

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

JANUARY 8, 2001

The Meeting was called to order by Chairman Alicia Aguilar at 9:07AM

PRESENT	ABSENT
Alicia Aguilar, Chairman	
Aurelio H. Padilla, Vice-Chairman	
S. T. Frank Pando, Member	
Gary Daves, Member	
Helen Baca, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

EXECUTIVE SESSION

Valencia County Clerk Tina Gallegos read the Agenda for Executive Session. Before they retired to executive session, Commissioner Panda had a question on a discussion the commission had at one time on giving indigent help to people for taxes and believed that at that time they had voted not to pass the ordinance and wanted to know if it was a discussion for open or closed session. Commissioner Aguilar informed him that there is a special meeting for that and that needed to be voted on every odd year, so a meeting was called for January 31, 2001 at 10:00 to address that. Commissioner Pando made a motion to go into Executive Session and Commissioner Aguilar asked to have Steven Chavez come into Executive Session, and Commissioner Padilla seconded. Motion carried.

Commissioner Padilla made the motion to return to regular session and seconded by Commissioner Pando. Motion carried.

Mrs. Carol Anaya reported the following items were discussed under Personnel Matters: Resignation of Shawn Quintana and Natalie Sanchez from the Sheriff’s Department, status change from part time to full time for Ralph Izard; leave with pay for Ivan Gabaldon; probationary to non-probationary with certification for the New Mexico Public Safety Department, Jeff Holguin; salary adjustment for elected officials as per commission budget approval who were elected this year, for Alicia Aguilar, Gary Daves, Al Padilla, County Commissioners, Diane Coplen, County Treasurer, and Tina Gallegos, County Clerk. The request made by the County Clerk and the Planning and Zoning administrator will be tabled at this time and will be brought up at the next meeting of January 16th. At this time Mrs. Anaya asked the board to approve what was discussed in Executive Session.

Commissioner Pando moved to accept recommendation, second by Commissioner Padilla. Motion carried.

County Attorney Tom Garde reported that the following discussions were held: The current lawsuits involving Valencia County, Twin Mountain appeal, the Susie Tosh appeal, the Steven Romero appeal, litigation regarding Valencia County and Bernalillo County, issues regarding to Steven Otero, and last the status of the Gleason appeal. No action was taken on any of these items.

Commission Aguilar reported that the County Manager’s Contract was also discussed and that the contract had been extended for two years, and was been granted a 2% increase effective the 24th and a 3% increase in July, the next fiscal year. Commissioner Pando moved to accept the contract for James Fernandez, at the specified amounts. Second by Commissioner Padilla. Motion carried.

County Attorney Tom Garde stated that the contract would be ready to present during the Managers report.

Commissioner Aguilar reported that the only other item in Executive Session, was a discussion with Mr. Steven Chavez about the Comprehensive Plan. According to the County Attorney Tom Garde, the commission did not need to disclose what the discussion was, in regards to what actually transpired. For the record, the Commission did meet with Mr. Chavez.

Commissioner Baca made a motion that the foregoing issues were all that was discussed in Executive Session and was seconded by Commissioner Padilla. Motion carried.

PLEDGE OF ALLEGIANCE.....Led by Commissioner Padilla

APPROVAL OF AGENDA

Valencia County Clerk Tina Gallegos read the Agenda for the Regular Meeting. Before it was approved, Mr. McCartney asked that item C be deleted at the request of Mr. James Fernandez. Commissioner Pando questioned what would happen to the clean up. Would it stop or continue? At Mr. Fernandez's direction it would stop this week until the commission meets again. Item C was tabled until January 16th. Commissioner Pando then moved to accept the agenda as amended and was second by Commissioner Daves. Motion carried.

APPROVAL OF MINUTES

Commissioner Padilla made the motion to approve two sets of minutes, one of December 8, 2000, Regular Meeting and January 2, 2001 Reorganization Meeting, it was seconded by Commissioner Baca. Before it was approved, Commissioner Daves wanted the word "wondering" corrected to read "wandering". Motion was then carried to approve both sets of Minutes.

PUBLIC REQUESTS

Commissioner Aguilar asked if anyone wished to address the Commission. Mr. Sisson, owner and operator of Superior waste system, wanted to congratulate the Re-Elected Commissioners Alicia Aguilar and Al Padilla, and the newly elected Commissioner Gary Daves. He wanted them to know that when it came to waste and trash related items in the future, he had some ideas and proposals that could help. He also wanted to congratulate Mr. Fernandez on his renewal of his contract. He appreciated working with him.

