

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

November 12, 2002

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

Chairman Aurelio H. Padilla called the Meeting to order at 9:00 A.M. Tina Gallegos, County Clerk read the agenda for executive session for the November 12, 2002 Regular County Commission Meeting.

Executive Session

Commissioner Daves made a motion to enter into executive session. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Chairman Padilla called the meeting back to order.

Carol Anaya, Human Resources reported that in executive session the following was discussed. New Hires Pending Pre-employment Physical and Drug and Alcohol Testing for Ronald Chavez, Transfer Station, Cristobal Zamora, VIA contract. Ms. Anaya reported that VIA informed them that the position for Mr. Zamora will end on January 6, 2003 as per contract, Resignations for Jose Hernandez, Sheriff’s Department, End of Probationary Status for Peggy Estrada and Edward Hobbs, End of Seasonal Employment for Early Voting for Crystal Armijo, Ida Gallegos, Fidel Aragon, Luz Chavez, Theresa Hunter, Wilfred Otero, Evangeline Tafoya, Desi Gallegos and Louise Zamora, Request for Leave Without Pay for Richard Weathersby, Back from Leave With Pay as Per Section 6.3 running for elected office, Gary Hall and Richard Perea, Clerk’s office is back on 32 hours per week as per budget after election effective November 8, 2002, Treasurer’s Office on 40 hours per week per budget due to tax collections effective October 28, 2002 through January 3, 2003, Acting Animal Control Manager with salary adjustment for Anna Aragon.

Tom Garde, County Attorney reported that in executive session the following was discussed. Mr. Garde stated with regards to existing litigation the continuance of the trial of the Ber Ben roadway. We are in the process of completing the document preparation with regards to People’s Energy appeal. Mr. Garde said that Mr. Fernandez met with ED representatives with the landfill, the County was given until December 10, 2002 to prepare a new proposal with regards to the compliance that is required by the Administrative Order which was ordered back in September of 2002, We are looking at a completion date for the summer of 2003 with regards to the removal of any solid waste at the Conejo Landfill Transfer Station. Discussed was the potential litigation with regards to the appeal for Morequity. Discussed was the possible resolution of the lawsuit involving Valencia County and updated the Commission on the current trial with regards to Julian Torres and the Sheriff’s Department who will be going to Federal Court. Discussed was the clean-up language with regards to the Cornell contract that is being submitted to the Attorney General’s Office to comply with their latest direction.

Mr. Fernandez reported that in executive session the following was discussed. Mr. Fernandez said under Land Acquisition the Commission discussed on the property that was established for the Fire Department and direction was given that this be placed on hold until the new Board comes in January. Discussed was the meeting with ED and a request was made on Tera Con who is working on the plan appear before the Commission in January also.

Commissioner Daves made a motion that these reports be accepted as to what was discussed in executive session. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Chairman Padilla asked Commissioner Gary Daves to lead the Pledge of Allegiance.

Approval of Agenda

Ms. Gallegos read the agenda for the meeting of November 12, 2002 Regular Meeting. Commissioner Aguilar asked that Item A be deleted from the agenda because Commissioner Pando was a part of this item but due to the death of his father he was not able to make it so Commissioner Aguilar asked this Item be deleted for when Commissioner Pando is present. Mr. Fernandez said under Item H that he would be presenting this for Sheriff Juan Julian, as he had to appear in Federal Court. Commissioner Daves made a motion to accept the agenda as read with regards to the deletions as stated above. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

### **Approval of Minutes**

September 3, 2002 Regular Meeting

September 17, 2002 Regular Meeting

Commissioner Daves made a motion for approval for the minutes as stated above. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar said at this time the Clerk's Office is on 32 hours so to be caught up with the minutes she would ask Ms. Gallegos if this individual could be placed on 40 hours to get this accomplished. Commissioner Daves said not that he doesn't appreciate the effort that has been behind this in trying to get through the General Election because he realizes how the minutes got behind. Ms. Gallegos stated that Peggy Estrada, her stenographer does fall under Bureau of Elections so therefore is already placed on 40 hours through the School Board Election in February. Chairman Padilla called for the vote on the approval of the September 3, 2002 and September 17, 2002 Regular Meeting Minutes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

### **Public Requests**

Commissioner Aguilar commented on the fact that yesterday was Veteran's Day and would like to recognize all Veteran's at this time and a round of applause was given.

