

VALENCIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING

July 3, 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

Commissioner Daves made a motion to go into executive session. Commissioner Pando seconded the motion. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Motion carried.

Commissioner Pando made a motion to return to regular session. Commissioner Baca seconded the motion. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Commission Chair Aguilar voted yes. Motion carried with a vote of 4-0.

Carol Anaya, Personnel Manager, reported that during executive session the following were discussed: resignation of Jaistina Hansen, status change from probationary to non-probationary of Toby Jaramillo from the Planning & Zoning Department, the posting of positions for Meal Site Manager for the Older American Program, Animal Control Position for the Animal Control Department, and part time Secretary/Cashier for the Planning & Zoning Department.

Ms. Anaya asked the Commission to ratify what was discussed in executive session. Commissioner Pando said that on the other animal control issue there was no action taken. Commissioner Pando made a motion to ratify what was discussed in executive session. Commissioner Daves seconded the motion. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Motion carried.

Tom Garde, County Attorney, said that during executive session the following was discussed: the status of the Steven Romero lawsuit with no action taken, and the Commission was advised in the change of law regarding grand juries that went into effect July 1, 2001. Commissioner Daves made a motion that was all that was discussed in executive session. Commissioner Pando seconded the motion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried.

Pledge of Allegiance was led by Sheriff Juan Julian.

Approval of Agenda

Shari Gold, asked to speak under public requests. James Fernandez, County Manager, asked that item B is deleted as Kathy Chavez called and asked that this item be removed. Mr. Fernandez also asked to remove item N. Commissioner Pando asked to speak under the Manager’s Report on the Juvenile Detention Center. Commissioner Pando made a motion to accept the agenda as amended. Commissioner Daves seconded the motion. Motion carried.

Approval of Minutes

There were two sets of minutes to be approved, June 5, 2001 and June 11, 2001. Commissioner Pando made a motion to accept the minutes of June 5, 2001 and June 11, 2001 as presented. Commissioner Baca seconded the motion. Commissioner Daves asked Commissioner Pando that on the first page of the June 11, 2001 meeting on the “famous” liability of Commissioners, if Commissioner Pando said famous. Commissioner Pando answered yes, what it was, there was a letter presented to the Commission by Tom Garde, County Attorney, and Commissioner Pando asked for clarification on that and was told that Mr. Garde would meet with Commissioner Pando. James Fernandez, County Manager said the name Shawn Levas should be changed to Sean Olivas on the first page of the June 11, 2001 meeting.

Under June 11, 2001 second page, second and third paragraph, Commission Chair Aguilar asked Mr. Garde if he said that “if there was any information should be clean”? Mr. Garde said that in that context, clean would not be an appropriate word, but doesn’t recall what he said. Commission Chair

Aguilar, also said that above that, the word “allegating” should be “alleging”. Commission Daves withdrew his second motion. Commissioner Pando withdrew his motion and made the motion to approve minutes for June 5, 2001 as presented. Commissioner Daves seconded the motion. Motion carried.

Public Requests

Shari Gold addressed the issue of animal control. Ms. Gold said that as long as the animal control issues stand out there, the more signatures the advocates are obtaining. Ms. Gold had over 800 signatures today. Ms. Gold said that this issue could be addressed here instead of in State or Federal Court. Ms. Gold stated there is a serious issue with the Sheriff's Department as Sheriff's Deputies are responding because Animal Control does not have a clue as to what they are doing. Ms. Gold said that Animal Control does not respond publicly. Ms. Gold asked that criminal complaints that are filed be followed through. Ms. Gold stated that these are health issues for children, and adults. Ms. Gold said that she is not an activist and has spent 20 years of her life in animal control. Ms. Gold said she has programs that will make this County money that will relieve the burden of the Sheriff's Department.

Ms. Gold told the Commission to fix these issues. Commissioner Pando said there is a meeting on July 17, 2001 and these issues will be discussed. Commission Chair Aguilar said that 3 weeks ago, direction was given to Mr. Chavez to meet with Administration, the attorneys Tom Garde and Sean Olivas, and come back with recommendations in 30 days to address the issues, that is what Commission Chair Aguilar is expecting on July 17, 2001.

Notice of Intent to issue Revenue Bonds.....John Archuleta/Carlos Montoya

Carlos Montoya, County Fiscal Officer, said he is following up on the revenue bonds that the County is proposing to issue. This is in the preliminary budget on the revenue side. The County is going out for revenues bonds of \$550,000.00 to fund certain projects. This is an alternative financing method, as County and Municipal Governments for the past 5-10 years, the revenues source has dried up and a lot is attributed to the gambling, oil, and gas taxes. Basically, this will be a loan. A revenue bond is a finance mechanism that local governments use. The County can pledge any or all of the first 1/8 gross receipts. A pledge is collateral; it is not money that the County will spend. The County is proposing \$550,000.00.

County Commissioners may issue gross receipts tax revenue bonds for the following purposes. There are ten particular capital outlay projects that the County can fund out of revenue bonds. One of the things Mr. Montoya tried to include in this, he thinks the County should get help in operating and housing of County prisoners. That is not in the rules yet. On these bonds, the way they will help this County, it will help on the paving projects. Revenue bonds can be used for the resurfacing or paving projects on County roads. Other than that, the County will get equipment in capital outlay. For example, the County is in need of an animal control truck and a cage for the transportation and the working operations of animal control. The good thing about this method of financing is that the capital outlay that will be purchased will be spelled out in the ordinance, but the bonds won't be sold until August. The repayment will not begin until next August, so in the next budget cycle, the loan payment will be in there. Basically when a revenue bond is done, a separate fund is set up called “Special Revenue Fund”. In there the proceeds of \$550,000.00 will be put in there. The expenditures will then be put in there, \$368,000.00 goes to the Road Department, a belly dump has been mentioned for the Road Department, Animal Control may not only get a truck but cages of probably \$32,000.00. The Zoning Department is in dire need of vehicles, so a vehicle will be provided to them. At the end of next year, the County will have a five-year payment, which will be every August.

John Archuleta told the Commission what would happen on this particular transaction, the principal and interest payment on a yearly basis would be about \$125,000.00. Some of the monies that will be used to pay off some bonds that will be coming in from the different departments that will be benefiting from the equipment the County is going to be purchasing, which will be Law Enforcement, Road Department, Landfill, and Animal Control. When the County submits the final budget, the County's expenditures will be reduced by \$120,000.00, the County will not need the payment in there until next year. The County will get to do the capital outlay this fiscal year and will not have to make a payment until next year. Commission Chair Aguilar asked about the 1/8% gross receipts increase and 25% of that was going to go to the Road Department and taking care of these same things. Mr. Montoya said that 75% is going to go to Law Enforcement, and 25% is going to be dedicated for equipment, maintenance, and repair of the Road Department, not for paving projects. Commissioner Daves asked, where in the budget is the County counting on issuing some revenue bonds?

James Fernandez, County Manager, told the Commission that at the budget workshop and retreat, this item did come up and in the old budgets, it was listed under general fund as a revenue source. The last item indicates under expenditures there is a listed item of \$120,000.00 for the bond payment. Mr. Fernandez said this is an unappropriated portion of the first 1/8. With the correctional gross receipts that is going to the repayment of the debt on the adult detention facility, of the remaining first 1/8, roughly about \$100,000.00 of about \$550,000.00 that is generated from the first 1/8, is utilized for the shortfall in the payment from the correctional gross receipts. The County is left roughly with about \$450,000.00 to \$500,000.00 that is returned to the County each June from the Finance Authority. The County will have a fund that will be set up separately for the proceeds of the

revenue bond and along with that, the County will have an expenditure budget covering specifically what will be paid from those proceeds.

