

VALENCIA COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

July 17, 2001

The Meeting was called to order by Chairman Alicia Aguilar at 5:04 P.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, said she will present new hires, resignations and status changes in executive session. Commissioner Pando stated he would like to address a personnel matter.

Tom Garde, County Attorney, said that under litigation, he will discuss several items including: Animal Control, a contempt situation, potential litigation with regards to destruction of an animal, and other litigation.

Commissioner Pando made a motion to go into executive session and discuss personnel matters as amended. Commissioner Padilla seconded the motion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Padilla voted yes. Commissioner Baca voted yes. Motion carried.

Commissioner Pando made a motion to return to regular session. Commissioner Baca seconded the motion. Motion carried.

Ms. Anaya reported that during executive session the following was discussed: new hires pending pre-employment physical, drug, and alcohol tests for Tiffany Rodriguez Radio Dispatcher for Sheriff’s Department, resignations of Steve Sanchez from Animal Control, Vince Chacon from Assessor’s Office, Steve Chavez County Planner, status changes from probationary to non probationary for Gabriel Salas County Clerk’s Office, position status change of Patrick Otero Road Department from Laborer to Heavy Equipment Operator, position status change of Ramon Torres from Laborer to Heavy Equipment Operator. Ms. Anaya asked the Commission to ratify what was discussed in executive session. Commissioner Pando stated he thought they agreed the status change or job name change would be “slash Laborer”. Ms. Anaya didn’t believe that was the understanding. Commissioner Daves made a motion to ratify the discussion of personnel matters as Ms. Anaya presented it. Commissioner Padilla seconded the motion. Commissioner Pando voted no because he believes it is imperative to include that, otherwise there will be no laborers at all in the Road Department. Commissioner Daves voted yes. Commissioner Padilla voted yes. Commissioner Baca voted yes. Motion carried.

Commission Chair Aguilar reported that Louie Pena, Road Superintendent, was present in executive session and discussed some proposed salary increases and no action was taken. In addition, Steve Sanchez and his comp time was also discussed, Administration is going to take care of that. Also, the Commission was told that Steven Chavez, County Planner, has given the Commission a proposal to finish the comprehensive plan. Administration will work on that and report back to the Commission in two weeks. In discussing the resignation of Steve Sanchez from Animal Control, there was direction given to post the position and the direction from the Commission is that the position will be Director of Animal Control and will be an appointed position. Commissioner Daves said there is an existing exempt Animal Control position that hasn’t been filled and the decision that was made by the Commission was to fill that position.

James Fernandez, County Manager, reported presenting information to the Board with regards to potential litigation with Raymond Chavez over an animal that was euthanized by Animal Control. The County will be presenting Mr. Chavez with a settlement agreement. Mr. Garde said that with regards to the settlement agreement, it is subject to Mr. Chavez agreeing to certain conditions with regards to that settlement. Mr. Garde recommended that the amount of the settlement be released contingent on Mr. Chavez agreeing to provide testimony during the course of any further litigation on the case. Commissioner Padilla made a motion to grant Administration and Mr. Garde authority to settle based on the conditions. Commissioner Pando seconded the motion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Padilla voted yes. Commissioner Baca voted yes. Motion carried. Commissioner Baca made a motion that’s all that was discussed in executive session. Commissioner Padilla seconded the motion. Motion carried.

**Pledge of Allegiance** was led by Steven Chavez.

### **Approval of Agenda**

James Fernandez, County Manager said under public requests, there is a request by James Ashmore and Francisco Apodaca. There was originally a request by Rosendo Garcia but he withdrew that. Mr. Fernandez asked to move item D up as there is an interpreter present for that discussion. Mr. Fernandez said there was a request by Lawrence Kaneshiro, who is presenting item I to move it up to item B as Mr. Kaneshiro had oral surgery today. Commissioner Padilla asked to combine item E and item F. Commissioner Pando, Ray Garcia, Victor "Bud" Williams, Rita Padilla Gutierrez, and Michael Lundmark asked to address the Commission under public requests. Commissioner Pando made a motion to accept the agenda as amended. Commissioner Daves seconded the motion. Motion carried.

### **Approval of Minutes**

There were four sets of minutes to be approved, which were: June 11, 2001 Emergency Meeting, June 19, 2001 Regular Meeting, July 2, 2001 Special Meeting, and July 3, 2001 Regular Meeting. Commissioner Pando had a concern about the Special Meeting on July 2, 2001 as it was his understanding that the Commission was told by the Association of Counties and Mr. Narvarez, that once the Mike McCartney issue and other issues that the Commission discussed at that time, would be paid from now on by the Association of Counties. Commissioner Pando was told that was not said to the general public and he would like to make that part of the approval of minutes because the Commission spends a lot of money on attorneys. It was Commissioner Pando's understanding that by the Attorneys' present that there will be no more bills for the County unless there was a lawsuit filed under "83USC Code", other than that the Association of Counties would pick up the tab. Mr. Garde said anything that was discussed in executive session is confidential and cannot be made part of the minutes. Mr. Fernandez said he verified with Reyna Carrejo, Stenographer, as to whether or not that had been mentioned in the open portion of the meeting and it had not been. Mr. Garde suggested that the Manager's Office get any information that was presented in executive session in writing from the Association of Counties. Commission Chair Aguilar commented that in the July 2, 2001 Special Meeting, Mr. Fernandez read a letter from Commissioner Padilla but that was something that was done in executive session. Commissioner Pando made a motion to accept all sets of minutes as presented. Commissioner Baca seconded the motion. Commissioner Padilla stated that he was not present for the meetings of July 2, 2001 and July 3, 2001 and refrained from voting on those. Motion carried.

### **Public Requests**

James Ashmore, with Highland Meadows Neighborhood Association, told the Commission the Association is trying to do several projects in the Community. He said there is one ordinance proposal that will help the communities and asked what the current status of that proposal is. It is an ordinance proposal to change the current ordinance for the acceptance of roads. Mr. Garde said a draft ordinance was prepared but that ordinance was not yet presented and subsequent to the drafting of that ordinance, in conjunction with the problems the County is having in regards to the road viewers, the County may be presenting a resolution that would be circulated to the various departments. Right now there is an ordinance that has not gone beyond the Zoning Department. Mr. Garde is waiting for direction from the Board with regards to where to proceed with the Highland Meadows roads and other roads in general. Commission Chair Aguilar said the Commission received a memo and they addressed it in the Road Department that there are some private roads that are being maintained and the Commission asked for clarification on that. Commission Chair Aguilar volunteered to help with the ordinance to get it to the Commission in the next two weeks.

