

MOYA V. BD. OF COUNTY COMMISSIONERS

This memorandum opinion was not selected for publication in the New Mexico Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

CLAUDIO MOYA, NORA MOYA, FIDEL VALLEJOS, TONY A. CHAVEZ, HERMAN MIRELES, GLORIA ASKEN, ELIZABETH DIAZ, JAMES BARELA, MANUEL OTERO, DEMETRIO CHAVEZ, ESTHER MARTINEZ, EDDIE AYON, HERMAN CHAVEZ, CHRISTOPHER HIGGINS, PATRICK BACA, MELISSA J. SANCHEZ, LYDIA A. PIRO, CHRIS L. MONTOYA, MICHELLE BACA, SANDRA L. MONTOYA, MICHELLE GONZALES, JOANN M. CHAVEZ, PHILIP BACA, DUSTIN ARMSTRONG, JOSE M. TRILLO, PAUL GONZALES, CLOVIS TORRES, REGINA CHAVEZ, MARY MOYA, YVETTE GONZALES, RICKI ARMSTRONG, REUBEN CHAVEZ, JULIA GALLEGOS, PETE GALLEGOS, EARL C. GLEASON, and DARLA K. GLEASON,

Plaintiffs-Appellants,

v.

BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY and VALENCIA HEALTH COMMONS, a New Mexico corporation,

Defendants-Appellees.

NO. 30,877

COURT OF APPEALS OF NEW MEXICO

June 22, 2011

APPEAL FROM THE DISTRICT COURT OF VALENCIA COUNTY, George P. Eichwald, District Judge

COUNSEL

James Lawrence Sánchez Trial Lawyer, PC, James Lawrence Sánchez, Belen, NM, for Appellant

Modrall, Sperling, Roehl, Harris & Sisk, P.A., Arthur D. Melendres, Zachary L. McCormick, Albuquerque, NM, for Appellee Board of County Commissioners of Valencia County

Sanchez, Mowrer & Desiderio, P.C., Robert J. Desiderio, Albuquerque, NM, for Appellee Valencia Health Commons

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: CYNTHIA A. FRY, Judge, RODERICK T. KENNEDY, Judge.

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

Plaintiffs are local residents and taxpayers of Valencia County. Although Defendant Board of County Commissioners of Valencia County (the Board) and Defendant Valencia Health Commons (Health Commons) (collectively, Defendants) argued for dismissal on more than one ground [RP 96, 109, 126, 192], the order of dismissal was entered on the sole basis that Plaintiffs lack standing to bring this action. [RP 227] Plaintiffs contend that they have standing as local residents and property taxpayers to challenge the Board's recent payment of \$30,000 to Health Commons to extend the contract to build a new hospital and emergency room in Valencia County that previously had been authorized by Valencia County voters. [DS 6-7] Plaintiffs also contend that standing should be conferred upon them by the "Great Public Importance Doctrine." [DS 8-10]

This Court's calendar notice proposed to affirm the district court's order of dismissal. [Ct. App. File, CN1] The Board has filed a memorandum in support of the proposed disposition. [Ct. App. File, MIS] Plaintiffs have not responded to the calendar notice, and the time for doing so has passed. For the reasons set forth in the calendar notice, we affirm the district court's order of dismissal.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

CYNTHIA A. FRY, Judge

RODERICK T. KENNEDY, Judge