

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

March 6, 2001

Chairman Alicia Aguilar called the Meeting to order at 9:08 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	
Sally Perea, Chief Deputy Clerk	Tina Gallegos, County Clerk
Press and Public	

Executive Session

Chief Deputy Clerk Sally Perea read the agenda for executive session. New hires, transfers and resignations were deleted from executive session. Henry Navarrez from the Navarrez Law Firm was present during executive session, speaking on personnel matters. Commissioner Pando made a motion to go into executive session, with the amended agenda. Commissioner Padilla seconded it, motion carried.

Personnel Manager, Carol Anaya, reported that during executive session, a personnel matter with no action taken was discussed. Commissioner Pando, made a motion to ratify what was discussed during executive session. Commissioner Padilla, seconded it, motion carried. Commission Chair Aguilar mentioned that the discussion was for information only.

Several items were to be discussed during executive session; only one was discussed. Executive session will take place after item N, before the County Managers Report. Commissioner Daves made a motion to go back into executive session after item P, Payroll & Warrants. It was seconded by Commissioner Pando. The other two matters that were not discussed were Pending/Potential Litigation and Land Acquisition/Tri Sect Landfill. Commission Chair Aguilar recommended that it be before the County Managers Report, because of a solid waste update, she thought it would be imperative to discuss the Land Acquisition/Tri Sect Landfill in order to have that discussion. Commissioner Pando withdrew his second to the motion. Commissioner Daves withdrew his motion. Commissioner Daves made a motion that executive session resume after Item N. Commissioner Pando seconded it, motion carried.

Pledge of Allegiance was led by Sheriff Juan Julian.

Approval of Agenda

Executive Session will resume after item N. Commissioner Pando and Commission Chair Aguilar will speak under public requests. Melvin Sission, Gil Gray and wife Danna Loori, William Dean, Bob Davey, Alice Letney, William Scovill and Charles Long will all speak under public requests. Commissioner Pando made a motion to accept agenda as amended. Commissioner Baca seconded it, motion carried.

Approval of Minutes

Commissioner Padilla made a motion to approve minutes for February 20, 2001, it was seconded by Commissioner Baca, motion carried.

Public Requests

Charles Long, who lives on Sunflower Avenue, requested that Sunflower Avenue be paved. He mentioned that it is bladed once every two weeks, and in three days the road gets wash-boarded.

There are 25 homes on that road. Commission Chair Aguilar mentioned that last year she asked for that road to be paved but because of the increase in oil and other costs, the money was not there for it to be paved. This year Commission Chair Aguilar has that road on her list for a chip seal.

William Scovill mentioned that in June 1999 petitions were turned in to have Sunflower Avenue paved and said that it needs to be paved. Commission Chair Aguilar mentioned that the county requests help from the State Legislator, and asked that the people from Sunflower Avenue call Representative Luna and Senator Michael Sanchez and ask them to support the bills that have been sponsored.

Alice Letney, Director of the UNM Valencia Campus, asked the Commission to consider the results of the Hospital Study that was completed by Sandia Consulting, and to proceed on the findings of that study. The "well being" of all the citizens of Valencia County is severely impacted by the lack of a 24-hour emergency facility in the county.

Bob Davey commented that the Hospital Study was an excellent study, and the county needs a facility.

Gil Grey, along with his wife Danna Loori, had concerns about industrial development on the west mesa, particularly the Cobisa power plant. They would like to build a ranch on the mesa. Mr. Grey read a document called The Mesa Messenger to the Commission. See exhibit A.

William Dean provided the Commission and public with the phone number of the Public Regulatory Commission. He had some concerns about the power plant on the mesa. The phone number is 1-800-947-4722.

Melvin Sisson, from Superior Waste Systems, had concerns about the Commission making an agreement with Waste Management on the Tri Sect Landfill. Mr. Sisson said "It must be operated for the good of the county and that will not happen if we allow Waste Management to operate it for us and tell us what our fees will be." He suggested the County should purchase the landfill and if the County feels it can't manage it and make a profit, than it should be put out for bid for the best price.