Francisco Apodaca, from Productive Data Solutions, introduced himself as they were selected as the Company to take on the redistricting project at the July 3, 2001 Meeting. Mr. Apodaca requested to meet with the Commissioners as individuals. Commission Chair Aguilar said when the proposal was accepted, that was the one change, that Mr. Apodaca would meet with the Commission as a group and Administration was going to schedule that meeting. Commissioner Pando thanked Mr. Apodaca for coming to the meeting.

Ray Garcia asked where the County is with the comprehensive plan and also asked the Commission to bring up the possibility of enforcing or engaging in a moratorium on the east mesa for any future development until the comprehensive plan is finished. Mr. Garcia is concerned about how that growth is going to affect the valley in terms of roads, as there are very small roads that lead up to the mesa and cannot handle huge amounts of traffic. The other thing that concerns Mr. Garcia is the sewage/treatment plant that serves Las Maravillas and Pasitos del Cielo and any other growth up there, is sitting on top of the cemetery. Mr. Garcia feels that if it grows up there more, there will need to be more sewage put on to that. There is a land grant up there where there can be treatment plants put that do not affect the people. Mr. Garcia asked the Commission to discuss a moratorium at an evening meeting and asked what's happening with the comprehensive plan. Commissioner Padilla stated that Steve Chavez, County Planner, is resigning from his position and the Commission is deciding what to do with the comprehensive plan. Commission Chair Aguilar told Mr. Garcia that the Commission shares his concern and the plan will be finished. The Commission will take action on this prior to Mr. Chavez's departure. Commissioner Pando told Mr. Garcia that since Mr. Chavez will no longer be an employee of the County, the Commission will try to get a contract with him to finish the comprehensive plan. Mr. Garcia had concerns about a person who once worked on the plan as a

County employee and would then take it over as a private citizen. Mr. Chavez always hoped to complete the comprehensive plan and said he has the focus of the plan with the Steering Committee, as they have been working on it for three years. Mr. Chavez said the Planning Department knows what needs to be done and what the Steering Committee wants. Mr. Chavez feels it will be easier for him to finish the plan without him being a County employee. Mr. Chavez will not be working for a Law Firm. Commissioner Daves feels it will be appropriate for Mr. Chavez to continue with this job and asked Administration to go forward with this as the Commission instructed them to. Mr. Garcia stated he would like to have both issues discussed at an evening meeting, and his primary focus is on the moratorium on the east mesa until this comprehensive plan is complete. Commission Chair Aguilar asked Commissioner Padilla to get together with Zoning and Mr. Garcia to set this up as an agenda item, request for a moratorium on the east mesa.

Victor "Bud" Williams said that in October 1998, the Village of Los Lunas annexed 2,207 acres of land on the west side of I-25 and south of Highway 6 as requested by John and Luis Huning who are owners of that property. As of March 19 2001, no taxes have been paid to the Village of Los Lunas on that property. Mr. Williams asked the Assessor's Office why this hasn't been done, but never received an answer. Last week at the special meeting, Mr. Williams was told that taxes would be assessed for 2001. Mr. Williams asked, "How could such a big thing happen and no one knew about it and no taxes have been collected by the Village. I talked with Peter Fernandez, he said that he had sent the paperwork to the County and to the State and I believe that paperwork is available here." Mr. Williams would like to know why the County didn't collect taxes on that property. Mr. Fernandez said all property taxes are collected for all the entities by the County and are distributed to the entities. Mr. Fernandez will verify with the Assessor as to why this particular property was not assessed.

Rita Padilla Gutierrez thanked Steven Chavez, County Planner, for the work he's done. Ms. Gutierrez feels there needs to be a moratorium on the east side and encouraged the Commission to think about that. Ms. Gutierrez gave the Commission pictures of what is taking place at the Tome Cemetery.

Michael Lundmark feels the comprehensive plan needs to be done as it controls the future of Valencia County. Mr. Lundmark recommended that a moratorium be established until the comprehensive plan is completed. Mr. Lundmark feels the moratorium should be Countywide. Mr. Lundmark had a community meeting recently regarding a road that is illegal as it is going along an access road that belongs to the Middle Rio Grande Conservancy District. He said this road is used by people in a poorly planned subdivision. Mr. Lundmark asked the Commission for its help with the Transfer Station, as when trash is delivered, the station no longer accepts personal checks.

Commissioner Pando said the Ulibarri's Bus Service was closed and feels the County should look into getting its own bus service.

### **Request Roads to be Accepted for County Maintenance:**

#### **San Clemente Road**

Louie Pena, Road Superintendent, said that San Clemente Road has been disapproved by the Road Viewers. Patricia Sanchez approved, Huey Lewis disapproved, Johnny Maestas disapproved, and the Road Department Foreman disapproved it. Mr. Pena recommended disapproval of this road because there was no drainage, gravel, or bar ditches and the top course of the road material cannot be compacted. This road requires a culvert according to Mr. Huey. Commission Chair Aguilar made a motion to table this item until there can be a decision on the road maintenance and how the Commission is going to address that. Commissioner Pando seconded the motion. Commissioner Daves asked why this road is before the Commission, as they cannot vote yes on it. Motion carried.

#### **Musica Road**

Mr. Pena said that Musica Road was disapproved because the road is not where it is supposed to be. Musica Road is approximately 30 feet from the lines where it's supposed to be with the Assessor's Office. Commissioner Baca made a motion to disapprove this road. Commissioner Padilla seconded the motion. Al Miera, Developer, is the person who found that this road was off. Tammy Sanchez, resident of Musica Road, asked for documentation of everything that was found in regards to the roads being off. Of the four Road Viewers, three of them disapproved the road. Motion carried.

#### **Calle De Campo**

Mr. Pena said Calle de Campo was approved by all four Road Viewers. Commissioner Baca made a motion to approve this road. Commissioner Padilla seconded the motion. Motion carried.

### **Agreement with Land Records Corporation.....Lawrence Kaneshiro**

Lawrence Kaneshiro, Director of Elections, told the Commission that Land Records is a consortium of five Title Companies that operate in Sandoval, Bernalillo, and Valencia Counties. Glenn Finley is the President of Land Records. The five Title Companies include: Albuquerque Title, Stewart Title, Fidelity Title, First American Title, and Rio Grande Title. The five Title Companies emerged a research plant in one facility where they have one AS400 that will serve all their data needs. The object of this agreement is to connect an exclusive data line to the County's AS400 and the one at Land Records Corporation. This will allow the Title Companies to access the Assessor's, Clerk's,

and Treasurer's records. The Title Companies will be capable of viewing and printing digital images that are currently being captured by the County Clerk's Office. All the Title Companies can access is public record, and measures will be taken to protect data that is not public record. Mr. Finley has agreed to absorb the costs of the installation of the necessary hardware, the T1 Communications line, and any software changes that Triadic, the Software Vendor, may have to do. Under the license agreement, Land Records will pay the County \$900.00 a month for the use of the public documents. The term of this computer access agreement is for a period of one year. Tom Garde, County Attorney, told the Commission that this matter has been in negotiations with the Clerk's Office and Land Records. The County has used data from Sandoval County in comparing with the Clerk's Office in Valencia, so Mr. Garde recommended approval of the contract. This allows the Title Companies to do their title research through the computer instead of having to come to the Clerk's Office and doing it manually. The \$900.00 a month is paid to the County by Land Records Corporation. Some of the Title Companies are already accessing public records through an individual dial up modem and essentially this allows those same Title Companies to work under one roof using their computer that is tied to the County's computer with one data line. The terms Licensor and Licensee were misplaced in the document, so the Commission will pencil through this agreement and prepare a clean document to be signed. Commissioner Padilla made a motion to approve this agreement. Commissioner Pando seconded the motion. Motion carried.

