

VALENCIA COUNTY BOARD OF COMMISSIONERS

SPECIAL MEETING

June 12, 2000

MINUTES

The Meeting was called to order by Chairman Alicia Aguilar at 8:45 AM.

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	

PLEDGE OF ALLEGIANCE

John Cherry led the Pledge of Allegiance.

APPROVAL OF AGENDA

Valencia County Chief Deputy Clerk Paula Weathersby read the Agenda as presented. Motion to approve by Commissioner Pando, seconded by Commissioner Giron. Motion carried.

ACTION ITEMS

(A) Valencia County Proclamation-Ban on Fireworks.

Chairman Aguilar explained that the County had already taken action on the Proclamation but there is some new information that came before the Commission and the County Attorney was absent so it has become necessary to discuss the Ban on Fireworks again John Cherry addressed the Commission and advised that he had been informed that changes to the Proclamation were necessary to come into compliance with the State law regarding permissible fireworks. He advises Commission that the Amended Proclamation brings the County into compliance with the State statutes

Commissioner Giron inquired of Mr. Garde, the County Attorney, who states that this is in fact in compliance with State law Mr. Garde requests opportunity to request that Mr. Cherry reiterate that there is still currently a state of emergency because of the drought situation, to which Mr. Cherry agrees and so states.

After an additional inquiry from Commissioner Padilla and response by Mr. Cherry, a motion to approve the Amended Proclamation is made by Commissioner Giron with a second by Commissioner Padilla. Motion carries.

Informal discussion continues with Charles Eaton observing that perhaps it might be a good idea to at sometime challenge the law. Commissioner Pando states that he wishes the County could have stayed with the complete ban because of the seriousness of the situation. John Cherry advises that his office has already had such discussions with State Senator Michael Sanchez who has indicated his interest in cleaning up the language and presenting new legislation next year. Inquiry by Commissioner Pando from legal counsel on the Commission’s ability to legislate more stringently than the State law. To which he replied that it could except in a case where the statute strictly prohibits something. (Exhibit A)

(B) Valencia County Adult Detention Center

Chairman Aguilar states that before beginning she wants to announce the resignation of Edwin Esquibel, Jail Administrator, last Wednesday, effectively immediately; that he had cleaned out his office and left. She then requests a motion to accept the resignation. Commissioner Pando makes the motion to accept, with a second by Commissioner Baca. Commissioner Giron enters the Commission Chamber at which time Chairman Aguilar brings him up to date on the current status of the action being taken. Motion carries.

(C) Resolution – Adult Detention Center

Chairman Aguilar advises Commissioners that the County Attorney advises that the resignation letter of Mr. Esquibel should be placed in his personnel file and is not for publication. Mrs. Monica Mireles, Administrative Assistant to County Manager James Fernandez, addresses the Commission and advises that the County has now been placed in a position of seeking alternatives for the operation of the current facility as well as the new facility that is under construction. She asks permission to read the Resolution (Exhibit B) for the record. Commissioner inquires clarification on meaning of Resolution as pertains to the type of hiring manpower that can be utilized by the County. County Attorney Garde explains an exception under the procurement code with regards to the operation and management of jail facilities that would allow for a private facility to be under contract with the County without going out to bid.

Chairman Aguilar explains that the current action is in effect declaring a state of emergency because of the preliminary assessment done in the facility and the need to explore options that otherwise would not have been explored or even considered a year ago. Mr. Garde states that the Chairman's statement is correct and the direction given by this Commission would be given to the County Manager to pursue any and all options available to this Commission and present those options to this Commission.

Chairman Aguilar states that before she asks for a motion to approve she wants to state that as far as this Commission is concerned this Commission did try to work with current administration at the Adult Detention facility and numerous meetings were held to address training, to address procedures, to address policies and Mr. Esquibel leaving was not a request of the Commission, it was a voluntary termination. She also stated that this was his third (3rd) resignation.