Commissioner Pando thanked Senator Sanchez, Representative Fred Luna, and Representative David Vickers who brought money for the Hospital Study. He asked that at the next meeting this be an action item on the agenda. He feels like the Commission needs to move forward with this.

Commissioner Pando also mentioned, he volunteered to be Chairman of the Trash Committee, Commissioner Daves told Commissioner Pando that he would like to be Chairman of the Committee so he could get more involved. Commissioner Pando willingly gave it to Commissioner Daves and mentioned that he will continue to support him in any way that he can.

Commission Chair Aguilar has resigned as Chairman of the CEO's of the Central Area Workforce Investment Board. She sent a memo on February 26, 2001, because she feels that there appears to be a disagreement on the relationship between the CEO's and the board. She feels she must clarify that the CEO's have not been a partner in any of the decisions or actions of the local board. She mentioned that the Federal Law Act says that the CEO's retain liability, and that is not something that can be delegated. Commission Chair Aguilar is still a member of the board but not Chairman. See exhibit B.

Commission Chair Aguilar mentioned receiving calls about the Cobisa Power Plant. She received some correspondence from Planning & Zoning. She has a memo to, County Planner Steven Chavez, to get some questions answered prior to the meeting on April 3, 2001, which she read during the meeting. See exhibit C.

Commission Chair Aguilar commented that she and Commissioner Pando will be working on a proposal for some possible solutions to roads that are narrow and can never be dedicated to the County. Commissioner Daves mentioned that regarding this issue, he thinks that it needs to be done much sooner than some months from now and sees no good reason why they can't have a meeting sooner than that. Commissioner Daves wants it on the agenda sooner as an action item. Commission Chair Aguilar asked Commissioner Daves if this is something he wants to take on and report to the Commission in thirty days. Commissioner Daves answered that's what he prefers to do.

Action Items

Request Letter of Support-The Housing Authority Update.....Pamela A. Ewers

Ms. Pamela Ewers, Executive Director of the Housing Authority requested a letter of support from the Commissioners of Valencia County. She is applying for three different types of grant programs to bring more housing programs into the community.

The first is a rehab program, requesting a total of five homes at \$30,000.00 per home. The homes will be brought up to H2S standards. There is currently a certified housing inspector with the Housing Authority.

The second program is a homeless prevention program; asking \$30,000.00. What this program does is help subsidize to defray rent and utility arrearages for families that have received eviction or utility termination notices. It also provides assistance for security deposits and first month's rent. This will also help people who pay mortgage notes that fall behind on their mortgages.

The third program is a tenant based rental assistance program, applying for \$30,000.00. This provides one time cash assistance to tenants for security deposits, utility deposits and up to three month's rent.

There are currently 214 families within the Valencia County area who are participants of the Housing Authority. The program has doubled in size from last year. Ms. Ewers welcomed anyone who would like to visit the Housing Authority and see what they do. Commission Chair Aguilar thanked Ms. Ewers for helping our citizens. Commissioner Pando applauded the Housing Authority for doing a good job. There was a motion by Commissioner Pando, it was seconded by Commissioner Daves to continue supporting this program. Motion carried. See exhibit D.

Commissioner Pando requested that on the agenda, if item L, Preconstruction Planning of Adult & Children Shelter Group Homes, can be the next item because the people presenting need to be in Santa Fe by 1:00 P.M. Commission Chair Aguilar said, Award RFP #136 Preconstruction Planning of Adult & Children Shelter Group Homes will be next.

Preconstruction Planning of Adult & Children Shelter Group Homes...Monica Mireles

Award RFP #136 Preconstruction Planning of Adult & Children Shelter Group Homes, was presented by Administrative Assistant to the County Manager, Monica Mireles. There were two bids received that were open February 20,2001 at 2:00 P.M., Soleil West was the first Vendor and Dougherty & Associates was the second vendor. Both were accepted according to RFP criteria. A panel consisting of Valencia County Staff and two staff members from Valencia Counseling service rated both proposals and the panel recommended Dougherty & Associates. Commissioner Pando made a motion to award this bid to Dougherty & Associates. Commissioner Baca seconded the motion, motion carried. See exhibit E.