Commissioner Daves commented that in the Albuquerque Journal it was written that he voted yes on a resolution motion regarding turning our national forest over to the State or Counties to which he actually did not support this and had voted no. Commissioner Daves said he would like to direct staff if they could have the Journal print a retraction and also to Mr. Nichols because he got several calls on this article.

### **ACTION ITEMS**

#### **GENERAL REQUESTS**

##### **Request Support of Valencia County Cooperative Weed Management – Fannie Miller NM Dept. of Agriculture**

Ms. Miller was before the Commission requesting support for the Valencia County Cooperative Weed Management program. Ms. Miller informed the Commission and to recognize the noxious weeds that are an ever-increasing economic threat to New Mexico's agricultural land. Ms. Miller provided the Commission with a handbook for assistance in identifying and controlling noxious weeds. She explained per the handbook that a weed is any plant that interferes with the management objectives for a particular site while an invasive weed is one that is not native to a particular ecosystem. These types of weeds reduce opportunities for land use, increased management input, displace native vegetation, damage watersheds, increase in soil erosion, and reduce recreational activities. Ms. Miller said that she is not asking the County for any money because they are provided grant monies from the Bureau of Land Management. Ms. Miller said what she is asking though is the County Commission involvement and cooperation with the weed program through a memorandum of understanding that the Commission could provide. Commissioner Aguilar said she would like for the County Attorney to review this request and at a later time act on this item.

### **Planning and Zoning Matters**

#### **Facts and Findings**

##### **Finding and Conclusions on Morequity, Inc. – Tom Garde**

Mr. Garde was before the Commission on a decision the Commission made based at a prior meeting with regards to the denial and appeal of Morequity's request for variance on the property on Hamilton Road. Mr. Garde said what he has prepared are the Facts and Findings with regards also to conclusions of law with regards to history of the property. Mr. Garde said this includes procedures of obtaining a variance with regard to the County's Ordinance and what the specific conditions are required and this reflects the Commission's decision not to deny the appeal of the applicant, Morequity. Commissioner Aguilar made a motion for approval as presented by Mr. Garde. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted no. Commissioner Baca voted yes. Chairman Padilla voted yes. Motion carried. 3-1.

### **Request to Accept Roads for Dedication**

#### **Fenix, Calle Medio, Primero Rd, Derecho Rd. District 5 – Kathy Giersberg Isquierda Rd, Iglesia Rd, Natividad Rd and Cordero Loop**

Ms. Giersberg said this is the fourth time she has tried to bring this request before the Board to accept these roads but with the help of Commissioner Daves she is presenting them today. Ms. Giersberg said they were told when they purchased the properties that the developers would maintain the roads until such time the County took them over. But during the past seven years the only work that has been done is on an emergency basis only. The roads have increasingly over the years needed maintenance and the potholes are dangerous. Commissioner Daves said we are all aware of the many roads that have fell through the cracks at the process to where the developers are long gone and this is a hardship to the people that live there. Commissioner Daves made a motion to accept for dedication Fenix, Calle Medio, Derecho Rd, and Primero Rd and table Pajaro Rd, Iglesia

Rd, Cordero Rd. and Natividad Rd. because these three need culverts and exclude up to the guide wire of Derecho Rd. Chairman Padilla said he would like to table this matter so they could learn more about these roads. Commissioner Aguilar said she agreed to table this matter because there is policy in place and we need more information. Commissioner Daves said he feels like he would like to support these people here today because they are here asking for Commission help. Commissioner Daves made a motion to accept for dedication on Fenix and Calle Medio. Seconded by Chairman Padilla. Discussion. Commissioner Aguilar asked what about the other roads? Commissioner Daves said we need more information on those especially the ones that need culverts. Commissioner Aguilar abstained on this motion for reasons she doesn't have enough information on this item. Commissioner Daves voted yes. Commissioner Baca voted yes. Chairman Padilla voted yes. Motion carried. 3 to 1 with Commissioner Aguilar abstaining.

