

VALENCIA COUNTY BOARD OF COMMISSIONERS

SPECIAL BUDGET

AUGUST 13, 2001

The Meeting was called to order by Chairman Alicia Aguilar.

PRESENT	ABSENT
Alicia Aguilar, Chairman Through Meadow Lake Senior Center	After Meadow Lake Senior Center
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	

**Pledge of Allegiance** was led by Commissioner Padilla.

**Approval of Agenda**

Commissioner Pando made a motion to accept the agenda as presented. Commissioner Baca seconded the motion. Motion carried.

James Fernandez, County Manager, informed the Commission he would start with the elected officials and department heads and leave the Commission and Manager's budget for the end. Mr. Fernandez and Carlos Montoya, Fiscal Officer met with the department heads last week and went over any final revisions and concerns with them.

**Recording & Filing**

Sally Perea, Chief Deputy Clerk, told the Commission they had gone through the budget and had reached an agreement.

**Bureau of Elections**

Ms. Perea said that was okay too. Commissioner Pando questioned that in Recording & Filing under group insurance there is \$15,609.00 on the preliminary budget and there is \$9,100.00 on the final budget. Mr. Montoya said all the insurance was taken through the payroll roster and that's how the Fiscal Office got the figure on group insurance. Mr. Montoya said the County Clerk moved a person from Recording & Filing to Bureau of Elections.

**Property Assessments**

Margaret Trujillo told the Commission that Mr. Fernandez had met with the Assessor and she did agree with the budget. Mr. Fernandez said this was an area of contention for the preliminary budget and he did meet with the Department of Finance and Administration and received a letter from Beverly Gonzales, County Assessor, indicating that for this year's budget she would allow the movement of the appraisers into her reappraisal budget. Ms. Trujillo said the appraisal budget was okay. Mr. Fernandez said they met on the 420 budget also and came to an agreement on that.

**Treasurer's Collections**

Commissioner Pando asked for an explanation as all the departments have a difference in figures as subtotal salaries was \$300,807.00 and now it's \$299,00.00, and on the total it's \$478,000.00 and was \$458,000.00. Mr. Fernandez said the final bottom line change came in the area of capital outlay. Rather than going on a lease/purchase for the vehicle for the Treasurer's Office, it's being paid outright. Mr. Fernandez said that there was a change in the group insurance as it went down slightly. Dorothy Lovato, Chief Deputy Treasurer, said the Treasurer was satisfied with the budget.

**Law Enforcement**

Anna Marquez, Secretary for the Sheriff's Department, said the Sheriff is fine with the budget. Mr. Fernandez said he also met with Sheriff Juan Julian in regards to the Cops program and that was also fine. Mr. Montoya said there are seven vacancies in the Cops Program. Interviews were held this morning so they will be doing some hiring.

**Animal Control**

The biggest change from the preliminary to the final budget is in the area of salaries. With Steven Sanchez leaving, his payout is roughly \$6,000.00 for the number of pay periods he already worked as

well as his overtime and annual leave. When this animal control position was posted, only three individuals applied. Mr. Fernandez said, as brought up to the Board during the last Commission Meeting, they were going to look at trying to get a contractual individual for 90 days. Under professional services, that went to \$7,200.00. Some individuals for kennel workers were interviewed and when those people were hired, the one that lasted with the County the longest was about a week. When Animal Control Officers were interviewed, they were told they would also be utilized for the cleaning of the facility, and that was made part of the job description. Mr. Fernandez asked the Board to do away with kennel workers and make all the individuals Animal Control Officers, which would allow for a rotation of these individuals so the Animal Control Officers would be out one week and the next week in the facility cleaning. This would assist the County in not having a burnout of those individuals. Commissioner Pando asked on the Animal Control Manager, it is budgeted for \$23,000.00, is that \$23,000.00 plus \$7,200.00 of professional services? Mr. Fernandez said that's correct and part of that is Steve Sanchez's compensation.

### **Building Inspector**

Ruben Chavez, Assistant County Planner, told the Commission he met with Mr. Fernandez, and Richard Padilla and the budget did not change from preliminary and this is fine with him.

