

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

February 06, 2001

Chairman Alicia Aguilar called the Meeting to order at 10:00 A.M.

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. There was a motion by Commissioner Padilla, seconded by Commissioner Pando to go into Executive Session, motion carried.

There was a motion by Commissioner Pando, seconded by Commissioner Padilla to return to regular session, motion carried.

Mrs. Carol Anaya reported the following items were discussed under personnel matters: new hires pending pre employment physical drug & alcohol testing for Jaistina Hansen, County Clerks office; resignation of Ida Gallegos from County Clerks office to be effective February 16, 2001; dismissal of Paul Sanchez from the assessors office; end of seasonal employment for Milton Sanchez, Treasurers Office; administrative leave with pay for Mike McCartney, zoning department. There was a motion by Commissioner Pando, seconded by Commissioner Daves to approve what was discussed in Executive session, motion carried.

There was a motion by Commissioner Daves, second by Commissioner Pando to table the item of Appointed Officials, motion Carried.

Valencia County Attorney Tom Garde reported the following items were discussed; Gleason appeal of the Cellular Tower; the status of the lawsuit regarding Berben Road; and the litigation concerning the County of Bernalillo, no action was taken on these items. There was a motion by Commissioner Padilla, seconded by Commissioner Daves that these were the only items discussed in Executive Session, motion carried.

Pledge of Allegiance led by Commissioner Pando

Approval of Agenda

Chair Commissioner Aguilar recommended that after item F, they would tour the adult detention facility. Valencia County Manager James Fernandez requested that on item A, to add out of state travel for Sheriff Juan Julian to go to Las Vegas Nevada to attend a conference. Also Mr. Fernandez asked that they remove the request to publish amendments to zoning & solid waste ordinances. There was a motion by Commissioner Padilla, seconded by Commissioner Daves to approve the agenda, motion carried.

Approval of Minutes

There was a motion by Commissioner Pando, second by Commissioner Daves to approve the minutes of January 16, 2001. Before minutes were approved Chair Commissioner Aguilar requested to correct the word council to counsel.

Public Requests

Jacqueline from the Valley Improvement Association updated the commission on the Tome Hill Project. It started in 1992 and is finished. She introduced a letter to the commission thanking the commission for the Tome Hill Project. She thanked James, Carlos, Pat, Wilma, Monica and Barbara.

The project will officially end with a park dedication in March or April. Chair Commissioner Aguilar also thanked the Valley Improvement Association for the Tome Hill Project. See exhibit A.

**Action Items**

**A) Out of state travel.....James Fernandez**

Mr. Fernandez presented to the commission a request for Sheriff Juan Julian to attend two conferences. One being the National Sheriffs Association June 23, 2001 in Fort Lauderdale, Florida and the other Western State Sheriffs Association to be held in Las Vegas, Nevada February 2, 2001. Commissioner Pando made a motion to table this item until the sheriff could be there to answer questions as to which line items in the sheriffs budget the money would be obtained. Commissioner Daves seconded the motion. Motion carried. See exhibit B.

**B) Out of state travel.....Tina Gallegos**

Valencia County Clerk Tina Gallegos requested approval for travel to the NACO conference in Washington, D.C. on March 2, 2001. Commissioner Aguilar asked if there was money in the budget, Ms. Gallegos indicated there was. There was a motion by Commissioner Daves to approve this request, it was seconded by Commissioner Padilla, motion carried. See exhibit C.

**C) Indigent Report.....Barbara Baker**

There was a motion to convene as the Indigent Board by Commissioner Pando, seconded by Commissioner Padilla, Motion carried.

Barbara Baker presented the Indigent Claims from December 22, 2000 to January 24, 2001 to the Commission. The total claims submitted were 82; the total amount was \$228,150.85. Mrs. Baker asked the commission to approve \$134,133.11. Commissioner Pando made a motion to approve this request, it was seconded by Commissioner Padilla, motion carried. See exhibit D.