Cooperative Project Agreement-Rio Del Oro Pathway.....Jacqueline Guilbault

Jacqueline Guilbault of Valley Improvement Association presented the Commission with the Rio Del Oro pathway project, which is a bicycle, and pedestrian pathway that will be built. The first phase of construction should be started this year. What Ms. Guilbault presented to the commission was a cooperative project agreement of draft, and asked for the Commission's approval based on this draft and sign the final copy next week. This is for the first phase of this pathway. The bicycle path will pass to standards. It is an enhancement project similar to the Tome Hill project; it is highway department funding, which is set aside for enhancement. VIA will provide funds, maintenance, and will assume the liability. Commissioner Padilla made a motion to approve this project agreement; Commissioner Baca seconded it. Motion carried. Commissioner Pando thanked Ms. Guilbault and VIA for doing an excellent job. Ms. Guilbault also thanked the Commission for its support. See exhibit F.

Request to Vacate Violet Road.....Elias Maes

A request to vacate Violet Road was tabled on February 20,2001. Mr. Elias Maes III questioned the Commission on how this has progressed. County Planner, Steven Chavez, addressed the Commission; on February 26, 2001, County Manager James Fernandez requested Mr. Chavez look into the possibility of vacating Violet Road. According to Mr. Chavez, there is a replat that is necessary and required by the zoning ordinance; the zoning ordinance prohibits creating non-conforming lots. As far as easements, there is a utility easement to the west, and will have to be taken as part of the replat. Commissioner Pando asked about a replat. County Attorney Tom Garde, said there is no need for the County to replat it, it would be up to the purchaser. Commissioner Pando asked what the next step is. Mr. Garde said the first step would be to appoint viewers to view the property and report back to the Commission. Also, there should be notice to the adjoining property owners that the item is going to be on the agenda to vacate that road. Commissioner Pando asked if the County Road Viewers could be appointed. Mr. Garde answered that the statute says free holders, and as long as the road viewers are not residents of that street. Commissioner Pando made a motion that County Road Superintendent Louie Pena, get a hold of three road viewers and ask them to view the road, the County will send out notices that are needed so this process can continue. Commissioner Daves seconded it. Motion carried. See exhibit G.

Valencia County Sheriff's Posse as Sponsor of Valencia County Queen.....Peggy Vallejos

Peggy Vallejos, from the Valencia County Sheriff's Posse, requested recognition by the Valencia County Commissioners, to sponsor the Queen contest and also to sponsor the Valencia County Queen to the State Fair of New Mexico. A letter is attached from the Valencia County Queen Committee, who is sponsored by Bosque Farms Rodeo Association, relinquishing all rights to hold a contest. The Valencia County Sheriff's Posse is requesting the recognition of the Commission, for the Sheriff's Posse to be the sponsoring committee for this endeavor. Commissioner Daves asked if the County has any jurisdiction at all with regards to this issue. County Attorney, Tom Garde, answered the county took the position back when the state was first brought up, the County has no involvement with regards to who is or who is not responsible for the Queen selection committee. According to Ms. Vallejos, it was brought before the Commission because in 1998 they sponsored a Queen and submitted to the State Fair and they refused the sponsorship because they said there were two sponsoring committees in the County, and perhaps others. The State Fair said the County Commissioners would have to make that decision. Commissioner Daves mentioned supporting this, and doesn't feel that it is appropriate that the County have any jurisdiction over this issue. Commissioner Pando asked what the legal statute is. Mr. Garde responded that the County is not

required to get involved in such activity, although the State Fair Commission has a regulation that the Counties are not required to follow. Commissioner Padilla asked, if the Commission accepted this, would there be any liability? Mr. Garde responded; the Commission can support this Committee, and leave it at that. Commission Chair Aguilar mention that all they are requesting is acknowledgement to conduct the Queen, Princess, Teen, and Sweetheart contest for the County under the direction of the Valencia County Sheriff's Posse. Commissioner Daves made a motion to acknowledge the receipt of this, and has no objection to the agreement that has been reached. Commissioner Padilla seconded it, motion carried. See exhibit H.

