

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

June 5, 2001

Chairman Alicia Aguilar called the Meeting to order at 9:08 A.M.

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

Executive Session

Carol Anaya, Personnel Manager, requested during executive session to delete new hires and terminations. Ms. Anaya also requested to add title changes with salary adjustments, and family medical leave. Commission Chair Aguilar requested to leave terminations on the agenda in case it comes up on any employee in the past. James Fernandez, County Manager stated there was no information on that. Commissioner Padilla made a motion to go into executive session and discuss the items as amended. Commissioner Daves seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Motion carried

Commissioner Padilla made a motion to return to regular session. Commissioner Pando seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Motion carried

Carol Anaya, Personnel Manager reported during executive session the following was discussed: resignations of Hasting Hutchins, Lorenzo Mata, and Daniel Vigil, a line item change from Cops I part time to Cops II full time for Simon Heffron, a line item change from Cops II part time to Cops I full time for Jamie Rodgers, title change with a salary adjustment from Sheriffs Deputy to Sergeant for Rod Johnson, title change from Clerk to Appraiser I for with certificate for Orlando Montoya, added title for Richard Chavez of GIS with approval of new job specification, family medical leave request for Debbie Fife, and status change from probationary to non probationary for Edward Martinez Cops II. Ms. Anaya asked the Commission to take action on what was discussed in executive session. Commissioner Daves made a motion to approve those items. Commissioner Padilla seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Motion carried.

Tom Garde, County Attorney, reported during executive session the following was discussed: status of request for a grand jury investigation concerning animal control that was filed by Marcy Britton and no action was taken. Commissioner Padilla made a motion to approve what was discussed during executive session. Commissioner Pando seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Motion carried.

Pledge of Allegiance was led by Commissioner Pando.

Approval of Agenda

James Fernandez, County Manager, requested under item B to delete as notification was received from Leona Woelk requesting this item be removed and be rescheduled for June 19, 2001. Mr. Fernandez requested under the County Managers Report to add an informational item an update on millings purchased by the County.

Commission Chair Aguilar asked that the minutes for the May 15, 2001 meeting be tabled until the next meeting. Commissioner Daves made a motion to table minutes. Commissioner Padilla seconded the motion. Commission Chair Aguilar said she wanted more detail, as there is some information missing in there concerning the road department and expenditures and the discussion of

Edmundo Road on the ATV track. Commissioner Daves added that the minutes be focused on that area and not verbatim. Motion carried.

Public Requests

Leonard Garcia, George Carper, William Dean, and Henry Lopez requested to speak during public requests. Commissioner Daves made a motion to approve agenda as amended. Commissioner Pando seconded the motion. Motion carried.

Approval of Minutes

Commissioner Daves made a motion to approve minutes for the Special Meeting on May 21, 2001. Commissioner Padilla seconded the motion. Motion carried.

Public Requests

Leonard Garcia, a resident of Meadow Lake, asked the Commission a few questions about the Conejo Transfer Station. Mr. Garcia said he was there last month and was refused to take the items he was taking to the dump because his load was different items. There was still, boards, and wire. Commission Chair Aguilar wanted Carlos Montoya, County Fiscal Officer, to be involved in this conversation. Mr. Garcia waited to speak until Mr. Montoya was present.

William Dean, a resident of Los Chavez, told the Commission his neighbors from Andrea Sanchez asked Mr. Dean to come to the Commission to ask a question. Mr. Dean told the Commission that 2 ½ years ago, the sand and gravel pit from the South West edge of Andrea Sanchez, was directed by the Commission to cease and desist. Mr. Dean said it is even larger now than it was two years ago and the truck traffic has increased significantly. Mr. Dean asked, why is it still going? Mr. Dean said also in the truck traffic there is a lot of metallic trash going in and a lot of sand and gravel coming out. Steven Chavez, Valencia County Planner, told the Commission there are two Zoning Officers looking into it.

Henry Lopez thanked the people at Planning & Zoning, specifically Steven Chavez, Ruben Chavez, Winton Allen, Richard Chavez, the Treasurers Department, County Clerk's Department on a plat that Mr. Lopez was trying to get done a couple of weeks ago to be filed in the County Clerk's Office. Mr. Lopez said these people showed a lot of professionalism and care for the public. According to Mr. Lopez, these people went above and beyond the call of duty. Mr. Lopez said he was in the office of Lydia Havens from Rio Grande Title and there was a problem with a mix up with his plat that Mr. Lopez was purchasing. Mr. Lopez asked Herman Tabet, Planning & Zoning Commission Chairman, to be at the meeting. Mr. Lopez said there were a lot of problems with his plat and Mr. Tabet told Ms. Havens off, yelling and screaming. According to Mr. Lopez, Mr. Tabet did not want to sign his plat as Mr. Lopez was out of precedence. After Mr. Tabet finally decided to sign the plat, Mr. Lopez said he called Mr. Tabet and Mr. Tabet told him off and told him to go to hell. Mr. Lopez asked the Commission how one man could have so much power to pull and overturn a plat. Mr. Lopez asked does he or does he not have his plat recorded in the County Clerk's Office so Mr. Lopez can start to build. Mr. Lopez asked how did Mr. Tabet get appointed and by who. Mr. Lopez told Commissioner Baca he tried calling her to address this problem and why Mr. Tabet will come out and ask Mr. Lopez and tell Mr. Lopez that He will overturn it and do whatever it takes to pull Mr. Lopez's plat so he will never build again. Mr. Lopez asked how one man has so much power to pull a plat that Mr. Lopez paid for with his money. Mr. Lopez feels there needs to be another person appointed to Mr. Tabet's position and there needs to be a second that is available to sign plats.

Commission Chair Aguilar said she called Planning & Zoning and mentioned to Mr. Lopez that if there weren't procedures in place, there would be procedures in place. Steven Chavez, Valencia County Planner, told the Commission that when the plat was released to the agents it met all the legal requisites to be recorded, whether it was recorded or not, Mr. Chavez does not know. It is not Planning & Zoning's responsibility to record plats, the plats are released to the agent and the agent can do as they wish. Tina Gallegos, County Clerk, told the Commission after a document has been recorded it can't be changed. The only thing that can come in is a document to follow it to supercede it in some way. Tom Garde, County Attorney, told the Commission that each Commissioner has the authority to appoint one Commissioner and there are two Commissioners that are at large. Commissioner Daves said the Commission should take to heart what the Chair of the Planning & Zoning Commission might have said to Mr. Lopez, and think about it. Commissioner Daves asked if there was a signature needed from the Planning & Zoning Commission. Mr. Chavez stated on the release of the plat, all the signatures were on it. Commission Chair Aguilar stated there always seems to be "half-truth" out there and the other side of the story is that the plat was at the title company and the agent took the plat to Mr. Tabet at his home to be signed. When Commission Chair Aguilar talked to Mr. Tabet, he mentioned to her that he had documentation and knowledge that the taxes had not been paid and he wanted verification that the taxes had been paid before he signed the plat.

Commission Chair Aguilar stated that procedures were changed to where an agent knocked on Mr. Tabet's door and said sign this plat. Commission Chair Aguilar said that the procedure is Planning & Zoning takes the plats to Mr. Tabet to sign. Commissioner Daves said he sat on the P&Z Commission with Mr. Tabet for several years and know him very well and like him very much, but also knows he has a temper and knows he exhibits it inappropriately some times, and sometimes mistreats people. Commissioner Daves stated that doesn't mean he doesn't like Mr. Tabet or Mr.

Tabet hasn't done a good job, but does think the Commission should sit down and talk with him. Commissioner Daves said he would sit down and talk with Mr. Tabet.

Commissioner Baca said that when she appointed Mr. Tabet to the Planning & Zoning Commission, she appointed him because he did a good job and wasn't looking at his personality or temper, she was just looking at his work. Commissioner Baca told the public that the P&Z Commissioners get paid \$50.00 a month.

Leonard Garcia, a resident of Meadow Lake, asked the Commission why he was turned away at the transfer station because the load he had on his trailer contained a variety of items that went to the dump. There were boards, pieces of steal, and wire. Mr. Garcia asked how the charge is determined of what a person brings to the dump. Mr. Garcia was charged \$20.00 for the items he brought, which was approximately 3 barrels full that Waste Management dumps at his home. Waste Management charges Mr. Garcia \$3.00 to dump his barrel once a week. Normally, Mr. Garcia takes all the stuff that's going to the dump, cut it up, and throw it in the dumpster. At this particular time, Mr. Garcia decided to take the stuff himself and dump it. The other thing Mr. Garcia was told at the transfer station is that he could not dump there. He would have to take it 38 miles to the Rio Puerco where there's a dump as they accept different items on the load. Mr. Garcia told the people at the Transfer Station that he did not want to go over there to dump it and he was told he had another choice which was to separate everything that was in his trailer into the different things they have at the transfer station. Mr. Garcia asked the people at the Transfer Station that since he's incapable of doing it, if there is somebody there that could help him. According to Mr. Garcia, the people at the transfer station told him there sure is, but it's another \$20.00. Mr. Garcia went down to the horse ranch where a worker there helped Mr. Garcia to dump his things. Mr. Garcia paid the helper \$6.00. Mr. Garcia and his helper went back to the dump and dumped his trash into the different piles. It cost Mr. Garcia \$26.00 to dump his trash. Mr. Garcia feels that this is an unfair price to pay for dumping, as there is other people out there that can't afford it. Mr. Garcia stated that if people are getting charged \$20.00 to dump at the transfer station, he could see why people dump it on the side of the road. Carlos Montoya, County Fiscal Officer, responded by saying the employees at the transfer station are certified by the State of New Mexico on what can and cannot be accepted at the transfer station. Mr. Montoya said if Mr. Garcia was turned back at the entry gate, there must've been something in his load that didn't meet the criteria set by the State of New Mexico.

Since the County does not have a dump, there are certain requirements that Waste Management puts on the County who owns the landfill in Rio Rancho. The transfer station handles the trash of 80,000 people of Valencia County with a crew of 5 workers. Mr. Montoya volunteered to go with Mr. Garcia on his next load to present to Mr. Garcia what criteria is accepted and what is not.

As far as the charges at the transfer station, the county has to pay for the disposal of the trash, which is \$380.00, a trailer load every day and two trailers are taken to Rio Rancho. The charges are \$5.00 a truckload, \$10.00 if it's above the window on a truck. An eight-foot trailer is \$15.00. A 10-15 foot trailer is \$20.00. A dump truck is \$25.00-\$35.00. As far as the accusation of one of the employees charging Mr. Garcia \$20.00, Mr. Montoya would like the employee to be present to have a chance to defend himself. Mr. Montoya added that the employees at the Conejo Transfer Station do an outstanding job. Mr. Garcia said he has a 16 foot trailer, but if it's empty, he is charged by the trailer not by the weight or items that are in there. Mr. Montoya suggested if Mr. Garcia is taking a 20 foot empty trailer over there, to take a pick up, put it in the pick up and Mr. Garcia will be charged \$5.00. Commissioner Pando said that he has taken trash to the station they're talking about in Pajarito, the charges are very expensive. Last time Commissioner Pando went to that station he was charged \$122.00 to dump a 40-foot trailer. Commissioner Pando thinks Conejo Transfer Station is doing an outstanding job with the resources they have. Commissioner Pando said until the County gets a landfill, these problems will continue. Commissioner Pando asked the public to try and work with the County, as it's a problem everyone shares. Commissioner Daves said the trash committee meets tomorrow night, and Mr. Garcia's point of it being easier and better for the public to use the transfer station than dumping it on the roadside or in an arroyo is very important.