#### **Request Amendment to Zone Maps**

##### **Amend Zone Maps from RR2 to RR1 (20 Don Pedro Rd) Tabled on 10-01-2002 – Benjamin/Patty Armijo**

Mr. And Ms. Armijo stated they were before the Commission to request a one-acre of family split of 3.3 acres that they own in property. Mr. Armijo said he feels bad because this request has escalated to the lengths that it has and it has taken three meetings to get where we are today. Mr. Armijo said his entire request entailed was a family split to allow his son to live nearby and establish a residence there. Some of our neighbors were misled by untruths and innuendos in that we intended to establish a subdivision on our property, which is adjacent to some of the neighbors. That was never our intent or is it now.

Lar Thomas, a resident of Valencia County stated he respects the request the Armijo's proposed the zoning change be denied. This Commission cannot rule on this amendment it has to go back through the Planning and Zoning process. Mr. Thomas said you just can't get up before the Commission and change horses in mid-stream. Mr. Thomas said setting that aside assuming they still want to split off an acre of land and he is still opposed to that as his wife and his many neighbors. Mr. Thomas said he bought two acres probably the last two-acre parcels that were for sale. The area that he lives in is close to the Armijo's. Mr. Thomas said the problem he sees in granting this request is the reasons that have been given today is to pass the land down from generation to generation, they can still do that. What he sees is this is still a subdivision because that is what he sees it as because they feel two acres is too much land for working people. That is what Mr. & Mrs. Armijo said to the Planning and Zoning Commission and that is what is on the background information. Mr. Thomas said this doesn't make any sense. They built their home on two acres because this was their dream home and yes they too are pro family. Mr. Thomas said he thought everyone agreed on the two-acre minimum. Mr. Thomas stated that if this Commission grants this request is what your are doing is taking a request of one individual or one family and putting their rights above all families in the surrounding area. You are saying you are special and we will do this for you. You don't care what happens to the rest of the land and the nature of that land around you and Mr. Thomas said that offends him if it gets to that point. Mr. Thomas said he would ask this Commission to deny this request for the zone change.

Tom Mitch, a neighbor of the Armijo's that lives in the area said he too urges this Commission to vote against this change. Mr. Mitch said his comments and issues are the same as Mr. Thomas. This is a democratic majority and they have all been against it. Mr. Mitch said at the last meeting there was a lengthy discussion and several issues to reject this change and one was a legal concept, the zoning manager basically said reject this change because it doesn't fit the zoning situation. The environmental concept is the same we have a conservancy district manager here saying reject it. Mr. Thomas said the district manager is saying this is not a good idea because of water quality, irrigation ditches and so forth and it gets into safety concepts. The only argument that was for it and Mr. Mitch said he had a real problem with this was from Commissioner Pando and his quote was his concept was "La Familia" in the Hispanic culture is to divide their land and let their children have it. Mr. Mitch said he was totally insulted and outraged by that statement and knowing many of his Hispanic, Anglo and whatever ethnic neighbors were insulted by that also. If Commissioner Pando were here today he would ask for a public apology that brought a racial issue into a democratic process that has no place in this community or for the State of New Mexico for that matter. The one concept of La Familia and this type of thing is a racial issue, Germans, Italians all love their children the same but when he made that statement it almost pitted us against each other out here when we walked outside that door because no one knew what to say. Mr. Mitch said La Familia was a racial issue not a democratic issue and this Commission is prepared to make decisions based on racial issues versus democratic issues then you must be prepared for the eventual consequences of being called racists in this situation. Mr. Mitch said he knows these are strong words but they are no stronger than what Commissioner Pando stated. Mr. Mitch asked this Commission in closing to reject this zone change based on these issues.

Leroy Sandoval said he has spoke before on this issue before the Commission and his position on this zone change was no and still remains no. Mr. Sandoval said some of the points that Mr. Thomas and Mr. Mitch brought up are very clear. Safety is a major concern for all public servants when you deny accessibility or restrict accessibility to residences that will be affected. The residents of Gurule Rd are affected but he has not heard them here today. Mr. Sandoval said as Mr. Mitch points out angrily this is a constitution issue this is not a La Familia type issue that needs to be addressed. Mr. Sandoval said he requests this Commission to deny that particular petition because there are too many negative factors that will result if in fact this is to go forth.