John Archuleta is the Senior Vice President and Manager of George K. Baum Company, which is an investment-banking firm. Corporate history of the company is in excess of 70 years. Mr. Archuleta has over 27 years of experience with municipal bonds in the State of New Mexico. On this particular transaction, what it does is allow him to go ahead and proceed, put the financial data together and come back to the Commission to make the determination. Commissioner Daves asked how this company was picked. Mr. Archuleta said the services he is providing are underwriters, and what they do is put together the financing package concerning the transaction. Mr. Fernandez said the County has past dealings with Mr. Archuleta in terms of he was involved with the correctional facility when the County was looking at the possibility of refinancing that facility. The Commission is being asked to take action on the intent to issue. The County is looking at bringing back some publication notices to the Board that will start with a Commission meeting on July 17, 2001. Commissioner Daves asked if the Commission did not act today, what would be the adverse consequences? Mr. Fernandez stated that within the preliminary budget, the Commission would have to remove this particular item. The final budget has to be approved by Department of Finance and Administration by July 30, 2001.

Mr. Fernandez said there was a difficulty in the Road Department in that projects that took place that those monies were utilized for other things. What this would do is allow the County to complete those projects under the contractual obligations that the Commission has signed with the State of New Mexico. So rather than having to transfer from the general fund as originally set up within the preliminary budget, the funds would be specifically set up that would show revenue coming in and expenditures associated with that. Mr. Montoya told the Commission if they give permission on July 17, 2001 for the intent, he will set up the revenue bond that they have to submit to DFA. The reason this was put in the preliminary budget is so DFA is aware of it.

Commissioner Daves made a motion to take action on this matter at the next regular meeting. Commissioner Pando seconded the motion. Commissioner Pando said he read this revenue bond but thinks somebody should've explained this to the Commission so they all understood it. Commissioner Pando said this is all money that was spent on other things and now they need to correct a problem that was created. Commission Chair Aguilar asked County Attorney, Tom Garde, since the preliminary budget is now going to have to be amended to remove the \$120,000.00, how will that work, but also you were providing an explanation and justification on the roads to DFA and if that's been done, this changes it because of the financing mechanism, where is the Commission with what you're doing? Mr. Garde has prepared a letter to be sent to DFA, so that will be addressed in the letter. Mr. Montoya said there is a meeting on Friday at 9:00 A.M. with DFA and at that time he will explain. Mr. Garde said that a letter was drafted explaining the situation and he was waiting for Mr. Fernandez's review. Commission Chair Aguilar asked Mr. Garde, is DFA looking at the preliminary budget when you're advice to us was that if we submit the preliminary budget as is, it was basically illegal without the justification? Mr. Garde answered, "It's not illegal, we just need to include the justifications." Mr. Montoya stated that Darlene Marez, from DFA, said that as long as the final budget includes the justification on the roads that will be sufficient for them. Mr. Montoya stated there will be other changes to the preliminary budget. Commissioner Daves said that a postponement to act today is not a change in the preliminary budget, but hopes that as part of the process the Commission seeks input and gets other ideas. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried.

Request to Amend Zone Maps from RR2 to RR1.....Kendra Edwards

Kendra Edwards along with her mother Sandra Chavez requested a change in a lot from RR2 to RR1. This is land that was promised to Ms. Edwards a couple of years ago from her family, but she was not in time to change the amendment before the law came into effect that it has to be 2 acres.

Steven Chavez, Valencia County Planner, told the Commission that this is a request to change the density and a zone of the district from RR2 to RR1 under the Comprehensive Zoning Ordinance. The purpose of this zone change is to split the land into two pieces. Currently this is a 2.0272 acre piece of land that they want to split into two pieces. There is currently a 272-foot long road easement through there with a 40-foot wide width as well. It is a 50-foot cul-de-sac. The issue is whether or not the proposed zone change would conform to the intent of the zoning ordinance. Mr. Chavez believes that it is debatable either way. The prevailing lot sizes are certainly less than 2 acres. The properties directly to the north of the proposed zone change are 1.4 acres and 1.2 acres. Directly south of the subject property, there is a 2.4 acre and a 1.2 acre parcel. Across the lateral to the east, there is a 2.7-acre parcel. Across the street, across Sichler road, directly west there is a 4-acre parcel. It appears the prevailing lot sizes are below two acres and above 1 acre.

The Planning & Zoning Commission heard this request 3 weeks ago and recommended approval and in their findings of fact, they indicated that they believe the Village of Los Lunas might be annexing it in the future. They also believed the prevailing lot sizes supported their recommendation for a zone change. Mr. Chavez recommended initially denying it, however provided an alternative option, which was to grant the zone change with the condition that the road easement east of the cul-de-sac is vacated and a variance is issued. Mr. Chavez believes that if the zone change is granted, the lots would be less than one acre so it would not conform to the RR1 density requirement, they would be less than .8 on each lot. If the road easement is vacated, which is not being used, there's a separate road easement directly to the other side that is not being used and the applicants agreed to add

another 1/10th of an acre to each lot, so it would be fairly close to conforming, but the variance would still be necessary. This is not currently farmland, as it appears to be unused.

Ms. Edwards said on the 2 acre lot sits her mothers home and there's a back lot which hasn't been used in years, it just has a few large cottonwood trees on it. It would be difficult to farm, as an irrigation system would have to be put in. The purpose of the zone change is to split the land for residential use. Commissioner Pando made a motion to approve the zone change and if a variance is needed recommended that Planning & Zoning approve that variance. Commissioner Baca seconded the motion.

Marcel Reynolds, from Valencia Soil and Water Conservation District, told the Commission this looks like a proposal to reduce the work the Commission did over months of public hearing and review and an attempt to maintain the green belt. Mr. Reynolds pleaded with the Commission not to let the rezonings down from RR2 to RR1 continue. Mr. Reynolds encouraged the Commission to continue denying maintaining the greenbelt that will not last if these things continue. Commissioner Pando stated that this is not greenbelt and is not farmable. There is no irrigation to this land. Commissioner Pando feels the Commission needs to look at each individual case on its own merits. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried.

Request Preliminary Plat Approval Milagro Estates Subdivision Phase I.....Steven Chavez

Ruben Chavez, Assistant County Planner, told the Commission that Milagro Estates Subdivision is a subdivision south of Rio Communities on DeHahn loop and Rio Communities Boulevard. This process has gone through Planning & Zoning. This subdivision is owned by Diane Chavez and is represented by Larry Gonzales from Tierra Agua Engineering Firm.

Mr. Gonzales told the Commission that the property in question is in unit 9 of Rio Communities. When this 52 lot single-family home subdivision was submitted, comments and recommendations were received from County staff and the County Engineer Molzin Corbin. Mr. Gonzales did review those comments and changed those comments as they went through Planning & Zoning. After receiving a recommendation for approval from Planning & Zoning, Mr. Gonzales got those comments changed and made the second submittal. Since that time this project was submitted to State Agencies. To date, Mr. Gonzales received responses from the State Engineers Office, Environment Department, and District III office of the New Mexico Highway & Transportation Department. Mr. Gonzales had favorable comments from all of these agencies, however the District II Office for the New Mexico Highway & Transportation Department has requested a TIA, which is a Traffic Impact Analysis for the intersections of DeHaan and the State Road. Mr. Gonzales received the most recent comments from the second submittal and said there will be no problem to comply with those prior to final plat. So far in this project, Mr. Gonzales feels they have complied with all staff recommendations and the recommendations of Molzin Corbin, except for the TIA, which will be completed prior to final plat. Mr. Gonzales asked for preliminary plat approval and asked the Commission to keep in mind he does have to come before the Commission for final plat approval to make sure all recommendations have been completed.