Mr. Garcia also wanted to congratulate Gary Daves, the elected commissioner of his district, Tina Gallegos, County Clerk and Al Padilla for his re-elected position as Commissioner and as Vice-Chair, as well as to congratulate Commissioner Aguilar for her re-election as commissioner and as Chair of the Commission and for guiding the commission into the 21st century. Mr. Garcia asked the commission if there was any way to look into including, in the tax bill, a contribution for the fire department in his district so that maybe the volunteers could get repaid for their endeavors and maybe it would get a little more participation and generate money to help the fire districts.

Ms. McNabb also wanted to congratulate all the commission and especially Mr. James Fernandez for all his efforts and especially the nursing home issues. She also wanted to let it be known that she was available on any re-districting issues or election issues, if any. Commissioner Daves commented that he was concerned with regard to the re-districting and he appreciated Ms. McNabb's comments on that. He also commented that he was involved with the re-districting in 1991 and wanted to be involved again. He congratulated the Clerk and intends to use her and her staff in terms of helping the commission in the job of re-districting.

ACTION ITEMS

- a) Request Signatures of Grant Application for Tierra Bonita.....Robin Ver Eecke

Ms. Ver Eecke came before the commission to ask for their signatures on her resolution on the application on their grant for the years 2001-2002. It's the operating expenses that Tierra Bonita uses for its beautification and youth employment projects through out the years. This year Ms. Ver Eecke asked for \$10,463.50 which is a little more than last year and shows the figures on page 24. The increase is on the youth employment. It seems to be where the demand is and where she feels the most impact is made as far as education and getting larger projects done within the county. Commissioner Pando commented on the outstanding job Ms. Ver Eecke had done on the litter problem within the county and moved to accept the Resolution #2001-03. Second by Commissioner Baca. Motion carried.

- b) Fire Marshal update.....John Cherry

Mr. Cherry handed maps to the commission that were needed for the sub-stations. Mr. Cherry stated that in March 2000 the Meadow Lake Fire District was inspected by the ISO for an upgrade in ratings. The Meadow Lake fire department received notice that the fire district was rated at a 5/9 affective March 1, 2001. At this time, that was the best rating of any of their volunteering fire departments within Valencia County and what it meant was that within 5 miles area of the fire station the residents of that would be rated at class 5, this would represent a 20,22 percent savings in fire protection insurance, plus it practically doubles the fire protection funding for the Meadow Lake fire department, which would be a great enhancement. He also informed the commission that on the 20th of January, the fire academy in Socorro would be having a workshop on ISO ratings and were changing the ISO process. They would be including a rating called 8/B, those departments would be the Jarales and the Peralta fire departments who at the present are rated a 9, and if he understood the requirements that would be required to go to an 8/B, and if they would be classified in an 8/B they would also be funded in a class A funding, which would be an increase to them of about \$4,000.00 per year. He also informed them that by resolution they were working toward forming a new fire district in El Cerro

area by splitting the Valencia-El Cerro department and adding a new fire district in El Cerro Mission, which they have yet to come up with a name for it. This action would take place in June 2001 and explained the purpose of that. In splitting fire districts there is a state statute that states that the county must operate a new fire district for one year before it receives state funding, however Mr. George Chavez, state fire marshal, had assured him that there would be no problem since this fire district as a sub station, has been in operation, and they could obtain a waiver on it, and wished for that to happen on a budget year period. In conferring with Pat Peralta and Carlos Montoya, it would be impossible to split the budget at this time and recommended that it go through to June and start a new budget term.

Also, they would have to call ISO for a reevaluation for the two separate districts which they had done and are having a meeting with Mr. Bill Green on the 20th in Socorro to explain what they were attempting to do.

They would have to provide the ISO maps of the new districts along with the fire marshal. He explained the purpose of the maps and stated that he had met with the prospected chief of Valencia-El Cerro and present chief of El Cerro Mission and Valencia-El Cerro and both individuals were in compliance, and that the only change was to take Cypress Gardens and Ann Parrish school and include it into the district three area, which makes more sense., they removed that from the Meadow Lake fire area and put it into the proposed Valencia fire area. This was due to Meadow Lake area growing so fast, so hard that it's a 10-mile run to Cypress Gardens and a lot more feasible for the Valencia fire department to handle. Commissioner Aguilar had a question, saying that they were part of the Meadow Lake fire department, did they get the benefit of the five class rating and continue with it or did they get the five till its approved and then lose it? Mr. Cherry stated that Cypress Gardens and El Cerro Mission was over five miles from the Meadow Lake fire department and therefore they would not be classified with the five anyway.