Curtis & Susan Smith stated they too oppose this zone change. Mr. Smith said they own 13 acres in the area by the Armijo's and do farming and raise cattle. If this is allowed it will be difficult to farm around a lot of people. Mr. Smith said he supports the RR2 zoning and he wants to keep this rural and keep the farms here but he can't do it alone and we all need to support this. What we do today could determine the destiny of the farmlands. Ms. Smith said she would like to add if you allow one acre to be split you are opening up a can of worms for others to do the same and this area can't handle this because there are safety issues.

Ben Armijo said he would like to comment that there were statements made that we agreed on an issue but Mr. Armijo said he has never met this gentleman how can he say we agreed on anything. Mr. Armijo said all he is asking is a one-acre split and doesn't see how this is going to affect so many issues that have been brought up. Ms. Armijo said that Mr. Curtis said this will affect his farming she doesn't see how this could affect that at all. Ms. Armijo also said that there were neighbors that came to their home and said that Curtis Smith had misled them by telling them the Armijo's were going to put up mobile homes.

Lar Thomas said if he might add that what Mr. Mitch said the issue the Armijo's agreed on was the two acre split when they bought the property, maybe they never met but that is what the point he was trying to get across what was agreed upon was the two acre minimum when they bought the property. Mr. Thomas said he was not misled by anyone because he did his own research on this issue.

Gail Zemply said she is a new homeowner to the area by the Armijo's. She is concerned about the issues that have been brought up because she bought this property because of the rural area. Ms. Zemply said she would like for it to stay that way.

Commissioner Daves asked Ruben Chavez regarding the comment made about the amendment of the request and how it affects what we may or may not do today.

Mr. Chavez said as he mentioned at the previous meeting the request before you is to change the density of the 3.3 one acre lots to a one acre minimum. Mr. Chavez said he explained to the Armijo's that their initial request their goal was to reach three one acre minimum and he expressed concern that even if the one acre density be granted by this Commission the restriction of the 40-ft road and 50-ft cul-de-sac might not allow them to reach their goal of three separate lots. We need to net one acre for each lot. The request is to change the density and reach a goal of three lots. For the Commission to impose conditions, which minimizes the request that was originally came forth is common for the applicant to amend their request, is less of an impact.

Commissioner Daves said he wanted to comment on the statement made by Commissioner Pando of La Familia and that was a statement of pride for him. Everyone has their pride as well Commissioner Daves said when he had his kids he didn't put them in a gunnysack and take them to the river he actually raised them and liked them. This should go no further than that and it was an honest gut feeling that Commissioner Pando had and we certainly should not base our decision on that and we do not pit Hispanic against Hispanic and let's put that behind us. This Commission will not base their decision on that issue. The Armijo's did not disagree with the R2 as such but it is the status quo but the question is do we have the basis of changing the status quo it is not a Constitutional issue it is a zoning issue. The can of worms has already been opened because we have opened it several times unfortunately or fortunately. This is an issue that keeps pushing before the Commission because there is terrific pressure of people to get value out of their land or whatever you get higher value the higher the density and that is a classical zoning issue. Commissioner Daves said he did not seek this to be many meetings. The basis he tries to use on a R2 to R1 is the land being irrigated now and are they met by not allowing going to R1. Commissioner Daves said this was a zone code that he didn't vote for that put a premium on R2 in saying that you should be R2 if you are in the valley for the purpose of a lower density for health reasons and for the purpose of preserving agriculture. Commissioner Daves said the policy of preserving agriculture that he didn't adopt but the County in its previous action did we do our best to preserve agriculture and that is the framework that he is looking at for this request. Commissioner Daves had another question for Mr. Chavez. If the County approved the rezoning for that one acre to R1 and a split were accomplished there would be 2.311 acres left then they would have a right to put a home on that 2-acre plus portion. Mr. Chavez said that would be correct. Commissioner Daves said what the amended request amounts to now instead of three one acre lots it would be a one plus 2.311 and he still has not made up his mind on how to take action on this item today.

Jennifer Jarbee said she lives across the road from the Armijo's on Don Pedro and she owns two one acre parcels and another two acre parcels and she is not opposed to this split. Ms. Jarbee said the most this can be is a house built on the two acres that are going to be left after the split and they will be traveling right in front of her house to get to their property and she is not opposed to that.