Mrs. Lena Marquez asked the commission to reconsider her denial for indigent funds for her husband Rudy Marquez who has passed away. Mrs. Marquez was denied because of her assets, she owns 7.5 acres of land, the Valencia County Hospital Claims Program Guidelines states that you can own a maximum of 3 acres of land unless the land is used for farming. Commissioner Daves asked if the land is mortgaged. Mrs. Marquez indicated it is. Chair Commissioner Aguilar asked if there were any insurance policies, which there was not. After a brief discussion, Commissioner Daves moved to approve this appeal, it was seconded by Commissioner Padilla, motion carried. See exhibit E.

Next Indigent appeal was Mrs. Anita Salazar on behalf of her husband Ricardo. Mr. Salazar was originally denied for Indigent funds because his bills were over 90 days old. Commissioner Daves asked if the public was told of this availability of funds by the various hospitals. Barbara Baker answered they should be by the provider. Commissioner Pando asked about a discrepancy in ambulance bills, and if the price had went up. Mrs. Baker answered it did go up but he was also picked up at different places. Commissioner Daves made a motion to approve this appeal. It was seconded by Commissioner Pando, motion carried. See exhibit F.

Mrs. Rose Mary Chavez requested an appeal to the indigent board, she was denied because her bills were also over ninety days old. There was a motion by Commissioner Padilla, seconded by Commissioner Baca to approve this appeal, motion carried. See exhibit G.

Mr. James Abeyta requested an appeal for indigent funds, as he was denied because Mr. Abeyta was incarcerated in Colorado, where the health incident occurred and there is a 45-day residency requirement. Commissioner Pando asked if there was a way that Colorado could help pay for some of these bills. Commissioner Pando made a motion to table this until Barbara Baker can talk to Colorado authorities and find out if there are any funds from Colorado before there is action taken on this matter. Commissioner Daves seconded this motion. It is tabled until February 20, 2001 at 6:00 P.M. See exhibit H.

There was a motion to re-convene as the Valencia County Board of Commissioners by Commissioner Padilla, it was seconded by Commissioner Daves, motion carried.

**D) Lot split.....Don Wader**

Mr. Wader appealed the Planning & Zoning department's decision to deny a lot split. Mr. Wader requested that the commission appeal this decision because of a trust & living will that is in place. The property is currently in the living trust. Mr. Steven Chavez of the Planning & Zoning Department said the split was denied because of a zone change that was needed for this split first. Commissioner Padilla made a motion to table this matter, it was seconded by Commissioner Daves, motion carried. See exhibit I.

**E) Zone Change.....Emelina Baca**

Ms. Emelina G. Baca requested from the commission that her land be changed from an RR2 to an RR1, which was denied by the zoning department. Chair commissioner Aguilar asked Ms. Baca who lives on this land, Ms. Baca answered it is Raymond Baca, who is her son. Ms. Baca said she wanted to give this land to her children. Mr. Pando asked about an easement on the property, which is 20 feet. Mike Pino & Frankie Blacklidge came from the audience to speak in favor of Ms. Baca's split. Max Romero, Nina Baca Serna, Mike Lundmark and Daniel Luna all spoke opposing this split. Commissioner Baca moved to deny this zone change, it was seconded by Commissioner Pando, motion carried. See exhibit J.

**F) Zone Change.....Voicestream**

Next to speak was Les Gutierrez who represents Voicestream Wireless. He asked the commission to grant his zone change request to place a telephone facility south of Ranchero Builders Supply. Mr. Gutierrez said this tower would take traffic from the Sisneros site and also expand coverage. This tower is 150 feet. It is 350 feet away from the road, and 15 to 20 feet from the ditch. The tower site is 40 X 40 feet. Steven Chavez of the Planning & Zoning Department told the commission of a five year plan that he has asked Voicestream for, which has not been provided yet. Commissioner Baca made a motion to table this matter until the Commission gets more information, it was seconded by Commissioner Padilla, motion carried. Ms. Arbitoski From Highland Meadows speaks on opposing this tower. See exhibit K.

The commission took a break to view the jail.