Commissioner Aguilar stated that she had received information on a memo on which Mr. Cherry and Commissioner Daves had signed a letter that indicated that on a meeting on November 7, the volunteers had been notified that the split would take place on January 2001. Her first question was why it was announced it would be in January, now it's not, and second, now, because of budget. She wanted it verified why it couldn't be done sooner. Mr. Cherry indicated that the ISO would have to say what the new funding would be. The budget could probably be split, however there were some obligations, such as lease purchase payments that he would rather take care of. He also stated that there might be some animosity between the two districts as to who would pay or get what and so they have sat down and come to an agreement as to what apparatus and what equipment goes to what area. Commissioner Aguilar had concerns about the volunteers questioning when this was taking place and that there was already a shortage of volunteers and now the volunteers would only volunteer in their district and her concern would be that the response would not be there for the valley and it would effect the Valencia – El Cerro mother station in its operation and that they had this issue four months ago. Mr. Cherry expressed that he had met with them and thought that they would work together and would rather do it in a timely manner rather than jump into it and have more problems arise from the districts.

County Manager James Fernandez explained that one other issue that would be coming up this legislative year would be a grant of \$50,000.00 that would have to be expanded before the end of June 2001 and it appears the way the grant reads that it would stay with the original station because of the wording of the bill, one station, Valencia- El Cerro. Mr. Fernandez also commented that it might raise another issue in terms of the splitting of the equipment. Commissioner Daves asked if it was an issue of substance or would there be some disagreement on the use. Mr. Cherry stated that the grant was issued to the Valencia – El Cerro fire department; \$50,000.00 toward the purchase of a pumper truck, unless, Mr. Fernandez indicated that the grant expires in June 2001. His instinct was to put that piece of equipment in the Valencia – El Cerro fire department which is what it was intended for. Now in splitting of the apparatus, the newest pumper is presently in the valley and that would be transferred to the El Cerro Mission Area because it would be an even split.

Commissioner Aguilar wanted to know if there would not be a credit to the El Cerro sub-station because back when it was purchased and the reason it was called Valencia - El Cerro, was because there was a mother station and they had a sub-station, but the apparatus was really for both; so was there any credit given to the El Cerro Mission sub-station because they in turn would have to purchase new equipment. Mr. Cherry stated that they would get the newest first out unit. He stated that they would not be without adequate protection. Commissioner Daves wanted to know if it would be done by resolution and Commissioner Aguilar commented that the resolution was already passed and the second step was to identify the boundaries which Mr. Cherry was doing now, and so if they approved the boundaries they still needed state approval. Commissioner Aguilar wanted to see this done two months earlier than June 2001 and the reason was because they start working the budget in April and in splitting the fire stations, they need to know what was taking place and what was going to one or the other; so if at all possible move it up a few months. Mr. Cherry agreed. Commissioner Padilla wanted to know if there would be a loss of funding and both Commissioner Aguilar and Mr. Cherry stated that they would actually gain by being the mother station. Commissioner Pando stated that by waiting till June to do it officially, they get the money from the state. Commissioner Aguilar had a question on funds that were used to pay off the rescue so that now there was a negative and those funds were to be repaid from the loan when they come in from the state and if that happens then there would be a budget to split it. Mr. Cherry stated that he and Mr. Fernandez had worked on it and that had been accomplished and in reality there is no negative and had been reimbursed from the NM Finance Authority. Commissioner Aguilar stated that the station had been reimbursed ,and if there would be some funds for operating. Mr. Fernandez commented that the reimbursement

