

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

May 7, 2002

Chairman Aurelio H. Padilla called the Meeting to order at 9:09 A.M.

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

EXECUTIVE SESSION

Chairman Aurelio H. Padilla called the meeting to order at 9:09 AM. Tina Gallegos, County Clerk read the agenda for Executive Session. Commissioner Pando questioned that the specific jail issues be discussed in an open session and not in executive session with Lester Nixon and Jack Daly who are here representing Risk Management. Commissioner Daves stated he had no idea this was appropriate for this discussion to be in executive session and feels strongly that there is no negotiating the jail issue and should not be done twice in executive session and then in open session. Commissioner Pando stated as to why this presentation was placed before executive session County Manager, James Fernandez, explained the items placed under litigation which involved Lester Nixon and Jack Daly based on the recommendations of the Committee one item was the termination of the contract and what effect that might have on Valencia County in the method we did get into litigation. Commissioner Daves stated these were all very important concepts but still felt this did not justify entering into executive session on the jail issue. Commissioner Aguilar said that she preferred to have County Attorney, Mr. Garde and Mr. Nixon and Mr. Daly let the Commission know what they feel comfortable with because we are still discussing this issue with risk management and they are still our insurance carrier and if there are actions we are proposing to take and they have been made public and to me that is potential litigation that is threatened litigation and I would like to hear from our County Attorney, Mr. Garde. Mr. Garde recommended to the Commission based on the Committee there have been several options that suggest canceling the contract and doing so would affect litigation and based on the judgment the County agreed to it would behoove the County to discuss this with both Mr. Nixon and Mr. Daly the risks that would be involved with regards to breach of contract and this Commission needs to know that in executive session. This could affect our negotiating power with Cornell if this is discussed in an open session. The Commission needs to plan a strategy with the experts that are here today being Mr. Nixon and Mr. Daly Mr. Nixon came forward and stated in regard to what Mr. Garde was discussing relative to potential cancellation of the contract his recommendation was this be discussed in executive session The other items can be discussed in an open forum. Mr. Nixon did say they are here to offer their services to the Commission as they look to staying with Cornell or the County running the operation. Commissioner Daves said he was not prepared to take this leap of faith in executive session unless discussion would be in terminating the contract then we would be in favor of it, still wouldn't be prepared for it but just for informational purposes on liability and standards it should be an open session to listen to both Mr. Nixon and Mr. Daly. Commissioner Aguilar stated with all due respect to Commissioner Daves she would like to take this into executive session and this is in the form of a motion and Mr. Garde would let us know where the guide lines are and what can be discussed and what needs to come out into open meeting that would be discussed afterwards but with that she moved to enter into executive session and discuss the items as they are advertised. Commissioner Pando seconded the motion. Commissioner Daves said he would leave the meeting due to how inappropriate this is and will stay for the other elements of executive session. Chairman Padilla took a poll of the vote and all in favor to enter into executive session with the exception of Commissioner Daves. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Baca voted yes. Commissioner Daves voted no. Motion carried. 3-1.

Motion was made by Commissioner Aguilar to go to regular meeting. Commissioner Baca seconded the motion. Motion carried 4-0

Ms. Carol Anaya, Human Resource Manager, reported that during executive session the following was discussed: New Hires – Johnny Jaramillo, Animal Control, Diego Luna, Animal Control, Peggy Estrada, County Clerk, Thomas Zander, Custodian Worker, Leave With Pay as per Section 6.3 Valencia County Personnel Ordinance Elected Office Gary Hall, Sheriff's Department, Richard Perea, Sheriff's Department, Marilyn Silva, Clerk's Office, Leave Without Pay as per Section 6.3 Valencia County Personnel Ordinance, Running For Office, Julian Torrez, end of probationary status of six months, Teri Clary ,Sheriff's Office Dispatch area..

County Attorney, Tom Garde reported that in executive session Commission met with Lester Nixon, Association of Counties and Jack Daly who was our consultant in 1997 and the issues that were discussed were the breach of contract, the effect of the court order the county entered into in 1997 with regards to the ramifications of potential violations of that lawsuit and there was extensive discussion in regards to the standards that were part of that judgment.