#### **Notice of Intent to Issue Revenue Bonds.....Carlos Montoya**

Carlos Montoya, County Fiscal Officer, told the Commission that County's finances and revenues are pretty flat these years. Administration is trying to take a look at how the County is going to fund the capital needs for the next 2-3 years. Mr. Montoya asked John Archuleta, Representative from George K. Baum, to assist the County in finding ways to raise some capital to make capital purchases in the next couple of years. This is not a service that requires an RFP. Mr. Montoya asked for approval to put out a notice of intent to issue revenue bonds. There are three possible options in the amount the County might need in the next three years. On a revenue bond that's approved by Department of Finance Administration (DFA), the County has to use the proceeds within the three-year period. The County is proposing to back these revenue bonds with the first 1/8% of gross receipts. \$550,000.00 is the first option the County thought about borrowing on revenue bonds and will be a 5-year payoff. The second option is \$865,000.00, which is a 5-year payoff. The third option is \$865,000.00 with an 8-year payoff. The way this money will be used is \$360,000.00, for the contribution to the Road Department as part of the transfer out of the general fund to help provide for the paving of roads in Valencia County, which are submitted to the State Highway Department. The funding the County gets from Santa Fe, they have a 25% match to that funding. The Road Department has identified the need for two trucks, \$25,000.00 for one service truck, and \$23,000.00 for a ¾ ton truck. The Road Department has also requested a belly dump to maintain the roads and the County has found a used belly dump for \$25,000.00. Speed humps will cost \$1,900.00-\$2,000.00 and 20 roads have been identified, which is a cost of \$40,000.00. In Solid Waste, the Environmental Department has requested that the County put water out there, which will cost \$215,000.00. Mr. Montoya also visited with the Architect as far as the improvements to be made at the Animal Control Center. To get the existing facility enclosed and have the runways open for the animals will cost \$25,000.00. In the event that the County rethinks the Animal Control project and opens the facility in the southern part of the County, it will cost \$225,000.00-\$275,000.00 depending on the type of construction that's required. Commission Chair Aguilar asked Mr. Montoya for a list of what this money would be used for. Commissioner Pando stated the 15% of the 1/8 of the gross receipts tax is going to the Road Department for equipment and maintenance of equipment. Commissioner Daves asked for an iteration of the \$865,000.00. A request for a well and pump came into today, which will cost \$15,000.00. Since the last meeting, two cars have broken from the Planning & Zoning Department, so they have requested two vehicles. James Fernandez, County Manager, informed the Commission that Road Construction & maintenance is \$359,000.00, the service truck is \$25,000.00, the ¾ ton truck is \$22,000.00, the belly dump is \$25,000.00, transfer trailer is \$30,000.00, the kennels are \$22,000.00, well & pump is \$15,000.00, Animal Control is \$275,000.00, speed humps are \$40,000.00, and those items add up to \$813,000.00. Mr. Fernandez said there is a new 15-year lease on the Animal Control facility and the Commission will need to augment this facility as a potential adoption center.

Mr. Archuleta told the Commission that the resolution before them tonight will allow Mr. Archuleta to proceed and come back with a plan of financing, as the Commission will make the final determination as far as how they want to spend the money. Before any bonds are sold, the Commission will have to approve the projects and identify what the projects are. Mr. Archuleta will then come back with a specific amount as far as the bond issue, the payback schedule, and all particulars of the transaction. Commission Chair Aguilar said according to "NMSA 462-1, it's very specific as to gross receipts tax revenue bonds and how they may be used. So we have to follow those ten items and be very specific, if we're looking at speed humps, speed humps may not even be allowed." Commission Chair Aguilar would like specifics as to how these bonds are going to be used. According to Commission Chair Aguilar, a document from Taxation & Revenue indicates, "any amendments to the ordinance, the dedication or use must be specific in item four." In addition to that, Commission Chair Aguilar said, "Proceeds from the first 1/8 of the tax may be dedicated to the County general fund, County road fund or both except that 15% of the revenue generated by the 1<sup>st</sup> 1/8 must be set aside monthly in a reserve fund each fiscal year." Commission Chair Aguilar said part of the gross receipts is already indebted to the jail construction. Commission Chair Aguilar would like a proposal saying, this is what will be generated, this is what it's going to cost the County, and what projects will be done. Mr. Montoya said approximately \$125,000.00 out of the \$550,000.00 goes to the debt service on the jail. Mr. Archuleta said the interest rate will be below 4%. Other counties have done gross

receipts tax financings. Commission Chair Aguilar asked Mr. Montoya, with the first 1/8 of gross receipts the County can use for operation of the County and to build up the reserves, if the County is tying it all up and limiting it to all the construction projects, how is that going to affect the present and future budget in expenditures? Mr. Montoya said that out of the \$550,000.00 that is generated by the gross receipts, \$120,000.00 is for the jail. If the County borrows the \$865,000.00, the County is going to tie up another \$120,000.00, so that will be a total of \$240,000.00 that will be tied up out of \$550,000.00, so there will still be \$310,000.00 to use for whatever the Commission chooses. Mr. Montoya said the gross receipts will not be available to the County until June 2002 and there are projects needed in the next 3-6 months.