Commissioner Aguilar asked are there restrictive covenants on the other lots indicating that they are two acre minimum or are they depending on County zoning? Ms. Armijo said there are no restrictive covenants. Commissioner Aguilar asked Mr. Garde on the comments made by Mr. Thomas to give some clarification on this issue.

Mr. Garde said what we have as Mr. Chavez has indicated is an amendment to create less density request on that particular piece of property. The original piece of property was 3.31 acres the request is now down to two lots, this is less density than what was presented before Planning and Zoning

Commission. We are here basically on the same issue, as they now want to create the one-acre split from the 3.31, which creates less density to make the Armijo's or applicant to go back to P & Z to make that same request, but really doesn't make any sense. Mr. Garde said he feels comfortable with this Commission making a decision on whether or not they wish to grant the one-acre RR1.

Commissioner Aguilar stated the one-acre lot is already naturally split which means it is already fenced off into one acre so the home is on one acre just that the vacant field is to the back. Commissioner Aguilar said for clarification she was here when the Zoning Ordinance got approved the real intent of the two acre minimum is to preserve the farmland but it was mainly to be applied to subdivisions and anything else out there would be looked at individually.

Chairman Padilla called order in the Commission room and stated we have heard from the public and the Commission, our attorney, and Mr. Chavez, Planning and Zoning and we are ready to act on this item at this time.

Commissioner Baca said she had a comment that we take each case individually because every case is different and feels this request should be granted. The Armijo's are not trying to make a profit; they just want a family member living there.

Commissioner Daves said we have decisions that are difficult but nonetheless have to be made. But this Commission does have the discretion to do that. Commissioner Daves made a motion to approve the amended request to allow the one-acre of the parcel to which the house is located. Chairman Padilla called order and asked for the public to quiet down as Commissioner Daves was in the process of making a motion. Commissioner Daves repeated his motion to approve the amended request to allow the one acre parcel to which the house is located and approve its zoning to R1. Again Chairman Padilla called order. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar wanted to clarify some of the outbursts that had been made on surveying and so forth so this is for Mr. Garde. Commissioner Aguilar stated the way that the motion was presented to her understanding in the past Planning and Zoning gives direction and now they administratively will follow up and make sure of the one acre that there is a survey and there is a split with the Assessor's office to identify such. Mr. Garde said that is correct but the survey will be done with this Commission's motion. Commissioner Daves said there are those that probably feel that what we have done today is illegal but that is what we have the court process for. Chairman Padilla called for the vote on the motion made by Commissioner Daves and seconded by Commissioner Aguilar. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Chairman Padilla had to call order again because of public outbursts.

#### **Amend Zone Maps from RR2 to I-2 Tr. 85A0B2 919586 Hwy 314) Belen – Oziel Chavez**

Mr. Chavez was before the Commission to request to amend the zone maps from RR2 to I-2. This request is for the purpose of parking trucks on the property and for business offices. This request was heard at the Planning and Zoning Commission Meeting, which was approved. Mr. Chavez said he bought this property twenty-three years ago and a variety of commercial businesses have been there however it got zoned residential but has been commercial property and is surrounded by commercial property. Chairman Padilla asked staff, Ruben Chavez on his recommendation. Mr. Chavez said P & Z heard this request because I-2 is a two acre minimum therefore Mr. Oziel Chavez applied for a variance as well. Mr. Chavez said there was conditions set for this request and the variance was granted with the condition the commercial structure on the site is used only for non-retail business and that no more than five trucks and three trailers are parked on the site at any one time. Mr. Chavez recommended this be granted. Commissioner Baca made a motion for approval with the conditions of no more than five trucks and three trailers and the approval is conditioned upon the same business that was approved today. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

#### **Department Requests/Reports**

##### **Board of Commissioners Convenes as Indigent Board**

##### **Indigent Appeal/Report – Barbara Baker**

##### **Board Re-convenes as Valencia County Board of Commissioners**

Commissioner Aguilar made a motion to convene as the Indigent Board. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0