George Carper, a resident of Ponderosa Farms Subdivision, asked the Commission how as a private citizen he can get more funding for the Sheriff's Department, so not only can he get more patrol officers out there but more higher up officers. Mr. Carper's son was molested and it took almost 4 months for anything to get done because the Department of Sex Crimes is so overworked that they have 2 officers trying to do the work of 7. Mr. Carper would like to know what he could do to make sure that does not happen to another child. Commissioner Daves said during the budget, the Sheriff's budget is there and there will be some discussion. Commission Chair Aguilar told Mr. Carper, the next Commission Meeting is June 19, 2001 at 6:00 P.M. and Commission Chair Aguilar would like the Sheriff to be at the meeting to listen to this. Commission Chair Aguilar also mentioned that this County could go out for a 1/8 gross receipt tax. If the public will support it, it will generate about \$600,000.00. Commission Chair Aguilar said that money can be designated to where \$200,000 can go towards law enforcement and that can be used for salaries, hiring additional officers, vehicles, whatever the Sheriff elects, there can be \$200,000.00 set aside for roads, which is another issue that people have, and there can be \$200,000.00 set aside for the general fund for 4H and other programs. Commission Chair Aguilar feels this is something that can benefit everyone. Commissioner Pando said about 4 years ago there was a program adopted by the County called the Cops Grant. One of the budget problems the County has today is this grant is a personnel grant which allocated money to hire people. Commissioner Pando said the county has hired all these people that this grant has allocated, but that grant runs out. Commission Chair Aguilar added the Sheriff's budget from the general fund is 1.5 million dollars and there is another ½ million dollars from

the Cops grant, so his budget is roughly 2 million dollars. From 3 years ago the responsibility of the jail was under the Sheriff's budget, so his budget was a little bit bigger. Since then, management has been taking it over by the Commission, so the Sheriff Department has been increased by 15 full time officers and 6 parttime officers in the last 3 ½ years, so the Sheriff's budget has doubled. Commissioner Daves said it is the truth that the Sheriff's Department has been helped, but thinks the point is that the Sheriff's Department needs more help. Commissioner Daves said to be proud of what the Commission has done but not say that it's enough. Commissioner Padilla mentioned that the Commission has been improving the Sheriff's Department with new officers, and wages going up. Commission Chair Aguilar asked Mr. Carper to be at the next meeting and directed Administration to provide the Commission with information for going out for the 1/8 gross receipts tax election that will help everyone.

Request to have Don Pasqual be patrolled daily.....Kevin Kesner

Kevin Kesner requested to have Don Pasqual Road patrolled daily due to the recent activity that is taking place there. Mr. Kesner requested more manpower to patrol it. Mr. Kesner moved there two years ago and right after he moved in, his house was broken into and robbed. Mr. Kesner has lived there three years and has seen two patrol cars in the last three years driving down that road. Mr. Kesner went home from work one day and there was a truck going about 50-60 miles per hour down the road. On that road there is a 25-mile per hour speed limit and a Children Slow at Play sign. One day when his son was on the side of the road with his friend riding their bikes, a pickup went down the road 50-60 miles per hour and opened his truck door next to the boys as they were riding their bikes. Mr. Kesner tried to trace the pickup but could not find out who it was driving down there. Mr. Kesner called the Sheriff's Department and the Sheriff's Department told Mr. Kesner they could not patrol this road, as they did not have the manpower. The next day as Mr. Kesner came home from work, the Caution Children's sign was knocked down. Mr. Kesner called the Sheriff again, and somebody went up there and re-erected it. After that things have been happening in the neighborhood specifically targeted towards Mr. Kesner because he's trying to get some enforcement out there. There has been a car that drove by and shined lights at the gate to see if the gate was locked, and shine lights on the house and the property. There is a truck that honks his horn 3-4 times a day non-stop. Mr. Kesner has filed 3 Sheriff's reports. Each one of those Sheriff's Officers told Mr. Kesner they can't do anything and can't patrol it. Mr. Kesner talked to his attorney and told him that if something doesn't happen or if this county doesn't approve more money to get more patrol, if something happens to Mr. Kesner, his family, his son, or his property, Mr. Kesner will hold the County liable for lack of patrol after Mr. Kesner filed report after report and went through every legal route. Mr. Kesner's son's bicycle was stolen twice. Mr. Kesner is a Budget Accountant for Federal Funds at UNM. Mr. Kesner is a NASA Accountant and works on their budgets and their funds and other federal funds. When NASA gives UNM money, it's taxpayers' money. Mr. Kesner received a copy of the budget for last year and this year, and noticed that 3 Sheriff's tell Mr. Kesner that they don't have the manpower to get out there and patrol the road. The last Sheriff's Officer told Mr. Kesner his salary was only \$18,000.00 a year. Mr. Kesner's ex wife is an entry-level data clerk and she makes \$18,000.00 a year. Mr. Kesner looked at the budget for last year and compared it to this year, and there is a decrease in the Law Enforcement. The County Commission budget for last year and this year and there was an increase by \$343,155.00. Commission Chair Aguilar said for the last two years she has been asking the Sheriff to provide the Commission with a proposal on his needs to help the Commission in the planning. The Sheriff has not yet done that. Commission Chair Aguilar told Mr. Carper and Mr. Kesner to have the Sheriff come forth with facts as to what is it that he needs. Commissioner Pando said he would not tell an elected official how to do their job, but expects them to respond to the citizens. Mr. Kesner said that there's thousands of dollars in federal and state funding. Mr. Kesner volunteered to help Juan Julian with writing proposals for federal and state funding. Commission Chair Aguilar encouraged Mr. Kesner to come to the next Commission meeting and directed Administration to put the Sheriff down as an action item and would like a proposal from the Sheriff as to what his needs are and basically for a 2-3 year plan. See exhibit A.

Request Approval of Maternal Child Health Roster.....Leona Woelk

This item has been tabled until June 19, 2001.

Request Road to be Names Phillip L. Silva Road.....Dolores Gurule/Luciano Chavez

Dolores Gurule asked the Commission on behalf of herself and family for approval to name the road next to the land Ms. Gurule has purchased on the West Mesa in Belen off of Greer Road, to be named after her son Phillip L. Silva who was murdered on December 20th of this past year. This would mean a lot to the Gurule family to keep his memory alive as much as they can. This road was just constructed a month ago. Richard Chavez, Rural Addresser, said that by Resolution 93-10, a road being requested by first or last name needs the approval of the Commission. Mr. Chavez said Planning & Zoning has no objection to the name, in the report submitted by Mr. Chavez and Deputy Fire Marshall Charles Eaton, there's a utility pole at the entrance of the road that Mr. Chavez and Mr. Eaton recommended be relocated as it may have an effect on emergency response vehicles. This road was constructed by Gilbert Tabet. The pole that stands in the middle will be removed as soon as Public Service can get it on their schedule. Tom Garde, County Attorney, told the Commission all the Commission is being asked is to allow the naming of the road. The resolution in 1993, mandates the County Commission approve a name of a road by the first or last name. This Commission is not being asked to accept this road for dedication. This road is a 40-foot easement. The existing surface was bladed. Commissioner Daves made a motion to approve the name of this road to Phillip L. Silva Road. Commission Chair Aguilar asked Commissioner Daves to hold back on his motion, as she would like to ask the public if anyone has any comments on the naming of this road.

Commissioner Daves withdrew his motion. Commissioner Baca made a motion to approve naming this road Silva L. Silva road subject to the removal of the utility pole. Commissioner Daves seconded the motion. Motion carried with a vote of 4-0. See exhibit B.

Appeal Planning & Zoning Decision of Denial of a Building Permit/Experimental Aircraft Association.....Pedro Rael

Pedro Rael told the Commission there was an application made by the Experimental Aircraft Association a few months ago to build a hanger at the Mid Valley Air Park. The Experimental Aircraft Association is a non-profit organization, which deals in experimental aircraft and also has a Young Eagles Program in which they introduce the youth to the art of flying an airplane. In the past couple of years, this program has taken up 500 youth in the Valencia County area with no charge to the children. The proposal was to build a hanger to house the experimental aircraft and the aircraft that the kids ride. On a lot that has been combined which was fifty feet, now by 108 feet. The description is accurate in the notice of the public hearing and it is zoned C1, block 8, unit 5, lot 6, William & Son Airpark Los Lunas, New Mexico. The application for a building permit was denied and is here as an appeal before the Commission to request that the building permit be issued. This subdivision is residential and commercial. These hangers are in an area in which there are lots of other hangers. Commissioner Daves asked where other hangers exist with similar setbacks. There are at least 4 hangers in the same area immediately to the south and immediately to the east. There is no setback other than a few feet. The opposed building hanger is immediately to the east of the north-south taxiway, which will make it further away from the north-south runway at the Mid Valley Airpark. There are at least 4 right in the same area, that are adjacent to the proposed building site. See exhibit C.

Clayton Stansell told the Commission the National Organization Experimental Aircraft Association promotes and encourages the building, construction, and education of people about amateur built aircraft. Its side function, which is turning into be a major function is to introduce young people to aviation through the Young Eagles. The Association has given about 500 rides to children in the last 4-5 years. Children do not get charged for the service, and the pilots and members of the association who fly get paid for these rides out of their own pockets, it doesn't even come from the association. Mr. Stansell is the President of Chapter 5-30, the local chapter of the association. Mr. Stansell said the intended use of the proposed building is to store airplanes and to house meetings. There will be no money making from this. Commission Chair Aguilar asked if the hanger is compatible to the area. Mr. Stansell answered absolutely. There is a Homeowners Association on the Mid Valley Subdivision that patrols and restricts and this activity will have to comply with their covenants. See exhibit C.