Mr. Archuleta told the Commission if they give him a specific amount not to exceed that amount, they can only go to that particular point, they can always go lower but not higher. Mr. Fernandez said the problem the Commission will have if they don't pass the resolution tonight is that the \$267,000.00 that is needed to complete the contractual obligations of last years (2000-2001) road projects will not be met. Commissioner Daves said revenue bond money is an intrinsic element to meet this year's budget. Commissioner Pando asked what happened to the roads on the wish list from the past Commission. Helen Cole from the Road Department stated, every year before going to the State Highway Department for projects, all the Commissioners put a list together of all roads and from there the Road Department does estimates to figure out how much can get done. Commissioner Pando would like to know which roads are going to get done with that money. Commission Chair Aguilar asked Administration to provide the Commission with the needs, what the County is going to do, and what it's going to cost. Mr. Fernandez said that the Commission would have a problem with creating the budget if the Commission does not have another meeting this month. There will be a problem with meeting the requirement to come up with the money to meet the contractual obligations for the roads for the year 2000-2001. Commissioner Daves stated "I am prepared to make a motion as I understand it, it's not committing the County Commission on any bonds but it is meeting our commitment to the state, and more than meeting that, to a motion for an amount up to the highest amount you talked about," which is \$865,000.00. Mr. Fernandez said, the mere fact of passing a resolution of intent does not correct the problem that the Commission is going to have on the road projects and they will have to commit at some point to a revenue bond. Commissioner Padilla made a motion of intent to issue revenue bonds. Commissioner Pando seconded the motion. Commissioner Daves stated he would like to put the animal control capital expense in there. Tom Garde, County Attorney, said, "What we have is a resolution before us in the amount not to exceed \$550,000.00, this is an intent to proceed to review." Mr. Garde said basically all that this Commission needs to make a decision on is whether or not to adopt the resolution with the intent to issue revenue bonds and the dollar amount. Commissioner Pando withdrew his second. Commissioner Padilla withdrew his motion. Commissioner Padilla made a motion for the \$865,000.00, and not to exceed \$865,000.00. Commissioner Pando seconded the motion. Mr. Garde said the Commission would not be able to act on an ordinance by the end of July. Commissioner Pando said this notifies DFA that the County is in the process of going forward. Mr. Fernandez said in terms of publication requirements it is 15 days, and what will probably be done by that point is an extension for DFA will be requested on the submission of the final budget to make sure that item took place prior to submission of the final budget. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Commissioner Baca voted yes. Commission Chair Aguilar voted no. Motion carried with a vote of 4-1. Commission Chair Aguilar told Mr. Montoya and Mr. Fernandez she would like to see the County better prepared and not dealing in crisis management.

#### **Request Signature on 2001/2002 Cooperative Program Agreements.....Helen Cole**

Helen Cole from the Road Department told the Commission she received the State Contract Agreements for the 2001/2002 Cap, Co-op, and School Bus Programs. This year Valencia County was eligible for \$182,792.00 on the Cap Program, \$86,106.00 on the Co-op, and \$139,500.00 on the School Bus Program. The roads that will be paved with this money from the Cap Program are: Hobb Road, Rallier Road, Kennedy Road, Romero Road, Los Ranchitos Subdivision, and Padilla Road. On the Co-op Program the roads to be paved are Pando Lane, Thomas Road, Baca Lane, Jose P. Sanchez, Molina Road, and Arcadia Drive. On the School Bus Program, the roads are Camino de Los Chavez, Fermin Chavez, Dairy Road, Sunflower, and Elias Road. Commission Chair Aguilar said she made a request that Camino de Los Chavez be changed and it was to be Elias Road and J.D. Thomas. Ms. Cole said she will get back to Commission Chair Aguilar on that, but Elias Road is there. The Road Department receives the money in November and the roads need to be completed by December 2002. Commissioner Daves made a motion to approve. Commissioner Padilla seconded the motion. Motion carried.

#### **Request Signature on Funding for USDA Wildlife Service Program Contracts.....George Cornelius**

George Cornelius, Representative of U.S. Department of Agriculture Wildlife Service Program, told the Commission he is requesting money from the Taylor Grazing Act in the amount of \$3,000.00. Tom Garde, County Attorney, said this is appropriate. Commissioner Padilla made a motion to approve. Commissioner Pando seconded the motion. Motion carried.

**Request Signature on East Mesa Cleanup Contract between Valencia County and VIA/Enforcement of Zoning Ordinances.....Carlos Montoya, David Crawford, and Bob Davey**

Bob Davey from Valley Improvement Association (VIA) asked the Commission to approve the agreement between the Association and the County. Mr. Davey said the previous work VIA did with the County prior to the year 2000 was mostly on an informal basis. The agreement the County and VIA began discussing in January 2000 had two things different, one was it committed both to a continuing effort, and it provided both with enforcement. Mr. Davey said the problem the County and VIA have, is they've been discussing this since January 2000 and it is now July 2001 and over that 18 month period there have only been 2 months spent in the field. What this agreement does that the old agreement didn't do is it allows the enforcement offices to site the violators into Magistrate Court. The Agreement also says that VIA will pay the tipping fees. David Crawford hoped that this agreement would be enforced and done. Mr. Crawford said it was very generous for VIA to fund an additional officer that doesn't take care of enforcement. Mr. Crawford said the County and the Commission must also make sure that enforcement is an interval part, otherwise they are providing free pickup service for anyone who doesn't want to put out a garbage can or go to the dump. According to Mr. Montoya a trailer will be designated specifically for this job.

Steven Chavez, County Planner, told the Commission that two months ago Planning & Zoning had a position open, it was posted, interviews were done, and one applicant was selected. Then there was a freeze on all positions, so this person could not be hired. This position came up the first time with the contract and this person was told the County was interested in using him for that position. Mr. Chavez requested to offer this position to this person now since they already went through the interview process. Commission Chair Aguilar and Commissioner Pando agreed with Mr. Chavez. Commissioner Padilla and Commissioner Daves thanked Mr. Davey for his offer. Commissioner Padilla made a motion to approve the agreement. Commissioner Baca seconded the motion. Motion carried. Commissioner Pando made a motion to undo the hiring freeze for this position. Commissioner Daves seconded the motion. Motion carried.

**Animal Control Report and Recommendations.....Steven Chavez**

Steven Chavez, County Planner, told the Commission that Michelle Rokke and Judy Babcock are present today and have been very involved in helping the County look at the problems with Animal Control. Mr. Chavez said he is impressed with the advocates and their concerns. Mr. Chavez thanked the Board for allowing a portion of the revenue bonds to go towards Animal Control issues. Mr. Chavez said one of the problems he identified was the hours of the facility as they are mismatched with the needs of the citizens of the County. Mr. Chavez feels the facility should be open on Saturdays so citizens can have access to the facility to adopt or pick up their pets. Mr. Chavez suggested closing on Sunday and Monday and would like to see that implemented immediately as people can't pick up their animals during the week.