**G) Selection of Board Members.....County Commission**

**a) Board of Registration**

Selection of board members was next on the agenda. Commissioner Pando asked County Clerk Tina Gallegos how the process worked on the appointment of the Board of Registration. Ms. Gallegos answered that the party chairmen submitted a list; from this list the Commission chooses the names of three members and two alternates of the Board of Registration. Commissioner Gary Daves asked Ms. Gallegos if the Non Party or Independent or Green Party was sought. Ms. Gallegos answers that a letter was sent out to the Green Party and they didn't submit a list of names. Three members and two alternates are chosen. Commissioner Pando suggested Leonard A. Garcia, Manuel A. Gallegos, and Lydia Carbajal as members and Luciano Chavez and David Vickers as alternates. Chair Commissioner Aguilar made a motion to appoint Leonard Garcia, Lydia Carbajal and Manuel Gallegos to the 2001 Board of Registration and as alternates, Luciano Chavez and P. David Vickers, There was a second by Commissioner Pando, motion carried. See exhibit L.

**b) Planning & Zoning Commission**

Commissioner Pando reappointed Jamie Goldberg, Chair Commissioner Aguilar Appointed Harold Maes, Commissioner Baca appointed Herman Tabet, Commissioner Padilla appointed Martin Sisneros, and Commissioner Daves appointed Bill Holliday, all were for two years. Two at large positions were chosen. Commissioner Pando suggested to keep Wilfred Dean Chavez on the west side and George Koch on the east side. There was a motion by Commissioner Pando, for all to be appointed for two years to the planning & Zoning Commission, it was seconded by Commissioner Padilla. Motion carried. See exhibit L.

**c) Animal Control Ordinance Board**

Chair Commissioner Aguilar suggested waiting to appoint the Animal Control Ordinance Board. Commissioner Daves asked to appoint Judy Babcock today. Commissioner Pando made a motion to appoint Steve Sanchez, Cynthia Ferrari, Ruben Chavez, and Judy Babcock, it was seconded by Commissioner Baca, motion carried. Lee Laney was appointed as an alternate. See exhibit L.

**d) Indigent Board**

Commissioner Pando appointed Victoria Flores, Chair Commissioner Aguilar appointed Sam Anaya, Commissioner Baca appointed Wayne Gallegos, Commissioner Padilla appointed Eloisa Tabet, and Commissioner Daves appointed Laura Simmons. There was a motion for appointments to the Indigent Board by Commissioner Padilla, it was seconded by Commissioner Pando, motion carried. See exhibit L.

**e) Advisory Council for Older Americans**

The following people were added to the Advisory Council for Older Americans: Gloria Stanley and Glorie Parker from Bosque Farms, Wanda Burson and Betty Ayers from Meadow Lake, James H. Vaughn and Doris Lee Bowen. Commissioner Pando made a motion to add these people to the council, it was seconded by Commissioner Daves, motion carried. See exhibit L.

**f) Middle Rio Grande Council of Governments**

It was decided that a discussion on the Middle Rio Grande Council of Governments, would be talked about at a later date. See exhibit L.

**g) Road Viewers**

The County Commission each appointed one Road Viewer. Commissioner Pando appointed Rey Baca, Chair Commissioner Aguilar appointed Lupe Garcia, Commissioner Baca appointed Johnny Maestas, Commissioner Padilla appointed Patricia Sanchez and Commissioner Daves appointed Luther Shear. There was a motion by Commissioner Pando, seconded by Commissioner Padilla to approve these appointments, motion carried. See exhibit L.

**H) Managers Report.....James Fernandez**

**a) Request for out of state travel for Mary Ann Gonzales**

Due to the weather Ms. Gonzales was not able to attend the conference in Santa Fe as requested, so there was no need for that request. See exhibit M.

**b) Public Request to Lease Landing Area**

The next item was utilization of land that belongs to Valencia County. County Attorney Tom Garde sent information to Mr. Bill Stephenson, President of the Albuquerque Ultralight Association, stating that the county does not wish to grant permission to utilize the property for the association's intended use of the property. See exhibit N.

**c) Pueblo of Isleta**

A letter was sent to Chair Commissioner Aguilar from the Pueblo of Isleta. It is the Pueblo's intent to approach the state legislature to have the boundaries of Valencia County modified to include all of the reservation within the boundaries of Valencia County. Chair Commissioner Aguilar asked if a letter of support could be drafted by the next meeting so it can be sent to the legislatures. Commissioner Daves commented on his support for Isleta's intention. Commissioner Daves moved to support the Boundary changes to include the Pueblo of Isleta within Valencia County, Commissioner Padilla seconded, motion carried. See exhibit O.

