

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**REGULAR MEETING**

**DECEMBER 18, 2000**

Chairman Alicia Aguilar called the Meeting to order at 9:00 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	

**EXECUTIVE SESSION**

Valencia County Clerk Kandy Cordova read the Agenda for Executive Session. Commissioner Pando made a motion to go into Executive Session with a second by Commissioner Giron. Motion carried.

Commissioner Giron made a motion to return to the Regular Meeting from Executive Session that was seconded by Commissioner Pando. Motion carried.

Mrs. Carol Anaya reported the discussion of New Hires pending pre-employment physical, drug testing of Michelle L. Almager; status change from Part-time to full-time of Shawn Quintana; Resignations of Tina Gallegos and Rose Molina; End of Elected Official Term of Commissioner Eloy Giron and County Clerk Kandy Cordova; end of appointment of Corrine G. Sedillo, Chief Deputy County Clerk; Transfer of Sally Perea from non-exempt position at Treasurer’s Office to the County Clerk’s Office at the hourly rate of \$15.57 per hour; Salary Adjustments of .50 cents with certification from State of NM Environment Department at Transfer Station Facility Operator for Daniel Trujillo and Ernest Rael; Position Charges and salary adjustments for Reyna Carrejo from \$7.50 to \$8.27 and Leticia Sedillos from \$7.00 to \$7.50; newly elected officials effective January 1, 2000 Diane Coplen, Tina Gallegos and Gary Daves; Family Medical Leave without pay for Heather Garcia. Chairman Aguilar made a motion to ratify the report of Mrs. Anaya. Her motion was seconded by commissioner Padilla and carried.

County Attorney Thomas Garde reported that there had been discussion regarding the status of the lawsuit between Valencia and Bernalillo counties. He stated further that there had been discussion regarding the employment and termination of Susie Tosh. Mr. Garde stated that they had also discussed the substance of his written opinion regarding the employment of Sally Perea as the Chief Deputy and Probate Judge and no action was taken on any of the matters he had specified. County Manager James Fernandez stated that in the Executive Session an update was given on contract and negotiations with Waste Management and the financing for the Tri-Sect Landfill. He stated that direction was given to Administration to look at necessary changes and permission was given to publish any changes that are necessary regarding compiling changes for ordinances pertaining to uninsured motorists and also to look at other issues that need to be addressed. Commissioner Padilla made a motion that the foregoing was all that was discussed in Executive Session, which was seconded by Commissioner Pando. Motion carried.

**PLEDGE OF ALLEGIANCE**

Commissioner Padilla led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Valencia County Clerk Kandy Cordova read the Agenda for the Regular Meeting. A motion to approve the Agenda was made by Commissioner Pando with a second by Commissioner Giron. Motion carried.

**APPROVAL OF MINUTES**

Commissioner Padilla made a motion to approve the Minutes of November 30, 2000, Special Meeting- Recertification Canvass for Recount of 2000 General Election and the Minutes of December 4, 2000, Regular Meeting. Commissioner Pando seconded the motion. Motion carried.

## **PUBLIC REQUESTS**

Mrs. Lily McNabb addressed the Commission regarding her efforts in obtaining signatures for Congress pertaining to the nursing home issue. Commissioners congratulated her for her continuing efforts and pledged their help and support in obtaining signatures. Commissioner Pando recounted a personal experience in his family that had made the effort more significant and discussion continued over legislation introduced in the last session of the Legislature by Senator Michael Sanchez to address the matter.

Mr. Leonard Garcia of the Meadow lake Community Association addressed the Commission regarding a situation that he said continues to occur concerning large trucks from the Kiehne gravel pit. He stated it was his understanding that there was a Court order prohibiting more than eight trucks per day but he had observed sometimes as many as thirteen. He stated that he had discussed the matter with Mr. Michael McCartney who had advised him it was not his responsibility to report on this matter. Mr. Garcia stated that he felt that it was his responsibility to protect himself from a dangerous situation since the vehicles travel very fast and he has had a personal experience whereby the trucks had posed a threat to his safety in his own vehicle. Commissioner Giron inquired of County Attorney Thomas Garde regarding the pending litigation and Mr. Garde advised that the incidents need to be documented. Upon further inquiry from Chairman Aguilar and Commissioner Giron, Mr. Garcia stated that he had a written account of the incidents to which he referred. Chairman Aguilar thanked Mr. Garcia for providing this information to the Commission and requested that he give the same to the County Manager.

Mrs. McNabb then offered her congratulations and thanks to Commissioner Giron and County Clerk Kandy Cordova for their services to the County of Valencia.