Richard Horton, Member of the Board of the Mid Valley Property Owners Association, is an optical engineer and Treasurer of the Board. Mr. Horton told the Commission the Board is very much behind what the EAA is doing here. Mr. Horton told the Commission on July 9, 1999, there were plans that were turned down and confiscated by Planning & Zoning. The plans are actually the intellectual property of the EAA and Mr. Horton is appalled that they've been confiscated. The airpark has both covenants for the commercial and residential properties. The airpark has an architectural committee that reviews the plans of anyone building on the airpark. After those plans are reviewed and signed off, they go to the building permits. The history of this is there was a building approved to be placed on these two lots prior, the runway committee decided to ask the EAA to comply with a setback from the runway and have that setback the same as the bicycle shop. And one other building, so there wouldn't be turbulence created by the buildings that might offset landing aircraft, and they had approved plans in the 1997-1998 timeframe. The Association asked them to amend their plans to deal with these new setbacks for safety reasons and they revised the plans, got them re-approved by the architectural committee, and then they have been sat on by the County since July of 1999. Mr. Horton said the covenants for the residential properties say that no portion of any residents or other structure shall be placed within 15 feet of the side line of the lot except that construing the restriction and nothing shall be placed within 25 feet of the roads or 15 feet at the back. The commercial covenants were filed with the county in 1985, they use the same wording except the only thing they call is that no portion of the building or other structure shall be placed or constructed within 15 feet of a street or taxiway. What is implied here is that the drafter of these covenants knew that they could impose a setback from other lot lines and it was not mentioned. Commissioner Daves commented that covenants don't supercede county ordinances. Mr. Horton said there are a dozen hangers in Mid Valley Airpark that have zero online setbacks. On behalf of the property owners at the airpark, Mr. Horton said there are a number of properties that would be useless if the property had to adhere to the new Zoning Ordinance. The Association believes they have grandfathered lot line setbacks that are in line with the covenants. See exhibit C.

Mr. Rael told the Commission that this is not near a residential area, this is strictly for housing airplanes and it is in a hangered area. Mr. Rael said he read the ordinance that has setbacks, 601.01 subsection 7, Mr. Rael can't find in the preamble to the ordinance as it says the purpose of the C1 district is to provide limited convenience, commercial services for a specific residential market area. Mr. Rael said there is nothing in there that even remotely resembles application to an airport or hangers for airplanes. Mr. Rael doesn't believe the ordinance applies at all to hangers that are not attached to residence. Mr. Rael said they are asking the Commission not to approve any commercial activity, but to approve a used condition upon. See exhibit C.

Steven Chavez, Valencia County Planner, told the Commission he thinks this should be remanded to Planning & Zoning. Mr. Chavez thinks these people need to apply for a variance. Mr. Chavez said

pursuant to section 13-04 of the Zoning Ordinance, when a denial from administration is passed on to an application, then they have a right to appeal that decision. Mr. Chavez said that the exhibits that were provided for the Commission by Mr. Rael, Mr. Chavez has not seen. When Mr. Chavez originally spoke with the applicants, they applied for a building permit at the Building Inspectors Department. In that application for a building permit, they have to provide a demonstration that they meet the setbacks for that zone before a building permit will be issued. The Building Inspector indicated to Mr. Chavez that the setbacks were not met under the C1 district as it is zoned C1 and they would need approval from Mr. Chavez. Mr. Chavez denied the approval because Mr. Chavez informed the applicants that they would have to give him a demonstration that the county approved those setbacks in their subdivision in 1973, or that the county approved those setbacks in their revised covenants in 1985. They did not show either of those to Mr. Chavez. Mr. Chavez disagrees with Mr. Rael's interpretation of the Zoning Ordinance, this is zoned and has been zoned with authorization of this Board, C1. Under the C1 districts, 601-07 subsection C, specifically requires 30-foot setbacks in front, 15 on the side. Their setbacks of this hanger are 6 on the front and 1 on the side. Moreover, this building crosses over on two lots. Mr. Chavez does not have a problem with this hanger on this lot, but wants the Commission to be aware that covenants are promises between the owners and the chain of title. There are fire safety issues that Planning & Zoning was concerned with and thinks the Commission should be concerned with the same issues. Mr. Chavez also said that Planning & Zoning never confiscated any plats, they were submitted to Planning & Zoning with their application, the Building Inspector still has those, they never came by with the request to be returned, they are still there. Commissioner Pando said the Commission does not approve or enforce covenants. Commission Chair Aguilar made a motion to approve this building permit. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0. See exhibit C.

Request to Vacate an Easement/3372 Hwy 47.....Jesse Aragon

Sam Aragon, representing his brother Jesse Aragon, requested to vacate an easement that has been present on a piece of land that his father has owned for a long time. This is approximately ½ acre on Highway 47. Jesse purchased the land from his father and now owns the property. According to Sam Aragon, Jesse would like that easement to be removed as it's never been used and exists in the middle of the land and there's a home in the backend of the land. There is a fence and a building directly next to it. Commission Chair Aguilar recommended that Mr. Aragon follow the procedures such as getting viewers. Tom Garde, County Attorney, told Mr. Aragon that viewers would need to go out to determine whether or not it's in the best interest of the County to vacate the easement. The way the Aragon's found out about the easement is from a recent survey that was done last year. Commission Chair Aguilar stated, in order to remove it, all the property owners must be notified. Commissioner Daves asked staff to bring these issues to maturity in terms of the process and staff comments. Commissioner Pando said he doesn't have any problem with what the Aragon's are trying to do but there is a procedure that has to be followed. Commissioner Pando recommended that Mr. Aragon get with staff and Planning & Zoning and the Attorney, to be advised as to what the next step is. See exhibit D.

Lucy Chavez asked, once the request to vacate the road is granted, does Mr. Aragon have the right to fix it and call it his private property? This is a road easement that has never been used. Ms. Chavez also asked, the new owner of the property that Mr. Aragon has sold or is trying to sell, where is he going to have the right to enter and exit into his property. Commissioner Pando made a motion to table this item until the Commission has some answers to move forward. Commission Chair Aguilar said she would like this to go back to Planning & Zoning where they start the application process so Planning & Zoning can address these questions. Commissioner Pando agreed with Commission Chair Aguilar. Commissioner Daves seconded the motion. Motion carried. Commission Chair Aguilar told Ms. Chavez to get together with Steven Chavez from Planning & Zoning to express her concerns. See exhibit D.

Request Signature Capital Outlay Contract between State Agency of Aging & Valencia County.....M. Gonzales

Mary Anne Gonzales requested that the Commission approve an agreement between the County of Valencia and State Agency on Aging for a capital outlay contract in the amount of \$14,970.00 for the purpose of purchasing meals and equipment for the Older American Program. Ms. Gonzales recommended approval on this. Commissioner Pando made a motion to approve this request. Commissioner Padilla seconded the motion. This money has been appropriated through a general obligation bond. Motion carried with a vote of 4-0. See exhibit E.

Amendments on Grant from 2000/01 to October 1, 2001/NM Clean & Beautiful Litter Control.....R. VerEecke

Robin VerEecke asked the Commission for an extension on her grant to enable that the entire funds will be used. Ms. VerEecke is in agreement with the request. Commissioner Padilla made a motion to approve this request. Commissioner Daves seconded the motion. Motion carried. See exhibit F.

Budget Hearing & Final Consideration of Preliminary Budget for Fiscal Year 2001/2002.....Carlos Montoya

Carlos Montoya, County Fiscal Officer, told the Commission there was two items that were brought up by a gentleman earlier and Mr. Montoya reported that last year, the Commissioners budget was \$4,763,327.00. This year the Fiscal Office is proposing a budget for the Commissioners of \$4,625,497.00, which is a decrease of \$137,830.00. Last year, total Law Enforcement was

\$2,051,708.00, this year the Fiscal Office is proposing \$1,977,980.00, which is a difference of \$73,000.00 less than last year. Last year the Sheriff received \$80,000.00 from the State Legislature for capital outlays. If that \$80,000.00 is subtracted the Sheriff's budget is being increased by \$7,000.00. The Sheriff did not receive anything this year from Santa Fe.

James Fernandez, County Manager, stated that last years Commission budget was \$4,307,792, and the adult detention facility has to be added to that which now falls under the Commission according to the \$5,535, actual expenditures would have been \$4,763,327.00. Mr. Fernandez said the Commission budget has actually gone down. Mr. Montoya said that by laws set by the State of New Mexico, the preliminary budget has to be in Santa Fe on May 31, 2001. Mr. Montoya asked for an extension for the public meeting, so there is an extension until tomorrow to submit the preliminary budget to Department of Finance Administration (DFA). Mr. Montoya passed out a spreadsheet to show requirements by DFA. Mr. Montoya said that on budgets, DFA requires Counties to have a cash reserve of 3/12 of the Counties expenditures. Due to the problems that the State is experiencing, the County asked for a waiver of the 3/12 to a 2/12, as this is common practice with other counties. Valencia County was granted this waiver, so the County needs to meet the 2/12 requirement set by DFA. Projected revenues for the upcoming fiscal year are going to be \$9,066,033.00. The County's projected expenditures will be \$8,993,253.00. Taking these figures into consideration, that will leave the County with a cash balance of \$1,536,284.00. The requirements set forth by DFA is \$1,498,876.00. The County will surpass that by \$38,000.00 on the requirement of 2/12. This is the projected revenue for a population of 63,000 people. The big advantage that municipalities have, is they have the Commercial district and the Gross Receipts Tax. The majority of the money goes to municipalities, the County gets a small share of gross receipts, which is about \$580,000.00. Mr. Montoya said that the Village of Los Lunas gets 3.8 million dollars from the Gross Receipts Tax.

Commission Chair Aguilar, mentioned receiving phone calls about the jail, animal control, and other facilities. The County does have the only jail as the other municipalities don't. The municipalities bring the prisoners after the third day, regardless if the crime was committed in the municipalities or the County. After the third day, prisoners become the responsibility of the County and the County pays for the prisoners. Belen pays \$64.00 per prisoner, per day, for the three days, Los Lunas pays about \$71.00. The County also takes care of the Pueblo of isleta's prisoners. In looking at that, the County cannot change it because that's state statute. The County has over 100 prisoners now, three years ago it was averaging 50-60. As of today, the average population of prisoners is 104 daily. Per statute, the County has to provide psychiatric, drugs, dental, medical in addition to assuming all liability and making sure that it is operation for all prisoners. The County also provides educational programs and religious services.

The County has the only Animal Control facility. All animals from Belen, Bosque Farms, Los Lunas, Isleta, and northern Socorro County are brought to the Valencia County facility. Belen pays a flat fee of \$750.00 per month whether there's 1 animal or 10,000 animals. Once the animals come in, the County assumes responsibility, liability, cost of utilities, etc.

The County is also responsible for housing District Court, Probation & Parole, one Public Health Office and the County has two Public Health Offices, Juvenile Detention, Treasurer, Clerk, Probate Judge, and District Attorney.

The County has a landfill that closed in 1995. State and EID regulations mandate that the County has to monitor this for 30 years at a cost of \$44,000.00 a year. The County did not have this expenditure 3 years ago because the County was told it had been properly closed to find out that it wasn't. It will cost the County 1,000,000.00 to officially close it. The County is asking for a legislative grant to help with the cleanup, but if it doesn't come, it falls on the taxpayers to pay for it. In addition to that, the County is responsible for keeping an eye on that old landfill, making sure that the quality of dirt is okay, the lining is disturbed, there isn't ground water contamination, and no one trespasses or throws trash on it. If something happens, it is an additional expense to the County. That was open to all the residents, but the County is the only one responsible for paying for it, not Belen, Los Lunas, or Bosque Farms.

