop signs are warranted, if not they could be removed.

There will be another hearing for final adoption on May 1, 2000, if the Commission chooses. **(See Exhibit B)**

(C) REVIEW & ADOPT AMENDMENT TO/Resolution 99-39/Valencia Fire Chief's Council

Frank Barka presented an amendment to Resolution 99-39 for Commission approval. He said they came before the Commission in September 1999 with the original resolution and it works well. He is hopeful that that Commission will adopt the amendments so that it will benefit the residents of Valencia County.

Chairman Aguilar asked if all of the Fire Chiefs had reviewed the document. Mr. Barka said yes they have and they all concur with the exception of one.

John Cherry said he was asked by the one remaining Fire Chief, John Dear from the Peralta Fire Dept. to read a letter that he sent in regarding this issue. He was unable to attend the meeting tonight. Mr. Cherry read the letter into the record. **(See Exhibit C)**

Commissioner Frank Pando asked Mr. Cherry how he would respond to Mr. Dear's statement regarding the paragraph 3 on page 3 and paragraph 2 on page 4.

John Cherry said he also has a concern. The Chief's Council is working in closer context than they have in quite a while. He still thinks they are getting a little out of bounds when they start placing liabilities and responsibilities there. He agrees with Chief John Dear that the Chief's Council

is an advisory committee and an advisory position. They are doing a good job, but should remain in an advisory position. Commissioner Pando asked John Cherry for a recommendation as Fire Marshal.

John Cherry said, "I don't know that I would make a recommendation other than maybe we table it and redraft it. I have heard some comments and there are some Chief's in the audience. They possibly didn't understand this when they signed the signature sheet or possibly didn't take the time to thoroughly read it. I can't speak for them, it is just feedback that I've been getting."

Jim Patraw said the resolution was presented at the Fire Chief's Council Meeting and we had about 15 minutes to look over it before we voted on it. He said on page 3, item 3, he did not know how that got by the Chiefs.

Frank Barka said they scheduled two meetings to discuss this resolution. They did not show up. They scheduled another meeting and they did not show up. Officers that were re-elected in December run the Chief's Council. The same ones they say are not moving the Chief's Council in the right direction are the same ones that they put back in. He said, "If the Chief's Council was moving in the right direction we would be ten years ahead of our time, we are ten years behind our time. When I took over as Chief of Valencia El Cerro, we had one pumper and it had just been rolled. We had borrowed one from the Los Lunas Fire Dept. that had been shut down. We had a tanker that didn't have an engine in it. We had a brush truck that worked once in a while. We had a rescue that was always breaking down and we had to use a squad. We were never 100% sure that we had a transportable rescue. They said everything was going fine. Why was the money that was in that department not spent on fire protection equipment? There were five sets of brand new gear in that department. We had a hose that was borrowed from District 4 to put on our fire truck. Yet, everything was going great. In the five years since I took over as Chief, we've increased our pumpers to three pumpers, two tankers, two rescue units and two brush units, built a substation, all on funds that we didn't come to the County Commission for. We decreased our ISO ratings to an 8.9. We have three departments out there, one of which just got an ISO Review, hopefully they'll get an 8 or even better. Two of the ones, including John Dear's District isn't on. Whenever we ask them how they are going to do it, we don't get a response. We sit down and say ok, every thing is going fine and dandy. I get a fire call in my backyard, I have no one respond. I put it out myself with my kids. I had to call District 4 for mutual aid. It affects me. I am a resident of this County as well. I get an accident where my sister rolled her car; my niece is trapped underneath it. No response from the Fire Dept. I get another accident, family, no response from the Fire Dept., we paged the ambulance service. My Dad had a heart attack in my backyard, no response. My sister had a baby in my house and I don't get any response. This affects me; it affects me just as much as it affects everyone else. When I get riled up and told them we need to do something about this, there are people's lives at stake. You've heard about the Medical Director incident that should have been dealt with a year ago. Why do we wait? My rescue, the footing on it, what happened to that? Who got the blame for it? That letter labels us volunteers; you're labeling us as substandard because we're not paid. You're saying that we can't handle this job because we're not paid. I'm a paid fire fighter with the Bernalillo County Fire Department. Most of us are volunteers in this County and I'm a proud volunteer. I'll risk my life to save anyone in this room for free, at no cost, but then you're saying that we don't have the ability to run it. Is that what you're saying? We are asking that you give us the authority to start sitting down and start planning the way this Fire Department needs to be, not one's opinion, but a group's opinion. He's talking about liability. Look at your State Statute. Who's liable for that fire department? Who do they come after? Who does John Cherry point the finger at if something happens? Who does he call? The Chief, a volunteer. We do this for free because we want to do it. No one wants to volunteer anymore because there is no money in it. How many of you know how many fire fighters there are in one of your districts, volunteers? Have you discussed it with the Fire Marshal? Has he told you? There is one district where two people run rescue almost all of the time. One of them made 780 calls last year. He's dedicated. If he took a vacation there would be a big problem. If we had a major fire in this County during the week or during the day, we would be in trouble, God forbid, not a schoolhouse or something where a lot of people were there. We have a problem in this fire department and it needs to be addressed and it needs to be addressed now."