Los Ranchitos Subdivision for Paving.....Howard Burger

Howard Burger, who lives in Los Ranchitos Subdivision, requested that the streets of the subdivision be paved. This subdivision is on a school route. Head start, elementary and high school buses travel this street. This was platted in 1981, so the subdivision is 20 years old. There is one way in and one way out of the subdivision. When it rains, depending on the amount, there are many puddles. Currently the County maintains the roads. Mr. Burger asked State Representative Kandy Cordova, if she would allocate funds for the project. Commissioner Padilla mentioned that on Action Item I, the Commission will present some projects, and will be making a recommendation. Commissioner Padilla made a motion to accept the petition. Commissioner Pando seconded it, motion carried. See exhibit I.

Request of In State Travel

1) IAAO School in Socorro for Orlando Montoya.....Beverly Gonzales

Valencia County Assessor, Beverly Gonzales, asked approval for Orlando Montoya to go to IAAO School; he will be seeking his Appraiser II Certificate. The room is \$155.00 a night. The school is \$350.00 and the meal ticket is \$73.50 for him to eat at the campus. Ms. Gonzales has the money in her budget. Commissioner Padilla made a motion to approve this request, Commissioner Pando seconded it. Motion carried. See exhibit J.

2) 6th Annual Land Use Conference in Santa Fe.....Steven Chavez

Valencia County Planner, Steven Chavez, requested in state travel to Santa Fe to attend the 6th Annual Land Use Conference. He requested to spend one night; it is a three-day conference. He has gone to this conference for the past five years. Mr. Chavez has the money in his budget. Mr. Chavez is also a speaker for this Conference. Commissioner Pando made a motion to approve this request; Commissioner Padilla seconded it. Motion carried. See exhibit K.

3) NMAC-Affiliate Chair Orientation in Santa Fe for Garde.....James Fernandez

County Manager, James Fernandez, asked approval for County Attorney, Tom Garde, to attend a NMAC conference on March 27, 2001 in Santa Fe. The cost would have to come from the Boards. The cost will be mileage and per diem. Commissioner Pando made a motion to approve this request; Commissioner Baca seconded it. Motion carried. Commissioner Padilla was absent for the vote. See exhibit L.

Award Bid #552 Delinquent Tax Notices.....Diana Martinez Coplen

Mobile Home Specialist, Jolene Ortega, from the Treasurer's office recommended that the Commission award bid #552 for delinquent tax bills to Ink Impressions of Rio Rancho, as they were the only respondents to the bid request. Commissioner Pando made a motion to accept this request; Commissioner Padilla seconded it. Motion carried. See exhibit M.

Update on Fire Department Boundaries.....John Cherry

Valencia County Fire Marshall, John Cherry, updated the Commission on Fire Department Boundaries. Mr. Cherry said they had no response back from the State Fire Marshall or the ISO office on this issue. Valencia El Cerro will be one station and the Valencia El Cerro Substation will be different. Commission Chair Aguilar, questioned, before the Commission needed some approval, Mr. Cherry was working on Maps, when will that take place? Mr. Cherry answered that the maps were approved last month, and they were forwarded to the State Fire Marshall's Office and the ISO. Also the recorded copy of the resolution authorizing the split has been forwarded to them. Mr. Cherry has requested a waiver to fund this on a first year basis, in which State Fire Marshall, George Chavez, by phone indicated that is possible. Commission Chair Aguilar asked Mr. Cherry to keep the Commission updated. Commissioner Daves asked if Mr. Cherry feels confident that he is going to get this in time from the state. Mr. Cherry answered that even if they don't get it in time, they can still do it, but would like to get it on this funding cycle. Commission Chair Aguilar asked Mr. Cherry to update her on Senate Bill #21, a bill for fire station funds to increase the annual fund distribution from the fire protection fund by either 19% or 20%, depending on the station rating. Mr. Cherry had no word on that but will check on it. See exhibit N.