Another problem Mr. Chavez identified is that the Animal Control Officers do not have an operating procedure that has ever been formally adopted, as they just have the ordinance that they're working under. Mr. Chavez feels they need to have a field operating procedure to deal with certain classes of cases, which include the investigation, gathering information & data, and submitting it to the District Attorney's Office for prosecution. For lower level abuse cases, such as misdemeanor abuse and neglect cases, there should be a set procedure for that as well that is different from the procedure that would go to the District Attorney's Office. Mr. Chavez feels there needs to be a procedure for the husbandry of the animals as there doesn't seem to be a set way to deal with the animals on a daily basis. There are procedures they follow but Mr. Chavez feels they need to adopt something formal. Animal Control Officers have a substantial amount of enforcement power to seize animals, site people, and do investigations along with the District Attorney's Office and the Sheriff's Department and Mr. Chavez feels there should be more accountability than what they have now. Judy Babcock has offered to look at the procedures and make changes as appropriate, as she has done that in other Counties. Mr. Chavez thinks the County should adopt a standard operating procedure as soon as possible.

There are registrations required in the Animal Control Ordinance, but there is no procedure for collecting registration fees for keeping the data for animals that are out there, such as when they expire. Mr. Chavez feels the County can establish a database for the license and registration of animals. According to Mr. Chavez, this is not an expensive concept. In the Zoning Department, Ruben Chavez, Assistant County Planner, put together a database for the Enforcement Officers and it didn't cost the County anything. Mr. Chavez recommended getting the Animal Control Facility a computer system so this can be implemented.

Mr. Chavez originally recommended placing a wall on the north and south sides of the existing facility, but his intent was to expand the facility entirely so the kennels on the north and south sides are entirely covered so animals won't get too hot or cold. Mr. Chavez thinks that getting experts in to review the needs of a facility is important so they can make changes if necessary.

The Animal Control Department just lost their supervisor Steven Sanchez and he needs to be replaced as soon as possible. Mr. Chavez said Animal Control just lost an Officer recently and thinks he also needs to be replaced. Anna Aragon who is the Office Person is full time and there are two full time Kennel Workers and two full time Officers in the entire County.

Mr. Chavez said there are allegations that the County is not euthanizing animals properly, he looked into that and said "Steven Sanchez was euthanizing the animals according to the accredited procedures as soon as he went through that training that Ms. Britton paid for. He began doing it appropriately each time unless the dog was already unconscious, then he was allowed to go straight to the heart. So he was not violating any procedures on that and we are not currently violating any procedures on that." There is only one other qualified Officer who has the licensing to euthanize animals. Mr. Chavez said it takes a lot to be licensed to euthanize animals.

Michelle Rokke, who works for Animal Protection of New Mexico (APNM), has been in contact with Steven Chavez and Steven Sanchez over the last several weeks and said they have been working effectively. APNM is committed to helping the Valencia County Animal Control Program rise to a functional level that satisfies the community and animal needs. APNM has offered the Valencia County Animal Control accredited training called Implementing the Felony Animal Cruelty Law and also offered the Sheriff's Department that same training in which they will get continuing education credits which are mandatory under the Department of Public Safety (DPS) Guidelines. APNM has also arranged for a Senior Staff Attorney and Training Instructor with DPS to come to Los Lunas on July 30, 2001 to provide an intensive cruelty investigative course for the Valencia County Animal Control Department. Ms. Rokke also extended an offer to the Sheriff's Department to attend that training as well. Ms. Rokke said that all of this is being offered at no cost to the County. At a very productive meeting that APNM had with the Valencia County Animal Control recently, they offered to obtain additional pro bono professional services for the County. Ms. Rokke asked the Commission to consider the strong liability associated with animal control issues that are not addressed, they include but are not limited to: bite cases, stray animal property damage including livestock damage, disease, handling of owned animals including wrongful euthanasia or mishandling of animals, and animal car collisions.

Ms. Rokke has five suggestions for the Commission to consider. Ms. Rokke thinks the Commission made great headway in allocating a potential \$300,000.00 fund to improve the shelter services in the Animal Control Department with the bond revenue. Ms. Rokke said the Animal Control Department is operating at a crisis level right now and hoped that Law Enforcement Stipend that are handed out will include an allocation for Animal Control Officers because they too enforce the law.

Ms. Rokke said the Valencia Animal Control Management and Director have agreed that a formal third party evaluation by Humane Society of the United States (HSUS) is needed to help address dysfunction in the Department. It will be instrumental in formulating a long-range plan for the Valencia County Animal Control. The initial quote that Ms. Rokke got for this evaluation was \$10,000.00, which is really high and what APNM is working on is to try to find funding so it won't cost the County anything to get the evaluation done. APNM is committed to either finding a donor to help fund that evaluation or to call in favors to see if they can get that done at no cost to the County. Ms. Rokke hopes the Commission will vote yes on an HSUS evaluation at no cost to the County and hopefully that can be conducted when the HSUS evaluation team is available.

Ms. Rokke also identified allowing a process analysis to work with Valencia County Animal Control staff and management to address systems from within the department. The process analysis sits down with existing staff and goes over each element of each process, maps it out, and puts it in a flow chart form so that anyone can go to the flow chart and look at the problems and know where to go from there. Ms. Rokke asked the Commission to vote yes on a process analysis and to work with the staffing departments.

Ms. Rokke asked the Commission to add specific requirements to the job description for the head of Planning & Zoning and Animal Control mandating relevant experience in the Animal Control field, or place the control of the Animal Control Department with an experienced Director.

Ms. Rokke hoped the Commission will approve Steven Chavez's suggestion to alter the Shelter hours, improve the animal kennels as needed, and if a new shelter has to be built to implement some of the scoping mechanisms to see what will best fit, implement the Comprehensive License & Registration to generate revenue and enforce the ordinance, and implement standard operating procedures.

Judy Babcock, with Coyote Humane, said this is a collection of animal activist/advocate groups that will like to assist in any way to help with improvements. Ms. Babcock said the recommendations of Mr. Chavez and Ms. Rokke are necessary. There are other things Mr. Chavez and Ms. Rokke didn't talk about, such as sterilization that is a major concern as animals are adopted out. Ms. Babcock said there is a system in place that is not functioning as animals are going home unspayed and neutered. Ms. Babcock thinks the County has to consider low cost spay and neuter in the County to find a way to help low income families. Ms. Babcock said Monday's statistic was 2,552 animals so far this year that have been euthanized in Valencia County. Ms. Babcock said the County needs to put a system in place for kids to be taught proper animal care/humane care. Ms. Babcock said the animal advocates would like to help by putting together policies and procedures.

Mr. Chavez said there is one other recommendation for the Board to consider, which is a Citizen Review Board. Their functions would be to review whether or not the Animal Control Workers are doing their job appropriately. Many of the problems the County has been facing with allegations and potential lawsuits are miscommunication.

