

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

March 5, 2002

Chairman Aurelio H. Padilla called the Meeting to order, at 9:00 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

Ms. Tina Gallegos read the Agenda for Executive Session but before the Commission retired to Executive Session, Commissioner Aguilar said that in the last meeting she had asked to have clarification on what the Commission's authority was regarding the Personnel Ordinance, in regards to litigations been filed. She wanted to know if this could be discussed in Executive Session. Chair Padilla said they would discuss it.

Mr. James Fernandez, County Manager also wanted to add the discussion they had with Andrew Vallejo from the Attorney General's office regarding the contract negotiation for. The Tri Sect Landfill. Commissioner Pando moved to go into Executive Session. Commissioner Aguilar seconded it. Motion carried. 4-0

Ms. Carol Anaya reported that the following items had been discussed: Resignation of Reyna Carrejo from the County Clerk's office, letters presented by Barbara Baker regarding Inez Anaya for extension of temporary employment. Ms. Diana Martinez Coplen, Valencia County Treasurer requested increasing personnel hours, Tina Gallegos requested a temporary employee and a position for a stenographer. County Manager, James Fernandez was been given direction to look into these requests and Ms. Anaya asked the Commission to ratify what was discussed in Executive Session. Commissioner Daves moved to radity, that was what was discussed. Commissioner Baca seconded it. Commissioner Pando voted yes, Commissioner Aguilar passed; Commissioner Daves voted yes, Commissioner Baca voted yes. Motion passed. 3-0

Mr. Fernandez reported that in Executive Session, settlement for Debbie Fife had been discussed; settlement for Billy John Burns, also the clarification of the role of the Commission on the Personnel Ordinance in regards to personnel matters was discussed. No action was taken.

County Attorney Tom Garde reported that the status of the R2H lawsuit against Valencia was discussed and direction was given, the status of the ED Administrative Compliance Order with regards to Valencia County, also discussed was the existing contract negotiation between Valencia County and Waste Management. Commissioner Daves moved to ratify, without action taken, what Attorney Tom Garde reported. Commissioner Baca seconded it. Commissioner Aguilar said the motion was to approve without action but direction had been given to the Attorney to proceed. Commissioner Daves concurred to that and amended his to motion to reflect that. Motion carried. 4-0

Commissioner Daves led Pledge of Allegiance.

Approval of Agenda

Commissioner Daves moved to approve the agenda. Commissioner Pando seconded it. Commissioner Aguilar asked if the items to be reported by Mr. Ruben Chavez were still going to be heard, since he was not present. Chair Padilla replied that Mr. Gonzales was going to report on two of the items, which Attorney Tom Garde suggested that Item D be deleted. Commissioner Aguilar suggested that Item C also be deleted. Mr. Fernandez said that Item E was just for public record. Commissioner Daves moved to approve the agenda as amended. Commissioner Pando seconded it. Motion carried. 4-0

Approval of Minutes

Commissioner Pando moved to table the minutes since he had not had a chance to read them. Commissioner Daves seconded it. He had asked for some changes to clarify some of his points he had made. He also wanted to comment that what he thought he was doing was amending the minutes of the last meeting with regards to approval of minutes. Ms. Gallegos wanted to let him know that everything that was stated under the approval of minutes had been changed and that they were already signed, so we had incorporated them into the last set of minutes. Ms. Gallegos said that the minutes were being done verbatim and if the Commission wanted them summarized, in order to save space and paper, she needed guidance from them as to what kind of minutes they wanted. Commissioner Daves stated that henceforth, if the record had been adjusted as requested before, there was no harm in generalization. Motion carried. 4-0

PUBLIC REQUESTS

Carol Hart wanted to let the Commissioner know that the Middle Rio Grande Water Assembly and the Middle Rio Grande Council of Government was having a meeting on water issues on 3-12-02 @ 6:30PM at 314 Don Pasqual and maybe they wanted to attend.

ACTION ITEMS:

PLANNING & ZONING MATTERS:

- a) **Appeal Planning & Zoning Department’s Decision on Lot Split/Olguin Road, Belen.....Erlinda Lopez**

Due to the fact that Mr. Ruben Chavez was not present to answer questions that the Commission had, Commissioner Baca made a motion to table it until the next meeting. Commissioner Daves seconded it. 4-0. Commissioner Aguilar wanted direction to go the Mr. Ruben Chavez for him to come prepared and let them know if a split is needed.