Commissioner Pando spoke of a letter from Rhodey, Dickason, Sloan, Akin & Robb, P.A., Attorneys who say they're going to take legal action if Mr. Gonzales does not meet the subdivision covenants. Commissioner Pando asked County Attorney Tom Garde, where does that put the Commission?

Kevin McCreedy, Attorney with Marez, Oliver, and Price, who represents Anthony & Diane Chavez, said that this letter states that there are some restrictive covenants where this property cannot be legally subdivided. Mr. McCreedy totally disagrees with them on a legal standpoint. Mr. McCreedy didn't believe they should get into this issue here as Supreme Court is held, and only private parties have the right to enforce restrictive covenants and in the Singletary Case the Court said that restrictive covenants do not control a decision on the question of whether a variance should be granted. Mr. McCreedy said that restrictions is no a question before the Commission.

Steven Chavez, Valencia County Planner, told the Commission that he advised the Planning & Zoning Commission that Singletary stands for the proposition that it is a factor that can be considered by the Board of County Commissioners or by a County Agency, but is not the controlling factor. Mr. Chavez said the Planning & Zoning Commission chose not to consider it.

Tom Garde, Valencia County Attorney, told the Commission this is a factor, and if this Commission recalls the case that went to the Court of Appeals involving the property in Pueblitos where that in fact was a factor, with the gate, and that was one of the findings this Commission made. Mr. Garde told the Commission they can always use that as a factor but they are not in the position where they enforce restrictive covenants, so they can consider that as a factor but that cannot be the reason that a subdivision is either granted or denied.

Mr. McCreedy stated that if Mr. Collatz sues, it would be to enforce restrictive covenants that he believes is not operative on this subdivision. Mr. McCreedy said Mr. Collatz would go to court and say there is a violation of restrictive covenants, and Mr. McCreedy would show the Court that in fact there isn't. Mr. McCreedy does not believe the Commission's preliminary approval would even be involved in that. Commission Chair Aguilar asked if there's legal action, it doesn't involve the Commission? Mr. McCreedy said that's correct, they're free to name the Commission but can't see why they would. Commission Chair Aguilar asked Attorney Garde, "Is my statement accurate?" Mr.

Garde replied, "Correct." Mr. Garde stated, "If this Commission would approve preliminary plat, and there was in fact a lawsuit, the lawsuit asks for an injunction, we would be named to prevent us from continuing further." Commission Chair Aguilar stated, "By the same token you've advised us that we can't deny it based on this, so there could be a lawsuit on the other side too."

Mr. McCreedy told the Commission, in July of 1997, a corporation called Collatz Inc. filed an amendment to the existing restrictions on this property and this amendment provided that owners of a majority of lots in a contiguous unit needed to approve. Mr. McCreedy stated that assuming they owned all this property, they could do it. Mr. McCreedy told the Commission that Collatz Inc. was purchasing the property under a real estate contract, which they defaulted. The real estate contract was terminated and the seller took the property back. According to Mr. McCreedy, there is New Mexico Law that says if you're a purchaser under a real estate contract and you place liens on property or put covenants or mortgages or another real estate contract, those are all junior encumbrances and if you lose your purchaser's interest, those junior encumbrances go away also. Mr. McCreedy said the two exceptions are: federal tax liens can survive and in some circumstances, mechanics liens can survive if an owner didn't put up a notice of non-responsibility. Mr. McCreedy believes that the restriction filed in July 1997 was no longer applicable as of the time the purchasers lost their interest in the real estate. Commissioner Daves asked, assuming they do apply, how is this subdivision in violation? Mr. McCreedy said in that July 1997 restrictions, they provided that owners of a contiguous unit were required to approve any subdivision, so they're planning that the owners of the majority in unit 8 should have approved the amendment that the Chavez's have put on this property. There was an amendment that lot sizes could be no less than 7500 square foot, this subdivision complies with that but Mr. Collatz is saying in order for that amendment to have validity, the Chavez's needed to get a majority of the owners of unit 8, the Chavez's have the majority of property owners of unit 9.

Ricky Klines, who is a homeowner in unit 8, told the Commission that all of Rio Communities is ½ acre lots and larger. Enchanted Mesa, unit 8, is ½ acre lots and larger. Mr. Klines told the Commission that the Chavez's want to change the ½ acre existing replat from 140 home sites to 350 home sites with utilities, easements, and roads. Mr. Klines said that Rio Communities, which is ½ acre lots, Enchanted Mesa, which is ½ acre lots, and past unit 9 south is Tierra Grande, which is 5-40 acre lots. Mr. Klines asked, why would this Commission allow 1/5 acre lots or less like Rio Rancho to be in the middle of all this? According to Mr. Chavez this subdivision would be outside the boundary for the Rio Communities incorporation.

Mr. Gonzales told the Commission there are 3.8 dwelling units per acre. Most lots are a minimum of 7500. On the plat there are only a few lots that are 7500, they escalate all the way up to ¼ of an acre. The majority of the lots are from 9000-9500 square feet. The Chavez's gave up some land for open space, park areas, and pond areas. Every phase of this development has to go through the same procedure that they're doing today. It will probably take 3-4 weeks to do a TIA. There is a timeline of 24 months until final plat approval with an extension of 12 months. The Chavez's do not go for final plat approval within the two years, the Commission has the authority to vacate their preliminary plat. The draft covenants were issued on December 21, 1995. The initial restrictive covenants were filed by Horizon Corporation in January 1974 but in January 1995, Horizon Corporation updated the 1974 covenants. In December 22, 1995, new covenants were filed by Dan DeBaca and several other owners. Mr. Gonzales said there are some disagreements between the restrictive covenants from 1995 and the restrictive covenants that the Chavez's are planning to file, such as with manufactured housing. Commissioner Pando had a concern about DeHahn Loop, and asked who's responsibility will be to pave DeHahn Loop to the subdivision. Steven Chavez, Valencia County Planner, told the Commission that it is the County's responsibility to maintain that road. Commissioner Daves suggested that there should be an obligation with the developer and development to put up with what's there or fix it up themselves. Commissioner Daves stated, "I don't think there's any reason why it is of necessity, a legal requirement by the County to step in and do something because a subdivision is being approved. It certainly might make sense for the developer to step in and do something simply because it would enhance that development."

Steven Chavez told the Commission that the State is going to want improvements made by the developer to Highway 47; they want a turn in and a turn out lane. The County can negotiate with the developers in exchange for that. Commission Chair Aguilar asked Mr. Chavez, that's not something we need to discuss, you take care of that and you bring it to us in the final? Mr. Chavez said he believes so. Commissioner Daves suggested a condition on improvement by the developer. Mr. Gonzalez said there would be some grading as he has talked to Steven Chavez about that. Commission Chair Aguilar asked Mr. Garde if it would be appropriate to grant approval with a condition of concern for the traffic and improvement of roads? Mr. Garde said if the Commission approves the preliminary plat today, without conditions, then basically what they have to get done is minimal. Mr. Garde told the Commission, "I think you need to set conditions as far as what is necessary. I'm kind of concerned in that the covenants were only produced yesterday, so staff has not had the opportunity to review those. One of the conditions would be to review and comply with those conditions." Commissioner Daves said the covenants are not binding in any way on the County. Mr. Garde said he is not concerned about the existing covenants, but is concerned about the new covenants that they are going to apply.