The County also houses 911 and it's the County dispatchers that send out the Sheriff, ambulances, Fire and Rescue. Commission Chair Aguilar said if you take all those expenses, what does the County fund for the Sheriff, Road Department, and the operation of County Government. Then comes the programs such as Youth 4H, Soil Conservation, and last year the County had to contribute to Bosque Farms because they wouldn't allow the County residents to use their library. There are other programs such as the Senior Olympics. Commissioner Daves said that the laws with relation to County taxation were designed for counties where there is not 60% of the population living in unincorporated areas. Commissioner Daves thinks there is a fundamental unbalance between the ability of the County to do the required things and also to do the things the County really wants and needs to do for lots of good reasons. Commissioner Daves said it's very difficult to take care of business when County revenues are flat and the County has no control over them except for that 1/8 of a cent left that is really up to the voters.

James Fernandez, County Manager, said when the budget process was started, the County did try to verify with the Department of Finance & Administration whether or not the County had any additional taxing authority under property taxes. The County verified it is at the maximum limit on property taxes, so that is not an avenue available to the County. There are provisions under the Property Tax Code that also set limits on any increases the County can generate from revenue from property

taxes. The County cannot experience anything greater than a 5% increase. For every property tax dollar that is billed, the County only retains \$.29 of every dollar billed, the rest goes to other agencies. The distribution of property taxes is determined by tax rates that are established by DFA, anyone under the property tax code is the State, County, Municipalities, School Districts, Irrigation District, and the Branch College.

Commissioner Padilla mentioned that with stores such as Wal Mart, Walgreen's, Smiths, etc, the cities have the right to annex them, and when they are annexed, the County loses. The County has to assume more of the costs of running this county and has the least money.

Commission Chair Aguilar said that in the last two years, people, farmers, and agriculture have come to the County to where they want to preserve the valley with a 2-acre minimum, which has slowed growth. New construction is a good revenue source for the County, by slowing growth and not having construction, it has affected County revenues.

Commissioner Pando asked about the 5% tax rates. Mr. Fernandez said the dollars that are generated from property taxes, what is called Yield Control kicks in and that's what affects the property tax rate. So, if the County submits a budget of 8 or 9 million dollars and the County proposes 4 ½ million of that to come from property taxes, the State will allow only a 5% increase on a tax rate to generate additional money from property taxes.

Commission Chair Aguilar mentioned that as far as fire protection, they are volunteers, so now the Commission is hearing about Law Enforcement wanting a raise. Whenever insurance premiums are paid, that money goes to Santa Fe and there's only a portion that comes back to the County of 2%. Commission Chair Aguilar said "We're going to have to be addressing volunteer fire fighters, they want to get paid. We're having trouble getting volunteers, there's equipment, and other needs. Am I not correct?" She went on to say, "The legislatures can take some of your money and bring it back into this County instead of putting it into their kitty and using it for their projects." Commission Chair Aguilar stated that "Last year Senator Sanchez brought in \$800,000.00 to the City of Belen for recreation. They're claiming a budget of 14 million dollars. Our employees haven't received a raise in several years. And we have Representative Luna, for two years has brought zero dollars into this county, its gone into Belen, Los Lunas. And I know I sound like I'm tainting, but I'm not, this is reality that if we can get the legislators to help us with some of our projects, like the land closure and Sheriff vehicles, that sort of thing, we have money left over for you all. But when statute says, Commissioners, you cannot approve a project, you cannot fund it unless you have a budget for it, and it is illegal. It's not that we don't want to fund your program, we need help and we need people to come to more Commission meetings and get involved." Commissioner Pando stated, "We also have a Governor who vetoed the entire appropriation package this year. I don't know who to put pressure on there, but we all rely on some of that state money for us to continue our projects. At this point in time basically we're stopped, we're dead, because there is no money." Mr. Montoya stated that in order for the County to meet the requirements of the 2/12, the County is proposing no raises to the 220 employees, a hiring freeze on all vacant positions, and not allowing any capital outlay to any departments except for the valuation fund for the Assessor's Office. The County has combined all the office supply line items and put them in one line item to purchase by bulk to get a better price. Mileage and per-diem has been restricted for elected officials and employees. Other line items have been cut out in order to meet these expenditures. If there's any changes to the expenditures that were presented, it will definitely affect the 2/12 requirement. A rearrangement of the money that is budgeted is possible.

Mr. Montoya asked to discuss the Commission budget first before getting into the other line items. Commission Chair Aguilar asked Frank Holguin from the Extension Service, that with the existing budget, there's a \$4,500.00 shortfall that Mr. Holguin budgeted for thinking he had it and he expended on it. Mr. Montoya said that with last year's budget, Mr. Holguin came in for an increase. The County is customary for giving the Extension Office \$58,000.00. Last year, Mr. Holguin asked for an increase of \$4,500.00. It was a direction of the Commission to direct staff to budget the amount that Mr. Holguin had asked for the increase with the understanding that he would go to the other municipalities and ask for the difference of the \$4,000.00 to help the County to satisfy his needs. The County budgeted the \$62,500 that Mr. Holguin had requested. Mr. Holguin did go to some of the communities, the Village of Los Lunas said this is a county problem it's not a village problem, so the Village could not budget money for them right now. At that point, everything died, Mr. Holguin was on the assumption that the County would give him \$62,000.00. Every quarter, the Fiscal Office gets billed and pays the bills. This last quarter was a shortfall of \$4,000.00 because the other municipalities, in particular Los Lunas decided not to help the County. Mr. Holguin said the way the Extension Service understood it is "Yes, we were going to get fully funded regardless of the outcome between the municipalities. The figure itself was for \$4,700.00 and as you recall we were going for \$1,250.00 for each one of the municipalities. Like I said if you look at the minutes of that meeting, the motion was somewhat ambiguous and is hard to find but the interpretation can be made both ways, and like I said the way we made it is that the money was there." Commissioner Pando understood the motion to be that the County would give \$1,250 and every municipality would give \$1,250.00. Mr. Holguin said that was the understanding behind the motion, but the understanding regardless of the outcome, the County would pick up. See exhibit G.

Commission Chair Aguilar asked Mr. Holguin if they don't get the \$4,700.00 for this year, where is that affecting the 4H program. Mr. Holguin said that it is matching funds and if the Extension Office is loosing \$4,700.00 that's almost \$15,000.00 the Extension Office will lose, which is ¾ of the operation budget. Commission Chair Aguilar said that after the last meeting, she went back and looked at the

budget and checked with administration to see if there was any documentation that was sent to the Extension Service indicating what happened and the County wasn't going to do this. Commission Chair Aguilar found no documentation. Commission Chair Aguilar asked where the \$4,700.00 could come from. Mr. Montoya said it would have to come out of the Commissioners existing budget and budget line item transfers will have to be done. See exhibit G.

Commission Chair Aguilar said "Our travel budget was depleted, I did take a leave of absence when I was absent, there was money transferred in the amount of \$13,000.00 for additional Commission travel. We have Commissioner Pando who just returned from Hawaii. We have a couple of Commissioners that are planning to attend the Latino conference in San Jose, California in June. And we have a Commissioner that's wanting to travel to Pittsburgh, Philadelphia in July. If any of those trips get cancelled, you have your money. I leave it up to the Commissioners." Commissioner Daves said there is an excess ending balance over and above what the Commission needs, so there's room there without having to make the other decision. Mr. Montoya said they are discussing this year's budget, which ends June 30, 2001. Commissioner Pando said he went to Hawaii, he paid his own way, and the County paid \$1,800.00. The County approved travel for Juan Julian to Maryland, and the cost of that trip was \$1,680.00, so the cost is about the same to go to Hawaii and Maryland. Commissioner Pando said he intends to go to the Latino conference even if he has to pay his own way. Commissioner Pando said he's also going to Philadelphia and will pay his own way. Commissioner Pando asked Barbara Garcia, Administrative Secretary to take back whatever money has been spent by the County and he will reimburse it. Commissioner Padilla said his trip was planned before the budget was done and he can also pay his own way. Commissioner Pando said the County pays the Middle Rio Grande Council of Governments \$17,000.00 a year and recommended to pay MRGCOG half or nothing. See exhibit G.

Commissioner Daves made a motion to fully fund the Extension Service for the existing fiscal year and perhaps at the next meeting, find out where in the existing budget they can do that. Commission Chair Aguilar disagreed with Commissioner Daves as Mr. Holguin is asking for \$64,000.00. Mr. Montoya said all he needs is direction from this Commission to pay for the existing bill of \$4,700.00. Mr. Montoya stated this would reduce the ending cash balance by almost \$5,000.00. If Mr. Montoya does that calculation it will still meet the 2/12 requirement. Commissioner Daves asked staff at the next meeting to give recommendations of the line item transfers necessary within this fiscal year budget to have that take place. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0. See exhibit G.

Mr. Montoya said what the Fiscal Office is proposing to the Commissioner's Budget is a total of 4.625 budget. Out of that, required by law, the Jail's cost next year is \$2,894,870.00. Also required by law is for general detention, out of that \$300,000.00 is being budgeted. There's a joint powers agreement the county has with Bernalillo and Sandoval County. Juveniles are more expensive than adults. The average rate of adults incarcerated is \$90.00. The average rate of juveniles is \$125.00. Commission Chair Aguilar asked on the Joint Powers Agreement with Bernalillo County, they were supposed to come forth in April with a budget for this coming year, did they do that? Mr. Montoya said yes they did, they asked for an increase compared to last years budget, they're request was for \$494,000.00. The County is only budgeting \$300,000.00, so the County is \$194,000.00 indifferent with their over all budget. Commissioner Pando asked about the jail and why they only have half of the juvenile center is being utilized. Mr. Montoya said administration is prepared to meet with Joint Powers Counties and ask the same question. The Fiscal Office was told when they got into this agreement back in 1995 that after 2 years, the Juvenile Detention will be self-sustaining plus they could profit for the County. To this day forward, the County generates \$110,000.00 out of the \$500,000.00 as far as revenues and only half of it is being used. Mr. Fernandez said the staff of the Juvenile Detention facility indicated to him that many of the contracts they had before with Otero, Luna, and Sierra County, they have lost because there is a closer facility to them. Mr. Fernandez said correspondence was sent to Washington to try to get that building free & clear so the County can utilize it as it saw fit, but the County has yet to hear back from Washington. Commission Chair Aguilar said the Juvenile Detention Center Joint Powers Agreement was entered into by a previous Commission. This year the County learned from the auditors, they did an audit, there was a \$95,000.00 expenditure back in 1996-1997, they didn't tell Valencia County anything but went to Bernalillo County and tell Bernalillo they feel Valencia County owes them \$95,000.00 so Valencia County gets sued for it. Valencia County had to pay the \$95,000.00, the \$494,000.00 does not include the Juvenile Monitors. Commission Chair Aguilar feels there's a need for 1 Monitor but not a need for 2. Mr. Montoya said that utilities are a fixed cost that the Fiscal Office can't do anything about, which is \$137,500.00. Those are utilities for all the properties and buildings that the County owns including Animal Control. Mr. Montoya said the Commission budget that he has prepared is very tight. Mr. Montoya mentioned putting in \$25,000.00 to help the County Extension Office. Last year the Extension Office received \$64,000.00 plus \$12,000.00 of rent to house them. The total contribution last year was \$76,000.00.