Mr. Chavez updated the Commission on the cruelty and abuse cases that have been in the media recently. Steve Sanchez completed the investigation on the pit bull, Lucky, that everyone's fighting for. Mr. Sanchez submitted a package of investigative findings to Mr. Chavez and that was forwarded to the District Attorney's Office for felony prosecution. The District Attorney's Office rejected the idea of prosecuting the individuals. The starving dog case that was in the media is still under investigation. There's another misdemeanor case on Bonita, which involves a goat in a van and the people also had dozens of cats in their home. Mr. Sanchez put together an investigation and the people no longer live there. The Zoning Department forced the individuals to clean up before they left but the individuals are nowhere to be found. Mr. Chavez said Animal Control has the pit bull in protective custody so a decision has to be made as to where the dog will go, as the owners want the animal back. Mr. Chavez said they would probably end up returning the animal since the District Attorney's Office refused to prosecute. Commissioner Pando said he would support the Registration & Licensing to keep track of animals in Valencia County.

Shari Gold told the Commission that it is possible to set up a licensing program. Pilot projects have been done in Bernalillo County, which increased their revenue over 328% in the first two months that the pilot project was in operation. Ms. Gold told the Commission to put up a pilot project, pick an area where there are a lot of bites, and assign an officer. Ms. Gold said in reference to the pit bull, there's two alternatives which are: they can prosecute on a misdemeanor level for cruelty which can be officer prosecution or it can be a County Attorney, and through Civil District Court, in the State of New Mexico animals are considered property, and when you want to take property from someone, it has to be proven that it's for a worthy cause.

Michael Lundmark asked if there are cases where Animal Control is called for abuse of livestock animals. Mr. Chavez said yes, it does occur and it seems to occur often, "The Livestock Board is responsible for these complaints. The Animal Control Officers do go out there." Mr. Chavez said in speaking with citizens and Animal Control Officers, the Livestock Board is negative about getting a response. Mr. Lundmark suggested when doing a Planning & Zoning Ordinance Review, to take a look at what types of animals are allowed on what types of property. Mr. Lundmark suggested that properties that are not RR2 in size or more, that this type of thing is not allowed to go on, such as horses on the property. Commissioner Pando doesn't think it's a question of space, but one of responsibility and ownership. Commissioner Pando said to be able to buy a dog, the individuals should have it licensed, spayed, and all the necessary requirements, and if they don't do that, then they don't get the dog. Ms. Gold said there is a Veterinarian who has offered to do the sterilization for the same fee that Animal Humane does it for the City of Albuquerque so the animal can be adopted, go directly to the veterinarian, be spayed and neutered before the owners pick them up. Commissioner Daves agrees with having the facility open on Saturdays and said it's appropriate to go forward with a licensing program.

David Crawford asked the Commission if any revenues collected from this licensing procedure would remain with, and for use only, by the Animal Control Department. Tom Garde, County Attorney, said any revenues have to go to the general fund.

Commission Chair Aguilar stated, "I'd like to give the information that the selection of the Chair Person does not give him or her superiority or coordinating powers over the others. He is but another member of the Commission. It is a duty rather than a power because the chairperson is not allowed by his/her own authority to determine the agenda of meetings or to singly call any such meeting. The Chairperson is given the power to administer oaths to any person concerning any matter submitted to the board or connected with their powers and duties. The Chairperson must sign all orders on the County Treasury. Except for the above duties and the ceremonial functions that the chairperson is expected to perform the powers and duties of this position coincide with those of the other Commissioners. It can be said that the Chairperson has no powers resulting from the position." This comes from the *Handbook of Duties for Elected Officials*. Commission Chair Aguilar said this issue was brought to the Commission last August at which time she met with Marcey Britton, Tom Garde, Mike McCartney, and James Fernandez. Marcey Britton was at the meeting and she brought her Attorney, Lars Thomas, and brought the issues that she had on animal control and the County was served with notice of a Tort Claim. By being served with a notice of Tort Claim, Commission Chair Aguilar was told by the County's Attorneys that they would take it over, it goes to the legal process, and Commission Chair Aguilar was told she could not comment and could not give interviews. Commission Chair Aguilar said that not commenting has served as a disadvantage to her. There was another meeting that was held September 27 and this time Commission Chair Aguilar asked for the meeting with the Association of Counties. The Association of Counties sent down their Attorney, Elizabeth Germain. The purpose of doing this is the County was asking for help in setting the procedures, policies, and doing an evaluation of the Animal Control Facility. The County also felt they needed a paper trail on all complaints and how the County is going to address that. The Association of Counties committed to coming down and helping the County with policies and procedures. A third party evaluation from HSUS was also discussed. The Association of Counties mentioned that they would be in a better position to send one of their own trainers because then it would be held to a higher standard, and by doing so they would also be down to being involved in the daily operation of the facility at which time they could set up an assessment and bring the recommendations forth. It was also discussed that the County could go forth and in prosecution of animal complaints, there are Attorneys that would probably volunteer their time and help with this.

Commission Chair Aguilar said the correspondence has been going on from one Attorney to the other. At the end of September, the County Attorney reported to this Commission that there were four issues that have been brought before the Commission. A month later, he reported the four



issues have been resolved and there were no problems. Commission Chair Aguilar was still waiting for the Association of Counties to do this.

In addition to doing the Citizens Board, the County already has an Animal Control Committee. As far as Commission Chair Aguilar voting no on the revenue bonds, part of her motion in voting no is "I go back to when we were building the Jail facility, it's fine to say allocate this amount of funds. But I think you need to have an assessment of the facility, you need to look at policies and to look at procedures, and have someone qualified come in and say, this is the facility that's to be built, this would be the most efficient. At which time, you also look at staff so there's minimal manpower, there's efficiency, and there's competency. That's what we did with the jail, and it worked beautifully. But I think it requires professionals to come in and do that."