**d) Jail Inmate Report**

Mr. Fernandez informed the commission that the average daily inmate count is 95. See exhibit P.

**e) Road Department**

The road department informed Mr. Fernandez that road projects from the priority list would begin in February and carry on until the end of the year. Mr. Fernandez reminded the commission that last April the Board of Commissioners developed a list of priorities of road projects for the years 2000 and 2001. See exhibit for priority list. See exhibit Q.

**f) Tome Park Site**

Mr. Fernandez informed the Commission of a Tome Park Site that may be utilized as a community center site. He has asked the Los Lunas School District for copies of the deeds. There is a portion of that property that has picnic tables and playground equipment, which was obtained from grant money. Chair Commissioner Aguilar informed the Commission that State Representative Kandy Cordova has asked for design money for this project. Commissioners Pando and Aguilar had some concerns about putting this community center site before other priorities and other needs that had been addressed.

**g) Belen Public Health Office**

There is a possibility of Belen Public Health Office relocating their offices to a building in Belen. The new facility is approximately 9,000 square feet. The utility charge per square foot is a concern to the county. Mr. Fernandez has asked them for additional information.

**h) YDI**

The commission received Thanks from Kathy Chavez who is the director of YDI. The commission did send information to the Local Corporate Resident Board in regards to providing support to YDI for funding that they were seeking. They have received a recommendation to receive funding for Valencia and Torrance Counties.

**i) Treasurers Office**

The Valencia County Treasurers office has been working on County warrants and payroll checks, the interest that the county will be receiving from county funds will be increased; the estimate is 2,000 per month.

**j) Re-districting**

Chair Commissioner Aguilar asked about a demographer. Mr. Fernandez answered there are some deadline dates in terms of redistricting; this will take place in the month of April. Also mentioned, the road department has to do mileage certification by April 1<sup>st</sup>. Commissioner Aguilar also asked about the extension service. Mr. Fernandez explained the county received a billing for the first and second quarter. The county will be paying that and the adjustment will be made in the final fourth quarter.

Commissioner Daves asked about speed bumps for a road in the Peralta area. Mr. Fernandez said they received written notice from Molzin Corbin, they hope to be finished with the traffic studies by February 26, 2001. Mr. Fernandez said the county hopes to start these speed bump projects in March.

**I) Legal Services RFP.....Carlos Montoya**

Carlos Montoya informed the county that they opened a bid on January 19, 2001 for legal service, RFP #133. The following bids were given: Mathews & Hahs, LLC \$110.00 an hour, Aungier & Wilson, P.C. \$110.00 an hour, and Torres & Garde \$82.00 an hour. Commissioner Pando made a motion to retain Torres & Garde, it was seconded by Commissioner Padilla. Chair Commissioner Aguilar commented that Mr. Garde has been an excellent attorney. Motion carried. See exhibit R.

**J) Warrants.....Carlos Montoya**

A list of the warrants was presented. Warrants #64096 through #64154, for a total of \$83,980.79, out of that \$49,462.00 came out of the general fund. Chair Commissioner Aguilar asked if \$14,620.00 for Waste Management was for one month. Mr. Montoya answered there are two reasons for that, the first is a fuel charge, when the rates go up, the county's rates go up. The second reason is because of the east mesa clean up. Chair Commissioner Aguilar asked about a lap top computer that the Fire Marshall bought, \$2000.00. Mr. Montoya said that when they go to a site, these laptops have the ability to print out the report so they don't have to fill out a written report and then go back to the office and fill out a computerized report. This is the explanation the Fire Marshall's office gave him. There was a motion by Commissioner Pando, it was seconded by Commissioner Baca to approve warrants. The cash balance for the general fund today is \$2,819,000.00, yearly cash receipts in the general fund is \$5,255,000.00, cash disbursement is \$5,000,022.00. See exhibit S.

**Next Meeting**

The next Regular Meeting of the Valencia County Board of County Commission will be held on February 20,2001 at 6:00 PM with executive session at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

**ADJOURNMENT**

There was a motion by Chair Commissioner Aguilar to adjourn at 2:23 P.M.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, 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: February 20, 2001**

**For an official signed copy of these minutes and attachments see Book 39 Page 1.**