Commissioner Pando asked how many chiefs attend, when they call a meeting? Mr. Barka said, at the last one they had, there was himself, Terry Baber, the Fire Marshal who has attended every meeting, as well as John Cherry, Jr.

Chairman Alicia Aguilar said, "I'd like to go back about a year and a half ago. Commissioner Padilla and I had been attending the Fire Chief Council Meetings. I did a lot of listening and that's when the resolution first came before us. My concern in all of these meetings was that I wanted something where the fire chief's would be forced to have a dialogue to communicate. They wouldn't be forced to do anything if they didn't want to, but at least there would be a mechanism in place, to come to the table and talk jointly, and if there was a need for one fire district to come before the Commission to ask for support, whether it be for going to the State level from the County to solve a problem, it would come from the Fire Chiefs. I was told there was a concern that it wasn't happening."

"Everything was status quo. Many of the fire departments had not received ISO ratings. I was getting criticized particularly that I had received funds from the State for my district and that I wasn't helping the other districts. My comment to that was, if you have a Fire Council aboard that comes together, among all of you, you can make a decision and it wouldn't matter where the need was, it was all for Valencia County. The Commission could then have a consensus and say this is what we're going to address first. That is the purpose of the Fire Chief Council."

"There would be some decisions made that would give them assurances that the meeting wasn't wasted, that it didn't go to the Fire Marshal and stay on that table and it was never addressed. That is what I'm hearing tonight. They could go to the Fire Marshal, but if it doesn't get done they can come to the Commission directly."

Frank Barka said this is a start. He would rather see an ordinance just as John Cherry would, that would have some teeth, but would improve the fire departments.

Commissioner Pando said, "Frank I agree with you to some degree, but at the same token, as you just pointed out, you guys are all volunteers. I have the utmost respect for you because the job you do is incredible. How can you put an ordinance that forces you? I would not ask you to do something that I wouldn't do myself first of all. I hate laws. I for one, would hate to be in a position to tell you that you have to do this."

Frank Barka said that is where they need to be. Commissioner Pando said, "I thought that's what the Fire Marshal's job was, to get you guys together and he tells you what to do and he in turn reports to the Commission. I have no quarrel at all if you want to talk to me or the Commission at any given time. My door is always open, but for me to sign an ordinance that forces you, I don't know if I'd feel comfortable with that."

Frank Barka said, "There are many Counties that have ordinances forcing us to do such a thing, improving our departments, making mandatory. We could come in and just do status quo and as long as we show up and nobody complains, we're fine, when in fact we're not."

Commissioner Pando said, "I'm not saying that at all. You take your job responsibly. You really do. For me to sit here and force you as volunteers to do something that maybe you don't want to do, I don't know if I'd feel comfortable doing that."

Commissioner Giron asked the County Attorney if he has reviewed the Resolution. Tom Garde said, "I reviewed it on Friday, when I went over the packet. I was unaware of the issues that were raised by Mr. Dear with regards to the liability that the Fire Chiefs would have."

Frank Barka said, "When you review the liability, make sure you review the State Ordinances that we work under. They give us the liability, they put it on us. They put it on us anytime an untrained person walks into a building and gets hurt. Who do they come after? They come after the Fire Chief, volunteer or paid, it really doesn't matter."

Tom Garde said, "Given the concerns of Mr. Cherry, I, personally would rather have time to review it before this Commission adopts the resolution."

Chairman Aguilar asked, "Would it be possible to table this until the next meeting and ask you to review the liability of it and then the Commission can take action?"

Commissioner Frank Pando said he would still like to hear from John Cherry as to how he feels. Apparently there is structure and what would work best for you guys is my concern."