Commissioner Aguilar made motion that coming out of executive session, discussion was held to go ahead and proceed forward with the County Attorney, Tom Garde, County Manager, James Fernandez, Risk Management, Lester Nixon and Jack Daly, an expert on control standards, Commissioner Pando and myself to meet in the next week and formulate a plan of action to move forward and request a workshop and present these findings and recommendations to the Commission and plan on taking action in two weeks Commissioner Pando seconded the motion. Discussion. Commissioner Pando said he would like to see this committee in plan soon and formulate some ground rules and have Cornell attend and stick to the issues at hand. Then we will have an open meeting and invite everyone to attend. Commissioner Daves stated he wasn't in executive session for reasons he had commented on earlier because he understood the nature of discussion that shouldn't have been. From the motion Commissioner Daves had no idea what the mission of this group is and would appreciate someone explaining this to him. Commissioner Daves said he assumed it relates to the jail and would like more information on this. Possibly hearing from Mr. Nixon and Mr. Daly and Mr. Garde and doesn't necessarily have to be before this motion that was just voted on. Chairman Padilla asked Mr. Fernandez to please explain. Mr. Fernandez said his understanding with this motion was this committee would look at the adult detention facility and what action this Board would be looking at in the very near future. Commissioner Daves said Mr. Daly was asked to come in with regard to issues of the jail standards. The only relevance of that issue and possible steps the County may be taking is within the context of re-negotiation or negotiation of an amendment to the Cornell contract in the sense that Cornell has proposed very publicly and as a member of the Committee in looking at what we could do with the jail issue. Standards were relaxed in certain areas and some say these would accrue and that is the relevance of Mr. Daly is to have his expertise at such time those elements would be made specific to see if they are appropriate or not whether it is too much of a relaxation what do we gain or what we might lose in terms of taking care of prisoners. As it is understood Mr. Nixon is not our legal advisor he is an insurance expert and as it is been said that he advised us not to break the contract with Cornell. That advice has been appreciated and Commissioner Daves said he would give it the respect it deserves. Until we get into the specifics of the County running the jail or relaxation of standards to the point that in spite that Cornell would retain the obligation to defend the County and believe that is the context of any possible negotiation is that the County would still be liable so the role of Mr. Nixon would be limited. And one of the things that Commissioner Daves has publicly stated is that we shouldn't have a two track system of negotiation but good faith in looking at what alternatives we have in operating the jail and that includes in hastening the day of going to a competitive process to receive competitive offers in operating the jail and under an RFP where we could decide maybe with Mr. Daly's help what standards would be appropriate. We have three or four carts before a tiny horse and certainly think that we could gather information and formalize our jail committee and has been repudiated by the Commission. Commissioner Daves said he was partially to blame for caring so much that he gets over emotional. Commissioner Daves said he wished the committee well and if this committee is a negotiating team it should act as one. Commissioner Daves said he hopes the County gains from it and not spinning of wheels and wish the process well and remain as your Commissioner and will try to define a role for myself to get the employees back to work. The focus is sometimes lost on issues and we have a million dollar deficit, you can drift and this County is great at drifting and this Committee will be a symbol of that drift that we are doing nothing that gives us maybe a few peanuts and that is the easy way to go. Commissioner Daves thanked the Commission for letting him speak. Commissioner Daves said he would vote no. Commissioner Pando said one of the things he will ask to have present at this workshop is a member from DFA and one from the Attorney General and if there are any questions can be answered at this time. Commissioner Aguilar reiterated her statement on this motion that the people that she named to meet is still in effect. Commissioner Daves chose not to be present in executive session and that was his choice. The role of the Commission is to move forward and there has been enough time to just sit back and continue grandstanding being philosophical and not getting anywhere. Last night Cornell delivered a letter to the Commission telling us there is overpopulation and they are wanting this Commission to give direction as to where to send these additional prisoners which can incur another debt to the County. The reason we are taking the lead in this is to address those and many other issues. We need to look at the old facility and the new facility and make sure there is compliance with ACA standards. We need to look at whether the facilities need to be accredited or do they only need to meet minimum standards. There is a difference there. Definitely look into the possibility of electronic monitoring and we need to look into bringing that population down and that needs to be an issue. We will discuss the alternatives and am looking to moving forward. Chairman Padilla took a poll of the motion and all in favor with the exception of Commissioner Daves. Commissioner Aguilar voted yes. Commissioner Pando voted yes. Commissioner Baca votes yes. Commissioner Daves voted no. Motion carried. 3-1.

Chairman Padilla led the Pledge of Allegiance.