Ms. Baker presented to the Commission the Indigent Claims from September 18, 2002 to October 30, 2002. The total amount of claims submitted is \$175,397.76. Ms. Baker asked the Commission to approve \$40,507.71 and to deny \$134,890.05. There were 94 claims submitted and 24 applicant denials. Commissioner Baca made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Ms. Baker reported she had one appeal on Robert Cordova, which James Fernandez requested for this inmate. He was denied indigent assistance as Valencia County Indigent received the bill after the 90-day limit. Mr. Cordova's St. Joseph Medical Center bill is \$21,188.11. If the bill for St. Joseph Medical Center is approved the amount would be \$3,037.00 as Valencia County Indigent already paid \$1,963.00 on this inmate. Ms. Baker said she did talk to St. Joseph Medical Center and they will

accept the \$3,037.00 if approved. Ms. Baker said she does recommend this be approved. Commissioner Aguilar had a question to what happens to the difference and Ms. Baker said it goes away. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Commissioner Aguilar made a motion to reconvene as Board of County Commissioners. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

**Update on Ambulance Concerns – John Cherry**  
**Propose action for Rescue/Ambulance Services**

Mr. Cherry said he had come before this Commission at a previous meeting and gave them a report. This is a follow-up on that report and I am here today to ask permission to proceed in Valencia County Fire Rescues to apply for a limited transfer certificate from the Public Regulatory Commission and this will enable us to charge the state established tariff rate. At our last meeting I told this Commission that I would have facts and figures but did not get them in time. Mr. Cherry said he could not get this information from Santa Fe in time to meet the packets. Mr. Cherry handed out a letter to the Commission of an estimate. This letter entailed a cost estimate for start-up expenses for an office to conduct billing and insurance collection. Estimated \$30,000.00 for office equipment, computer, software, etc but this estimate excludes salaries and benefits. The PRC does require Valencia County to hold hearings to obtain certificate of transport and there will be a filing fee of \$250.00 plus attorney's fees. Mr. Cherry asked the Commission approval to proceed on the limited transport certificate.

Michael Allison, attorney for Living Cross said he has been asked to give a presentation to this Commission today. There were members as well as himself that attended the informal meeting of October 9, 2002. At that meeting based on Mr. Cherry's request as well as those of Mr. Shoemakers, EMS Bureau in Santa Fe, had asked Living Cross for a plan to continue to move forward to essentially supplement the current resources here in Valencia County. There are additional resources that are available for emergency care. We are proceeding forward with a tariff increase that will enable Living Cross to put more units and more unit hours on the streets of Valencia County to provide more service. Mr. Allison said that is what he got out of the meeting that he had attended is to look for more resources that would benefit this County. The answer that we came up with was to file an application for tariff increase by the end of November and we have been working very hard to make sure that does happen. Living Cross has fought the current shortage of resources for a number of years as well as the rescues and to some degree Isleta Pueblo, we would want to congratulate and thank the rescues for the work that they have done in assisting Living Cross. The reality is an ambulance service is a private company and has to be able to make a profit to provide appropriate service on a suspendable basis. Mr. Allison said the answer we believe very strongly is that Living Cross be allowed to collect sufficient monies to provide the appropriate medical services on a continuing basis. The answer is not to duplicate infrastructure and we can say that our point of view in theory but based on experience. Mr. Allison said he would ask the Commission to study this aspect of what Mr. Cherry is seeking authority to make an application to the PRC but however we would ask the Commission to think very hard before you start that process and study very hard what the burdens are of providing a medical service for Valencia County.

Commission discussed more at length with Living Cross representatives on the ambulance concerns for Valencia County. Commissioner Aguilar commented that we are having the same concerns as we did two years ago and she feels like we haven't moved forward and this remains a big concern. We need to look at the total service and review the entire issue and have policy and procedures in place.

Commissioner Aguilar made a motion for this item be tabled until Mr. Cherry can provide more information to come back before us as far as the Ordinance and the financial impact goes. Seconded by Chairman Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted no. Chairman Padilla voted yes. Motion carried. 2-1.

Commissioner Baca had to leave at 12:30 PM.

County Attorney, Tom Garde had to leave at 12:35 PM.