Frank Barka said, "The best thing, as I've always stated when I have talked with Commissioners is the fact that we do need a Fire Chief. We need a structure that is actually higher. We need someone whose whole job is to oversee the fire department and its function. Not just the Fire Marshal's job. That's another part of it. That office should be overwhelmed with making sure that every building in this County is fire safe. They should be inspecting everything because that's the only thing we have to work with. If we have a major fire in a school we're in trouble. We have to make sure that we do the right things. There is a school in our district that seems to think they can do whatever they want. I believe that we need a fire department structure where we actually have a Fire Chief who starts looking at the problems and directing it. I have no problem with someone being paid over me. I believe in Para-military when it comes to a fire department and I think it needs to be done, but you have to have an avenue to move forward."

John Cherry said, "Thirteen and a half years ago I took on the position of Fire Marshal for Valencia County. I realize that none of the administration was here at that time except Carol Anaya. The reason my position was opened in Valencia County, there was a fire department that actually embezzled a considerable large amount of funds. At that point in time there was no control anywhere of any of the fire departments. This action was taken through a Peers Committee. The Peers Committee was made up of people from Bernalillo County Fire Departments, Valencia County, Bosque Farms Fire Departments; they made a recommendation to the County Commission at that time that they establish a Fire Marshal's Office with control over the fire departments. There is a little bit of misconception in titles. In some areas, Fire Marshal, the title indicates that they plan for reviewers, the inspection of public buildings and that nature. When my job was established, a job description was written and that job description indicated that the Fire Marshal title would be in charge of all fire departments and medical rescues and overseeing various parts. We have reviewed this job description many times with the Chief's Council. In Bernalillo County you have a Fire Marshal. In Bernalillo County you also have a County Fire Chief. The Fire Chief is over the actual fire department operations. The Fire Marshal is over the code enforcements and stuff like that. That's combined here in Valencia County. It is entirely possible that we need to restructure in some shape or form."

"When I took over the Fire Marshal's Office it was an office of one, myself. I received part-time help that was finally put on full-time and up until just a few years ago, we've now increased the staff to three. That staff of three, we do investigations, inspections and fire department operations. I'm going to be the first to admit that many times I may not have quite the time to get out to each and everyone. I haven't been in the field for quite some time because of the office traffic. Today we had a terrible crisis on our hands with the EMS."

"I think the Chief's Council could be in a great position to be advisory and maybe delegate and take on some of the responsibilities and see that it gets done. There is a tremendous amount of traffic through my office, paperwork or otherwise."

Commissioner Giron asked if there would be a way that the Chief's Council could have another meeting and go ahead and try to hash some of this out. He said, "I see Mr. Barka is not too happy about that, but I see another Chief here that was upset with the deal also. Is there any way that we can go back and have a meeting before the Commission addresses this again?"

John Cherry said, "I think it's entirely possible. I think it is necessary and I think it will also be necessary to make it mandatory that each and every County Chief be present and participate. It wouldn't hurt the municipality chiefs. The municipalities are also members of the Chief's Council. Some of this doesn't pertain to a Municipality Chief. They are under their own administrations. Many things do apply to mutual aid and operations between municipalities."

"I would like to see each and every fire chief participate in drafting the final draft of this. I think it is something that is necessary. I'm not condemning these boys; don't get me wrong because they help me a lot. I hope I help them. Chief Barka was relating to equipment, I will be the first to admit that when he first took over the Valencia – El Cerro Fire Dept. he had a budget problem which we haven't pulled out of yet and this is due to some prior administration problems that is no where reflected on Chief Barka. We took on a lot of endeavors. Chief Barka related to funding of his new rescue. We started working on that last November with the New Mexico Finance Authority and we got tentative approval last week and we have to go through some more hoops with the Board of Commissioners, such as resolutions. We have to provide them with documentation and it has been since November. There is nothing we can do about that."

"There is explanation for practically everything. It was stated that the Medical Directorship should have been handled a year ago. I will agree. We worked on a Medical Director, we had a lady doctor, Pat McNeil who agreed to take on the Medical Directorship for rescues and the State wouldn't accept her. We had to change tactics. We had another Medical Director who didn't see fit to come into it. Now our present medical doctor, Dr. Madden has resigned. We met today with Mr. Fernandez and Carol Anaya; the Board of Commissioners approved us to go to RFP's for a Medical Director. We kind of slowed up on that because Dr. Madden had agreed to follow through until June and we were trying to get our ducks in a row. I heard today that Mr. Fernandez and Mrs. Anaya decided we needed to expedite this and it is being expedited."