Tina Gallegos, County Clerk read the agenda. Commissioner Aguilar stated that during executive session the Commission did not have time to discuss contract negotiation – landfill. Commissioner Aguilar made motion to request change on the agenda to discuss this matter before the Financial/Business Matters and discuss this item in executive session prior to discussing the contract in an open meeting. Commissioner Baca seconded the motion. Motion carried. 4-0

Commissioner Aguilar made motion that Item H, Waste Management Lease Agreement –be put before public input and only for informational purposes today. Commissioner Baca seconded. Motion carried. 4-0

APPROVAL OF AGENDA

Commissioner Pando made a motion to approve the agenda as amended. Commissioner Aguilar seconded the motion. Commissioner Daves had some items he would like to discuss under the Manager's Report and perhaps instructions to the County Manager. (1) Meeting with the County Manager and discuss the use of the monies this fiscal year for its intended purpose with regard to the Sheriff's Department specifically. (2) Have support from the Commission to develop an empirical study of what it should cost to run the Valencia County Jail. (3) Request the County Manager to investigate the possibility of Cornell providing an independent financial audit of its operation. Motion carried 4-0

APPROVAL OF MINUTES

Commissioner Pando made a motion to approve the minutes of April 2, 20002 Regular Meeting with minor corrections. Commissioner Baca seconded the motion. Motion carried. 4-0

PUBLIC REQUESTS

Lawrence Conner of Rio Communities had some concerns for the Commission at to the People's Power Plant was going to be put to the public. There are some concerns to zoning, land use, water use, air pollution and potential endangerment of the golden eagle. Ruben Chavez of Planning and Zoning stated he had met with People's Energy and pending application will meet in June of this year and during that time the application will be reviewed and there will be determination as to what that schedule will be and as to what level of criteria will be looked at. Mr. Conner said he had a personal faction due to his Mother having respiratory trouble and the concerns with the air, water, and pollution problems need to be addressed. Ruben Chavez stated that Mr. Fernandez sent out a letter to People's Energy requesting to come to a meeting before the Commission. Their response was they would be able to meet in three months and would let the Commission know as to what specific date. Commissioner Aguilar and Commissioner Daves both agreed upon that this Commission has no jurisdiction over the decision as to how People's Energy feels or not. Commissioner Pando said he had also attended People's Energy meeting and felt that questions still need to be answered. Commissioner Aguilar said that ordinances are amended all the time and let's not create a double standard here. This is an important issue and the Commission has discretionary authority and we have responsibilities to get the answers and move forward. Mr. Garde said we cannot preclude People's Energy from filing an application and is subject to County Ordinance. Mr. Conner said it is only obvious we are faced with a third degree drought throughout the state and what is going to happen when this power plant does get approved and personally I hope not and will continue to get water out of the aquifer and how much water will be available even 20 to 30 years from now. There is no water now. So if logic prevails how can this Commission okay this when we are already stricken with this drought? No action taken.

Action Items – Choose Option for Comprehensive Plan Public Presentation – Ruben Chavez

Mr. Chavez stated he had previously given the Commission a memorandum with three different options. At the last meeting Steve Chavez said the final draft of the comprehensive plan was completed and delivered. It is available at the County Clerk's Office and can be produced on disks for the public. Mr. Chavez submitted three options.

Option (1) – Public Meeting Dates May 8, a day meeting, or May 15 a night meeting, May 22, a day meeting, May 29, a night meeting. – Mr. Chavez did state that today was May 7 so the May 8 meeting would not suffice so May 8 was deleted and June 5 was added May 29, night meeting Option (2) To use May and June Commission meetings starting an hour earlier and invite the public to attend Option (3) Dates of May 9 , May 16 May 23 May 30 and June 6 again emphasizing first meeting in June would be a presentation and second monthly meeting would be adopting the plan so here are the dates before you so then you can proceed on this project going forward.

Commissioner Pando stated who would be attending these meetings. Mr. Chavez said the steering committee, Steve Chavez, Ruben Chavez and of course the public. Mr. Fernandez reminded the Commission the meeting could not be here at the Courthouse because it will be used for election purposes. Discussion ensued amongst the Commission as to where these meetings could be held. Commissioner Aguilar said these meetings do need to be publicized before this Commission can take action. Commission discussion on holding these meetings throughout the County and also when can the first meeting be held due to the publication process. Commissioner Daves said he would not attend any of these meetings. County Clerk, Tina Gallegos asked the Commission if the stenographer would have to be available to take minutes. Commission discussed these meetings do need their input and therefore will be workshops and minutes will have to be taken. Administration would publish dates and times of the public hearings.

Request Correction of Valencia County Zoning Maps – Unit 2 El Cerro Mission to PD – Bill Campbell

Mr. Campbell referred to the Monzaro Plaza and Business Center and needed to correct an error on zoning map Unit 2 El Cerro Mission. The error can be amended according to the Valencia County Comprehensive Zoning Ordinance 99-07-Section 303.02 correcting errors. The error is showing it as residential. Ruben Chavez of Planning and Zoning explaining in detail to the Commission that the procedure 303.02 should be acknowledged as a planned zone. Mr. Garde explained to fix this error would have to have a new Ordinance drawn up to reflect this error. Discussion ensued. Commission Aguilar requested this item be tabled until the procedure is followed. Commissioner Baca seconded the motion. Motion carried 4-0.