- b) **Request to Amend Zone Maps from C1 to C2/3538 Hwy 47, Peralta.....Robert Moody**

Mr. Moody furnished the Commission with a map of the area so that they would be able to follow him.

Commissioner Pando said this was an area with many small businesses and that it was a nice, clean area and that the ordinance called for a 2-acre lot in a C2 zone. He said this was one of the issues he has brought up before because it doesn’t make sense and not everybody can afford to buy 2 acres to put a small business. Mr. Moody explained that the billboard had gone up about 3 months ago and an attorney is using the front house and his office/garage is in the back. Commissioner Aguilar asked if he owned the property. Mr. Moody said he was renting the property. Mr. Mathew Maes owns the property and has consented to the zone change. Commissioner Aguilar asked if this was a ½ acre lot and he was asking for C2 change, did this mean the attorneys office changes also, and would the law office be in conformance. Commissioner Pando said that the attorney’s offices fall under C1, but the commercial use was C2.

Commissioner Daves asked Mr. Garde if a condition on the approval be binding on this zone change in terms of limit it to this configuration of 15 cars for sale and the parking of 5 cars. Mr. Garde answered that this limitation could be made in the form of a motion and it would be binding.

Commissioner Daves made the motion to support the change with the conditions that it be held to the automobile limits that it has for display and for sale and the customer parking as organized and not extending. Commissioner Pando seconded it. Commissioner Aguilar was not in disagreement with what was said, but this was also a substandard lot as far as C2 and Mr. Garde’s recommendation was taken into consideration there are enough facts to grant approval. Mr. Garde said that there should be more discussion with regards to the best use in the area. This was a situation where it was going from C1 to C2 and C2 was the 2acre minimum. He said the motion made to limit the lots was inappropriate. They were going to a substandard C2 lot. Planning & Zoning had recommended going to from a C1 to C2. Commissioner Daves said P&Z had the authority to approve a variance only and recommend the zone change. Commissioner Daves said he wanted to re-iterate his motion. Commissioner Pando seconded it. Motion carried. 4-0

- c) **Request Permission to Publish.....Ruben Chavez**
Amendment to Permitted Uses in C1 and C2 Zoning.

This item was deleted. Mr. Chavez was not present.

- d) **Adopt Extension on Moratorium on Subdivisions.....Ruben Chavez**
Deleted. Mr. Chavez was not present.

e) Advisory Opinion-Practice of Surveying-Minimum Standards for Surveying Subdivision Act/Regulation.....R Chavez

Mr. Fernandez read a letter that he had received in his office dated February 21, 2002 from the State of New Mexico Board of Licensure for Professional Engineers and Surveyors and attached was the advisory opinion pursuant to the minimum standards for surveying. (Title 12, Chapter 8, Part 2, of the NM Administrative Code). This was brought to them as a public record and information.

GENERAL REQUESTS:

f) Request Support-1/2 Mill Levy-Informational Presentation.....Valencia Soil & Water Conservation District

Michael Lundmark had a request from his supervisor Dale A. Jones in the hope that the County Commission would support a ½ mill levy being sponsored by the Valencia Soil and Water Conservation District. This would be to provide some conservation within the county. This was still being explored and the intent would be to support and maintain the County Extension Program during the period in which it would take the county to recover from their fiscal difficulty. The request for the county was to consider a place to hold an election and to get as many people to participate. They were going before the municipality and ask for them to provide a voting place. In answer to Commissioner Aguilar's question, Soil and Water Conservation would pay for this election. Tina Gallegos, County Clerk informed Mr. Lundmark that there was a procedure to be followed.

Commissioner Pando asked what would happen to the money "after the crunch". He said that he would propose a 2 or 3 mill levy to also include supporting a hospital.