Chairman Alicia Aguilar said, "I would suggest that you talk to our County Manager before you go RFP, because the direction maybe a little different because of the emergency. If we don't have a Medical Director and rescue can't do their job, then we don't have time to do an RFP. We're considering it to be a health, safety and welfare situation."

John Cherry said, "The first thing this morning we were contacted by the EMS Bureau. The State of New Mexico has a State Medical Director, Dr. Alfredo Vigil and we expected authorization that our rescues would be put under the State Medical Director, Dr. Alfredo Vigil so that they continue operating the IV Techs. At the present time we can operate EMT Basics. The IV Techs. need medical direction. We expected a reply from the EMS Bureau by the close of business tonight, however we did not receive it. I am expecting a reply at least by tomorrow and we are anticipating being placed under the State Medical Director on a temporary basis until we can get it solved. If we don't have to go to RFP's, so much the better."

Chairman Aguilar asked if it would be possible to give a copy of the resolution to all of the Fire Chiefs, have them review it and have them all present for our next meeting. She said, "That way I can take a vote and majority rules. They can express their concerns and if they are not here, we'll note it that they are not here."

Terry Baber said all the chiefs were advised a month ago that this was on the agenda for tonight. They were all requested to be here. They did hold two special meetings to discuss these amendments as well as four other regular meetings to discuss these things. Some of the chiefs couldn't find the time to make the regular meetings or the special meetings. They had to meet individually with them in order to get the signatures.

John Cherry said he liked the idea of bringing the Chiefs together one more time and maybe they can get some type of opinion from Mr. Garde prior to the meeting so that it can be explained to the Chiefs in its entirety, possibly in writing. We could have one more meeting and go over this and draft it one more time so that it becomes a working document and benefits everybody concerned.

Chairman Alicia Aguilar said, "I would like to go one step further, if it's possible to have the meeting during the day here at the County Commission Room and let's get our Attorney and County Manager to be present. That way it can be explained and the Fire Chiefs themselves can ask the questions of the attorney so that it satisfies them. Otherwise it is going to be where it wasn't explained."

Chairman Aguilar said, "I'll entertain a motion to table action on this until the next meeting, but also give direction to administration to meet with all of the Fire Chiefs and our Fire Marshal, discuss it and come forth to us with the recommendation."

Commissioner Frank Pando made a motion to table action on this until the next meeting and give direction to administration to meet with all of the Fire Chiefs and the Fire Marshal to discuss it and come forth to the Commission with a recommendation. Commissioner Al Padilla seconded the motion. Motion carried.

(D) REQUEST OUT-OF-STATE TRAVEL/Terry Baber/ IAAI Seminar in Kentucky

John Cherry requested out-of-state travel for Terry Baber to attend the I.A.A.I. Seminar. The Seminar is being held in Somerset, Kentucky from May 1, 2000 to May 9, 2000. This seminar is

for arson investigations. There is no cost to the County for this travel. The conference pays for the room and board and Mr. Baber has a relative that works for Southwest Airlines so the airfare is free.

Commissioner Frank Pando made a motion to approve the out-of-state travel for Terry Baber. Commissioner Al Padilla seconded the motion. Motion carried.

Chairman Alicia Aguilar commended Terry Baber for the experience and knowledge he brings to Valencia County.

(E) APPOINTMENT TO PLANNING & ZONING COMMISSION

Commissioner Al Padilla said his recommendation for the Planning and Zoning Commission is Martin Sisneros, with George Koch serving as an alternate.

Chairman Alicia Aguilar said there were two resignations from the Planning and Zoning Commission and that was Leonard Castillo and Jim Smith.

Commissioner Al Padilla made a motion to accept the name of Martin Sisneros as his representative to the Planning and Zoning Commission and the name of George Koch to serve at large. Commissioner Helen Baca seconded the motion. Motion carried.

(F) RESOLUTION/COPS Grant Supplement II

Creation of New Department/Budget Increase/Permanent Cash Transfer

Monica Mireles presented Resolution 2000-21 for Commission approval. It is for the creation of a new department, a budget increase and a permanent cash transfer. On April 30, 1999, Valencia County was awarded an additional supplement to the COPS UHP Grant Program, increasing the COPS Grant Program with 10 additional full time officers and 4 part time officer positions.

Commissioner Frank Pando made a motion to approve Resolution 2000-21. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit D)**

(G) UPDATE ON REVISIONS ON SUBDIVISION REGULATIONS & GUIDELINES

Steven Chavez said they have gone through the latest proposed amendments to the Subdivision Regulations & Guidelines. They have made a few changes to some of the existing language. There have been several changes already discussed. He requested that they keep going with the suggested language.