Ruben Chavez told the Commission he would like to go through the process for reviewing subdivisions. Mr. Chavez discussed the punch list dated June 28, 2001 with the Commissioners. Planning & Zoning hired Molzin Corbin Engineering to help Planning & Zoning with the design as they had a problem with the design of the drainage. What the Chavez's wanted to do was run channels

through the subdivision and Planning & Zoning recommended that drainage be used through the roads themselves and into the drainage pond. The drainage pond that was to be used at that time was only to maintain water, and hold back water, and then water would continue to flow down. Mr. Chavez said there is already a drainage issue on Rio Communities Boulevard and down below to the fire station. Mr. Chavez said there is also an issue with the TIA as it is still pending. Another concern Mr. Chavez had was access to the subdivision as the issue on DeHahn Loop is still unresolved. The County also called for open spaces such as parks. With paving agreements, Mr. Chavez was concerned about DeHahn Loop, as the people will demand that be improved. There is a maintenance program that is not addressed here and Mr. Chavez would like to see the Homeowners Association Agreement that will be developed because maintenance will not be the Counties, and Mr. Chavez would like to make sure that the County will not be the one responsible, and with the enforcement issue, there is an element in place to go after someone to take care of these. With the drainage detail, the County went from contention to detention and that was agreed upon. As far as the response the County has received, from the Middle Rio Grande Conservancy District, they gave no response. The Fire Marshall has reviewed all this and the County received favorable response from them. The County was looking at 6-inch lines for water in order to feed the fire hydrants and if that would've been used originally, these fire hydrants would've just sucked up all the lines, and the County would have been responsible for the infrastructure 4 feet under ground. All that has been changed to 8-inch lines and valves. The New Mexico State Highway & Transportation Department are pending on a TIA. The Environmental Department sent the County a letter favorable as they looked at the sewer facility, and since there's sewer & water there is no septic. The State Engineer sent 2 letters that were favorable. Cultural Affairs has not responded to the County. The lighting is acceptable, but there will be a contractual agreement later with PNM. All fire hydrants and water meters are fine, and everything had check valves. Mr. Chavez said that in their drainage report, they talk about some of these lots still using the sheet flow and asked Kevin Eades from Molzin Corbin to point out where the sheet flow is going because they are supposed to eliminate that. Mr. Chavez said they are also using temporary curves and couldn't figure out why there would be a temporary situation on any of the curbs. Mr. Chavez said what the Chavez's are saying is that the homeowners themselves would be responsible for the sidewalks, Mr. Chavez has a problem with that in that if the subdivision is not ever developed, there will be sidewalks going through nowhere. Mr. Chavez would like to see somewhat of a window period or sunset period on the subdivisions, otherwise there will be 10 feet of sidewalk here and 50 over there. The Chavez's are requesting an electrical pedestal within the subdivision that will be metering all the lines. What this tells Mr. Chavez is that the County will not be responsible for any lining even though it accepts the subdivision. Mr. Chavez said that the Homeowners Association would probably be used to pay for that, Mr. Chavez thinks that needs to be clarified. One big problem Mr. Chavez asked the engineers for help with is, the drainage detail looks really huge on the plat, but if you look at the construction drawings, that actual pond detail was really small.

Mr. Gonzales told the Commission that as far as the drainage, this is a problem they will have worked out prior to final plat. About the temporary curbs, that is a detail that got put on the sheet that should never have been put on there, there are no temporary curbs and there will be none. The subdivision calls for sidewalks, when a lot is sold in this subdivision, it has a 24 month timeframe when the construction has to be done and the developers expressed that once construction starts on this particular subdivision, they would like to cut that timeframe down. Mr. Gonzales said the pond increased almost twice for total retention instead of detention.

Kevin Eades, Engineer with Molzin Corbin, reviewed this subdivision for drainage analysis and what he has as conditions is a letter he drafted for formal comments to be coordinated with the developers engineer. Mr. Eades asked to make a condition for drainage to make it conditional for the County to coordinate with the developer's engineer.

Marcel Reynolds, from the Valencia Soil & Water Conservation District, asked if the County was taking over responsibility for drain management. Mr. Reynolds said it is his understanding that the County has not got recommendation form the Soil & Water Conservation District. Ruben Chavez said the County has notified the Soil & Water Conservation District and received a letter from them asking for an extension in time so they can review it.

Mr. Garde said what can be done in regards to conditions is to comply with conditions set forth in Mr. Eades letter dated July 3, 2001, Mr. Garde thinks that's specific enough. Commission Chair Aguilar said in addition to that, the Commission also wants to address the TIA, access, and paving. Commissioner Daves asked for the conditions that Mr. Chavez has set out. Commission Chair Aguilar said that to move forward, the conditions would be the memo form Mr. Eades and the memo from Mr. Chavez. Commissioner Pando added conditions such as the Homeowners Association agreement and sidewalks. Mr. Chavez recommended moving forward with conditions being his memo and the memo from Mr. Eades and having those satisfied. Commission Chair Aguilar said the condition would also be based on the drain management provided by the Soil & Water Conservation District. Commission Chair Aguilar said the two memos and Mr. Chavez's checklist satisfy everything. Commissioner Pando made a motion to approve with all of the above conditions. Commissioner Baca seconded the motion. Motion carried.

Request Update of Valencia County Zone Maps.....Steven Chavez
Richard Chavez, from Planning & Zoning, requested signatures on amended zone maps from the Commission. The maps include the four latest zone changes approved by the Commission and also reflux any annexations done by the City of Belen and the Village of Los Lunas. The annexations of

Belen include River Road, about fifteen lots on Gabaldon Road, four lots on I-25 Bypass, two lots on Highway 314, and 1 lot on Calle del Llano. The Village of Los Lunas annexed two lots on Highway 47. These are all reflected in the zoning map. There are four zone changes that were approve and it also reflects the Village of Los Lunas annexation and the City of Belen annexation. Commissioner Pando made a motion to approve the zone maps. Commissioner Daves seconded the motion. Motion carried.

Request Signature on E-911 Grant Agreement.....Steven Chavez
John Cherry, Valencia County Fire Marshall, told the Commission of an extension of an E-911 grant. Two weeks ago the Commission signed one through October and the one today is through December 2001. Mr. Cherry recommended approval. Commissioner Pando made a motion to approve. Commissioner Daves seconded the motion. Motion carried.

Indigent Appeal & Reports.....Barbara Baker
Commissioner Pando made a motion to convene as the Indigent Board. Commissioner Baca seconded the motion. Motion carried.

Barbara Baker, Indigent Administrator, presented indigent claims from May 23, 2001-June 21,2001. The amount of claims submitted is \$218,883.91. Ms. Baker asked the Commission to approve \$66,454.39. There were 100 claims submitted and 34 denials. Commissioner Pando made a motion to approve indigent as presented. Commissioner Baca seconded the motion. Motion carried with a vote of 3-0.

Ms. Baker told the Commission she is not getting bills on time from the Valencia County Detention Center because bills are still getting shuffled through hands. There were five inmates that Ms. Baker denied last time and Carlos Montoya, Fiscal Officer, asked that Ms. Baker approve them this time. They were denied because they were past the 90 days. Ms. Baker recommended that the Commission approve it. Commissioner Pando made a motion to approve. Commissioner Daves seconded the motion. Motion carried with a vote of 3-0.