Commissioner Daves wanted to know when they proposed to do this. Mr. Lundmark said before the fiscal year. Commissioner Daves agreed that it was a very good idea, but did not think it was statutory possible. He had other questions that Mr. Lundmark could not answer and Commissioner Aguilar suggested that an official request be submitted to the County Clerk's office and the information come to them with cause and also a written commitment for Soil & Water that half of the money be given to the county prior to the election and the remainder of the cost be paid within so many days after the election, regardless of whether it passes or not. Mr. Gil Gray asked if this could be held concurrent with the general election to eliminate the cost. Ms. Gallegos informed them that this had been done before with the Middle Rio Grande Conservancy District but that they would probably need to work with the Assessor's office because this would be landowners and not registered voters. They would need to decide if this election would be through the county or through districts. Commissioner Aguilar asked for clarification that this request was going to Bosque Farms and Los Lunas. Mr. Lundmark said that it was their intentions to go to the municipalities and ask for their support.

One of the issues that Commissioner Daves would be concerned with is that it extends to Isleta and they are not assessed. He was not sure that it would be an issue at all if the Isleta boundary were within the Soil and Water Conservation District. He would like some thought on that, as to who would vote and what the impact of their vote would be and maybe other counties have experience with mill levy elections that have Indian land on them and what was done in those cases.

Mr. Lundmark said that they were going to other districts and ask for their assistance and guidance and so he came before them to ask them for their input and their support.

Commissioner Pando said before he would commit to a ½ mill he would like to explore it and see if they could go a little further and that he did support it.

g) Accept Bids & Award Contracts.....Jacqueline Guilbault
Rio Del Oro Bid #528
The Greenways Bid #529

Ms. Guilbault presented the Commission with information on the bids and the engineers' recommendations. Mr. Thompson of Thompson Engineering Consultants, Inc., could not be present but he had verified the bids and listed them as they came in. His recommendation was to accept the lowest bid on each one. The Rio Del Oro Pathways Trail Bid #528, went to Armour Pavement, Inc @ \$62,721.70. The Greenways Trail Bid #529 went to Universal Constructors, Inc @ \$98,883.70. What she needed now was for the County to accept both bids and award the contracts. The signing of the documents would be signed later on. Construction will start March 20th and be completed by May 20th. If not finished by May 20th there would be late penalties. Commissioner Pando asked how long this pathway would be and Ms. Guilbault said that it would be 2/3 of a mile and it would start at Rio Del Oro and Manzano Expressway, the South Loop, down by Las Maravillas and goes north and the Greenway Trail starts at Manzano at the north Rio Del Oro Loop and goes west.

Commissioner Pando wanted to emphasize, that just for the record, the county was not paying any of this. Ms. Guilbault said these were the amounts for the actual constructions

and the county would pay for the construction and VIA and other sources would refund the county and this would take about 1 month to pay back. Commissioner Aguilar moved to approve the bids. Commissioner Padilla seconded it. Motion carried. 4-0

DEPARTMENT REQUESTS/REPORTS:

Valencia County Board of Commissioners Convenes as Indigent Board

h) Indigent Appeals & Report.....Barbara Baker
Commissioner Pando moved to convene as Indigent Board. Commissioner Aguilar seconded it. Motion carried. 4-0

Ms. Baker informed the Commission that on February 5, 2002 Ms. Gonzales was denied her appeal because her income was \$41.00 above the maximum allowed. At the time Ms. Gonzales had come into her office her husband was employed but has since been laid off lack of work and her letter says he was not eligible for unemployment, but he has received unemployment. He is getting \$746.00 a month, which is still below the limit. If her bills were to be approved it would be \$500.00 for Albuquerque Ambulance and \$5,000.00 for the Heart Hospital of New Mexico. It was Ms. Baker's recommendation was to approve. Commissioner Pando moved to approve the appeal. Commissioner Daves seconded it. 4-0.

Ms. Baker also asked for approval of \$776.56 for Glen Thornton, Albert Roberts for \$27.20 and Andrew Kozlowski for \$27.20. Commissioner Pando moved to approve the appeals. Commissioner Aguilar seconded it. Motion carried. 4-0

Ms. Baker proceeded with the Indigent Report of January 23, 2002 to February 19, 2002. The total claims submitted were \$95,197.30. There were 56 claims and 14 denials and she asked the Commission to approve \$31,109.74. Commissioner Daves moved to approve report. Commissioner Pando seconded it. Motion carried. 4-0