Approval of Resolution of Cap Co-Op & School Bus Projects.....Helen Cole

Helen Cole from the Valencia County Highway Department asked the Commission's approval for a 2001/2002 Cap Co-Op and School Bus Program. This is resolution #2001-08. Commissioner Daves asked what the program is. Ms. Cole answered that it is a resolution to let the State know that the County wants to participate in the 2001/2002 program. The State puts in 75% of the funds and the County has to meet 25% in order to receive the whole 75%. Commissioner Daves asked if this is based upon county road miles. Ms. Cole answered yes. Commission Chair Aguilar mentioned there

is about \$400,000.00 that comes in and the County participates with the other \$100,000.00 that they need to budget, making it \$500,000.00 so each district gets about \$100,000.00 for paving projects. Commissioner Pando asked if there is a limit on the number of roads they have to turn in, verses the amount of money they get back. Ms. Cole said she would find the answer to that. Commissioner Padilla made a motion to approve Resolution #2001-08; Commissioner Pando seconded it. Motion carried. See exhibit O.

Indigent Board

There was a motion by Commissioner Pando; it was seconded by Commissioner Baca to convene as the Indigent Board. Barbara Baker reported the total claims submitted were \$181,770.54. There were 77 claims to date and Ms. Baker asked the Commission to approve \$71,845.10. Commissioner Daves made a motion to approve \$71,845.10, it was seconded by Commissioner Pando, motion carried. See exhibit P.

Ms. Baker, along with the Indigent Committee, voted to decrease the hospital pay rates from \$40,000.00 to \$20,000.00. This amount is per individual per 12-month period. The minimum to pay is \$7,500.00. Ms. Baker mentioned the indigent funds are pretty healthy. Commissioner Daves asked Ms. Baker for a document to show the basis of this decision to go from \$40,000.00 to \$20,000.00. According to County Manager James Fernandez, this fund started off at the beginning of the fiscal year with a balance of \$621,000.00, as of today it's at \$301,000.00. The income of this particular fund remains relatively constant at \$45,000.00 every month. See exhibit P.

The first Indigent Appeal is for Mrs. Charlie Dawson. Mrs. Dawson was denied her indigent assistance because her only income is her husband's social security, grants and scholarships for school. Mrs. Dawson has not received any bills yet. Commissioner Pando asked if they are supposed to approve a blank check. Commissioner Pando made a motion to table this item until the bills come in. Commissioner Padilla seconded it, motion carried. See exhibit P.

Rene Large was the next person appealing Indigent funds. Ms. Large was not present for the meeting, so this appeal was automatically denied. There was a motion by Commissioner Pando to deny this appeal. See exhibit P.

James Abeyta was at the Commission meeting on February 6,2001. He was incarcerated in Colorado, was given medical treatment there, and when he left he went to Presbyterian Hospital in Albuquerque. He had surgery there for the same medical condition. The February 6, 2001 meeting was tabled because the Commission didn't know the rules of Colorado. The Commission wanted to know if Colorado was or was not responsible for treatment he received when he was not fully recovered, after he was released. According to Ms. Baker, Mrs. Peterson from the Colorado Interstate Compact, said it is not a state statute, and Colorado is not responsible; it is the Attorney General's opinion that they are not responsible once a prisoner is released. The reason that Mr. Abeyta was denied the first time was because he did not meet the 45 day residency requirement. Commissioner Daves explained that the payment to whatever amount should be made on the basis that if he remained in Colorado he would've received an appropriate medical response, he in good faith moved to New Mexico meeting his conditions of parole, and the reason he didn't make 90 days, is because his health didn't let him. On that basis, Commissioner Daves made a motion that the denial be overturned and the appropriate payment be made. There was not a second. Motion dies. County Attorney Tom Garde explained that the County has a limitation for approval that they must reside in this County for 45 days. If this Commission were to grant everyone residency, the fiscal effect on the indigent fund would deplete this fund much faster than it is being depleted now. The County has a very lenient residency requirement; most counties have a 90-day residency requirement. Commissioner Pando made a motion to deny the entire amount; Commissioner Padilla seconded it. Motion carried. See exhibit P.