requested in the amount of \$43,482.00 was received in August of 2000 and that went into the fire excise fund, which the original payment was made out of, so that funds have been replaced. Commissioner Aguilar commented that this was for Valencia – El Cerro and, that was one budget; Mr. Fernandez stated that the original budget that existed had a capital outlay expenditure and the ones in El Cerro for 27, 623.00 which was last fiscal year was utilized for the purchase of equipment, the remainder of the money, 43,000.00 came from fire excise tax. Carlos Lopapolo then stated that he was one of the individuals helping set up the split and the reason the letter was established was to get recruits and start setting up as soon as possible, so that when the transition happened they would have a crew ready to go in and they are already experienced. They had about 12 or 15 people that had not fought fires before and needed training and Mr. Cherry suggested that the recruits join the force and start getting the training. Commissioner Pando then asked if there were enough personnel to handle both fire stations. Mr. Cherry believed they would. Commissioner Aguilar then asked for approval of the boundary recommendation by Mr. Cherry, fire marshal. Commissioner Pando then suggested that since it was Commissioner Aguilar's district and she should be the one to make the recommendation on it. Commissioner Daves then asked if it was an action she wanted them to take, even though they would approve the boundaries now, but in fact there was no split. Commissioner Aguilar stated that the split would come as soon as possible. Motion was then made by Commissioner Padilla and second by Commissioner Daves. Commissioner Aguilar wanted to state that it was really not her district, it was splitting up El Cerro, but she had almost always taken care of Valencia – El Cerro fire department, even though it was in Commissioner Daves district. Motion carried.

Next item, Mr. Cherry reported on the fire calls and medical rescue calls. See exhibit on file. Commissioner Aguilar wanted an update on the Tierra Grande Fire or sub station, that, she had learned it did not belong to the county and was just leased. Mr. Cherry stated the homeowners association owned the property, built the building and leased it to the county for a 99 year period which he confirmed with Mr. Fernandez and had still remained in that situation and that the homeowners association were responsible for the taxes. Commissioners Aguilar's concern was that the lease was not done in a public meeting, it was done administratively and did it need to be approved by this commission in a public meeting and if it did, it needed to come before them and were they expanding any tax dollars on it. Mr. Cherry stated that a well had been drilled.

Commissioner Padilla asked the county attorney Tom Garde if there were any implications, on not being done, through the commission, instead of administrative. Mr. Garde stated that he would rather review it before he could give them an opinion on it. Mr. Fernandez then stated that one option was that they had sent an application to Mr. Cliff that originally requested that the be excepted by the board of property taxes notifying that is not a legal possibility, the only way an can be accepted would be under the existing property tax code. The Tierra Grande homeowners association has filed a petition with the county assessors office under existing statute to see if they can be exempted. And the only way would be is if the county owned it. Commissioner Daves asked if the Association had been asked to deed it to the county. Mr. Fernandez stated that it would be up to them. Commissioner Daves then asked if there was a reason why they would not deed it to the county. Mr. Fernandez stated that the property had a taxable value of \$30,000.00 and it would be a determination on their part if they wanted to give up an asset like that. Commissioner Daves then stated that an asset under a 99-year lease had no present value to it. Commissioner Aguilar then asked to get the contract to Mr. Garde to review and also look at expenditures to see if it could be done legally.

Commissioner Pando asked Mr. Cherry how he was doing as far as personnel, since Mr. Barber passed on. Mr. Garde said that should be held in closed session. Commissioner Aguilar wanted to know how many illegal burns had come into the department, and how many had been to court. Mr. Cherry said about 25 or 30 illegal burns and about 1 or 2 that hasn't shown for court, utilizing both Magistrates in Belen and Los Lunas area, depending where they are cited. Commissioner Aguilar stated that some of the calls coming to her were repetition and asked what kind of revenue was coming into the county from the citations. Mr. Garde stated that any fines goes to the State.

c) Update of East Mesa Clean-up & Request Extension of VIA Contract....Bob Davey/Mike McCartneytabled until next week

d) Amend Zone Maps from RR2 to RR1/Edward Archuleta.....Mike McCartney

A request was brought up before the commission by Mike McCartney to amend zone maps from RR2 to RR1 with the acception that Mr. Archuleta split them into two tracts, which would be approximately 1.3/8 in size. The Planning & Zoning commission along with the assistant planner Ruben Chavez recommend approval to the board to accept. Commissioner Daves wanted to know where the land was located, since the maps were not clear. Mr. Archuleta stated that it was about one block east of the Peralta Catholic Church on Hyw 47. Commissioner Padilla wanted to know if it was frontage on 47. Mr. Archuleta indicated that it was approximately 200 ft. of Hwy 47. Commissioner Aguilar stated that there was a two-acre minimum in the valley. Mr. McCartney stated that the recommendation sent to the commission was to be split in half, not the three, so basically it would be 1.3/8 each. Commissioner Daves wanted to know if the Planning & Zoning had any issue with the recommendation. Mr. McCartney said no. Mr. Archuleta showed Commissioner Daves on the map

where the land in question was. Commissioner Daves asked if it was approved for two, what discretion did the commission have to approve for less than two. Mr. McCartney stated that the zoning was changes, from RR2 to RR1, therefore, it would allow it. Commissioner Aguilar stated that if she understood it correctly, the ordinance says two acre minimum, what reasoning did they have to go to less than two acres. Commissioner Daves stated that was not his question. He understood the reason, he was concerned about the legal authority to go to less than two. Mr. McCartney stated that the legal authority was up to the commission. Mr. Archuleta was requesting zone change to RR1 to be able to go less than two acres. Commissioner Daves said, as he understood it, zone code says it has to be two acres, but the commission could approve less than that and there should be some reason bases, in a sense of being granted variance.