Chairman Alicia Aguilar went through the proposed revisions of the Subdivision Regulation and Guidelines page by page and made suggestions for changes as well as marking corrections in typing.

Commissioner Eloy Giron left the meeting.

A gentleman from the audience said he is opposed to the County paying for the notification to surrounding property owners as it is done at this time. He said he believes that the developers should be responsible for this cost.

Commissioner Frank Pando said he believed that the County should handle this issue in the same manner as the Village of Los Lunas. They make the applicant do the research and notify all of the adjoining property owners.

Chairman Aguilar asked if they can compromise and have the developer do the research and the County will mail the notices so that we can make sure the adjoining property owners are notified.

State Representative Dave Vickers said there was a lot of reference to the Legislature and he said there are a lot of laws that are passed with unintended consequences and he is a very strong supporter of local control. He said he might not agree with all of the Commission's actions, however he believes they are the ones that should be making the decisions regarding the County. He will be glad to help in amending any State Statute's that will help them do their job better.

Chairman Aguilar thanked Mr. Vickers for the funds he brought home to this County.

(H) REQUEST CHAVIRA ROAD ON LIST FOR PAVING

Mike McCartney said this is a request to add Chavira Road to the list for paving. It is in Commissioner Padilla's district. The Road Superintendent and the Road Viewer recommended that this road be denied. It is already a County dedicated road and needs to be brought up to specs to be paved.

(I) REQUEST LUCERO ROAD ON LIST FOR PAVING

Mike McCartney said this is a request to add Lucero Road to the list for paving. It is in Commissioner Padilla's district. The Road Superintendent and the Road Viewer recommended that this road be denied. It is already a County dedicated road and needs to be brought up to specs to be paved.

Commissioner Al Padilla recommended that both roads be denied.

Chairman Alicia Aguilar said direction has been given to Mr. McCartney to advise the property owners to bring them up to specs and bring them back at a later date.

(J) REQUEST TO PUBLISH

Amendments to Valencia County Comprehensive Zoning Ordinance

Mike McCartney said they came before the Commission requesting permission to publish amendments to the Valencia County Comprehensive Zoning Ordinance. The County Attorney recommended they bring the amendments before the Commission when requesting permission to publish.

Commissioner Frank Pando made a motion to grant permission to publish amendments to the Valencia County Comprehensive Zoning Ordinance. Commissioner Helen Baca seconded the motion. Motion carried. **(See Exhibit E)**

Chairman Aguilar said she needed to go back to Items H and I. She should have requested a motion to deny adding Chavira Road and Lucero Road to the list for paving and she did not do that.

Commissioner Al Padilla made a motion to deny adding Chavira Road and Lucero Road to the list for paving. Commissioner Frank Pando seconded the motion. Motion carried.

(K) COUNTY MANAGER'S REPORT

Waste Management Fuel Surcharge

James Fernandez said in the packets there is a copy of a letter, dated April 5, 2000, from Waste Management regarding Conejo Transfer Station Agreement Fuel Surcharge. He said under the existing contract with Waste Management for the transfer of trash from the Conejo Transfer Station, section 4, Rate Adjustments, they are putting us on notice that they are invoking that provision of their contract to allow the increase in fuel charges. He said he brings that information for public notice. The fuel surcharge as calculated by Waste Management is at 1.3% instead of the 1.7% as printed in their letter.

Other Matters

The County Manager said there has been ongoing correspondence with San Miguel County regarding a bill that they indicated that we owe. It was an additional \$32,000.00. Valencia County has sent documentation that they owe them \$35,000.00. San Miguel wrote back to Valencia County indicating that they owe Valencia County \$11,042.00. They indicated that they have four reams of paper that they have done research on. The County Manager is going to request copies of this research so that they can review this documentation.

The County Manager said they are constantly looking for ways to save the County money. He presented an agreement from Management & Training Corporation and McKinley County that the County Attorney has reviewed in terms of housing prisoners in McKinley County. It will reduce the cost of approximately \$5.00 per prisoner per day. It would require ratification by the Board.

MTC proposes a fixed rate per inmate day cost for inmate maintenance for the first two years of the agreement or length of the contract if less than two years. The fixed rate fee per inmate day would be set at \$41.00 per day. This fixed rate per diem fee includes, or incorporates a \$2.00 per inmate day transportation fee for MTC to provide all transportation. Transportation of Valencia County inmates will be scheduled for Monday, Wednesday and Friday of each week during the term of the contract.