Request Approval of Structure & Positions of Highland Meadows Fire Dept – James Ashmore

John Cherry gave a brief history of the Highland Meadows Fire Dept as to how it got established. There has been a new election of officers and Mr. Cherry is asking the Commission to ratify, Carl Backstrom as the Fire Chief for Highland Meadows and James Ashmore as the Assistant Chief and went on to explain this follows the county by-laws and there is some opposition. There does seem to have be some friction in Highland Meadows between the Homeowners Association and the Fire Dept. Mr. Cherry feels this opposition needs to be resolved and feels that everyone is out for the same cause for protection of life and property and right now the drought is in effect and therefore am asking the Commission to ratify both of these gentlemen as officers and move forward. Commissioner Pando stated he would like to hear from the new Fire Chief, Carl Backstrom and the Assistant Chief John Ashmore. Mr. Cherry introduced to the Commission Carl Backstrom Mr. Backstrom stated it is his goal to build a fire department that is full of members who want to protect and serve the community in the best way possible. James Ashmore, Assistant Fire Chief and also President of the Neighborhood Association and that in itself has been one of the issues and concerns in fulfilling both positions. We have very limited volunteerism. And it is not uncommon for a small community to have dual roles. Mr. Ashmore asked the Commission to readjust this assembly after the opposition is heard. Scott Wyes, member of the Highland Meadows Neighborhood Association and member of the Fire Department asked this request be tabled due to the election that was held. Another meeting was called and the election was held off for 21 days for another vote to be conducted. I would like to see this tabled so this election can be held morally and properly. I believe this election needs to hold members that are qualified for these positions. Tom Provost, past Fire Chief suggested the Neighborhood Association has tried to usurp the Fire Dept. power. If the Commission does ratify the new Fire Chief and new Assistant Fire Chief along with the Board of Directors does throw out the previous Board and that leaves a question for legal purposes. Commissioner Daves had a question of process on this issue. Commissioner Pando felt as to what can the Commission do in respect to a process that a few are not comfortable with and should get along; therefore there are a lot of people that wear two hats so to speak. And we are all adults here and should move forward. Mr. Provost said there are other people that are experienced and better qualified to hold these positions. Discussion ensued with Mr. Cherry and Mr. Ashmore with the Commission on the concerns of the Fire Department. Commissioner Aguilar asked Mr. Cherry what do they need from this Commission and was answered to ratify both of these gentlemen as Fire Chief and Assistant Fire Chief. Commissioner Pando made a motion to ratify Carl Backstrom and James Ashmore as Fire Chief and Assistant Fire Chief. Commissioner Daves seconded the motion. Discussion. Motion carried. 4-0

Commissioner Pando made a motion to break for lunch. Commissioner Aguilar seconded it. Motion carried 4-0

Commissioner Pando made a motion re-convene regular meeting. Commissioner Baca seconded it. Motion carried. 4-0

Commissioner Pando stated he was asked to move item g forward for discussion.

Use of Meadow Lake & El Cerro Mission Community Centers (Tabled 4-16) James Fernandez

Mr. Fernandez stated the courts had given direction to look at other methods of running our community centers and senior centers and most specifically the Meadow Lake center and El Cerro Mission center. A meeting was held with Sonja Montoya, Executive Director for Sundance, Inc. and she has provided the Commission with a proposal for community development. Ms. Montoya explained the proposed program that benefit these community centers in the process for economic issues, job skills, government programs, social structure, advocacy, democratic participation, and group interactions. Commissioner Aguilar stated that El Cerro was in her district and would like to hear from Kathy Chavez who represents YDI. Commissioner Pando asked Mr. Fernandez what the utility bills run the county on Meadow Lake community center. Mr. Fernandez reported approximately \$350.00 per month. El Cerro Community Center runs the same amount. Discussion ensued with Ms. Montoya and the Commission on this proposal. Maryann Gonzales representing the Older American Senior Program gave her input on as to how this proposal would enhance and make a positive contribution to the Older American Senior Program. Commissioner Aguilar asked Ms. Montoya Sundance pays for a site manager at Meadow Lake Community Center and why not for El Cerro Mission. Ms. Montoya said the County had terminated that position due to lack of funding. Commissioner Daves had some concerns that the senior program might be used as a tool from keeping us from moving forward and she would like to hear from YDI. Kathy Chavez, Deputy Director, YDI introduced Everette W. Hill, Associate Director from Youth Development Inc. who is here with her to address concerns affecting El Cerro Mission community center. YDI explained that they provide services to the youth with programs for example substance abuse programs, maternal child health care programs, recovering kids program, etc., targeting El Cerro Mission area. Mr. Hill stated he likes to discuss these programs with the community of El Cerro Mission their needs for these types of programs and which ones they would like to see in place and need. YDI would like the Commission to advise on guidelines on how to implement these programs for YDI. Commissioner Aguilar said she wasn't ready to act on the Sundance proposal and wants YDI and the Older American Program to see what they can do. These programs are already in effect so let's use what we have in place. Commissioner Aguilar made motion to table this issue to get better informed on this proposal. Commissioner Daves seconded it. Motion carried. 4-0.