Commissioner Padilla inquired as to whom did the preliminary study. Chairman Aguilar advises him that they are not talking about a study but about an assessment. Commissioner inquires as to who did the preliminary assessment. Commissioner Giron interjects and quotes from the Resolution and notes that the present Commission has grappled with the subject. Commissioner Giron reviews his various stands over the years and states that even though he was a minority vote on most of the decisions he agreed to support the final decisions of the Commission. Commissioner Giron recounts that on numerous occasions the Director has been asked for information as well as the training and that neither has been received. Commissioner Giron states that if Commissioner Padilla is asking for formal documentation or the lack of documentation of this facility there is none but his opinion is that "the writing is on the wall". Commissioner Padilla states that he is not asking for a formal documentation but just asking about the assessment period. He requests an executive session and inquires of the County Attorney as to appropriateness of such. Chairman Aguilar comments on question of Commissioner Padilla as to assessment and states that all the Commission needs to do is go back to how many meetings we have had and how many times have we been bringing up the training, policies and procedures.

Commissioner Giron addresses counsel Garde on the numerous executive sessions and inquires as to the justification. Counsel Garde states that he can verify that the jail facility has been a prime concern of this Commission over the past 3 years since he has been County Attorney and that this Commission has spent a great deal of time on requirements and is probably more briefed on what is needed at the jail than any other county commission in the State. The concern of this Commission as expressed in this Resolution is the lack of training to be able to open up this new facility and why this Resolution has been prepared for review. Commissioner Giron addresses Commissioner Padilla regarding his apparent question of the Resolution. Commissioner Padilla replies that he has not had a chance to study the Resolution. Commissioner Pando suggests a five-minute break. Commissioner Padilla advises that a five-minute break would not give him sufficient time. Chairman Aguilar states that she will put herself in "the hot seat" because, she states, she is the one that has come out and been very vocal about questioning whether the County is ready to open the new facility. She states further that she was attacked by her fellow commissioner in the news media saying that she was "nitpicking" and that we didn't have a "swat situation" and that everything was fine. She stated further that we have an emergency and welcomes any commissioner to go look at the facility, review options and bring it to this Commission and that she is sure the other three commissioners would welcome that. Commissioner Padilla responds that he does not want to take any more time and gives his approval for action on the Resolution. Commissioner Pando addresses Commissioner Padilla to reassure him the discussion is not of a personal nature but rather one of time and the need for unity by the Commission in the resolution of the question at hand. Chairman Aguilar encourages commissioners to vote their conscience. Commissioner Giron moves for approval of Resolution 2000-32 with an addition to the first paragraph, "where prior county commissions and current". Motion seconded by Commissioner Pando. Motion carries on a unanimous vote by all Commissioners. **(See Exhibit B)**

EXECUTIVE SESSION

Motion by Commissioner Pando for Executive Session on a) Valencia County Adult Detention Center; b) Personnel matters and c) Potential Litigation. Second by Commissioner Giron. Motion carries.

Motion to return from Executive Session by Commissioner Giron with a second by Commissioner Pando. Motion carries.

Chairman Aguilar states that the Commission met in Executive Session and discussed the Valencia County Adult Detention Center and one of the items discussed was the Resolution declaring an emergency and exploring options. She further stated that the Commission is looking at having someone manage the facility for the County and direction is given to Administration and legal counsel to bring that information back to this Commission at Monday's meeting and that no action was taken on that. She stated that they also discussed briefly personnel matters and this Commission is giving direction that Larry Garcia who is the assistant administrator will move into the acting jail administrator's position until further notice. As far as discussing potential litigation, that was not discussed. She further stated that for the record that the Commission's Attorney is not here for this Special Session but was present during the Executive Session.

Commissioner Giron moves that the prior statements were all that was discussed in the Executive Session. Commissioner Pando seconds the motion. Motion carries unanimously.

ADJOURNMENT

Commissioner Padilla moves to adjourn with a second by Commissioner Baca. Motion carries.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the June 12, 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: July 10, 2000

For an official copy of these minutes and attachments see Commission Book 37 Page 381