**Approval for travel to Las Cruces to attend Training (Part II) – Sheriff Juan Julian**

Mr. Fernandez on behalf of Sheriff Julian is the item request for travel to Las Cruces to attend training for Connie Carter and Debra Hall. Mr. Fernandez said the Sheriff's Office does have the money out of the Law Enforcement Training. Commissioner Daves made a motion for approval. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

**Financial/Business Matters:**

**Approval of Service Contract: Incarceration Services for City of Belen – James Fernandez**

Mr. Fernandez presented the contract between the Commission and the City of Belen for approval and signatures. This entails the sum of \$81.17 per detainee per day. The purpose of this agreement is to provide a detention center for the confinement or punishment of adult male and female detainees of the City of Belen at the Valencia County Detention Center. Commissioner Aguilar made

a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

**Award RFP#140 Engineering Services (Landfill Monitoring Wells) – James Fernandez**

Mr. Fernandez recommended that we go with the lowest bidder of Shaw EMCON/OWT, Inc. There were three bids, Jordan Engineering, Inc., Shaw EMCON/OWT, Inc., and Souder, Miller & Associates but the bid with Souder, Miller and Associates there was no amount specified. Shaw EMCON/OWT, Inc. was at \$16,100.00. Commissioner Aguilar made a motion based on Mr. Fernandez recommendation and grant the RFP to Shaw EMCON/OWT, Inc. Seconded by Commissioner Daves. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

**Award Bid #532 for Highland Meadows Fire Station Building – John Cherry**

Mr. Cherry requested Commission approval to award the bid for Highland Meadows Fire Station Building. We had five bids but one bid out of the bid packages that did meet all criteria which was Steel Building.Com. in the amount of \$26,234.03. Mr. Cherry said this was his recommendation. Commissioner Aguilar made a motion for approval to award the bid to Steel Building.Com. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Motion carried. 3-0.

**Approval of Payroll and Warrants – James Fernandez**

Mr. Fernandez presented the Treasurer's Financial Report as of Monday, November 11, 2002 in the amount of \$552,463.84. Mr. Fernandez presented the computer printout lists of all the checks issued by the Manager's Office on October 18, 2002 covering payroll processed on that date. Warrant #70244 thru Warrant #70276 inclusive. Payroll #55010 thru Payroll #55178 inclusive. Listing total \$174,372.63 and of that amount \$102,855.56 if from the General Fund. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Mr. Fernandez presented the computer printout lists of all checks issued by the Manager's Office on November 1, 2002 covering payroll processed on that date. Warrant #70281 thru Warrant #70313 inclusive. Payroll #55179 thru Payroll #55355 inclusive. Listing total \$175,309.20 and of that amount \$109,015.75 is from the General Fund. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Mr. Fernandez presented the computer printout lists of all the checks issued by the Manager's Office on October 25, 2002 covering vendor bills processed on that date. Check #70277 thru Check#70280 inclusive, for the total of \$629,754.08 and of that amount \$48,026.24 is from the General Fund. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

Mr. Fernandez presented the computer printout lists of all the checks issued by the Manager's Office on November 6, 2002 covering vendor bills processed on that date. Check #70315 thru Check #70428 inclusive for the total of \$221,295.97 and of that amount \$38,823.18 is from the General Fund. Commissioner Daves made a motion for approval. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Chairman Padilla voted yes. Motion carried. 3-0.

**Manager's Report:**

**Manager's Report – James Fernandez**

**Jail Monitor's Report - Informational**

Mr. Fernandez reported for the period of October 11, 2002 to November 7, 2002 the average prisoner count was 182 with 164 males and 19 females. Mr. Fernandez stated we had received the October billing from the Adult Detention Center late Friday and have not had the opportunity to review it.

The next Regular Meeting of the Valencia County Board of County Commission will be held on November 26, 2002 at 5:00 PM Executive Session and 6:00 PM Regular Session in the County Commission Room at the Valencia County Courthouse.

**Adjournment**

Commissioner Daves made a motion to adjourn. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Motion carried. Chairman Padilla voted yes. 3-0. Time being 1:20 PM.

**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/  
GARY DAVES, VICE-CHAIRMAN**

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

**ALICIA AGUILAR, MEMBER**

**HELEN BACA, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: December 10, 2002**