Board Re-Convenes as Board of Commissioners

Commissioner Aguilar moved to re-convene as Board of Commissioners. Commissioner Pando seconded it. Motion carried. 4-0

i) Establish Hospital Committee.....Commissioner S.T.Frank Pando
Commissioner Pando said he has always felt real strong about the hospital issue, and is in favor of forming a hospital committee. What he hoped to do was have each commissioner come up with 3 names and have them research on the cost and where it could begin. He knows the people will have to pay for it, "but lets find out if they do want it". He would like 3 persons from each commissioner and they will elect their own chair and he did not want any of the commissioners to serve on this board. Maybe 6 months would be enough time for them to research location, how to pay for it and where the money would come from. They should report to the Commission once a month to see where they were at. Mr. Gray thought that maybe community organizations could also get representatives and therefore have a broad cross of the community. Commissioner Pando said there had to be 2 doctors, an accountant and an attorney. Commissioner Pando said the community needed a hospital desperately. He said he knew of many doctors that would come to treat the people. Commissioner Daves asked Mr. Fernandez what authority, if any, did we have on gross receipt tax authority specifically for hospital. Mr. Fernandez said there was a provision within the code that allows for gross receipts on hospital. He was not familiar with the mill levy on hospital on property taxes. Commissioner Padilla mentioned that the last property tax election had been voted down. Commissioner Daves said he supported a committee and he would have 3 names. The committee would need direction and resources and also statutory authority, so that it can find out what might be possible.

Commissioner Pando made a motion to appoint a committee and each commissioner appoint 3 people. Commissioner Daves said he would second it with the intent that the committee is provided with some statoratory authority. Bill Brown from the Rio Community Association said he had recommended to Chair Padilla that Mr. Dick Clapper would be more than happy to serve on this committee. Commissioner Pando said Mr. Clapper had served on the hospital committee before and he also had talked to him. Motion had been made and seconded. Commissioner Pando voted yes. Commissioner Aguilar yes but did not and would not be submitting any names. Commissioner Daves voted yes. Commissioner Baca yes with out any names. Motion carried. 4-0.

COUNTY ROAD MATTERS:

j) 2002/2003 Road Estimates for CAP, Co-op and School Bus Programs.....Helen Cole
Mr. Louie Pena had presented the commission with a breakdown of the road priorities of each Commissioner. All but 2 Commissioners had gone over their allowance for their district. Commissioner Pando said he had prioritized his road in the order that he wanted

them and if all he got was the first, which was Don Pasqual then that was fine with him. Mr. Pena said that there had been a controversy with Mr. Sichler before. Commissioner Pando said it was time to put this controversy to rest and see if it could be done or not. Commissioner Aguilar said that since there was already uncertainties and threat of litigation, by putting equipment there, it might put them in court. She thought this should be sent to the Attorney for direction. Commissioner Padilla agreed. He thought that the best way to do this was for Mr. Pena to meet with each commissioner and make their selections to stay within his or her allowance. Commissioner Baca said her choice was Lopez Road. Commissioner Aguilar said she would like Mr. Pena to come back with a revised list to let them know what had been decided. Commissioner Daves could not remember listing Manzano View. What he had asked for was the loop road around the east, west of Osha Place, and could not remember the name of the loop, but he did want it. Chair Padilla asked Mr. Pena to re-adjust the list and come back and give them the breakdown. Mr. Pena said he needed the names by the end of the month.

FINANCIAL/BUSINESS MATTERS:

Approval of Payroll & Warrants.....James Fernandez

i) Acknowledgement of FDA Approval of Resolution Establish Restricted Fund (2002-2005) as amended.....James Fernandez