Request Approval of In-State Travel:

Taos, NM – Telecommunications (E-911) Conference – John Cherry

Mr. Cherry requested for approval for travel to Taos, NM for him and two radio dispatchers for E-911 conference to be held on May 22, 23 and 24. Commissioner Pando made motion to accept Mr. Cherry's request for in-state travel to Taos, NM. Commissioner Aguilar seconded it. Motion carried. 4-0.

Request Approval of In-State Travel – Socorro, NM Appraisal School – Beverly Dominguez-Gonzales

Margo Garcia, Chief Deputy Assessor representing County Assessor Ms. Gonzales was requesting in-state travel to Socorro, NM for Appraisal School for herself on August 5-9. Commissioner Aguilar asked if this was in her budget and Ms. Garcia said it was in the reappraisal fund. Commissioner Aguilar made motion for approval for Ms. Gonzales to attend appraisal school to be held in Socorro. Commissioner Pando seconded it. Motion carried. 4-0

NMAC- Summer Conference – James Fernandez

Mr. Fernandez requested approval for the following individuals to attend the Summer Conference in Las Vegas, NM on June 18-21 and to propose to only allow one person from each Department. County Manager's Office, Carol Anaya, Insurance Pool representative, Sheriff Juan Julian, Insurance Pool, Beverly Gonzales, member of the Board of Directors, County Attorney, Tom Garde, County Manager, James Fernandez and Commissioner Aguilar. Commissioner Aguilar made a motion to approve travel for the NMAC Summer Conference in Las Vegas, NM. Commissioner Baca seconded it. Motion carried. 4-0

**Request Approval of Resolution to Increase Recording Fees – Tina Gallegos
RESOLUTION NO. 2002-19**

Ms. Gallegos requested approval of Resolution that increases the recording fees. 2002 Legislative Bill allows County Clerk's of New Mexico to have uniformity and standardization of filing and recording fees. All County Clerk's will charge the same amount for recording fees statewide. Commissioner Pando made motion to approve resolution number 2002-19 to allow recording fee increase. Commissioner Aguilar seconded it. Motion passed. 4-0

Commissioner Pando made a motion for Board of County Commissioners to convene as Indigent Board. Commissioner Aguilar seconded it. Motion carried. 4-0.

Indigent Appeal & Report –Barbara Baker

Ms. Baker reported the indigent appeal for Mr. & Mrs. Gerald Gromatzky and previously they had been denied in April because of their income. Mr. Gromatzky is now on social security disability. Ms. Baker reported that they now meet the requirements of the indigent program. Ms. Baker recommended this appeal be approved. Commissioner Aguilar made a motion to approve this appeal. Commissioner Pando seconded it. Motion carried. 4-0.

Ms. Baker presented to the Commission the indigent claims report for the months of March 20, 2002 to April 24, 2002. There were 63 claims submitted and 14 applicant denials. The total amount of claims submitted was \$163,222.87. She asked the Commission to approve \$36,125.36 and to deny \$127,097.51. Commissioner Baca made a motion for approval of Ms. Baker's report. Commissioner Pando seconded it. Motion carried. 4-0.

Commissioner Pando made motion re-convene as Valencia County Board of Commissioners. Commissioner Aguilar seconded it. Motion carried. 4-0.

Motion by Commissioner Aguilar to enter into executive session and discuss contract negotiations and landfill. Commissioner Pando seconded the motion. Motion carried. 4-0.