Commissioner Pando made a motion to re-convene as the Board of County Commissioners. Commissioner Daves seconded the motion. Motion carried with a vote of 3-0.

Request Approval of Contract-J. Dougherty & Assoc. and Valencia County/CDBG Project.....Monica Mireles
Monica Mireles, Assistant to the County Manager, presented a copy of a contract between Valencia county and Jill Dougherty & Associates for Pre-Construction planning documents for CDBG project for Valencia Counseling Services. This contract has been reviewed by Tom Garde, County Attorney, and has also been reviewed by the Department of Finance & Administration.

J. Dougherty thanked the Commission and said hopefully this will get done very thoroughly and complete to get the three group home plans, get some money to help build them, and see them happen. Ms. Dougherty told the Commission that Ms. Mireles worked very hard on this project.

Commissioner Daves made a motion to approve. Commissioner Pando seconded it. Motion carried.

First Public Hearing for the Proposed Third 1/8 County Gross Receipts Tax Ordinance.....James Fernandez
James Fernandez, County Manager, told the Commission that law enforcement, public safety and roads are some of the issues that the Commission is confronted with on a daily basis. When the Fiscal Office started looking at the budget for the year 2001-2002, they looked at what revenue sources might be available to the County for law enforcement, roads, and other issues. The Fiscal Office looked specifically at the property tax rate. The majority of the funds that the County receives do come from property taxes, which is roughly about 4.5 million dollars. One of the things in terms of property tax dollars, of every dollar collected in Valencia County, 29% of that remains with the County, the rest is distributed to other entities. The property tax dollars the County gets is deposited into the general fund and goes to fund 15 specific departments. Those being the Commission, Manager, Recording & Filing, Bureau of Elections, Property Assessments, Collections, Law Enforcement, Animal Control, Building Inspector, Probate Judge, Data Processing, Zoning, Fire Marshall, Fiscal Office, and Planning. The County Commission budget also provides funding & maintenance for occupants such as the District Attorney, District Court, Juvenile Probation, Juvenile Detention, Adult Detention, pays for insurance costs for all of these departments, it goes to fund the Agricultural Extension Service, supplements the Senior Citizen Program in the amount of \$100,000.00, pays for vector control, a transfer to the property valuation fund, solid waste, and two health departments.

The property tax dollars were looked at to determine whether or not an increase could take place. The Fiscal Office consulted with the Department of Finance & Administration and it was determined that the County was at the max in terms of property tax rates in both residential and non residential rates. There are limitations within those rates also which is termed as Yield Control, so any increases are limited to 5%. The only 100% increases that the County is able to recognize are new construction. The Counties revenues have become flat. Mr. Fernandez provided the Board with some information in terms of the existing gross receipts dollars that the County is taking in. Right

now the County is at 5.8125%. Of that 5.8125%, 5% is automatically retained by the State of New Mexico. The County only retains that .8125%. Right now the County has enacted the first 1/8th County gross receipts tax, the second 1/8th gross receipts is also enacted, County fire excise, County environmental gross receipts tax, and the County correctional gross receipts tax is what brings the County to the 5.8125%. Mr. Fernandez also presented a table of gross receipts tax rates throughout the State of New Mexico as to where the County is in relationship to some of the other counties and municipalities. Mr. Fernandez told the Board that the County Indigent is the second 1/8th not public safety. Mr. Fernandez provided a table to the Board indicating that the third 1/8th may be used for general operations; it does require public hearings, an ordinance, and an election. The first 1/8th, and second 1/8th are countywide, fire protection is for unincorporated areas only, environmental gross receipts is unincorporated only, County healthcare gross receipts is established by the State and is countywide, and the correctional gross receipts is countywide. The second sheet that was provided to the Commission says the tax breaks for the City of Belen is 6.5%. The County would go up from 5.8125% to 5.9375% if this gross receipts tax passes. In the unincorporated areas, the county fire excise tax is \$10,000.00-\$12,000.00 a month. Mr. Fernandez told the Commission that with County healthcare gross receipts, the governing body of the County may adopt an ordinance imposing the County healthcare gross receipts tax at a rate of 1/16th of 1%, and this tax is imposed on all taxpayers in the County, no election is required and voters cannot petition for an election. The revenue from the county healthcare gross receipts tax must be dedicated to the County supported Medicaid fund.

Mr. Fernandez said, as part of the County's overall plan, it was to upgrade the County's Law Enforcement Program and look at issues that have been long neglected or not attended to such as the adult detention facility which had been under court orders and grand juries indicating it was a substandard facility and had to be closed down at one point. There were renovations done to this facility two years ago and opened as a small facility with about 30 beds. At that point the County was going out and transporting excess prisoners to other facilities, and spending an extensive amount of money to do that. That was creating problems when these individuals had to go to court, as they were not being brought to court in a timely manner. At that point, the County looked at the construction of a new adult detention facility. The County went out for an election on the correctional gross receipts that did pass with voters. That has a ten-year life on it and sunsets on December 31, 2009. That is what is funding the majority of the repayment of debt on the adult detention facility. That tax alone does not generate enough to cover the debt service, it is short by about \$100,000.00 and the County is tapping into the first 1/8th of the gross receipts tax to supplement the correctional. Commissioner Pando asked if the proposed 1/8th has a sunset. According to Tom Garde, County Attorney, there is no sunset with regards to this third 1/8th. Mr. Fernandez told the Commission that the facility, which the County operated for three months out of last year, ran the County about \$600,000.00. In addition to that, the County paid out a cost to the provider, Cornell Companies, at 1.6 million dollars, so the County had detention costs of about 2.2 million dollars. Mr. Fernandez said the \$600,000.00 specifically was the operation of this particular 30 bed facility and there were also costs in the Commission budget that covered the housing of prisoners. The fixed costs on a month basis for 9 months out of the year was \$215,000.00 and has risen this year to a cost of \$242,000.00. There is a \$25,000.00 a month increase, the reason being, when the County initially went into this contract was to try to allow the County to start looking at building up some of the cash reserves, to also cover the portion of the costs that were part of the activation fee, and the start up costs. This is now a fixed rate and will remain at that rate for the remainder of this contract. The fixed costs will be \$2,662,000.00, and the incremental fee for the man days is \$6.38 projected out for 100 inmates over a 365 day period would be \$232,870.00 or short of 2.9 million dollars for the operation of the adult detention facility.

Jack Huning, resident of Valencia County, told the Commission that the tax increase is essential so the County can do a lot of the things they haven't been able to do with their constraints. Mr. Huning said he would endorse it and recommended that it be given to the public to pass. Mr. Huning said that this will be a difficult sale to the people. Mr. Huning said the County has lost a little of its credibility in the last several months and that needs to be overcome. Mr. Huning asked that if this would pass, that the County make diligent efforts to squeeze as much out of the present budget that they can to make it as efficient as possible.