Commission Chair Aguilar is speaking out tonight because she was told to stay quiet and yet everyone else is speaking and it has worked as a disadvantage. Commission Chair Aguilar recommended getting the Association of Counties to give the Commission their proposal that they promised as they said they have procedures and manuals to provide the County with so the Board can look at it and make recommendations. Commission Chair Aguilar said, in going forward in all the complaints that have been called in, everything that has come to Commission Chair Aguilar, she has forwarded them and it has been looked into. Commission Chair Aguilar went on to say, "In addition to 701 Gabaldon Road, and I know when I made the comment and I said, have you knocked on their door? Because I felt it was taken out of context. And I felt that if I drive through a road for a year and a half and I see something there, and a dog is tied up to where it is so tight that it's around a log, I'm going to stop and knock on the door and say, do you realize that your dog's chain is around him, and not just drive by, but it was taken out of context. I'm sorry, but I did follow up on that. I went further as far as even calling Ruben and he mentioned to me that he went out with Steve Sanchez, the dogs were happy, they have food, they have water, they have shelter. As to the restraint for pit bulls, he said that falls within the pit bull guidelines." Commission Chair Aguilar said that as an elected official, she follows up and reports and people report back to her. Commission Chair Aguilar said there was another report on 05 Sosteno Road and Ms. Aguilar was told it was picked up by the Sheriff and taken to the vet. There was a fax from Shari Gold when she talked about the goat and the dogs and cats up on the east mesa. As soon as Commission Chair Aguilar received that fax, she called a special meeting to address those issues. Commission Chair Aguilar said in meeting with Marcey Britton on July 19, 2000, she sent a letter to the County indicating she was very impressed with Mr. McCartney's and Officer Sanchez's willingness to make improvements, so there has been some dialogue and communication. Commission Chair Aguilar received a letter from PETA but they didn't send the attachment on where the complaints were, so Ms. Aguilar called PETA and they faxed her the information. With Diane Perez at 6 San Francisco of Los Lunas that she kept lots of dogs, coincidentally Commission Chair Aguilar received a letter from Ms. Perez and she owns Ivan's Home and is claiming she has a license, but actually has a 501C Corporation for the rescue of animals on that address. On the complaint on Juan P. Sanchez, Commission Chair Aguilar said she and James Fernandez, County Manager, went and looked, drove around, and didn't hear any dogs, but did follow up on it. Commission Chair Aguilar read a complaint from the Alliance Against Animal Abuse that says, "This complaint involves three dogs at the southwest corner of Magnifico and San Francisco in El Cerro Mission. The three dogs have shelter, but have no shade. When I was there earlier this week the two in the front of the mobile home were in a heat stressed condition. Also, the two dogs in front had heavy chains totally knotted, making up their tie out one to two feet. There was a white car in the driveway and when we knocked we could hear a TV, but no one would come to the door. We left our number but no one has called from that location. The alliance made a short video some years ago concerning wood dog fences. We proved with a wooden dog fence in and open plain dirt that the temperature outside the doghouse was 5 to 7 degrees cooler than inside, so that many people equate dark with shade. Shade must have good ventilation with air moving around such as under a tree, on a porch, or even a mobile home, which would make it much cooler this time of the year. The dog houses and stakes could be moved closer to the mobile home so they could get under the shade, tarps could also be put over the shelter, or a large piece of plywood leaned up against the doghouse for ventilated shade. We didn't see a rabies tag on the animal so please check that when you inform them of the requirement of shade, which is necessary at this time of the year." Commission Chair Aguilar stated she'd like to start this with the Association of Counties as they said they were going to defend it and help the County.

Shari Gold said that some of these are not cruelty issues, but are procedural issues and education issues. Ms. Gold thanked the Commission for putting the needs of the children in that home to such great attention. Ms. Gold also thanked Commission Chair Aguilar for going out to the sights and making an effort. Commission Chair Aguilar said she would like Ms. Gold to be part of the Animal Control Committee. Commission Chair Aguilar told Tom Garde, County Attorney, she realizes there may be potential litigation but she did have to come forth and tell the truth. Commission Chair Aguilar asked Steven Chavez to get the committee together and get the Association of Counties to come down to try to get a proposal done within the next week. Mr. Chavez urged the Commission to adopt some of the recommendations immediately. Commissioner Pando made a motion to change the hours of animal control, implement a Registration & Licensing Program, and address the understaffing of Animal Control. Mr. Garde said, "With regards to the Licensing & Registration, there's been some discussion about a pilot project, I think there ought to be, basically, further discussion with regards to how that would be implemented." Commissioner Daves said the County has a licensing ordinance and the County should follow it's own ordinance. Commission Chair Aguilar made a motion to change the hours but on the others to say the Commission is supportive but are going to wait until this all gets put together and brought back to the Commission. Commissioner Padilla seconded the motion. Motion carried.

**Request to Repeal Resolution 97-33.....Commissioner Gary Daves**

Commissioner Daves said there is a resolution that was passed in good faith but that shifts the burden to County Commissioners in an inappropriate way in terms of a Commissioner acting within the scope and duty of their office. If a lawsuit was filed or a vague criminal action were alleged that the Commission has to defend themselves and if they're successful, then they can seek reimbursement. Commissioner Daves said that when a Commissioner is by name, made the target of a grand jury petition, he understands that it isn't just a casual thing and understands that the reasons given is that somebody has to be named on a petition. Commissioner Daves thinks it's inappropriate that Commission Chair Aguilar's name is in a grand jury investigation because of the fact that she is Chairman of the Commission. The Commission has a resolution that will not allow Commission Chair Aguilar to get legal advice and support, as she should, according to Commissioner Daves. Commissioner Daves said he would like the Commission to go back to where they were before this resolution was passed. Commissioner Daves said he would like to have this resolution repealed and thinks Commissioners should not be expected to pay their own legal costs. Commissioner Pando said the reason he was told by advocates that Commission Chair Aguilar was targeted because she refused to talk to them, but she was under orders by the Attorneys to keep quiet. Mr. Garde said, "in anticipation of this Commission repealing this resolution, I basically had discussion with several counties, unfortunately no one had a resolution. The resolution that was drafted in 1997 was based on an existing resolution. There was an instance in Bernalillo County at that time for whatever reason, no one has gotten back to me to say that it's in fact in effect. In Lincoln County, within the past four months, that Commission there went through the same situation that this Commission is going through now. In that County they adopted a resolution that would provide for outside counsel immediately. And so what we will be presenting to this Commission at the next meeting is a new resolution that would address the concerns of this Commission because this new grand jury investigation not only affects the Chair but could affect every elected official on this Board in conducting actions in their capacity as an elected official." In the next meeting, a new resolution will be presented to this Board that will alleviate the situation that Commission Chair Aguilar has been faced with because of the existing resolution. Commission Chair Aguilar read from the last page of the *County Commissioners Handbook*, it said "The elected and appointed officials as well as almost any person acting on behalf of the County are granted immunity from liability from acts or omissions made while imprudent performance of their duties." Commission Chair Aguilar read from the Tort Claims Act "41-4-2 authorizes such immunity and makes the County or its insurance carrier responsible to defend public employee and pay damage settlements or judgments. In 41-4-4, Counties are required to obtain insurance coverage against tort claims and may participate in coverage provided by the Risk Management Division. In 41-4-25, the tort claim acts does not protect public employees who have acted fraudulently or otherwise." Commission Chair Aguilar requested herself from any action the Commission will take on this matter. Commissioner Daves made a motion to repeal Resolution 97-33. Commissioner Pando seconded the motion. Motion carried.

**Central Area Workforce Investment Board - Appointment of Member & Approval of Agreement.....J. Fernandez**

James Fernandez, County Manager, told the Commission an agreement is being brought before them for consideration as well as an appointment to the Central Area Workforce Investment Board. Commissioner Pando volunteered to be a member of this Board. Commission Chair Aguilar asked that in approving the agreement, to let Commissioner Pando have an opportunity to look at it. Commissioner Padilla made a motion to make Commissioner Pando a member. Commissioner Daves seconded the motion. Motion carried.