Commissioner Pando made motion to re-convene to regular meeting. Commissioner Aguilar seconded the motion. Motion carried. 4-0. Mr. Garde reported that while in executive session pending litigation was discussed and the contract negotiation between Waste Management and Valencia County and also the appeal of administrative hearing on Julian Torres. Also discussed was a judgment entered against Valencia County with regards to a garnishment and we are proceeding to set aside that judgment. Commissioner Aguilar made a motion to ratify what was discussed in executive session. Seconded by Commissioner Daves. Motion carried. 4-0.

Waste Management Lease Agreement – Landfill – Thomas Garde

Mr. Garde reported to the Commission a proposed agreement between Valencia County and Waste Management and stated this meeting is for informational purposes only. A proposed agreement in which initially waste management would deed to the County the Tri-sect property and in return the County would enter into a lease agreement to operate the landfill. The terms of the lease would be that the County would set aside out of the 640 acres – 141 acres that would be sold for the County to be used for the landfill for waste management. Mr. Garde discussed the comparable landfill rates with the Commission. A new solid waste ordinance would benefit Valencia County and the proposal date for that ordinance would be September 1st of this year. James Jordan, Engineer for Waste Management for New Mexico, said as of right now Belen and Los Lunas bring in their waste to them based on the contract that put out to bid with Waste Management. The more volume that waste management gets the less the gate rate is. Mr. Jordan explained the tonnage rates to the Commission. Commissioner Pando stated he had been asked as to the concern of the landfill rates going up. Commissioner Aguilar said that the existing contract once it terminates the rate would go up to be competitive with landfill rates that are in effect now. Commissioner Pando said it would be to our advantage and we have to remember this is being discussed only for informational purposes there will be no action taken today to invite the municipalities to share in this discussion. The rates

are going to go up and that is inevitable. Mr. Jordan explained the different rates that were before the Commission as to these were the existing rates and at this time has gone up. The formula has been re-evaluated to the costs as to what was brought in and calculated the new rate. Conrad Pawrlski, General Manager Waste Management explained the conflicting landfill rates are now being computed from cubic yardage volume to a weight basis. Mr. Pawrlski said Waste Management tries to look at how much capacity based on tonnage goes into the landfill. Commissioner Daves stated that they should put the correct rate in front of me instead of the lower rate. Commissioner Daves asked why then has the rate of \$19.00 per ton when the rate that is correct should be \$26.00 for Rio Rancho. Mr. Jordan mentioned these rate changes had just changed and the Commissioners didn't have the correct comparable rates for Waste Management. Commissioner Aguilar had a question for Waste Management as of April 1st anyone going to Rio Rancho is getting charged \$26.00 per ton. Is this correct? Mr. Jordan stated it was. Discussion ensued. Commissioner Pando asked who's name will be on the permit? It was answered waste management would be. Concerns from Commissioner Pando were what happens to residents from Valencia County. How much are you going to charge for Los Lunas? Mr. Pawrlski answered it would be charged from weight. Commissioner Daves asked is if any contractor that has a franchise with the County to haul unincorporated trash be required to go to Waste Management Tri-Sect. Does it require Los Lunas to go to Tri-Sect? Mr. Garde answered no it doesn't. Commissioner Pando asked is there a projected date as to when Waste Management will be accepting trash and running the operation? Mr. Jordan stated right now the operation is mothballed. It is a registered facility and we consider it open because we do take in some petroleum contaminating soils. We posed the question to the environment department if everything goes in contract to sign if we can open it up immediately. If we have to resubmit that permit it will take about 5 or 6 months and then it will be up to the environment department. Commissioner Aguilar said that the commission needs a memorandum of understanding to address all of these questions and approved by both waste management and the County. Commissioner Daves said he was satisfied with the answers given to him and therefore he does not need this memorandum of understanding. Mr. Jordan told the Commission the summary revenue that was given to them was for informational purposes only and to give you an idea of what Waste Management controls. This was to give you a base line of what you would get from Waste Management. After lengthy discussion Waste Management Mr. Jordan felt that their interest is mainly opening the landfill and some of these items that have been discussed do need a negotiating team along with a public forum. If the rate is lowered then it does change the economics of it. Commissioner Aguilar wanted to know the factual part of this agreement. Commissioner Daves said if we follow the agreement the private hauler would be compelled to deliver their trash to Tri-Sect. There needs to be a transition to set rates. Commissioner Aguilar said we need to build on this so if the private hauler does come in they should know what volume is being delivered. Commissioner Daves wanted to address this point in discussing this idea of a sliding scale and it is good policy to mandate trash but we shouldn't do it if it is disruptive to the economics of the private haulers. No action taken.