Charles Eaton, Deputy Fire Marshall for Valencia County, and Jim Patroff, Chief of Meadowlake Fire Department, passed out information on the fire departments to the Commission. Mr. Eaton told the Commission that Mr. Patroff is Chairman of the Valencia County Chief's Council and Mr. Eaton is Vice Chair of that Council. This Council consists of Fire Chief's through out the County that meet monthly to try to address problems that are current within the Fire Department. Something that came up about 6-8 months ago was an issue of lack of participation with the volunteer services. One idea was a stiffen program which is that the Fire Department would pay members that would respond to fire & rescue calls a certain amount of money per call. The City of Belen and the Village of Los Lunas has a stiffen program in place. The city of Belen pays \$7.50 per call and they budget \$35,000.00 out of the City general fund for that program. The Village of Los Lunas pays \$8.00 per call on the fire end and \$5.00 per call on the rescue end, and the Village budgets \$24,000.00 out of their general fund to supplement that program. The Village of Los Lunas also pays for meeting and drills that the membership attends. Another option that came up was to give a tax break to some of these residents, and then there was a downfall on that. Another proposal was to give a tax credit to property owners who were members of the volunteer Fire Department, but there were members who were not property owners. The end result was a stiffen program. This coming year the Fire Department will run approximately 3,700 calls, last year there were nearly 3,100 calls, and in 1999 there were 2,900 calls. The demand is increasing as the population base is increasing. There is

automatic aid, which is if one department doesn't respond, other departments will respond. Mr. Eaton told the Commission this is hard when they are relying totally on volunteers. If there were a stiffen program for volunteers at \$7.00 per call, projected costs for the year 2001 would be in the neighborhood of about \$86,000.00. Mr. Eaton said there would be guidelines and criteria set up. There are 7 fire districts in the County and out of the seven five of them run fire & rescue. Two of them only run fire but neighboring districts respond for rescue. One fire district was just added, the Manzano Vista in El Cerro Mission, and none of the people in any of those 8 fire districts are paid.

Mr. Patroff told the Commission that from 6:00 A.M. to 6:00 P.M. this County is in jeopardy as the Fire Department is running 1-man rescue crews and 1-man pumper crews, and there's nothing the Fire Department can do, as there is no incentive to recruit and keep people. Mr. Patroff spent \$1,000.00 out of his budget to train EMT's and First Responders and those people are no longer with his fire department because they have no incentive.

John Cherry, County Fire Marshall, told the Commission that Mr. Eaton and Mr. Patroff have been working very hard on this program. Mr. Cherry requested from the Commission if the Public Safety Tax is passed, the volunteer Fire Department & Rescues would have the Commission consider a 10% of the revenues to be allotted to the Departments. The figures that were put before the Commission today are projected. According to Mr. Cherry, Dr. Froman projected 2,400 rescue calls and there will be a 10%-15% increase before the end of the year. Mr. Eaton said that the City of Belen has the stiffen program and they have about 35 or 36 people on their roster, and out of those probably ¼ of those people live in the county area but working in the City of Belen because they have this benefit. Mr. Cherry said the Department will help pass this tax. To pay out this fee, they will do it semiannually, once in June and once in December as a vacation payment and a Christmas bonus.

Sheriff Juan Julian told the Commission that the figures he sees, for what service they provide, are not asking for much as they are well-trained people. Mr. Julian is willing to take 5% from the Road Department and 5% from Law Enforcement to give the Fire Department the 10% they are asking.

Dale Jones, resident of Valencia County, gave his support on this tax increase and said he will campaign for this.

Commissioner Daves commended these volunteers and hopes that the County can give them an incentive. Commission Chair Aguilar asked for clarification, if Commissioner Daves would like 70% to go to the Sheriff, 20% to go to the roads, and 10% to the Fire Department. Commissioner Daves said that's what he recommended as he bolted out the door a week ago and suggested to have ideas for next Tuesday. Commission Chair Aguilar asked Commissioner Daves if he's still looking at getting a Blue Ribbon Committee together. Commissioner Daves answered; he's done a lot to get some people here and hopes they will be at the next meeting. Commissioner Daves wants citizen input, wants them to understand the County's problems, and wants them to agree with the proposed actions. Commissioner Daves would like the Blue Ribbon Committee to help guide the Commission in what they want to do. Commissioner Pando said he supported Commissioner Daves on this Blue Ribbon Committee until he looked at the calendar and noticed it would be hard to work with. Commissioner Pando feels it is a little to late to get a committee now. Commissioner Daves told the Sheriff that he read the Traffic Enforcement Analysis and the Sheriff's presentation of his plans from last week. Within that Commissioner Daves liked the idea and asked the Sheriff to talk elaborate on more deputies, them patrolling in specific areas, and the substations. Commissioner Daves hoped that with the increased resources, the Sheriff could have some systematic and continuous traffic control, as the County roads need enforcement.

Sheriff Juan Julian, told the Commission when he proposed this long term plan it was on very short notice and the reason it was prepared the way it was is the Sheriff is projecting, if they're allowed to implement this plan, that they can district the County to get better service to the citizens not only to handle traffic but any other calls that might arise. The Sheriff is trying to cut down the response time. If the Sheriff is able to have the time to work traffic, that will solve a lot of the problems, as the Sheriff's Department has little time to work traffic as they are going from call to call. If this long-term plan can be implemented and the Sheriff can increase his force, they can provide a certain amount of officers with a supervisor in certain areas and have them work and be stationed out of those areas. Sheriff Juan Julian stated his Department will work very hard to support this tax increase. Commissioner Daves said this increase would take some pressure off the general fund and thinks it's appropriate to allocate this for specific uses.

Mr. Fernandez told the Board if they decide to go forward with an election, they will need to fund it and that money was not provided in the preliminary budget. If there were a mail in election it would cost \$44,000.00. If it is a precinct election, it will be approximately \$25,000.00-\$26,000.00. This needs to be submitted with the final budget by July 30, 2001. Commissioner Pando said he fully supports what the Fire Department is trying to do. County Clerk, Tina Gallegos, informed the Commission for the public hearing on the 10th, as they need to decide what type of election this is going to be because the resolution needs to be published. Commission Chair Aguilar said the final public hearing will be July 10, 2001 at 10:00 A.M. in the County Commission room.

Managers Report.....James Fernandez

Valencia County Road Viewers

James Fernandez, County Manager, told the Commission of a difficulty that the Road Department, Planning & Zoning, and Administration, are running into in regards to the inability to get Road

Viewers. Mr. Fernandez discussed this with Tom Garde, County Attorney, as to whether or not staff can be utilized as Road Viewers. Under statute, the requirement of a Road Viewer is that the individual must be a free-holder, which is a property owner. The problem is that if there are staff members from other departments serving as Road Viewers, it becomes self serving, and there is the perception that the County is not being unbiased in terms of the Road Viewers. One of the things the Commission might want to look at is there are provisions in statute that allow for compensation of Road Viewers.

Central Area Workforce Investment Board-Appointment of Member & Approval of Agreement

Mr. Fernandez told the Commission that Commission Chair Aguilar served as this County's representative to the Central Workforce Investment Board and has resigned from that so the County needs to appoint somebody to that position as well as determine whether or not the agreement will be approved. Commissioner Pando felt this should wait until the full Commission could be here.

Jail Monitor Report

The average amount of inmates in the Jail is 106 inmates. Commissioner Daves received a call from the Meadow Lake area asking to get people to go up there and pick up trash and asked where that program was. Commission Chair Aguilar toured the facility and said her understanding in the preliminary budget is that Emiliano Sanchez would continue as Community Monitor and that Mr. York would be terminated. Commission Chair Aguilar asked Mr. Fernandez to clarify that. Mr. Fernandez said there was never a definite determination as to what was going to happen to these individuals. Commission Chair Aguilar received a call that the current facility where the women are did not have any air conditioning. Commission Chair Aguilar did tour the Adult Detention Facility and talked to some of the inmates and asked if there were any concerns. Commission Chair Aguilar discovered that the air conditioning units were not hooked up and they had 2 fans. That problem was taken care of in a matter of days, everything looked clean, and Commission Chair Aguilar did not hear any complaints.