## **ACTION ITEMS**

### **a) Proclamation in Honor of Terry L. Baber**

Commissioner Padilla presented to the Commission a Proclamation honoring the late Terry L. Baber, Chief of the Tome-Adelino Fire Department. (Exhibit A) Valencia County Clerk Kandy Cordova read the Proclamation, which recounted a brief life history and accomplishments of his years of service. Commissioner Padilla said he had known Mr. Baber's family and told Commissioners some personal history. Commissioner Padilla moved for the approval of the Proclamation, which will be furnished to Mr. Baber's family, with a second by Commissioner Baca. Motion carried.

b) Valencia County Treasurer Diane Coplen addressed the Commission to request approval for out-of-state travel to Illinois to answer a subpoena for tax documentation. County Attorney Thomas Garde said he had reviewed the legal documents. Commissioner Pando made a motion to approve the travel request, with a second by Commissioner Giron. Motion carried.

### **c) Manager's Report**

Lighting Agreement. County Manager James Fernandez submitted copies of the Lighting Agreement between the County and the State Highway & Transportation Department. (Exhibit B) He stated the agreement pertained to intersection lighting at the intersections of Edeal Road, Rector Road, Elias P. Sanchez Road, Willow Road, South El Cerro Loop, Elias Road, Thomas Road and Lemons Road on NM 47. He provided background information on how the agreement came about. He stated that the information had been provided to the County Attorney for review. County Attorney Thomas Garde stated that there were two issues in the agreement that had been discussed with officials at the Highway Department and the Office of the Attorney General. He stated that the form was a standard form and explained that once approved it was in effect for perpetuity. He stated that the document has been reviewed and approved by the Highway Department and the Office of the Attorney General. He stated that he had no problem with Commission approval. Commissioner Pando moved for approval with a second by Commissioner Baca. Motion carried. The County Manager clarified the Agreement and stated that County Planner Steven Chavez had any documentation that Commissioners might wish to review.

Audit. County Manager James Fernandez submitted to the Commission copies of the official County Audit conducted by the firm of Gary E. Gaylord. (Copy filed in the Office of the County Clerk) Commissioner Pando stated that on Page 51 there appeared language to the effect that the County would settle a lawsuit. County Attorney Thomas Garde stated that he didn't recall speaking with Mr. Gaylord regarding the particular situation to which Commissioner Pando referred but recommended that any audit approval exclude the language. Commissioner Pando stated that this was the only concern he had regarding the report. Chairman Aguilar moved to approve the audit excluding the language discussed. Commissioner Padilla seconded her motion. Motion carried.

County Manager James Fernandez submitted the bi-weekly report of Jail Monitor Larry Garcia. He reminded Commissioners the Swearing-In ceremony for the newly elected officials would be on January 1, 2001 at 1:00 PM in the County Commission Room.

Mr. Fernandez then, on behalf of the Commission, presented to out-going Commissioner Eloy Giron a gift in recognition of service to the County. Citing a long friendship with County Clerk Kandy Cordova, Manager Fernandez also presented on behalf of the Commission, a gift to Mrs. Cordova in recognition of her service to Valencia County. The recognition was received with hearty applause from everyone in attendance. Commissioner Giron expressed his gratitude and his pleasure in serving. He said he would miss the many employees he knew personally as well as the constituents he had served and had extended their support to him. He had particular praise for each of his fellow Commissioners, County Attorney Thomas Garde, County Clerk Kandy Cordova and her deputy, Corrine Sedillo and a special commendation for County Manager James Fernandez. County Clerk Kandy Cordova stated that she too was grateful to the Commissioners for their support and stated that over the 12 years she had served in her capacity they were the finest commissioners with whom she had worked. She had special words of praise for her long-time friend and fellow worker, County Manager James Fernandez. A warm applause followed the recognition. Chairman Aguilar expressed her thanks to Commissioner Giron and cited the teamwork of the Commission. She then expressed her best wishes to Mrs. Cordova as she embarks on her new position as State Representative for District 7 in Santa Fe. Commissioner Padilla stated his congratulatory wishes and gratitude to both Commissioner Giron and Clerk Kandy Cordova. Commissioner Pando stated he had enjoyed his work with Commissioner Giron and Clerk Cordova and wished them well in their new endeavors. Commissioner Baca also expressed her thanks and best wishes.

County Manager James Fernandez submitted a letter regarding the election of Mr. Jack Dickey as the new Fire Chief for the Tome-Adelino Fire Department. A motion to approve the appointment was made by Commissioner Padilla with a second by Commissioner Pando. Motion carried. (Exhibit D) Commissioner Padilla stated that he received calls from several of his constituents regarding a dangerous crossing at the school. Chairman Aguilar inquired if there was striping indicating a school crossing and suggested that Road Superintendent Louis Pena could check out possibilities for assistance to alleviate the problem.