Commissioner Aguilar then asked Mr. Chavez to answer some questions. He stated that the ordinance did not set guidelines or provisions or check list to follow, the only provision they did have was the intent of the RR2 itself. The purpose of the RR2 was for two reasons; one was to save the greenbelt and two to minimize water contamination. Commissioner Daves asked what the lot minimum would be if it remained RR2. Mr. Chavez replied that it was two acres. Mr. Chavez also stated that in his memo he recommended against splitting any less than the one-acre and also against the zone change because the ordinance says that he has to do so. The ordinance says this is RR2, so he recommend against the change and it was at their discretion at this time to allow it to happen and the ordinance did not set up any type of provision guidelines that could be followed. Commissioner Daves then had no objection to what was requested and had been concerned since he was unfamiliar with the zone code and he would be interested in some criteria other than them being talked into it. Commissioner Pando made the motion to approve the request. Commissioner Daves seconded it.

Discussion; Commissioner Daves stated that Bosque Farms, and he had grave concerns that it was a wise decision, had undertaken the initiative to annex a strip through the Giant or maybe to the light along Hwy 47, and it raises the issue of the eventual need for at least sewer in this area and the ultimate cost of a system will be more if its two lots instead of three. He indicated that he knew this area and that it was already beyond certain RR2 status and it is an urban status and close to Hwy 47 and had major concerns about what Bosque Farms was doing and that the whole area would need to be sewered and so on that base he would be inclined to support commissioner Pando's motion. Commissioner Aguilar asked Mr. Chavez that since now they were dealing with less than RR1 requirements of one acre, plus being concerned about EID and the installation of the septic system, which she thought had to be one acre, could he respond to that, but mostly she was concerned about the zoning and RR1, and that they were not going to do anything less than that in the valley, they were already going from two to one. Mr. Chavez responded that in his report, he did acknowledge EID's standard of no less than $\frac{3}{4}$ of an acre, he did comment that the property zoned RR2 are two-acre minimum, the requesting of one minimum on the original request. They are requesting that you take the RR1 and create another $\frac{3}{4}$ and that's why he recommended against it. Commissioner Daves asked if the commission had the discretion to go less than one acre. Mike McCartney stated that if the commission followed Commissioner Pando's motion and it was approved, he therefore had to go back to the Planning & Zoning to request a variance on that one lot which could be denied, and then appeal to the county commission. Commissioner Daves thought it should be thought out some more. Commissioner Pando then wanted to withdraw the motion he had made in order to save a lot of problems. Commissioner Aguilar stated that the motion he wanted to withdraw and the second by Commissioner Daves would both have to be withdrawn, so there was a withdrawal of the motion and the second. Commissioner Pando then went on to make a motion on the recommendation and allow Mr. Archuleta to split his land in half. Second by Commissioner Daves. To clarify all, Commissioner Aguilar stated that basically there was 2.78 ac. and he was allowed RR1 zoning and what would prohibit him from coming to them six months or one year from now and saying RR1 zoning, one acre minimum, so then he would want one acre, one acre and a variance on the $\frac{3}{4}$ acre. So they were leaving the door open to where he could do that. Mr. Chavez stated that if they wanted to place a restriction on it, they had the right to do so, but he would refer it to counsel. Commissioner Aguilar then asked council if he could put the one-acre wherever he wanted. Mr. Garde stated that it was up to him and Mr. Archuleta was here solely to change from RR2 to RR1. For verification, Mike McCartney stated that P & Z had not agreed with the three-lot split. The approval was only based on two lots.