Commissioner Al Padilla made a motion to approve the Service Agreement with Management & Training Corporation and McKinley County. Commissioner Frank Pando seconded the motion. Motion carried.

The County Manager presented information for public record from Advanced Environmental Solutions, Inc. requesting that they be added to the qualified vendors list. AES is staffed with highly experienced professionals who are uniquely qualified to offer a wide range of environmental, industrial and construction services.

James Fernandez said they received notification from the Director of the Senior Citizens and one of the items that they were directed to do was contact each of the municipalities regarding the funding of the Senior Olympics. Mary Ann Gonzales said that so far, the Village of Los Lunas and the City of Belen have agreed to the \$2,000.00 commitment. The Village of Los Lunas has requested a Memorandum of Understanding that would be drawn up and delivered to them so that funds can be drawn. Mr. Fernandez said he would work with the County Attorney on the wording for the Memorandum.

Chairman Aguilar said, "I know we committed, but this would reduce the amount of commitment because now we have a sharing."

Commissioner Frank Pando asked about the Village of Bosque Farms. The County Manager said they have not heard from them. **(See Exhibit F for items presented by the County Manager)**

Chairman Alicia Aguilar asked if they would be reviewing the Juvenile Detention Center Joint Powers Agreement. Carlos Montoya said yes they would.

The County Manager said there were some revisions that they requested and it is scheduled to be presented at the first meeting in May.

Carlos Montoya asked about including wording regarding past debts.

Chairman Aguilar said, "It would be where, going into a new Joint Powers Agreement, with the history and the difficulty in the past, we are starting with a new agreement and we aren't going back to them coming and saying that they found a bill five years old and we owe them for it. This is

the problem we've had so I'd like a statement in the JPA that whatever they haven't submitted, there is no grace period."

(L) AWARD OF BIDS

#511 – Dairy/#512 – Meats, Fish & Poultry/#513 – Foods – Non-Foods

Carlos Montoya said this is the bid for the Older American Program. Two bids were received, one from Zanos Foods and one from Ben E. Keith. The staff recommended that the bid be approved as per line item and lowest price.

Commissioner Frank Pando made a motion to approve the recommendation of staff and award the bid as per line item and lowest price. Commissioner Al Padilla seconded the motion. Motion carried. **(See Exhibit G)**

(M) WARRANTS

Carlos Montoya presented the warrants for Commission approval. The total amount is \$225,000.00 with \$190,000.00 being out of the General Fund.

Mr. Montoya said they are recommending that Friday will be the cutoff day for purchase orders for this Fiscal Year unless approved by the County Manager or himself.

Chairman Aguilar asked what happened to the report from PNM that there was a credit owed to the County on some streetlights. Tom Garde said PNM is preparing an inventory and they are trying to get together with PNM to see who owns what lights. Mr. Garde said, "I was in contact with the State Highway Dept. regarding the lights in Rio Communities and there is an agreement between the County and the State regarding the construction of that lighting project. The County was required to provide that lighting for the four-year period of the severance bond. It was signed by former County Manager Paul Gabaldon and was done during the interim and as a result the effect of that letter was of no effect because it would have been a breach of our contract with the State Highway Dept."

Commissioner Frank Pando asked how they could go about getting lighting on Sichler Road. He has been contacted by several residents regarding this issue.

Carlos Montoya said they could talk with Chris at PNM. Tom Garde suggested that the County set up some type of procedure. Everyone agrees that there are too many lights in some areas and not enough in other areas.

Commissioner Frank Pando made a motion to approve the Warrants as presented. Commissioner Helen Baca seconded the motion. Motion carried.

Carlos Montoya requested permission to cut a check at the end of the week for the postage for the County Clerk to mail the voter cards.

Commissioner Al Padilla made a motion to allow a check to be cut for the County Clerk to mail the voter cards. Commissioner Frank Pando seconded the motion. Motion carried.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on May 1, 2000, at 10:00 AM, in the County Commission Room at the Valencia County Courthouse. Executive Session will begin at 8:30 AM.

ADJOURNMENT

Commissioner Frank Pando made a motion to adjourn the April 17, 2000, Regular Meeting of the Valencia County Board of County Commissioners. Commissioner Helen Baca seconded the motion. Motion carried.

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the April 17, 2000, Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>
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VALENCIA COUNTY BOARD OF COMMISSIONERS

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: May 1, 2000

For an official copy of these minutes and attachments see Commission Book 36 Page 906