The County belongs to the Association of Counties and pays \$20,000.00 to be a member of that Association. This Association helps the County with insurance packages and other benefits. The remaining \$17,000.00 is for the Middle Rio Grande Council of Governments. Commissioner Pando asked, there's \$50,000.00 for the Engineer, does the County need that? Mr. Montoya answered yes, this county was ordered to close the landfill in 1995, and it was under the assumption that the former administration and Commissioner accomplished that task. 2 ½ - 3 years ago, Mr. Fernandez and Mr. Montoya got a visit from the Environmental Department from Santa Fe and they told them the closing plan was not done sufficient, the County was under a fine penalty of \$350,000.00. At that time, Mr. Fernandez & Mr. Montoya went out for engineering services to accomplish the task that Santa Fe put forward. The County went out for a bid on that and got Molzin & Corbin to do the engineering and the

closing documents. The closing documents are now in Santa Fe and have been there since last April. Once those are accepted, it will cost the County 1 million dollars to close the landfill. In the interim the County was required to put four additional monitoring wells that the Fiscal Office always thought were there from the previous administration. This landfill is in Pueblitos, south of Belen on Highway 85. The County has to monitor 4 times a year at a cost of \$12,000.00 per monitor. These professionals go out there, read the readings, prepare a report, and send it to Santa Fe. If the County finds out there is no contamination at the landfill, it can reduce the regularity of monitors. The County would like this reduced to semi annual monitoring, which will reduce the cost to \$24,000.00. After that the County has the option to get it down to once a year. Mr. Montoya suggested, on the expenditures from the general fund, the Fiscal Office could move this expense out of the general fund and put it into the solid waste expense. By allowing the Fiscal Office to do that, extra money can be freed up to put somewhere else. The solid waste fund is operated from the gross receipts tax and the county only gets \$10,000.00 a month on that. For the \$5.00, the County gets from all the pickups that go there, that's how the County pays the employees and trash disposal. Mr. Montoya asked the Commission to supplement next year \$50,000.00 to come from the general fund into the solid waste fund. This will help the County meet the 2/12 requirement by DFA.

Mr. Montoya told the Commission, due to the overrun of paving projects and costs of gasoline last fiscal year, there is a shortfall in the Road Department. What the County is proposing on this budget is a transfer of \$358,233.00 from the general fund to the Road Department so they can complete the roads that require being complete by the State of New Mexico by December 2001. If this budget is approved, in July this transfer would be made to allow the Road Department to complete the projects that are supposed to be completed by December. Commission Chair Aguilar asked if someone should've come to the Commission and say before it is paid, there's been an overrun and to make the Commission aware because it's going to affect the cash balance at the end of the year. As far as a written report from the Road Department of the overruns, Mr. Montoya doesn't have any knowledge of that. Commission Chair Aguilar said that going from fund to fund, it does not only require the County's approval, but DFA approval. Mr. Montoya said last year, out of the Road Construction projects, \$900,000.00 was budgeted. The Manzano Expressway was anticipated to cost \$400,000.00, but due to the overrun, it came out to \$520,000.00. The County received \$369,000.00 from the Legislature, the County put in the rest of it. Commission Chair Aguilar stated, if the money came in from the State to pave certain roads, and the roads were not paved, and that paving money was used for the Manzano Expressway, the Commissioners should've known and that money should not have been taken from the paving of the roads. Mr. Montoya told the Commission, the County has until December 31, 2001 to pave the roads. Commissioner Daves said the County is losing ground from the money the County receives from the State with regard to doing as much as the County would've liked to do with that money.

Middle Rio Grande Council of Governments

Commissioner Daves asked to discuss the fees of the Middle Rio Grande Council of Governments. The dues from the Middle Rio Grande Council of Government are \$17,000.00. Mr. Fernandez told the Commission he did verify with MRGCOG, if there was anything short of a full membership, there are no associate memberships for government entities. The only thing that could be done, is the County would have to petition the full Board for a waiver of the membership fees. Commissioner Daves feels that MRGCOG is a benefit, but made a motion to relinquish membership from MRGCOG. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0.

Public Health

Commission Chair Aguilar stated that the budget is affecting Public Health. The Public Health in Los Lunas will be cut in half, so the Public Health Department is being forced to combine into one Health Department or move some place else that's cheaper. Last year the County paid \$24,000.00 to the State to rent the Training School where the County has 5,595 square feet. This year the County has proposed to cut that in half to \$12,500.00. The County funds the Health Department in Belen and pays \$23,520.00 to provide health services to the southern part of the County. The County will save \$11,500.00 by closing the Belen Health Department. The total amount the County is funding for the Health Department is \$37,500.00. The State is going to ask for \$25,000.00 to house Los Lunas.

Extension Service

Commission Chair Aguilar asked, if the County takes the \$17,000.00 from MRGCOG and add it to the \$25,000.00 to budget for Extension Service, that is \$42,000.00. The Extension Service is asking for \$64,400.00.

Commission Chair Aguilar said the County has office space in the Courthouse for the Extension Service. If the Extension Service moved to the Courthouse, it would save \$12,000.00. There are two offices available. Commission Chair Aguilar asked Frank Holguin from the Extension Service, If the County comes up with \$42,000.00 right now, would he commit to go to Belen, Bosque Farms, and Los Lunas to take the difference and ask them to help the County.

Mike Meckenbier passed out a petition of 700 signatures to the Commission. Mr. Meckenbier proposed a 3-step method to solving this problem. Mr. Meckenbier proposed a committee of Mr. Holguin, Mr. Meckenbier, and a Councilor from each of the appropriate districts, to approach municipalities about a contribution of \$10,000.00 each, which is \$30,000.00. Instead of trying to find a place to house the Extension Service, Mr. Meckenbier is building a new office building at Valencia Y, and will house the Extension Service for one-year rent-free. Mr. Meckenbier asked Councilors to

look at their discretionary funding. Mr. Meckenbier said the County might be able to decrease the need for the Jail and Juvenile Detention Center. Commission Chair Aguilar gave her support to what Mr. Meckenbier proposed. Commission Chair Aguilar asked, can the Commission submit the budget to Extension Service at \$42,000.00 for now to be able to just get a preliminary approval with the understanding that there is going to have to be final approval in 30 days. Mr. Meckenbier asked the Commission if the County could count on level spending from last years budget. Mr. Meckenbier will make the Commitment to try to come up with the \$30,000.00, but asked the Commission, "If we fall short of the \$30,000.00 will the Commission stand behind us and will we at least stay with last year?" Commission Chair Aguilar said "We're working with you and we'll look at the budget and see where else we need to cut, but I don't think today is the appropriate day to say take from this or that." Commissioner Daves told Commission Chair Aguilar, "Apparently we have agreed that whatever you and he have negotiated, that's what you've just said, will happen. And what he just said was that we ultimately make a moral commitment, at least a moral commitment to that full amount. I think that's what the substance of your negotiations has come to." Commission Chair Aguilar told Commissioner Daves, "We're not talking full amount, he's saying that the other 3 municipalities." Commissioner Daves said, "No, Madam Chair, he's saying that regardless of what they do, we commit to the full amount." Mr. Meckenbier said he will get every penny he can with the 3, and will also save the County the \$12,000.00 expenditure in the rent. Commissioner Pando said he supports the Extension Service 100%, but would much rather find a place for the Extension Service where the County can house them permanently. Commissioner Pando said it will cost a minimum of \$3,000.00 to move phones. Commissioner Pando volunteered to go with Mr. Meckenbier to Los Lunas. Mr. Meckenbier told the Commission, "You find the place and we'll take care of the phones." Commissioner Padilla told Mr. Meckenbier to take all the children with him to ask for the money from the municipalities. Mr. Holguin said he had concerns of falling short on the funding.

Tom Garde, County Attorney, said there is requirement that there be a written agreement with the College. The other factor is, this is all discretion. The Commission has no obligation, this is a discretion item that is up to the Commission's approval. There needs to be a contract in place. Mr. Holguin said there was a Joint Powers Agreement last year but it probably needs to be renewed every year.

Billy Gridson, State Dean & Director of Extension, told the Commission that Corporate Extension Service is the best buy in County Government because for the Counties \$64,426.00, the State is willing to bring \$180,000.00 into Valencia County. That money is a 2 for 1 match. In addition to that, the State will fund \$51,000.00 in food stamp nutrition education program that is earmarked money and cannot be spent on anything except that program. Mr. Gridson said Valencia has one of the best 4H programs in the State of New Mexico. Mr. Gridson asked the Commission to do as much as they possibly can. Commissioner Pando asked Mr. Holguin what is the bottom figure they can work on. Mr. Holguin said they could cut \$2,000.00 or \$1,600.00, which is basically the increase.

Mr. Montoya said on professional services, the County is cutting community service to \$9,000.00. The County is cutting the Juvenile Monitor grant to \$9,000.00 from \$80,000.00 and \$23,000.00.

Health Department

The County is budgeting to cover the rent for the Belen Health Office of \$23,520.00 and to reduce the utility costs at the Training School from \$25,000.00 to \$12,500.00. Commissioner Pando said he wouldn't support any cuts in the Health Department at this time until Mr. Montoya talks to the State and see if there's anything they can do.