Commissioner Pando commented that he respected that Mr. Archuleta would do what was right and as long as he did an acre he didn't care how he split it. Commissioner Aguilar then questioned how wide the road was, how it would be maintained and how it would affect the resident. Mr. McCartney stated that it was county dedicated road, and there were no residents on these properties, there were only three abandoned mobile homes. Mr. Archuleta then stated that the road that serviced the lots is a county dedicated road. It is off of Zamora Lane which Mr. McCartney and himself had argued from time to time whether it was a county road or not. Zamora Lane is a very old road and had been on maintenance by the county and had a green sign, which got knocked down and replaced with a blue sign, which he believed, is for a private road. Commissioner Aguilar stated that sometimes roads were identified as public roads and were public for use, but not the maintenance. So what she was saying was, that if it was a privately maintained road, and he was going to sell the lots, she would like disclosure to the property owners on the maintenance of the roads. Commissioner Daves then stated that if this was not a lot split per se, but rather the formal action before the commission an approval or not of RR2 to RR1 without any variance that would allow the .78ac and that was what he was supporting. Commissioner Pando then said that was what his motion had been and voted yes. All Commissioners voted yes.

Motion carried.

Valencia County Board of Commissioners Convenes as Indigent Board

Commissioner Aguilar asked for a motion to convene. Commissioner Padilla motioned, second by Commissioner Pando. Motion carried.

e) Indigent Report and Appeals.....Barbara Baker

Barbara Baker presented to the commission a report of the Indigent Claims from November 21st to December 22nd, 2000, stating that 78 claims were submitted, with 18 claims denied. Total claims were \$232,505.00 and asked the commission to approve \$82,444.05. Commissioner Pando moved to accept the indigent report and second by Commissioner Daves. Motion carried.

Ms. Baker had three appeals. One appeal was for Mr. Jerry Anaya. After many discussions and questions by Mr. Anaya, Ms. Baker and the commission, the motion that had been made by Commissioner Padilla and seconded by Commissioner Daves to accept Mr. Anaya's request, it was recommended by Commissioner Aguilar that the motion and the second be withdrawn and let Ms. Baker look into what the exact amount would be. Commissioner Padilla then withdrew his motion and Commissioner Daves withdrew his second. Commissioner Aguilar then asked for a motion to table this appeal until January 16th. Commissioner Padilla then motioned and second by Commissioner Daves. During discussion Commissioner Daves stated that they may have made, not a legal commitment, but were trying to help. She let Mr. Anaya know that he did not have to attend the meeting, but was welcome to come if he so desired, but he was to talk to Ms. Baker first. She then stated that there was a motion and a second for tabling it for the following Tuesday. Motion carried.

For the record Commissioner Baca had to leave due to an emergency at home.

Indigent Appeal - Alexis Velasques.

Ms. Baker explained to the commission that, Ms. Velasques had not been informed by Medicaid until August 24th that her daughter was not covered, and so had not paid an ambulance bill. Ms. Sessink had contacted Ms. Baker within the 90-day period, but she had to deny it because it was a 90-day limit from date of service, but she had contacted Ms. Baker during the 90-day period after it was denied. So she was asking the commission to consider and pay the ambulance bill in the amount of \$307.84. Commissioner Aguilar then stated that there was a recommendation for approval. Commissioner Pando moved to approve. Second by Commissioner Daves. Motion carried.

Last indigent appeal was for Alexandria Tabora who had done an application with Living Cross Ambulance Service on September 1, 2000, but due to the employee of Living Cross going on medical leave the following day and the application being misplaced, it did not get to Ms. Baker until after the 90 day period, and so it was denied. Guideline says it has to be within 90 days. Commissioner Aguilar asked what the reason for the hospitalization was. Ms. Baker replied that it was for a car accident and that they only had liability coverage. Commissioner Daves moved to approve the request. Second by Commissioner Padilla. Motion carried.

Information received by Ms. Baker from Holy Cross Hospital in Taos, the fact that a Valencia county resident had gotten injured there, Holy Cross wants the county to make a \$15,000.00 payment and Ms. Baker suggested against for the very fact that we pay on a case-by-case basis. Not knowing where the figure came from, Commissioner Padilla moved that the request be denied. Second by Commissioner Pando. Motion denied. Commissioner Aguilar asked Ms. Baker to send them a letter.