Professional Services Contracts – James Fernandez

Torres & Garde Law Firm

Dr. Phillip Froman Emergency Medical Services

Mr. Fernandez reported the professional services contract between the County of Valencia and Torres and Garde, Law Firm for providing legal representation to the County is due. The contract has been drawn up based on the same terms Mr. Garde has been operating under. The only difference is the extension of the contract to end as of December 31, 2002. Commissioner Aguilar said the Commission had discussion at the last meeting and no action was taken and now so move to make a motion to approve the professional services contract between County of Valencia and Torres & Garde Law Firm. Commissioner Pando seconded the motion. Motion carried. 4-0.

Mr. Fernandez reported the professional contract services between County of Valencia and Emergency Medical Services and Dr. Phillip Froman an extension of his contract for one-year period given the extent conditions in terms of his existing contract. Commissioner Pando stated he wasn't real familiar with this contract and asked Mr. Garde to elaborate on this particular contract. Mr. Garde explained to the Commission Mr. Froman made application with the County to extend this agreement for period up to four years from the day of the first contract based on a new agreement for an additional year from the initial contract. Commissioner Pando said he was under the impression that the medical director from the jail was going to assist in the medical services contract. Mr. Fernandez said they could never come to an agreement on medical director to oversee the jail. The operating cost is funded and reimbursed through the Fire Marshal's excise taxes. Commissioner Pando made motion to approve Mr. Froman's contract. Commissioner Aguilar said she would like to see Mr. Froman come before the Commission and give this report. The Commission gave him this contract and we never heard from him again and he is responsible for EMS and he was supposed to review the EMS procedures policies and get back to the Commission and has never done so. Commissioner Pando rescinded his motion and made new motion to table this report until Mr. Froman does come forth to answer questions the Commission has. Commissioner Daves did not agree. Commissioner Aguilar seconded it. Mr. Fernandez made a recommendation this agreement be signed off and we can still have Mr. Froman come in because that is one of the requirements in the contract to provide information to the Board in a timely manner and we can make it specific that he come in at certain time of the year for updates. Commissioner Pando asked when is the date on this contract due? Mr. Fernandez stated it is lapsed. Commissioner Pando said he would drop his motion to table. Commissioner Pando made motion for approval of this contract. Commissioner Daves seconded it. Discussion. Commissioner Pando stated would like to instruct Mr. Fernandez to have Mr. Froman come before the Commission at the next meeting. Commissioner Baca asked when does Mr. Froman get paid. Mr. Fernandez said he does get paid monthly. Motion carried. 4-0.

Request Approval of Resolution for Budget Increase – Sheriff's Department – Juan Julian Resolution No. 2002-20

Mr. Fernandez said the next item is a request for a budget increase for the Sheriff's Department. Additional revenues were received in forfeitures and before that can be expended the Sheriff's Expense Fund would have to be increased. Commissioner Pando asked Mr. Fernandez what is additional forfeitures mean? Sheriff Juan Julian was present and answered that is money that was received for forfeitures on drug cases that the courts have ruled on. Mr. Julian stated it is difficult to project what will be coming in on these forfeitures. Commissioner Pando said the additional forfeitures are \$1,576.00 and this figure is an awful small amount for drug money. Mr. Julian said could be while some cases are a lot bigger than this one. Commissioner Pando said this had not come before the Commission before and Mr. Julian said the courts had ruled on that double jeopardy and a lot of these cases have been pending on this one particular case. Commissioner Pando asked we'll we be seeing more of this forfeiture money and Mr. Julian said at times that instead of going for the money they go for the conviction. That is a problem we have with the double jeopardy and state rules you can't do both. Commissioner Pando asked if this was going to be a trend or a onetime transaction. Mr. Julian stated he didn't know because this happens case by case. Commissioner Daves asked was this forfeiture a case of money that could be acquired from selling a drug or could be retained by the seller if they chose to send that person to jail? Mr. Julian said that is where the double jeopardy comes into play. Mr. Garde said that two years ago or so a case happened where the law enforcement agency proceeded to go after the money prior to the conviction and the court held that jeopardy attached to this case. That has since been resolved. Commissioner Aguilar asked if this is increasing your budget than what line item will this go into. Mr. Julian said it would fall under Sheriff's Expense Fund for example we could use it for equipment. Commissioner Daves made motion to approve the budget increase with resolution for the Sheriff's Department. Commissioner Baca seconded it. Motion carried 4-0 Resolution No. 2002-20.