County Manager James Fernandez submitted a letter from the Tierra Grande Improvement Association regarding taxation of property on which County improvements exist. Chairman Aguilar stated that she was unaware that the County did not own the property on which the Fire Station sits. Mr. Fernandez stated that the only way the property would be tax exempt is if the County owned the property. Commissioner Pando thanked the County Manager for the information since he had had many inquiries on requirements for tax exemption. Chairman Aguilar expressed her concern that the County was making improvements on property which was not owned by the County and inquired if in the particular case at hand had the owners indicated intention to donate the property at some particular time. She asked that the Fire Marshal give the Commission a report at the January meeting. Commissioner Pando stated that this is a factor that should be considered on any future projects. Chairman Aguilar stated that she had received inquiries regarding the recruiting of fire volunteers for the El Cerro Fire Department and a letter signed by John Cherry and Commissioner-elect Gary Daves. She requested that County Manager Fernandez check with the Fire Marshal regarding the time of the split and report back at the January meeting.

Commissioner Giron inquired as to the housing of the Extension Service. Mr. Fernandez stated that he had heard from Frank Holguin and advised him that he had met with the Fair Board and the Fair Board will be contacting the County.

#### **d) Award of Bids Older American Program**

Mr. Carlos Montoya submitted for approval Bids No. 519, 520 and 521 for Dairy, Meat, Fish & Poultry and Foods and Non-Foods, respectively. Motion to approve was made by Commissioner Pando with a second by Commissioner Giron. Motion carried. (Exhibit F)

#### **e) Approval of Intra Budget Transfers**

Mr. Carlos Montoya submitted Resolution No. 2000-56 for approval. Chairman Aguilar inquired of Mr. Montoya regarding the budget for the Road Department. Mr. Montoya replied that these were the two items for the vehicle operating expense which was in the red and they will probably have only about \$5,000.00 until the end the year. He stated that Mr. Pena is aware of the matter but there might be some other items they could transfer. Chairman Aguilar inquired what was causing the spending overage. Mr. Montoya explained that it was the old equipment and that Mr. Pena had requested purchase of a new backhoe for \$61,000 and that were trying to work out a lease purchase. He stated that Mr. Fernandez had instructed him to work with Mr. Pena after the first of the year. Chairman Aguilar stated that she was confused and requested clarification on the transfer of almost \$10,000.00 because they are operating in the red. Mr. Montoya replied that it was the operation and maintenance of the vehicles. Commissioner Padilla made a motion to approve the Resolution with a second by Commissioner Baca. Motion carried.

**f) Request for Permission to Publish RFP's** Mr. Carlos Montoya requested permission to publish RFP's for County Attorney, County Architect, County Engineer, County Auditor and Gasoline and Fuel Tanks. Chairman Aguilar stated that she preferred that all publication be in the legal sections of the Albuquerque Journal and the Valencia County News Bulletin. Discussion ensued and Commissioner Giron stated that in the previous administration they had been able to get the tanks without charge. Mr. Montoya stated that they had researched that possibility but had been unsuccessful in finding any useful information. Chairman Aguilar stated that the Auditor had suggested that owning the tanks would be more economically feasible and she would like to see that option in the proposal. Commissioner Padilla made a motion to approve the permission too publish with a second by Commissioner Baca. Motion carried. (Exhibit G)

Mr. Larry Mervine requested to go out for bids for computer software maintenance on Triadic software. Commissioner Pando made a motion to approve the request with a second by Commissioner Giron. Motion carried.

**g) Warrants**

Mr. Carlos Montoya submitted two sets of Warrants for approval covering payroll, Warrants # 163358 thru #153591, for a total amount of \$213,704.16. Commissioner Giron made a motion to approve the Warrants as enumerated with a second by Commissioner Pando. Motion carried. Mr. Montoya then submitted Warrants for vendor bills, Warrants #63592 thru \$63723 for a total of \$864,712.79. Commissioner Pando inquired about the payment of the recount for Clerk Cordova and Commissioner-elect Daves. Mr. Garde explained that the only money recouped for the recount was a deposit made on the precincts in question. He stated, however, that the recount which was on absentee and early voting are the bulk of all the votes. He stated that there should be legislation pursued that would make it the actual cost to the County Clerk. Commissioner Pando then made a motion to approve the second set of warrants with a second by Commissioner Padilla. Motion carried.

**NEXT MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on January 2, 2000 at 9:00 AM for the purpose of Reorganization only, in the Valencia County Commission Room at the Valencia County Courthouse.

**ADJOURNMENT**

Commissioner Pando made a motion to adjourn with a second by Commissioner Giron. Motion carried.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the December 18<sup>th</sup>, 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/  
GARY DAVES, MEMBER**

**ss/  
HELEN BACA, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: January 8, 2001**

**For an official signed copy of these minutes and attachments see Book 38 Page 165.**