Commissioner Padilla moved to Re-Convene as Valencia County Board of Commissioner. Second by Commissioner Pando. Motion carried.

f) Manager's Report.....James Fernandez

Update on Valencia County Boards. Mr. James Fernandez presented the commission with an update on the boards that were updated on a regular basis, giving them an indication as to what boards are in existence at this time. Mr. Fernandez stated that a couple of the boards had vacancies because new board member Commissioner Daves had to appoint. Also the Board of Registration that falls under the Valencia County Clerk's office has to be appointed, and he explained how that works, and included a copy of the statute, 1-4-34, that pertains to that appointment. He had a conversation with Ms. Gallegos and she assured him that she would notify the three major parties by Certified Letter as to their recommendations and bring it up before the commission in February for action. Commissioner Pando asked if the appointment was every two years, and if they were up for appointment now. Mr. Fernandez answered yes and the last appointment was two years ago and it would be a determination of the board as to whether they kept the individuals or vote on new ones. Commissioner Aguilar suggested that the commissioners give recommendations and that they would need a member from Commissioner Daves and asked him if he had his appointee and he could attend the next P & Z meeting. Commissioner Daves answered that he would stay with the incumbent, but he reserved the right to change his mind. Commissioner Aguilar informed him, that they had decided that one from each one's district would be appointed and the recommendation for two at large, one from the west and one from the east and Commissioner Holaday was in Commissioner Padilla's district. Commissioner Daves did not have anyone for now. Commissioner Pando had a recommendation if there was a vacancy. He wanted to recommend David Sanchez.

Commissioner Aguilar asked to put it in the agenda for the first meeting of February. Mr. Fernandez also informed them the other item would be Commissioner Daves appointment for the indigent board as well as three viewers for roads, and they did not have to be in the district. Commissioner Daves wanted some documents as to what the road viewers do and if this was statutory. Commissioner Aguilar suggested that they all had three for their districts but if they wanted to each have five to go out and view, she didn't object to combining and that way they have viewers that are familiar with the whole county. It was decided that they would have five viewers total. Commissioner Pando then asked County Clerk Tina Gallegos if they had to go by the recommendations of the three parties. Clerk Tina Gallegos answered that it was the way it had been done in the past. On recommendation of Commissioner Aguilar, it was agreed to have a half an hour workshop before the first meeting in February, go over the list and get recommendations. Commissioner Aguilar then asked the media if they would let the public know that the Boards were being updated and if anyone was interested to let Mr. Fernandez know.

On Jail Monitor Report, Mr. Fernandez reported that on the report provided by Jail Monitor, Larry Garcia, inmate count was an average of 91 per day, no major incidents were reported during the month of December, a sprinkler had malfunctioned causing minor damage to the old jail facility, which was repaired and minor problems with transportation of detainees had been corrected according to Judge Pope. He also reported that he had not heard from any agency on housing inmates in our facility. In answer to Commissioner Daves question, he answered the new jail holds 98 individuals and 31 in the old facility.

Commissioner Aguilar made a request to Mr. Fernandez about getting the community workers to address the graffiti and trash problem. Also, if there was any way possible at, Ann Parish School, to make lines that said "school", "slow down", It seemed that it getting to be an issue. Also it was brought to the attention of the commissioners that the trucks hauling trash were not covered. Mr. Fernandez informed them that a meeting was scheduled with County Attorney Tom Garde to go over some proposed amendments. Mr. Fernandez also informed the commissioners, that at the request of Commissioner Padilla, he had contacted the Los Lunas Schools as to the possibility of having a crosswalk on the Manzano Expressway. They did indicate that there was no cross guard assigned and they would be concerned about a crosswalk if there was no slow down, someone would get hurt, the liability would be placed on the schools as well as the county.

Commissioner Daves wanted to know what tools they had to stop the violation of the uncovered trash trucks. County Attorney Tom Garde informed them that there was an ordinance and a contract, and there were remedies. Commissioner Daves thought that the contract should be enforced and that the contract should have termination clauses for violations.

Other Matters; Mr. Fernandez informed the Commission that as per Section 33-3-4 of the Statute one of the duties of the Board was to tour the jail facility and wanted to know when they wished it to take place so that he could schedule the inspection. It had to be done as a Board, and it was planned for the first week in February .

Next item was a report on hospital feasibility study that was brought to the commission for review and to pose any questions that they may have to Mr. Olson, who was coming before the board on the meeting of the 16th. Also, written notice, on the way the contract was written indicated that anything that he prepares is confidential to the board and if it was discussed in open session, Mr. Olson was requesting a waiver and had given Mr. Garde a copy of that notification. County Attorney Tom Garde said he would get back to the commission on whether they could have a closed workshop with Mr. Olson to go over the study. Mr. Fernandez also stated that at the time of the contract, this was one of the items stipulated by Mr. Olson and now he was willing to waiver it as long as the commission waives that. Commissioner Aguilar commented that before it was waived, she wanted to meet with him and see if there was any other information besides the study that he'd like to address to the commission and she wanted him to feel comfortable in speaking with the commission.