Request for Support of Funding for CARA, H.R. 701

Mr. Fernandez told the Commission that Dale Jones approached him asking for some support from the County in regards to the Conservation and Reinvestment Act, CARA, House Resolution 701. Mr. Jones told the Commission that he has worked on this legislation for two years. Mr. Jones told the Commission this is important because it is the first piece of legislation that is going to have a 15-year appropriation. This is money that's coming from offshore oil and the agreement was made when the land water conservation fund was passed because nonrenewable resources were being dug up off the coast. Fees that came in for that were used to support renewal conservation but Congress never went along with that. Last year New Mexico received \$100,000,000.00 that was used for the Baca Land Grant. This legislation has 8 different titles, and is 3.2 billion dollars a year for 15 years. This is going to be full funding of Payment in Lieu of Taxes (PILT). This goes to every county because of the federal lands they have. There will be \$13,934,000.00 a year coming into New Mexico for the counties. On the title II, which is the Land Water Conservation Fund, 50% of this money, is going to go to state and local governments and 50% to the federal government, that's an \$8,000,000.00 figure. The wildlife agency of the state is going to receive about 5.7 million dollars every year for non-game species and they have never had this kind of money in the past. Title III is the Wildlife Conservation and is going to go to the State Game & Fish Department and can be used for any wildlife species but the only money the State gets right now is on licenses and that's for game species so logical place they don't have any money for is the non-game. The urban parks & recreation means support for the little league ball fields and the YAFL fields and this will be \$405,000.00 a year that will come to the counties. The Historic Preservation is 1.8 million dollars. The Conservation Easement that may be money to pay for some development rights that will go for lands. Mr. Jones asked the Commission for its permission to put their name on a petition that he has compiled. This will be a letter that has been put together by a coalition in Washington D.C. which is a letter to the House of Representatives who will meet and vote on this bill in July. Right now there are 227 co-sponsors of the bill in the House. Last year there were 65 senators that supported it but it couldn't be put on the floor for a vote. The appropriators, Senator Domenici and Joe Skeen, are opposed to this. The Commissioners gave their support for this.

Movement of Voting Machines

The movement of voting machines from the rented space in VIA has taken place. They have been moved to an area that was under the control of the County. That took place last week. To some extent this upset some of the senior citizens and they may be circulating a petition to the Board in terms of the loss of some of their space.

DFA-Preliminary Approval

Mr. Fernandez told the Commission that he and Carlos Montoya, County Fiscal Officer, will be meeting with the Department of Finance Administration and the Property Tax Department on Friday July 6, 2001 at 9:00 A.M. to go over the County's preliminary budget and specifically the Assessor's budget. The preliminary budget has not been approved because of the Assessor's budget and the Property Valuation fund being in question. If DFA does not allow the County to do as proposed, that will have an effect on the general fund. Commissioner Pando asked if since there is a meeting on

the 10th, if Mr. Fernandez can report to the Commission. Mr. Fernandez said at the next regular meeting, they would bring back a report as to what was determined with the meeting with DFA.

Los Lunas Construction on Luna Avenue

In January 2002, the Village of Los Lunas will begin a construction project on Luna Avenue in front of the County Courthouse and they're going to be doing resurfacing, sewer work, and putting in curb & gutter. The area directly in front of the County Courthouse will have only one-way in and out rather than having an entrance and exit. The roadway will be moved out 5 feet, so what is now the sidewalk will be five feet within the roadway, so there will be added space to the parking area.

District Attorney's Office Space

Mr. Fernandez met with Lemuel Martinez, District Attorney, last week and the two small office areas in the Sheriff's Department are what the District Attorney will be utilizing.

Commissioner Pando informed the Commission that himself, Monica Mireles, Assistant to the County Manager, and Carlos Montoya, Fiscal Officer, attended the Juvenile Detention Regional Meeting. Commissioner Pando recommended to Bernalillo and Sandoval Counties that if there are three partners, they should all share in the expense equally. Commissioner Pando said he was abruptly cut off by Sandoval & Bernalillo and they told Commissioner Pando, "We don't need you, you need us." Commissioner Pando proposed to ask Sandoval County that on the revenues that are made, Valencia County should receive 70%, or more than they do being that Valencia County is supplying the building. Commissioner Daves said he would support that. Mr. Montoya told the Commission the County is committed to the Joint Powers Agreement they currently have and suggested to revisit that agreement and in the discussion in the Spring of next year, that any additions or deletions the Commission wants to add to it should be included at that time.

Recommendation of Award for RFP #138 on Redistricting.....Carlos Montoya

Carlos Montoya, County Fiscal Officer, told the Commission that the redistricting issue comes up every ten years. Administration went out on June 12, 2001 and went out for bid of RFP #138, which is redistricting professional services. A committee involving the County Manager, County Clerk, Director of Elections, and Fiscal Officer was set up. Two workshops were held. In the first, the firms were rated according to their RFP proposals. After that the three vendors were interviewed and a post evaluation of results was done, the scores did change. Three firms that submitted bids. Production Data Solutions from Albuquerque whose bid was \$15,750.00, Research & Polling out of Albuquerque whose bid was a fixed fee of \$18, 067.48 and then in the hourly rates of personnel was \$16,427.39 and when figuring the tax there was a third figure of \$17,075.00. Mr. Fernandez asked them what figure it was, and they said the final figure would be \$16,427.39. This was a concern of Mr. Fernandez of crunching of numbers. Commissioner Pando said the \$16,427.39 excludes travel expense. Mr. Montoya stated that PDS came up with a higher score and in their proposal, travel and mileage & per-diem was included in their proposal. The cap of PDS is \$15,750.00, which includes the gross receipts also. The committee recommended the County go with PDS. Mr. Montoya said he felt good with PDS because they're the only ones that suggested they would like to meet with the Commissioners prior to presenting the three proposals. Francisco Apodaca is a former County Manager who has done redistricting before and has a lot of experience in it.

Tina Gallegos, County Clerk, told the Commission she agrees with Mr. Montoya that PDS was a little bit more personable and did inform the Committee that they would visit with the Commission. Ms. Gallegos also recommended PDS. Mr. Montoya informed the Commission there is a requirement that two public hearings be held and this task needs to be accomplished by October 12, 2001 that is recommended by the State. If they get awarded today, a timetable will be scheduled and it will be up to PDS at what meetings they're going to present this. There is only a minimum of 2 public hearings, but if need be, there is room in the timetable to have a third public hearing. It is recommended by the RFP that PDS present 3 workable plans at the first public meeting. Francisco Apodaca would be the primary contact person along with his assistant Deb Frank if they get the bid. With Research & Polling, Brad Morrison & Michael Sharp would be the primary contact people. On the third bid, Mercedes Romero would be the contact person as it is a one-person operation. Rather than meet with individual County Commissioners, Commission Chair Aguilar recommended that PDS make it a workshop to where all Commissioners are listening and participating. Commissioner Pando made a motion to award the contract to PDS in the amount of \$15,750.00. Commissioner Baca seconded the motion. Motion carried.