Extension Service

Mr. Montoya said next year the County is predicting a cash balance in the Solid Waste of almost \$41,000.00. If Mr. Montoya puts this expense there they are going to have a negative cash balance of \$9,000.00. It is up to Mr. Montoya, Director of Solid Waste, to reduce his expenditures. Mr. Montoya thinks he can accomplish that. What it will do is reduce the cash balance, which is no requirement from DFA on the Solid Waste Enterprise fund. Commissioner Pando asked Mr. Montoya, "Would it be best if we did this and would it solve some of the problems?" Mr. Montoya said in his opinion yes. Commissioner Pando said "We started with \$25,000.00, we got \$17,000.00 from COG, which is \$42,000.00. We're paying \$12,000.00 a year rent, which is \$54,000.00. Now last year, we gave to, the total amount that we gave to the Extension Service was \$74,700.00." Commissioner Pando would like to ask the municipalities to help with the money. Commissioner Pando said that would amount to \$10,500.00. But assuming they don't give it to the County, which probably they won't, Commissioner Pando recommended going with the \$62,800.00. Commissioner Pando would like to give \$62,800.00 and have these people move into the courthouse before July 1st. Commissioner Pando stated that Mr. Meckenbier said he would pay for the \$3,000.00 telephone movement. Mr. Montoya said the County is going to move the engineering \$50,000.00 out of the general fund and put it into the enterprise fund of the Solid Waste. Also \$17,000.00 will be moved out of membership dues and reduce it from \$37,000.00 to \$20,000.00. Out of those two savings from the general fund. The Agricultural Agent budget will be increased from \$25,000.00 to \$62,800.00. Mr. Holguin said the Extension Service is looking at approximately 1000 square feet of space that includes the office space and some storage. Mr. Holguin said that Tierra Bonita is currently housed in their office. Tom Garde, County Attorney, told the Commission there is a 30-day notice that the Extension Service is moving out, and this \$925.00 is going to be an additional amount that has to be paid. Mr. Holguin said "Regardless of where we go, there's probably going to be some expense. And if nothing else, the best that we're probably going to be able to do is get a place for the cost of utilities. There needs to be something in the budget for that." Commission Chair Aguilar said,

"If you're budgeting and then you're saying, we'll take care of you housing later, legally and on us we can't. One goes with the other. How can you operate if you don't have a place to go to. And if you say well, we'll just wait and budget for a month. As a Commissioner, I can't approve that because it hasn't been budgeted." Mr. Holguin said, "If we have to convert some of that budget into space right now, we lose a position." Commissioner Daves said, "If you come to the courthouse, I don't think you have to do that." Mr. Montoya said, if this budget is approved at \$62,800.00 he will contact the landlords and tell them as of June 30, 2001 the County is not responsible for the rent but the can assume the rent meaning the Extension could work with the current landlord. Commission Chair Aguilar said it doesn't make sense to her, "You're funding them for three agents and training and they have nutritionists, and you're putting them in two offices." Mr. Montoya said there is additional room downstairs also. Currently at Mondel Plaza, it is 850 square feet that the Extension Service is operating out of. Commission Chair Aguilar said, "We're okay until the end of the month, right? Until the end of June. Let me get together with Meckenbier. Let me make a call to Wells Fargo and see if I can't help raise the money for the rent so that you can stay there." Commissioner Pando asked if there needs to be a motion. Commission Chair Aguilar stated, "You're changing the budget." Commissioner Pando made a motion, "Well then I make a motion to that effect, to everything that has been discussed." Commissioner Daves seconded the motion. The motion is for \$62,800.00. Mr. Montoya said the County does have it in the budget. Mr. Garde said it is legal. Motion carried with a vote of 4-0.

Health Department

Mr. Montoya asked what direction the Commission would like staff to take as far as the utilities for the Los Lunas Health Department. Mr. Montoya said they will keep the Los Lunas Health Department at \$12,500.00 and negotiate with Santa Fe. If there needs to be an adjustment, the Fiscal Office will make the adjustment for the final budget in July. Commission Chair Aguilar said, "So you're basically funding it for 6 months because of the rent?" Mr. Montoya said, they are budgeting \$12,500.00 until the County meets with Santa Fe and finds out what the true costs are. Commissioner Daves said this is not for rent, it is for utilities and maintenance and it's one payment a year, it's not a monthly payment. James Fernandez, County Manager, suggested putting the whole \$25,000.00 and if they error on the side of being overly conservative, they can always make it a cushion. Mr. Montoya said he will put \$25,000.00 on utilities for the Los Lunas Health Department. Commissioner Daves made a motion that that be done. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0.

Sheriff's Budget

Commission Chair Aguilar said the County budgeted \$300,000.00 for the JPA Juvenile Detention, they billed the County for \$494,000.00. The County can either make up the difference or come up with other alternatives. Mr. Montoya asked for a count of Valencia County residents for the whole year and multiplied it by 125.00 and it came out to \$280,000.00 so worse case scenario if the County gets out of the agreement, the County would have to have \$300,000.00 that it costs the County to house the juveniles either here or somewhere else. The \$125.00 covers the costs of all medical, but the County would have to pay for the transportation. Transportation/Extradition is getting more and more expensive. Mr. Montoya only put in \$10,000.00 for that. Currently today, the County has spent \$13,000.00. Mr. Montoya did allow \$10,000.00 for new uniforms for the officers. \$20,000.00 was budgeted for overtime. So far this year, \$20,168.00, was spent on overtime. \$50,000.00 is being budgeted for car expense. The detective division takes a larger chunk of this in the field service section, based on the fact that if there is a major homicide, 3 or 4 officers are out there for an extended period of time. Last year there were 5 homicides in the County. The Sheriff will be added to the agenda on the 19th of June. Mr. Montoya said the Sheriff's is the only department that was allowed to fill a vacancy, which is a dispatcher. A part time salary by Joe Perkins was created last year to give the clerical staff more help in the office. A beginning entry level for a certified officer makes \$22,672.00. Commissioner Daves made a motion to give all employees of the Sheriff's Department \$1.00 an hour raise. Commission Chair Aguilar seconded the motion. Mr. Montoya said it would cost an average of \$125,000.00 to give the Sheriff's Department a raise. Commissioner Pando voted no. Commissioner Daves voted yes. Commissioner Padilla voted no. Commissioner Baca voted no. Motion denied.

Kevin Kensey, a resident of Don Pasqual Road, had concerns about priority. Mr. Kensey said the Law Enforcement Office should have a priority. Mr. Kensey asked the Commissioners, "How would you fee if your child was molested, injured, or killed, or your house was broken into and robbed for lack of enforcement. And there's no enforcement available." Mr. Kensey proposed that the budget for law enforcement be realigned and prioritized correctly. Mr. Kensey offered to assist in working with Sheriff Julian to find more funds as he worked in contract and grant accounting for 2 years. Mr. Kensey said there are millions of federal and state dollars out there to assist poor counties. Mr. Kensey said he is a real estate broker and will and he will donate part of his commission to the county for the Sheriff's funds. Mr. Kensey would like the County to look for more funding from other sources.

Gary Hall, Lieutenant, had some concerns about \$1.00 an hour raise. Mr. Hall felt he won't see the whole \$1.00 as insurance rates are going up. Commission Chair Aguilar said she's wanted a five-year proposal from the Sheriff about training, costs, etc. Commission Chair Aguilar would like some justification as to what the Sheriff needs.

Commission Chair Aguilar asked if the Road Department could be cut to allow a raise for anyone. Mr. Montoya said no as the Road Department's budget is tight. Mr. Montoya said that any money that has been extra has been given to the Law Enforcement first before any other departments.

Mr. Montoya said the municipalities are currently being charged \$65.00 a day for prisoners, with the new rate, it will go up to \$82.92 a day. The Village of Los Lunas is questioning the Fiscal Office as to how they came up with that figure. Commission Chair Aguilar made a motion to pass this request. Commissioner Pando seconded the motion. This will be the billing rate starting July 1, 2001. Motion carried with a vote of 4-0.

Animal Control

Commission Chair Aguilar made a motion to “look at the Joint Powers, look at the costs, the facility, the whole bit, and not this thing that’s \$750.00 a month and we incur everything, whatever it turns out to or they can build their own.” Commissioner Padilla seconded the motion. Motion carried with a vote of 4-0. Mr. Montoya said he would take into consideration the remodeling that needs to be done at animal control and other expenses that the County is incurring because of the growth. The County is currently remodeling the existing facility and getting cost estimates as to expanding the facility in Belen and moving the main operation of the holding of the kennels to the Belen operation and here in Los Lunas use it strictly as an adoption facility. Mr. Montoya thinks it will be wise to get a current survey. Commission Chair Aguilar asked why the County is putting improvements into a building that they don’t have a signed lease yet as it belongs to the State. Mr. Montoya said that Santa Fe has signed their part. Tom Garde, County Attorney, said that both parties have to agree to the lease.

Clerk’s Budget

Tina Gallegos, Valencia County Clerk, had a concern about the vacant position in her office. The position that is vacant is in Recording & Filing. Ms. Gallegos said she was given \$1,000.00 of overtime and she requested \$2,000.00. In a conversation with Carol Anaya, Personnel Director, Ms. Gallegos said during an election her office acquires a lot of comp time. Ms. Gallegos said there would be an election in August or September, which is not in her budget. Also, should the Rio Communities incorporation pass, Ms. Gallegos feels the County will have to pay for an election should it incorporate. The money will come out of the general fund for the elections. Commission Chair Aguilar said that when all the residents from Rio Communities were at a meeting wanting an election, VIA said they would help and they were housing the offices for the first year. Commission Chair Aguilar said they were aware that the county was only paying for the first election. Commission Chair Aguilar asked Ms. Gallegos to write a letter to VIA indicating that there is going to have to be an election for the officers and it’s our understanding that they’ve committed and get something in writing.

Treasurer’s Budget

Dorothy Lovato, Deputy Treasurer, said they are satisfied with their budget. The Treasurer’s Office did want more money and more people in the office but understand they can’t have it.

Assessors Budget

Mr. Montoya told the Commission that the Assessor agreed to moving some positions into the valuation fund, but only a certain percentage of their salaries will attribute to the valuation. Mr. Montoya feels that valuations of property is a full time job and these appraisers should be paid out of the valuation fund at a full 100%. The general fund is funding 64% and 36% is coming out of the valuation fund. Mr. Montoya suggested leaving this the way its presented in the preliminary budget, if DFA has any concerns they will contact Mr. Montoya and Mr. Montoya will get back to Mr. Fernandez. Margaret Garcia, Deputy Assessor, told the Commission that the Assessor’s first proposal was not to move any of her full time employees to reappraisal, as she wanted it all out of the general fund. Ms. Garcia said according to Tom Garcia, the Assessor is not supposed to take full time salaries out of the appraisal budget. James Fernandez, County Manager, told the Commission that the letter that he went back on was a memo that was sent out in January 2000 from Department of Finance and Administration referring to section 738-38.1 talking about what the provisions are in the valuation fund. It says expenditures from the County Property Valuation Fund must be made pursuant to a property valuation program by the County Assessor and approved by the majority of the County Commission. DFA went on to clarify that these expenditures are for administrative class associated with reappraisal programs and include but are not limited to part time employee salaries and computer services. Conversation with Darlene Marez in Department of Finance and Administrative indicated to Mr. Fernandez to submit the budget as proposed. They will set up a meeting with Property Tax to discuss the issue but preliminary indications are they’re agreeing to what the County is saying. Mr. Montoya recommended leaving the budget alone. Ms. Garcia said the Assessor made a few other adjustments to the budget such as telephone and office supplies. The Assessor is moving \$5,000.00 out of office supplies and putting into capital outlay. Commissioner Daves made a motion to approve. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0.

Building Inspector

Mr. Montoya said the Building Inspector is in dire need of another vehicle. Mr. Montoya is working on a way of providing them another vehicle.

Probate Judge

Mr. Montoya said the Probate Judge is satisfied with her budget the way it is presented.