Mr. Fernandez presented the commission with a computer printout listing all checks issued by the Fiscal Office on March 4, 2002 covering vendor bills processed on the above date. Warrant #67746 thru warrant #67809 inclusive. Listing total was \$353,465.94. \$335.190.43 was from the general fund that included the payment for January for the Adult Detention Facility and the Juvenile Detention Center. Commissioner Aguilar questioned the spay monies stolen. Mr. Fernandez explained that the Animal Control facility had been broken into and the checks and money for spayed and neutered deposits were removed from the facility. The claim had been filed with the Association of Counties. Another question Commissioner Aguilar also questioned warrant #67797 in the amount of \$16,013.71 for one weeks work paid to the Attorney Tom Garde. Was it because of all the contracts and litigation? Mr. Fernandez answered that was slightly in excess of a week and a half. Another question she had was that there was a budget but the revised budget hadn't been approved by the commission so that anything here was a depleting line item or any funds that are being taken from elsewhere on the revision. Mr. Fernandez said he had asked the same from DFA and if they needed to do it by Resolution or as the information that had already been presented to them and they had not gotten back to them. There were line items, that as the original budget was approved, would be depleted. Commissioner Pando moved to approve Warrants. Commissioner Baca seconded it. Commissioner Pando voted yes. Commissioner Aguilar passed. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Mr. Fernandez presented the commission with a computer printout listing all checks issued by the Fiscal Office on February 22, 2002 covering payroll processed on the above date. Warrant #67705 thru warrant #67745 inclusive. Payroll #51092 thru payroll #51271 inclusive. Listing total was \$165,964.56. Of this \$104,050.88 was from the general fund. The cash balance in the general fund was \$898,325.85. Commissioner Baca moved to accept payroll. Commissioner Pando seconded it. Motion carried. 4-0

Mr. Fernandez read a letter that was sent to Chair Padilla on February 14th and received in his office on February 19th. This was a resolution that had been adopted by the Board creating a restricted fund for the Co-Operative Extension Service. The amendment that was requested by the DFA was at the bottom that read, "due to this revenue line item's questionability, and the County is only allowed to spend as revenue is realizes. PLEASE MONITOR THIS FUND CLOSELY". Mr. Fernandez also pointed out the DFA's stamp of approval. Commissioner Daves moved to concur. Commissioner Pando seconded it. Motion carried. 4-0.

The next item was the Jail Monitor's report. Average population for 2/26/02 to 2/28/02 was a total of 129. Male count was 115 and female count was 14. Mr. Fernandez said a medical bill for a transport that took place on March 2nd might be coming to them. Commissioner Daves commented that the indigent fund showed a number of detention center cost being paid by the Indigent Fund and wanted to know what was required and was that normal. Ms. Baker had said she was going to look into the exact number. Mr. Fernandez said if they qualify for indigent then it is taken from that fund. Commissioner Pando commented that if the people coming in are sick or had prior injuries, the should not book them and why are they being accepted. Mr. Fernandez replied that this individual had been brought to them as part of a hospital admission at the last county commission meeting and it was probably the same wound and that he would verify it.

A letter was received from the Office of the Chief Clerk of the New Mexico State Senate in regards to Senate Memorial 28 and signed by numerous senators. The reason it was being brought to the board was mainly for public record in that it recognizes the Energy Employees Occupational Illness Compensation Program And Its Many Benefits For New Mexicans. This program provides both a lump-sum compensation as well as reimbursement for medical expenses for workers who died or are seriously ill due to exposure to beryllium silica or radiation while working for the federal Department of Energy or its contractors in the nuclear weapons industry. It also provides benefits to uranium miners employed prior to 1972 and covers diseases that include cancer caused by radiation, chronic beryllium disease and chronic silicosis.

The last item was an invitation for a workshop on March 22nd at the Sheraton Uptown in regard to detention issues. This is from the NMAC and they have invited all counties, as it has become evident that jail/detention related expenditures have severely impacted the budgets of those counties who run a facility. The intent of the gathering is to formulate a definitive strategy to resolve complex and pressing issues. Commissioner Daves and Commissioner Aguilar both said that they would attend.

Mr. Fernandez informed the commissioner that he would be attending a meeting at La Promesa Elementary School the following day at 9:00AM on an emergency preparness that the school has had concerns with. Mr. Wayne Gallegos would be there and he hoped that Mr. Cherry would be able to attend.

The next Regular Meeting of the Valencia County Board of County Commission will be held on March 19, 2002 at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Pando made the motion to adjourn. Commissioner Aguilar seconded it. Motion carried. 4-0.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, March 5, 2002 Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
AURELIO H. PADILLA, CHAIRMAN**

**ss/
ALICIA AGUILAR, MEMBER**

**ss/
S. T. FRANK PANDO, MEMBER**

**ss/
GARY DAVES, VICE-CHAIRMAN**

**ss/
HELEN BACA, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: April 2, 2002