Request Signature-Service Agreement for Prisoners between Bosque Farms & Valencia County.....Carlos Montoya

Carlos Montoya, Fiscal Officer, informed the Commission with the cost of living and the cost of housing of prisoners going up, every year the County is revisiting the Joint Powers Agreement or Intergovernmental Agreements with other municipalities. Mr. Montoya presented an agreement the County has with the Village of Bosque Farms and asked for a daily cost increase from \$71.00 to \$82.92. The other item that changed is a finance charge of 1.5% will be charged on any invoices outstanding over 30 days. The County already has the approval of Belen. Los Lunas still has some questions on that. With Isleta it is a slightly differently contract because they're considered a federal agency. The only one outstanding is the Village of Los Lunas. Mr. Montoya asked with the Commission's permission when they bill it out they bill the \$82.92 even though there is no agreement. Tom Garde, County Attorney, told the Commission that the better course is to have a contract, and

the County would need to provide some notification to the Village. Mr. Montoya said that in the letter he sent, it stated that Starting July 1, the County will bill them at that cost. Mr. Montoya asked the Commission for vacation. Commission Chair Aguilar asked Mr. Garde if the County is taking on liability by taking prisoners without an agreement. Mr. Garde said, "We are taking liability but I think there's a notice factor, we ought to notify them in writing that we in fact give them so many days to do something." Mr. Montoya asked the Commission if they want a letter drafted to them. Commission Chair Aguilar said it's appropriate. Mr. Montoya asked for Mr. Garde's assistance with this letter. Commissioner Pando asked whatever happened to Socorro and other Counties that were supposed to come into the County. Mr. Montoya said he will sit down with the Cornell to come up with an agreement so if other counties are going to come, the County gets a signature from them and that if they require off site medical attention, Valencia County wants to make sure that will be the other county's responsibility and not Valencia County's responsibility. Commissioner Pando made a motion to approve agreement with Bosque Farms. Commissioner Daves seconded the motion. Motion carried.

Request Approval of Intra Budget Transfer/Budget Increases & Budget Adjustment.....Carlos Montoya

Carlos Montoya, Fiscal Officer, informed the Commission that the fiscal year ended on Saturday. Mr. Montoya asked approval for the first resolution, 2001-25, which is an intra budget transfer for Senior Citizens. Mary Ann Gonzales, from the Senior Citizens Program, ran short on a couple of line items and is transferring money out of part time salaries and utilities into the five items that she was a little bit short on. Mr. Montoya told the Commission that the general fund helped Ms. Gonzales as she had some shortfalls because of gas prices, and the Commission helped her with about \$5,000.00-\$6,000.00, now towards the end of the month to help the seniors. Commissioner Daves made a motion to approve resolution 2001-25. Commissioner Pando seconded the motion. Motion carried.

The next resolution, 2001-26, was for a budget increase that will be sent on to DFA for it's approval. Mr. Montoya is moving \$255,273.00 out of the cash reserves and putting it into the County Commission's budget for the trash disposal on the Adult Detention contract. These are two items that were in the negative. Mr. Montoya asked DFA if the County could get money out of the cash reserves to supplement the shortfalls of the County in these line items. DFA gave Mr. Montoya a verbal approval. Mr. Montoya said, since the Adult Detention had the biggest amount of fund in their line item, Mr. Montoya took all the negatives throughout the general fund and used it off this line item, so when the Fiscal Office goes to DFA, they only have one line item. Darlene Marez from DFA told Mr. Montoya it would be proper to do this. There are no shortfalls in the Adult Detention contract that was the only line item that had money in it when Mr. Montoya cleared up all the negatives on the other 17 departments. Commissioner Pando made a motion to approve resolution 2001-26. Commissioner Daves seconded the motion. Motion carried.

Mr. Montoya asked the Commission to approve resolution 2001-27, which is a budget adjustment with the jail tax. The gross receipts were intercepted by the New Mexico Mortgage Finance Authority. They kept the money in their bank account during the year for all gross receipts the County collected from July until June. They hold it there so they can satisfy the bondholders. New Mexico Mortgage Finance Authority made the interest payment in January, which was \$121,000.00, and then they made the principal payment now in June, which was \$486,000.00. The money that was left over after they made the two payments, it will be sent to the County. The County is moving it from the debt service into the general fund. Mr. Montoya explained, basically the New Mexico Mortgage Finance Authority is holding 1.1 million dollars, the County pays \$650,000.00 for the jail, and the \$450,000.00 comes back to the County. Tom Garde, County Attorney, told the Commission, "if he represents that DFA approved it, so I assume it's appropriate." Mr. Garde told the Commission, the money was part of the revenue bond and it was kind of a collateral. James Fernandez, County Manager, told the Commission, this is money that was intercepted and sent from the DFA to the New Mexico Finance Authority for the payment of the debt. They retained it from the correctional gross receipts and a portion, about \$100,000.00, that they needed to retain from the first 1/8th they retained and what's coming back to the County is what's needed to cover the debt. Commissioner Pando made a motion to approve resolution 2001-27. Commissioner Baca seconded the motion. Motion carried.

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

Carlos Montoya, Fiscal Officer, presented the computer printout listed of the warrants issued by the Fiscal Office for payroll on 6-29-01, warrant #65452-#65482. Mr. Montoya asked for approval on payroll warrants, payroll #47920-#48104, for the amount of \$184,080.44. Commissioner Pando made a motion to approve warrants. Commissioner Daves seconded the motion. Motion carried.

Mr. Montoya presented the computer printout for all the checks issued by the Fiscal Office on June 29,2001 covering vendor bills processed on the above date, warrants #65483-#65584 for a listing total of \$130,994.14 plus the additional vendor list Mr. Montoya handed out. Mr. Montoya asked approval of warrants. Out of the \$130,994.14, \$107,000.00 came out of the general fund. Mr. Montoya told the Commission that all bills have been paid. Commission Chair Aguilar asked Mr. Montoya to clarify on warrant #65512, as she has never seen a body armor spare carrier. Mr. Montoya explained that's the grant on the body armors that the Sheriff received. This money comes out of the 424 fund and is a bulletproof vest. Commission Chair Aguilar also asked about #65532, hot mix cold lay on a road. Mr. Montoya said it is a bill that was outstanding that the Road Department brought to the Fiscal Office. Mr. Montoya said the Road Department does buy from W.W from time to time and they store it at the Road Department as they use it for patching. Commission Chair Aguilar asked on #65546, medical evaluation for J. Torrez to Dr. Clifford Stoller

and is coming out of the Commission budget. Mr. Montoya said this is a personnel matter. Commission Chair Aguilar was also concerned about #65553, the County is paying an additional \$10,465.00 to the Narvarez Law Firm. Mr. Montoya said this would cover his April bill. Commission Chair Aguilar was concerned about #65561 to Molzin Corbin, Digital Traffic System. Mr. Montoya believes this is from the Milagro Subdivision. The retainer is the \$402.00 but the \$1,346.00 came for prior approval. Commission Chair Aguilar asked about #65569, as the Clerk's Office, bought chain saw chains. Mr. Montoya said what happened is the Road Department needed this material as they had no money in the budget, so the money came out of the Clerk's budget. Commissioner Daves made a motion to approve. Commissioner Baca seconded the motion. Motion carried.

Commission Chair Aguilar directed administration to run an ad in the News Bulletin and the Journal South saying that there is a public hearing on the gross receipts tax. Mr. Montoya suggested putting public notices on public buildings.

The next Regular Meeting of the Valencia County Board of County Commission will be held on July 17, 2001 at 6:00 P.M., with Executive Session starting at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

There is a canvass meeting on Friday July 6, 2001 at 10:00 A.M.

There is also a Special Meeting on July 10, 2001 at 10:00 A.M. to discuss the 1/8 gross receipt.

ADJOURNMENT

Commissioner Daves made a motion to adjourn at 3:57 P.M. Commissioner Pando seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, July 3, 2001 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

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 17, 2001

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