**Managers Report.....James Fernandez**

**Jail Monitor's Report**

James Fernandez, County Manager, told the Commission the average count of inmates from July 1, 2001-July 11, 2001 is 108, and the Jail Monitor indicates no major incidents occurred during the time period and no complaints were received from Court or District Judges. The time period from June 1, 2001-June 30, 2001, the average daily count was 106.

Mr. Fernandez sent a copy of notification to the Commissioners that the Association of Counties with one of the individuals that they contract with, John Bacca, is going to be coming down to do an inspection of the vehicles of the Road Department as well as the facility because there are some concerns at a recent meeting as to who should be inspecting those vehicles, so this is the first step in trying to deal with some of those concerns.

Mr. Fernandez attended a meeting in Socorro at the State Fire Academy on Monday that was called by the State Fire Marshall. All the Counties and municipalities were invited to attend this meeting on proposed changes that the Fire Marshall is trying to implement to standardize the Fire Code throughout the State of New Mexico. At that particular meeting only 9 entities attended. There was some concern as to the ballot that was sent out to each of the local entities to choose a preference in fire codes. That ballot is in the process of being scrapped and now they are going to be offering from the Fire Marshall's Office more of a survey trying to indicate what people are using and what problems they are experiencing. No final decision was made at that meeting.

Commissioner Daves said he would like to get on the agenda in the next meeting or two for an update on what the Trash Committee is up to.

Commission Chair Aguilar thanked the Fire Fighters from Los Chavez and Jarales for helping in the Cebolita National Wildlife Refuge. The United States Department of Interior sent the Commission a letter thanking them.

Commission Chair Aguilar received a notice on the Flood Plain Managers Association that Winton Allen is certified in Flood Plain Management now. Commission Chair Aguilar congratulated Mr. Allen.

Commission Chair Aguilar informed the Commission that with the New Mexico State Highway Transportation Department District III, under their planning study request, the Village of Los Lunas is requesting a future north loop from the Belen Highline Canal to New Mexico 314, which is .57 of a mile and they are asking for a Corridor Study. Commission Chair Aguilar called the State Highway Department and requested a copy of their step plan.

**Request Approval of Community Service Monitor Contract for Fiscal Year 2001/2002.....Carlos Montoya**

Carlos Montoya, Fiscal Officer, presented contracts for approval of the Community Service Monitor for the Fiscal year 2001-2002. In the preliminary budget this amount of money was reduced from \$18,000.00 to \$9,000.00 per year. There are currently two monitors on the program both receiving approximately \$9,000.00 each. Mr. Montoya asked the Commission for direction on whether or not to go forth with two monitors or to eliminate one. Commission Chair Aguilar received a letter from Magistrate Judge, Tody Perea, who recommended keeping Emiliano Sanchez on as the 20 hour monitor. There was also discussion that Belen had agreed to take on Mr. York. Commissioner Pando said in talking to Danny Hawkes he felt that the City of Belen was going to put Mr. York on their own payroll. It is Commissioner Pando's understanding that Belen already has this budgeted. Commissioner Pando made a motion to retain Mr. Sanchez for the 20 hours. Commissioner Padilla seconded the motion. Motion carried. Mr. Montoya will notify Mr. York on the termination and get the new contract drawn up for Mr. Sanchez.

**Request Approval of Resolution-Lease Purchase for Pumper Truck/Vehicle.....Carlos Montoya**

Carlos Montoya, Fiscal Officer, told the Commission that with Bank One Leasing the County has a master lease line of credit. The County went out to bid in 1998 to acquire this master lease credit and basically the County needs Capital Outlay and to submit their proposal to Bank One. Mr. Cherry has done that and is requesting the County go out for a lease/purchase of \$131,932.00 to buy pumper/tanker for Valencia El Cerro Fire Department, as the County will receive \$50,000.00 from the State Legislature to buy this. This truck needs to be secured by October 1, 2001 in order for the County to draw down the \$50,000.00. If the County gets the intent tonight to approve this resolution, the necessary documents will be printed out with Bank One and it will be brought back to the Commission for signatures. Then the pumper can be paid in full to the vendor and the invoice will be submitted to Santa Fe. Santa Fe will reimburse the County \$50,000.00. The total cost of the pumper is \$109,932.00. Mr. Montoya asked for approval of the resolution for this lease/purchase. The total amount Mr. Montoya is asking for is \$140,000.00; the County will then receive the \$50,000.00. Bank One will send a check to Monarch and pay for the whole pumper. When Mr. Montoya gets the invoice he will submit it to Santa Fe. When the County gets the \$50,000.00, they will pay back Bank One \$50,000.00. The balance of the lease purchase will be put on John Cherry's budget and will pay a lease purchase out of Valencia/El Cerro for a 5-year lease. Commissioner Daves made a motion to approve the resolution 2001-30. Commissioner Padilla seconded the motion. Motion carried.

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

Carlos Montoya, Fiscal Officer, presented a list of checks issued by the Fiscal Officer on July 13, 2001 from warrants #65616-#65685 for a total amount of \$321,814.68. Out of that amount the general fund contributed \$112,813.44. Commission Chair Aguilar asked about check #65627 to Unisource for kennel soap for Animal Control in the amount of \$681.50. Mr. Montoya said when the County closed the last budget transfers, Animal Control did not have any money but the Fiscal Office did. In order not to have the Animal Control Office in the negative, it was paid out of the Fiscal Office. Commission Chair Aguilar asked about check #65618 to All Motor Parts & Supply for a fuel pump and battery for the Older American Program but it came out of Fiscal Office. Mr. Montoya said the Older American Program ran out of money on the equipment line maintenance item. The Fiscal Office had money in their budget so they bought the fuel pump. Tom Garde, County Attorney, said he didn't have an answer about this money. Commission Chair Aguilar had concerns about totaling the budget at the end as Fiscal expenses are going to be higher, but yet they're paying for the Road Department. James Fernandez, County Manager, understands this money came out of reserve from prior year and none of the other departments had a reserve from prior year. Mr. Garde said this will ultimately be done as an exception to the audit but as far as the appropriateness of purchases he doesn't see a problem with that. Commissioner Pando made a motion to approve all three warrants as presented. Commissioner Daves seconded the motion. Motion carried.

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 7, 2001 at 10:00 A.M. with Executive Session beginning at 9:00 A.M. in the County Commission Room at the Valencia County Courthouse.

**ADJOURNMENT**

Commissioner Pando made a motion to adjourn at 11:14 P.M. Commissioner Padilla seconded the motion. Motion carried.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the, July 17, 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**

**ss/  
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: August 7, 2001**

**For an official signed copy of these minutes and attachments see Book 41 Page 526.**