Mr. Fernandez also notified the commission that he had received a call from Sharon Orona, from Ohanna Properties, who would like to come before the board on the same issue. They are looking at the possibility of opening a 100 bed senior citizen facility and indicated that there might be some medical facility open to the public as an urgent care center and would want to know what direction the board would take, because that would affect their plan. This would be in the Los Chavez area.

Commissioner Aguilar instructed Mr. Fernandez to notify her and thank her and wait on Mr. Olson, get all that together and then she could come before the board.

Mr. Fernandez then informed them about another statute requiring that every odd numbered year, the board should have a hearing to determine whether or not the county should pay for low-income property tax rebate. He included some preliminary information to start reviewing and scheduled a public hearing for the 31st of January at 10:00am and additional information as to what physical impact it might be to the county. Also, legislation that was passed that allowed an individual who is 65 years of age or older and has an income of \$18,000.00 or less, their property values can be frozen. At this point there was approximately 2,000 individuals who would fall into that. Mr. Fernandez stated that he would be attending a meeting in Santa Fe and get more information.

Mr. Fernandez thanked the board for the opportunity to serve them and wanted to express his gratitude. Commissioner Padilla commented on how he was very glad to renew the contract and that they had an excellent County Manager. Commissioner Aguilar also added that Mr. Fernandez does practice where government belongs to the people and she appreciated it.

Commissioner Aguilar wanted to stress the fact that she kept getting calls about branches not being allowed in Conejo and people were having to take them elsewhere and that it was her doings. Mr. Fernandez assured her that it would be followed up on and reinforce it. Commissioner Daves suggested that something in writing be put on the wall.

Commissioner Aguilar commented that she had read in the paper about the annexation up to Valencia road by Bosque Farms, she wanted to look at the lighting agreement with the Highway Department and see what they were anticipating doing there and whatever they had, to forward it to Bosque Farms. Commissioner Daves mentioned that he intended to visit with the Mayor of Bosque Farms and it might appropriate not just be passive and perhaps making a decision of supporting or not supporting Bosque Farms initiative. Other comments were made, and Commissioner Aguilar wanted everyone to know that although they were discussing it, they were not opposing it, and what she recommend to Commissioner Daves was to meet with the Mayor and Council and bring back information to them.

Next item was approving of the Warrants. Warrant #63724 thru warrant #63724, basically one warrant in the amount of \$23,785.75 in payment of construction project. Commissioner Pando asked if the county retained any portion of the money until all work is guaranteed. Mr. Fernandez stated that the county did keep a percentage as a retainer. Commissioner Pando moved to accept the warrants. Second by Commissioner Aguilar. Motion carried.

Next item was for payment of payroll. Warrant #63725 through #63752 and payroll warrants #45405 through #45599, listing total \$193,311.66. Of those payroll warrants, \$139,030. 80 are out of general fund. Motion to approve was made by Commissioner Padilla. Second by Commissioner Pando. Motion carried.

Last item; was dated 1/3/01, Warrant #63753 through #63869 inclusive, listing total \$282,814.19. of that \$208,799.23 was from general fund. Commissioner Aguilar asked, on the \$250.00 month lease for storage of voting machines, how they were doing on looking into the extra space. Mr. Garde replied that they had to go through the agency on aging and he was working with them. For Commissioner Daves update, Commissioner Aguilar informed him that the voting machines were in Rio Communities and the county payed VIA \$250.00 a month for storage, but where the fire marshal used to be it was part of the Senior Citizens complex and it was vacant, so they wanted to know if they could lease some of the space from the seniors and move the voting machines there. Commissioner Aguilar questioned if the county was buying a backhoe. Mr. Fernandez stated that it was an existing piece of equipment. Also, Commissioner Aguilar also asked if payment for the Sheriff's storage unit in Steelwall Storage was in the amount of \$297.00. Mr. Fernandez stated it was correct. Commissioner Pando motioned to accept the warrants. Second by Commissioner Padilla. Motion carried.

The next Regular Meeting of the Valencia County Board of County Commission will be held on January 16th at 6:00 PM with Executive Session at 4:00PM in the County Commission Room at the Valencia County Courthouse. Special Meeting on January 31st at 10:00AM.

ADJOURNMENT

Motion to adjourn was made by Chairman Aguilar at 1:15PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, January 8,2001 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 16, 2001

For an official signed copy of these minutes and attachments see Book 38 Page 208.