Joe Aragon was the last person to appeal indigent funds. He was denied on February 6, 2001 because his income was above the maximum allowed. Mr. Aragon had double bypass surgery on December 29, 2001, and has not worked since. He does not have any kind of income now, but intends to go back to work in April 2001. Ms. Baker recommended the Commission approve this appeal, because there is no income. The amount of the appeal would be \$20,604.76. Mr. Aragon has no property other than a house on a lot in Los Lunas. Commissioner Padilla made a motion to approve this appeal; Commissioner Pando seconded it. Motion carried. See exhibit P.

There was a motion to reconvene as the Valencia County Board of Commissioners by Commissioner Baca; Commissioner Pando seconded it. Motion carried.

Presentation of Precinct Boundaries.....Tina Gallegos
Director of Elections, Lawrence Kaneshiro, asked the Commission to approve new precinct boundaries based on the 2000 Census. This process started in 1997 with Research and Polling. In 1999 the Census Bureau accepted proposed changes and the County was asked to freeze the boundaries in place for the 2000 election. Resolution 2001-09 is the boundaries that will make up the 2000 election with the changes that were frozen from 1999. Some boundaries could not be moved. Mr. Kaneshiro will ask Research & Polling if some adjustments can be made. Mr. Kaneshiro stated, once the resolution is done and sent to the Secretary of State, they will draw up a base map that will come back to the Commission for final approval. Mr. Kaneshiro explained, this resolution sets everything in motion, so the redistricting process can begin. County Attorney, Tom Garde, said this is the first process before the Census is received by the County. Once the Census has been received, then the redistricting can be started. Once the districts are redistricted, after the year 2002 the

Commission can go back to revisiting precincts that need to be changed. This is the first step in the process to get redistricting accomplished. For the 2002 election, this resolution is what will be in place. Commissioner Daves made a motion to approve Resolution 2001-09; Commissioner Padilla seconded it. Motion carried. See exhibit Q.

Road Paving Requests 2001/2002.....Board of Commissioners

The Board of Commissioners disclosed their road paving requests for 2001/2002. Commissioner Baca requested the continuation of Fermin Chavez, Romero Road, Greer Road, and Willow Way for a chip seal.

Commissioner Padilla requested a chip seal on Jardin in Los Ranchitos, Corrales, Ranchitas, Ranchero, and the entrance of Los Ranchitos that connects to Jardin and connects to Yerba, Jose P. Sanchez Road, and Padilla Road. Commissioner Padilla requested paving Molina Road, and also, Brugg, Baldwin, and Riggs, either chip seal or paving. Commissioner Padilla changed Molina Road to a chip seal, if it can be chip sealed.

Commissioner Daves requested paving Dairy Road, Amy Road, and Fence Line Road. He also requested Arcadia Drive a chip seal. Amy Road is already on this years list to be chip sealed. Commissioner Daves suggested that the balance not done on Amy Road be chip sealed as well.

Commissioner Pando requested Hob Road, which is in Commissioner Padilla’s district, Pando Lane, and Ralliere Road all be paved. Also if there’s money left over he would like to chip seal Zamora Lane, and Connelly Road if they are County roads.

Commission Chair Aguilar requested Kennedy Road paved, Camino Los Chavez chip sealed, and Elias paved. If there’s money left over Commission Chair Aguilar would like to chip seal Sunflower, Thomas, and JD Road, and If the Commission gets money from the Legislators she would like to pave Los Cerritos and Smith Road.