Request Approval of Budget Transfers – Mary Ann Gonzales By James Fernandez

Mr. Fernandez spoke for Ms. Gonzales on behalf of the Older American Program to request a budget transfer under part-time salaries to line items for supplies and kitchen food supplies and a new line item contractual services that would be utilized for criminal background checks on any individuals. The monies that are being proposed to be moved from part-time salaries came about because a site manager's position was not filled. This move from the part-time salaries to these line items would make the transfer solvent for the end of the fiscal year. Commissioner Pando made a motion to approve Resolution No. 2002-21 for request of budget transfer. Commissioner Baca seconded the motion. Motion carried. 4-0.

Approval of Payroll & Warrants – James Fernandez

Mr. Fernandez reported cash balance for the County's general fund is \$324,099.82 according to the Treasurer's Financial Report as of Monday, May 6, 2002. Mr. Fernandez presented the computer print out listing all the checks issued by the fiscal office on May 6, 2002 covering vendor bills processed on the above date. Warrant #68236 through warrant #68420 inclusive, total listing \$433,177.85 and of that amount \$392,766.92 from the general fund. Commissioner Daves moved for approval of warrants as presented. Commissioner Baca seconded it. Motion carried. 4-0. Mr. Fernandez said the next listing payroll checks issued by the fiscal office on April 19, 2002 covering payroll processed on the above date. Warrant #68175 through warrant #68204 inclusive. Payroll #51806 through payroll #51980 inclusive with total listing \$165,508.01 of that \$102,929.93 from the general fund. Commissioner Baca made motion for approval of payroll checks as presented. Commissioner Pando seconded it. Motion carried. 3-0. Commissioner Aguilar was not present for this motion. Mr. Fernandez said the next listing the computer print out of all checks issued by the fiscal office on May 3, 2002 covering payroll process on the above date. Warrant #68205 thru warrant #68235 inclusive. Payroll #51981 thru payroll #52154 inclusive total listing \$161,292.42 and of that amount \$100,673.43 from the general fund. Commissioner Pando made motion to approve payroll checks as presented. Commissioner Baca seconded the motion. Motion carried. 4-0.

Manager's Report – James Fernandez

Mr. Fernandez provided the Commission with the averages on the adult detention population for the period of April 12, 2002 to April 30, 2002. Average total population was 130 and of that 116 male and 13 female. The averages don't quite work out but the total population count is averaging at 130. Mr. Fernandez reported to the Commission a letter that was received from Cornell Companies in regards to the population counts and their request for direction. Mr. Fernandez said that Cornell is basically putting the County on notice that if they do continue with accreditation of this particular facility, the County would have to possibly look to moving prisoners in excess count of 126 to other facilities. Cornell is asking the County where do we want to move those inmates to. Commissioner Aguilar stated that from getting information this morning from Mr. Daly if we don't have to go thru the accreditation that we can hold off on this for a while. Commissioner Pando said the Commission needs to have a meeting to resolve this issue. Commissioner Daves said he was not in executive session with regard to those issues and he understood that we need to have appropriate standards and that accreditation is not in the court judgment. Commissioner Daves explained he wants to see where this is going to lead to. Commissioner Pando said the County is meeting the ACA standards. Commissioner Aguilar said the consultant is still in place it is the accreditation process.

Mr. Fernandez said the last item he would like to discuss under Manager's Report just for public record is that there is a paper trail of the fact of Commissioner Padilla's meeting and my meeting with Mr. Daly and what that encompassed and the fact this meeting did take place on April 25, 2002 in the Manager's Office. Commissioner Padilla was not present personally but did participate via telephone conversation. Mr. Daly did disclose that he had done some consulting work for Cornell in the area of environmental issues and he did provide us with a copy of that.

Commissioner Daves had two requests (1) to request from Cornell Companies an independent financial audit of their operations because of our budget situation (2) Have an empirical analysis of running the jail facility. Commissioner Pando said he would like to act on this jail issue and have a report on this in two weeks. Commissioner Daves asked Mr. Fernandez to look into getting an audit report from Cornell Companies. Commissioner Aguilar said this would be too difficult for Mr. Fernandez to look into because of budget restraints. Mr. Fernandez said he would do the best he can on trying to find this information for the Commission.

The next Regular Meeting of the Valencia County Board of County Commission will be held on May 21st at 5:00 PM Executive Session with Regular Meeting starting at 6:00 PM at the Village of Los Lunas Council Chambers.

ADJOURNMENT

Commissioner Pando made a motion to adjourn Regular Commission Meeting at 5:15 PM. Commissioner Aguilar seconded it. Motion carried. 4-0.

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/
AURELIO H. PADILLA, CHAIRMAN**

**ss/
ALICIA AGUILAR, MEMBER**

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

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

HELEN BACA, MEMBER

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: May 21, 2002