Data Processing

Mr. Montoya told the Commission he has moved all capital outlay of Data Processing but is still looking at ways in which to improve the Data Processing Department and save some money in the general fund.

Zoning

Zoning has requested vehicles as in the next couple of months they might need some vehicles. Zoning is having some transmission problems with one of their cars. Mr. Montoya told Steven Chavez, Valencia County Planner, to get the cost of a transmission and they will try and take that money out of the Manager's budget of Fiscal budget to provide them with.

Fire Marshall

The only big change is of the Medical Director who will be paid out of the Fire Marshall budget.

Fiscal Office

The only change in the Fiscal Office is \$20,000.00, which has been budgeted for office supplies.

Planning

There are no changes with the Planning Department budget.

Road Department

With the Road Department, these are funds that are outside of the general fund. The budget of the Road Department is \$1,352,639.00 out of that the general fund will contribute \$358,233.00. Mr. Montoya said with Road Construction & Maintenance, that \$525,000.00, the County budgeted in there \$300,000.00 to complete the roads that have not been completed which will leave a balance of \$200,000.00 to do buildup. There was a suggestion from the Road Department that this next year the County buildup the roads, and do not pave any roads until the following fiscal year. There are 5 roads that still have not been completed that should be completed before December 31, 2001. The County has already received the money for that and has until December to get the job done. Mr. Montoya said that 50% of the road projects have already been completed. Commission Chair Aguilar asked, "If we have the money, why are we waiting until December, why aren't we doing it this summer?" Mr. Montoya answered, "Because at the last meeting you were here if you remember, there was some overrun on some of the projects, so there's no money in the budget until July." Commission Chair Aguilar had some concerns, "The money that came in for these roads, , was used for something else?" Mr. Montoya said, it was used for the overruns and they're two years behind so every year the County has been ½ a year behind because the Highway Department's on a calendar year and the County is on a fiscal year. Commission Chair Aguilar stated, that at the last meeting, the Road Department said that some of the monies they used were for striping Mesa Road; they put in culverts, and put in guardrails. The project in Highland Meadows was last August and the County paid MCT \$30,000.00 for all the dirt work and it was not budgeted. The only place the Fiscal Office could get that money out of the budget was from road construction. Mr. Montoya told the Commission if they go with the recommendation from Fiscal and the Road Department, all the projects they were funded for will be completed and then next year the Road Departments going to have to redo the list that the Commission provided to her and instead of getting the pavement that the Commission wanted, they will buildup the roads and get them prepared to pave for the following year. Commission Chair Aguilar stated that she is not revising her list. Commission Chair Aguilar said the State is already authorizing and giving the County for these specific roads to do this job. Mr. Montoya said that's why it's important that the County have the Road Department redo their calculations and resubmit it to the Highway Department so the County doesn't fall behind again. Commission Chair Aguilar said, "I keep calling and they keep telling me, oh don't worry it's going to get done next month, you can't do it now in winter because it's freezing and we can't put the oil down. So, somebody's been lying to me, and I'm lying to the public, and now being told, they took your money and used it elsewhere so now you have to work with us to help us catch up. Well, isn't there a responsibility somewhere?" Mr. Montoya said "Yes, I don't run the Road Department. I get the bills when the job is done and I pay the bills." Commission Chair Aguilar said, "We catch up and we do all this and you keep the same people there, what guarantee do we have that it isn't going to continue if they don't know what to do?" Commissioner Daves asked, "Madam Chair, are you making a motion to fire somebody?" Commission Chair Aguilar said, "Oh, I tried to look at those Departments back in January, and I didn't have the support, and it wasn't for firing it was for clarification, in competency." Mr. Montoya told the Commission, if they want to get on the right track, these are the methods to take, if not to tell him so he can make the adjustments. Commissioner Pando said he would like to finish the roads that the Commission has been waiting for and wait on the rest if they have to. Commission Chair Aguilar asked, "Where does this put the Commission, we're being asked to approve a budget, approve warrants whereby we know that monies that were given to us for a specific project by the State Highway Department were used elsewhere, and we know that in order to catch up, even the road monies that we're getting for these other roads, we're going to pave last years roads and then try and catch up in six months. Liability?" " Tom Garde, County Attorney, said "Generally speaking there is a state statute that requires that monies that are appropriated be used for a purpose with regards to the Road Department." Commissioner Pando said his understanding on the Manzano Expressway was that VIA was going to help with the surveying and engineering and the County was going to buildup with some of the dirt, which was not supposed to cost, and all of a sudden the County is two hundred and some thousand dollars in the hole from money that was used

from other projects to finish that. Commission Chair Aguilar asked "Isn't there a legal obligation for someone to at least come and tell you, I asked for the money to be taken from here and be spent over there. They can't just spend it and at the end of the year come to us and say, you know what, we had all of this that we did for you Commissioners so now we're sorry." James Fernandez, County Manager, stated that responsibility should fall on the Road Department with this particular issue, as they had the information as to what they were proposing to pay or improve and knew what the costs were better than anyone. Mr. Fernandez said as the Road Department saw that budget dwindling, they needed to let Administration know so they can relay that information. Commission Chair Aguilar said, "This is shifting the liability onto us as Commissioners because we're approving. If you look at Statute 4-38-28, it was handed to me. And I'm just saying that I'm not out to fire anyone, but I'm also I not going to put myself in a liable position for someone else's ignorance or incompetence." Mr. Garde stated, "Looking at the statute alone, that would indicate that this Commission would in fact be held responsible and liable for approving it." Mr. Garde said that with regards to the Road fund, that money has to be utilized for specific purposes. Mr. Montoya said that last years roads are on this budget and the County has until December to complete them. If the County doesn't do what is being suggested, Mr. Montoya feels the County will never get out of this predicament. Commission Chair Aguilar said "On any project, when they said, we're going to do this, we're going to do that, they knew they were taking paving money, and what I'm saying, at no time did anyone come to us and say that's a different fund. We're transferring from this fund to do this work. That never got done." Mr. Montoya said that in April when he saw this, he stopped the paving and told the Road Department there is no money. Mr. Montoya suggested that the Commission approve the budget as presented to get on track. Mr. Montoya predicted the Commission will only have \$200,000.00 for paving, which is \$40,000.00 each Commissioner. Mr. Montoya would like the Road Department to revise the road list for next year and resubmit it to the Highway Department as the County has not received the money yet. Commission Chair Aguilar said she is very uncomfortable in approving this. Mr. Montoya told the Commission, "The funding we get from the Highway Department, is only 75%, the other 25% has to come out of the general fund, that's always been the procedure. Also, two years ago, if you look at the records on the general fund, the Motor Vehicle Road is \$350,000.00 if we put that all into the general fund, and it's our discretion to transfer as much money out of that into the road fund to complete the projects. We're saying were only transferring \$358,000.00, we're getting \$350,000.00 from the Motor Vehicle, plus our 25% matched. I think the roads last year were \$525,000.00. out of that \$107,000.00 had to come out of the general fund. And, this gives us the opportunity that we don't have to put all this \$350,000.00 that we get for the miles of road for the Motor Vehicle, we don't have to put it all, it's our discretion, the Commission's discretion, how much of it you want to put into the Road Department." Mr. Garde suggested that on that portion of the transfer there be a written justification as to what has transpired over this time frame because ultimately this is a preliminary budget and if DFA is to review it and approve it, they need to be aware of what happened. Commissioner Daves concurred with Mr. Garde's recommendation that the Commission itemize and be upfront and say what the County has done and say the County will also meet their obligations with the money they received from the State. Commissioner Daves said he would support or make a motion that the County does that. Mr. Garde said If DFA approves the justification, then basically the exposure to this Commission is off the table. Commissioner Pando said when the Road Department says how much a road is going to cost, he would like to know if that includes striping, curb and gutter, or whatever it takes to finish that road. Mr. Fernandez suggested to spreadsheet this and start out with a budget for each of the particular roads, so the Road Department has to provide that worksheet as to what they have spent on each of those particular projects. Commission Chair Aguilar suggested to call Louie Pena, Road Superintendent, into executive session, so he can be aware that he is the Road Superintendent and this is what his responsibilities are and this is what the County expects of him. Commission Chair Aguilar would like Mr. Pena in executive session next meeting. Mr. Montoya said he will put the explanation of transfers on page 35. See exhibit. See exhibit H.

Farm & Range

The County receives \$3,000.00 and expends \$3,000.00 for Highway Control.

Recreation

This department gets funded through the Highway Department. This department is asking for a transfer from the general fund of \$8,000.00 in order to complete projects. There was a request from the Village of Los Lunas to help them out with \$4,000.00 for next years budget, but the County did not put that in.

Senior Citizens

The County supplements the Senior Citizens program \$100,000.00. Mary Anne Gonzales has told Mr. Fernandez last week indicating she is expecting shortfalls. Mr. Fernandez asked Ms. Gonzales to place that in writing of what specific line items so the County does what they will have to make up. The County will have to look at shifting those bills into the Commission and paying out of the Commission's line items for car expense, food, and utilities. Commissioner Daves asked if this is a County program that the County is obliged by contract to meet these calls. Mr. Fernandez said the Board signed a sample contract with capital outlay, the Commission did sign something similar to that with a commitment to all these other programs too.

Fire Protection

John Cherry has 14 budgets in Fire Protection. Under EMS, last year the County had Tome/Adelino, this year the County does not have it. John Cherry said, unfortunately, without his knowledge, they

falsified their roster for last year, Mr. Baber passed away, and Jack Vigil the new Fire Chief would not have any of this, so the rescue was shut down for that area. The County did not apply for funds this year for that area until they can get better situated and better trained.

Gross Receipts

Most of the gross receipts are being held by New Mexico Finance Authority to cover the debt of the jail.

Law Enforcement Protection Fund

This is money that the Sheriff receives. The County is predicting \$51,600.00. The lease for \$33,000.00 is for the 5 cars for the Sheriff's Department.

Sick Leave Fund

This is a fund for when a person leaves, the County reimburses them on their leave.

Debt Service

This is a debt service for John Cherry on his fire departments. This is for a lease/purchase for a pumper for the El Cerro Fire Department.

CDBG

This is for reimbursement that the County applied for. The revenues are \$25,000.00. This is for the expansion of Valencia Counseling Service.

Indigent Fund

Revenues are \$889,000.00 this year. The County is anticipating expenditures of \$924,000.00. There have been a few adjustments made. The limit per individual was taken down from \$25,000.00 to \$10,000.00.

Debt Service

This is where the jail is being paid. \$600,000.00 comes out of the gross receipts and \$600,000.00 comes out of corrections gross receipts tax. The bond payment is \$688,000.00, which is a difference of \$511,470.00, which will be transferred to the general county fund. This is where the construction of the jail is being paid.

Solid Waste

The revenues of the Solid Waste are \$150,000.00 on the environmental tax. The County is predicting transfer fees will make \$145,000.00. The transfer from the general fund will be \$50,000.00 because the cost of trash disposal has gone up. The County is eliminating the vacant position from the Solid Waste.