Valencia County Policy on Inspection & Requests of Public Records.....James Fernandez

County Manager, James Fernandez presented the Commission with a draft copy of a proposed Policy for Inspection and Requests for Public Records for Valencia County. There is a Senate Bill #539 that basically would require the Counties to go through the process of establishing a policy of public records. This policy will ensure that any request by the public for public records will be dealt with in a timely manner. The County is creating a standardized form that the departments would have, for individual requests for public records. Once the individual submits a request, the County would have to respond, if in the event that they cannot provide it within a timely manner. The County would have 15 days to provide the item that the individual requested. If it is a very lengthy process, than that will be explained to the individual making the request. Commission Chair Aguilar mentioned that a policy was in place that anytime anyone makes a request of public documents, the request comes to the County Manager, so there is compliance with the act that if it can’t be provided at that moment, the County has three days to provide the information. This particular policy is establishing a custodian of public records, who is the County Manager. Once that particular request goes to that particular department, they will have that request filled out and submit it to the Manager’s Office. The Manager’s Office will review it in a timely manner to make sure whether it is public or not public, and then sign off on it, then that individual can proceed. There was a motion by Commissioner Pando; Commissioner Baca seconded it. Commissioner Daves voted against this policy, as it is overdone and burdensome to the public. Motion carried. See exhibit R.

Payroll & Warrants.....Carlos Montoya

Carlos Montoya asked approval for warrants #64435 thru #64523 for a total of \$369,715.44 that was issued by the Fiscal Officer on March 2, 2001. There was a motion by Commissioner Pando to approve warrants, Commissioner Baca seconded it, motion carried. See exhibit S.

Mr. Montoya also asked for approval of warrants issued by the Fiscal Officer on February 23, 2001 are #64404 thru #64434, and payroll #46183 thru #46378 for a total of \$193,701.85. Commissioner Baca made a motion to approve, it was seconded by Commissioner Padilla, motion carried. See exhibit S.

Executive Session

There was a motion by Commissioner Pando to go into executive session and continue with Pending/Potential Litigation and Land Acquisition/Tri Sect Landfill. Commissioner Baca seconded it. Motion carried.

There was a motion to return to Regular Session by Commissioner Pando, Commissioner Daves seconded it. Motion carried.

Pending/Potential Litigation

County Attorney Tom Garde reported that during Executive Session, the Commission discussed a certain lot split in Peralta, a current lawsuit between Bernalillo County and Valencia County, and Potential Litigation in regards to Cobisa and Campbell Farms. Direction was given with regards to both cases to the Attorney for information. During Executive Session, they also discussed the current negotiations in regards to the purchase of the Tri-Sect Landfill in West Valencia County and direction was given to administration to continue that negotiation.

Personnel Matters

Personnel Manager Carol Anaya reported that during Executive Session the Commission discussed the revision of the position of Deputy Fire Marshall. This position was reviewed, analyzed and brought to the Commission for approval. Also, a new position was brought for EMS Coordinator/Fire Inspector, which will be an exempt position. Commissioner Daves made a motion to ratify what was discussed during Executive Session, it was seconded by Commissioner Pando, motion carried.

Managers Report.....James Fernandez
Solid Waste Update

County Manager James Fernandez presented the Commission with a Solid Waste Enforcement Fee Spreadsheet, to show amounts that have been generated by the entities to the County dealing with the solid waste issue. The spreadsheet refers to Sisson's Systems, Waste Management, Reliable Waste and Valley Disposal. In 1999 \$370.00 was generated through enforcement fees, in the year 2000 that amount went up to \$80,802.09 and for the month of January, 2001 a total of \$8,881.74. Commissioner Pando mentioned when passing the \$.50 fee, the County was to hire an enforcement officer that was going to monitor these accounts. Mr. Fernandez commented, Administrative Assistant to the County Manager, Monica Mireles, has been dealing with that, but they do need to hire someone to deal with that solely. Melvin Sission answered some questions as to why his payments fluctuate so much. "We bill on a three month cycle, so one month out of the three months, I'll get a tremendous amount of money, the next month a little less. The third month of the three month billing period will be very little money coming in," Mr. Sission said. Mr. Sission mentioned certain things that all the companies were supposed to do that are not being enforced, such as, all were supposed to issue containers. All of them were told how much to charge, and they were all told they would pick up everybody in the county. See exhibit T.

Formation Committee to Study Trash Problems

County Manager James Fernandez reported Commissioner Daves will be taking over the Chairmanship of the Trash Study Committee, from Commissioner Pando. The staff member that is assigned to this committee is Carlos Montoya who has been overseeing the Conejo Transfer Station and Solid Waste for the County. The appointees from each of the Commissioners are: for Commission Chair Aguilar, they are Mike Lundmark and Art Crackey, for Commissioner Padilla, they are Andrea Padilla and Raul Padilla, for Commissioner Pando, they are Frank Olguin and Robin Ver Ecke, for Commissioner Baca, they are Danna Gray and Nannie Baca, for Commissioner Daves, they are Wanda Temple and Mike English. The next Trash Committee meeting will take place on March 15, 2001 at 7:00 P.M.

Jail Monitor Report

County Manager James Fernandez reported the average daily count of inmates is 97. See exhibit U.

Lease Agreement Capilla Peak Repeater

County Manager James Fernandez reported, Sheriff Juan Julian and staff met with Mr. Ferrer in regards to the lease of that particular repeater site. The County would like to do a month-to-month lease on that particular site of \$150.00 per month, until such time that it can be located to a free site. The problem with the free site is that there is snow in the area. Mr. Fernandez asked that the Commission approve a month-to-month lease on this particular site. County Attorney Tom Garde explains the reason the County has to pay this monthly payment is because the repeater was on BLM land, and since then BLM leased it to this individual. He is now charging for the use of the building. Commissioner Pando made a motion to accept this recommendation and pay Mr. Ferrer \$150.00 a month on a month-to-month basis. Commissioner Daves seconded it, motion carried. Commissioner Baca and Commission Chair Aguilar were both absent for this vote. See exhibit V.

Jarales Community Center Update

A letter was received from the Office of Cultural Affairs Historic Preservation Division on the Jarales Community Center at the Old Jarales School. The County has clearance to proceed with the next phase, which will be looking at getting the roof replaced. Commissioner Padilla mentioned the County having about \$60,000.00 in reserve. The original cost estimate to replace the roof alone under Historical Preservation Standards will be about \$125,000.00. The County has a measure before the State Legislature for another \$62,500.00 that will make up the difference the County needs. The County has not received any notification from the Legislature as to a hearing. See exhibit W.

New Mexico County Insurance Authority

Documentation was received from the New Mexico County Insurance Authority in regards to some optional coverage for land use insurance. There is a deadline date for requesting coverage, which is March 31, 2001. The premium for a level I will cost \$20,000.00 per occurrence with a \$20,000.00 annual aggregate limit for \$2,000.00. Level II will cost \$20,000.00 per occurrence with a \$40,000.00 annual aggregate limit for \$4,000.00. Level III will cost \$20,000.00 per occurrence with a \$60,000.00 annual aggregate limit, for \$6,000.00. Mr. Fernandez recommended the County acquire this multiline insurance, for a one-year period, if after that one-year period it is not being cost effective, the County can drop it. Mr. Fernandez mentioned looking at Level II, but verifying whether or not they will be locked into that particular level. County Attorney Tom Garde explained that this will be money well

spent. Commissioner Daves made a motion to table this item until March 20, 2001, it was seconded by Commissioner Pando. Motion carried. See exhibit X.

Redistricting

County Manager James Fernandez received a proposal from Research & Polling. The request from administration would be if the Commission wishes to proceed, to go out and bid for this particular process or since this would be considered a professional service, it would fall under the \$20,000.00. Commissioner Daves commented, he would like an initial in-house effort, and recommended to ask staff for recommendations. Mr. Fernandez mentioned checking with the Clerk's office and finding out what the requirements are.

Next Meeting

The next meeting will be on March 20, 2001 at 6:00 P.M. with Executive Session starting at 4:30 P.M.

Adjournment

Commissioner Pando made a motion to adjourn at 3:50 P.M.

Note: All proposals, documents, items, etc., pertaining to items on the agenda of the March 6, 2001 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

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: March 20, 2001

For an official signed copy of these minutes and attachments see Book 39 Page 355.