County Clerk's Recording Fund

This fund is restricted on what can be used on expenditures. The County is anticipating \$40,000.00 in revenue.

Cops

The Federal Government will give the County \$317,000.00. The general fund will have to transfer \$138,893.00 in order to pay for the officers in this Cops program. In Cops I, two individuals will transfer to the general fund because their three year term is coming up. There is a vacancy in this fund Cops I program. There are two vacancies in the Cops II grant for full time and two vacancies for part time.

911 Rural Addressing

There's a request for an extension on the 911 for the additional funds of \$21,000.00. This money will be used for contractual services. The County will increase the reimbursements from \$47,000.00 to \$68,000.00.

Activity Funds

Last year DFA required the Fiscal Office to separate the budgets on these funds. These are small budgets that are used at the centers.

Conclusion of Budget

The Fiscal Office will submit this preliminary budget DFA and wait to see what DFA has to say about the budget. One thing the County could not accomplish with this budget is compensating the employees. Commissioner Pando made a motion to accept the preliminary budget that was presented with the amendments or changes that were made and send it to Santa Fe. Commissioner Daves seconded the motion. Motion carried. Commissioner Daves stated the Commission has to figure out a way to pay all employees a decent salary. Commissioner Pando voted yes.

Commissioner Daves voted yes. Commissioner Padilla voted yes. Commissioner Baca voted yes. Motion carried.

Request Signatures

Grant Agreement No. 1 for the E-911 Project.....Steven Chavez
Carlos Montoya, Fiscal Officer, presented grant agreement #1, which is granting the County an extension until June 30, 2004 with the funding of an additional \$21,000.00. Mr. Montoya asked for the signature of Commission Chair Aguilar so he can get it back to DFA. Commissioner Daves made a motion to approve this agreement. Commissioner Padilla seconded the motion. Motion carried. See exhibit I.

Contract on Computer Software with Triadic-Previously presented on February 20, 2001.....Larry Mervine
James Fernandez, County Manager, presented the Commission with a contract, which was presented to the Board at an earlier time. Mr. Fernandez told the Commission that County Attorney, Tom Garde had a concern as to some of the terms, but those have since been changed per his request. The change Mr. Garde had, on paragraph 3, Triadic had agreed not to raise the amount of the contract, for the next contract by more than 25%. There was a negotiation for an amount not to exceed 10% or the CPI. This is for the software. Commissioner Padilla made a motion to approve the Data Processing Agreement as revised. Commissioner Baca seconded the motion. Motion carried with a vote of 4-0. See exhibit J.

Indigent Board

Commissioner Padilla made a motion to convene as the Indigent Board. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0. See exhibit K.

Barbara Baker, Indigent Administrator, presented indigent claims from April 19, 2001 to May 23, 2001. There were 92 claims submitted, 26 of those were denied. The amount of claims submitted was \$168,453.64. Ms. Baker asked the Commission to approve \$63,315.54. Commissioner Padilla made a motion to approve Ms. Baker's recommendation. Commissioner Baca seconded the motion. Motion carried with a vote of 4-0. See exhibit K.

Ms. Baker thanked the Commission for helping her and approving what she has done, as claims were increased this year. See exhibit K.

There was an indigent appeal in the amount of \$1,432.14. Ms. Baker recommended approving this bill. This money will come out of the general fund. Commissioner Pando made a motion to approve this request. Commissioner Padilla seconded the motion. Motion carried. See exhibit K.

Commissioner Padilla made a motion to re-convene as the Board of Commissioners. Commissioner Baca seconded the motion. Motion carried with a vote of 4-0. See exhibit K.

Review & Sign Mutual Aid Agreement between Albuquerque Ambulance & Valencia County.....John Cherry
John Cherry, Valencia County Fire Marshall, told the Commission he was presented with a Mutual Aid Agreement from Albuquerque Ambulance. This is basically a formality because they have been helping out Valencia County. Tom Garde, County Attorney, reviewed this agreement and it is appropriate. According to Mr. Garde, this provides assistance to Valencia County as long as they have units available. Commissioner Daves made a motion to approve this agreement. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0. See exhibit L.

Review EMS Medical Director Contract/Dr. Froman.....John Cherry
John Cherry, Valencia County Fire Marshall, told the Commission that the contract of Dr. Froman, Medical Director, expires on June 30th. Mr. Cherry said that protocols are in place, and quality assurance is on line now. Dr. Froman is reviewing each and every case, and Dr. Froman and Mr. Cherry are meeting once a month with the various rescues and going over their runs and quality assurance. Mr. Cherry said that Dr. Froman is also establishing new policies for the rescues. Commissioner Daves made a motion to approve this renewal. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0. See exhibit M.

Manager's Report

Jail Monitor's Report

The inmate count is an average of 104. See exhibit N.

Update on Millings

There was notification to the Road Department for clarification as to what was going to be done with the millings that the County had approached the State Highway Department to purchase. There were two outstanding purchase orders, and the State Highway Department is telling the County to either pick them up or cancel the order and submit it again at the beginning of July. Mr. Fernandez asked Louie Pena, Road Superintendent, how he proposes to do that but has not heard back from him. The County has purchased these millings and has not received any reimbursement from any

individuals. The County has not paid for these milling yet. Commissioner Daves urged the Commission to consider passing an appropriate action that will allow a waiver of the requirement that they bring the road to standard before the County can accept it for dedication. Commissioner Daves suggested that staff present the Commission a document that would allow the Commission to take action on a resolution that would allow the County to exempt the need for this road to be brought up to standard before the Commission can bring it up to standard. Tom Garde, County Attorney, had a concern that once the County accepts a road for dedication, they accept the liability of that. On this road, when it rains, nobody can get in or out and the problem Mr. Garde has, the County would need to fix that mess simultaneously.

Review & Request Signature.....Carlos Montoya

Agreement for Animal Control Services between City of Belen & Valencia County

The County is increasing their Joint Powers Agreement with the City of Belen. The County is asking for a fee of \$750.00 a month. In the past, Belen was paying \$500.00 a month. The Fiscal Office is trying to make all agreements presentable to their commission's in April, bring it to the Commission in June and have it effective July 1st to June 30th so they can have enough time to prepare their budgets. This agreement can be terminated at any time with a 60-day written notice. Commissioner Pando made a motion to accept this agreement. Commissioner Daves seconded the motion. Motion carried with a vote of 4-0. See exhibit O.

Request Approval of Payroll/Warrants.....Carlos Montoya

Carlos Montoya, Fiscal Officer, told the Commission of payroll issued by the Fiscal Office on May 18, 2001 covering warrant #65173-65203, inclusive of the listing total \$188,879.10. A list of all warrants issued by the Fiscal Office on June 1, 2001 covering payroll processed, warrant #65204-65235, and the listing total is \$186,459.43. Commissioner Pando made a motion to accept warrants as presented. Commissioner Baca seconded the motion. Motion carried with a vote of 4-0. See exhibit P.

All checks issued by the Fiscal Office on June 1, 2001 covering vendor bills processed, warrants #65236-65323 for a listing total of \$674,673.39. Commission Chair Aguilar asked, there was a battery in there for a 96 T-Bird for the Sheriff's Department and wondered who in the Sheriff's Department has that. There are some vehicles that the Sheriff does have they may be drug related vehicles that are confiscated. Out of \$674,000.00, \$374,000.00 comes out of the general fund. The majority of the \$374,000.00 is the payment to Cornell of \$244,666.00, out of that \$9,800.00 went towards the activation fee. Commissioner Pando made a motion to accept warrants as presented. See exhibit P.

With Cornell and the activation fee, Commission Chair Aguilar asked if that is in the budget. Mr. Montoya said they did not budget for the activation fee but is anticipating paying them \$100,000.00 at the next meeting. Mr. Montoya said Administration will talk to Cornell and see if they can work out a payment plan. Commission Chair Aguilar stated, "We knew of that expense, and it should've been budgeted as far as preliminary." Mr. Garde said, the problem we have is, when we get audited, we have this agreement that we have signed, and we have a budget that doesn't reflect that we're going to pay off this document, so the auditor's going to be negative. Commission Chair Aguilar asked how much money is there that says the County should pay. Mr. Montoya said he is trying to pay all equipment and materials Cornell has purchased that he can justify. The majority of their expenses on their personnel costs, fringe benefits, travel expenses, and closing costs, Mr. Montoya has no justification on that. Their architect makes \$70,000.00, they told Mr. Montoya that 25% of it was spent on Valencia. Commission Chair Aguilar stated, "There are costs that we agreed to specifically, did we not Mr. Fernandez, that there is no question on that. Why aren't we paying that?" Mr. Montoya answered, "We are, as we go through, I'm paying the equipment, all the stuff they purchased first for the jail, like this \$10,000.00 we're paying is for all the lockers that they bought for personal property. We're paying that one twice. Next meeting that we come through, I'll go through some more invoices, pull out the ones that they've purchased. As far as the training on that, that's part of the personnel costs that they grouped in. We're going to have to go through that and figure out how much is training, how much is for their administrative costs." Commissioner Daves suggested to talk to Cornell and ask them to work with the County, and if there needs to be a formal amendment to the contract, to seek it very hard. Mr. Fernandez told the Commission, if they recalled at the retreat, the original item that was presented had \$250,000.00 set aside for a payment next year as a prior year bill and \$100,000.00 for the activation fee. What the County proposes doing, is taking the \$100,000.00 from next years budget, paying it off this year, so that it will reduce the requirement of the 2/12 as well as paying the fixed portion of that reserve for prior. That was the only thing that was discussed in terms of paying out of this year. No additional was placed or set aside for the remainder of the activation. Mr. Garde said, that's going to put the County below the 2/12 requirement. Mr. Montoya said, unless the cash balance is higher than what was projected. There is a line item for Cornell of 2.9 million dollars, if the County has to pay the \$350,000.00, Mr. Montoya suggested to take it out of the 2.9 million dollars and move forward. Commissioner Padilla seconded the motion. Motion carried with a vote of 4-0 to approve warrants. See exhibit P.

Commissioner Daves felt that there was no need to call the Road Superintendent in as there should be more preparation time for him, County Manager, and Commission. Commissioner Pando thought the County Manager was going to talk to Mr. Pena as to what his responsibilities are. See exhibit P.

The next Regular Meeting of the Valencia County Board of County Commission will be held on June 19, 2001 at 6:00 PM with Executive Session starting at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse. See exhibit P.

ADJOURNMENT

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| <p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the June 5, 2001 Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p> |
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VALENCIA COUNTY BOARD OF COMMISSIONERS

ss/
ALICIA AGUILAR, CHAIRMAN

AURELIO H. PADILLA, VICE-CHAIRMAN

ss/
S. T. FRANK PANDO, MEMBER

ss/
GARY DAVES, MEMBER

ss/
HELEN BACA, MEMBER

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: July 3, 2001

For an official signed copy of these minutes and attachments see Book 40 Page 556.