### **Probate Judge**

Mr. Fernandez said the only thing that changed in this budget was in the area of the elected official salary as there was an adjustment on the hourly rate by \$8.00.

### **Data Processing**

Larry Mervine, Data Processing Manager, said the Data Processing Committee has concerns about training and asked if there will be money for that. Mr. Fernandez said this is one of the areas that they did cut back from the initial budget, so that has been eliminated from the final budget. This training would normally be for the elected officials departments. The County would purchase training coupons from New World and at the time individuals needed to go for specific training, they would request those coupons.

### **Zoning**

Mr. Fernandez said at the last Commission meeting the contract for Steven Chavez was approved by the Board. The direction of the Board at that time was to look at some reorganization with the Department. The primary reorganization of the Department was to create a Zoning Manager within the department and add some additional duties to some of the Zoning Officers in regards to them assisting with mobile home licensing and inspections. Mr. Fernandez hopes to open this position, once they get a job description, in house to allow some of the individuals within this department and some of the individuals who might qualify from other departments to apply for this position. The position of Secretary/Cashier has been filled. During the preliminary budget there was discussion that the County is going to be required to maintain GIS as its one of the requirements under the grant. This is also an effort to make the County in compliance with that, in that whoever is put into that position, will be picking up some of those duties from GIS.

Commissioner Pando asked why Planning & Zoning is still split into two departments. Mr. Fernandez said the original intent of splitting these departments was to have "checks & balances" on this and having not received any additional direction from this Board to the contrary, they were left as two separate departments. Commissioner Pando can't understand why they are split and believes the individuals in those departments should be helping each other and know the different jobs. Commissioner Daves said in terms of staffing levels and resources, it might be worth looking at putting the two departments together. Mr. Fernandez said the purpose of separating the departments is that it gave the County an opportunity to have checks & balances on these departments and the Planning Department doesn't have a lot of time to do a lot of planning so it makes sense at this point that the Planning Department be allowed as a separate function. Under the Planning Department, a Planner was budgeted, given the consideration that there is \$47,000.00 in which to deal with, he/she will be picked up with five pay periods remaining in the fiscal year, which will be roughly mid April. Mr. Chavez's four pay periods this fiscal year was also budgeted and he was already compensated for that as well as his annual leave.

More duties have been added to the Assistant County Planner as an Enforcement Supervisor to oversee these two departments as a head of the Planning & Zoning area as well as keeping the position of a Rural Addressor/GIS individual. So the Enforcement Supervisor would oversee some of the Enforcement Officers as an overall supervisor as well as looking over some of the animal control functions. Commission Chair Aguilar asked if the Assistant Planner is the enforcer for Zoning. Mr. Fernandez said that is true at this point and he is trying to work out some kind of terminology to create an interim supervisor for this particular department. Mr. Fernandez said the last discussion they had was to have a possible County Planner who would serve not only as a County Planner but a Manager of that particular department and without that individual in place, they were trying to create some kind of an internal structure. Commission Chair Aguilar asked if this was opened up so the other four individuals could also apply. Mr. Fernandez said no it was not since they were adding to the duties of the Assistant Planner at this time, it was not advertised. Mr. Fernandez said if that is the wishes of the Board, it could be advertised. Commissioner Pando said there needs to be one supervisor in that department. Commissioner Pando said this has been a problem in that department because nobody knows who they work for or what they're supposed to do. Commissioner Pando

thinks they either need to hire somebody or promote Ruben Chavez, but they should either give him the job or not give him the job, instead of telling him he's the boss and then go out and advertise for someone else to be the boss. Commission Chair Aguilar asked if Mr. Chavez received a salary increase. Mr. Fernandez said he has not as of yet, the increase in the budget is a proposal for restructuring. This is one of the concerns Mr. Fernandez presented to the Board. One of the challenges the County would be faced with if Steven Chavez's contract were approved is attempting to try and create some structure in the department so there would be some kind of a chain of command. From the preliminary budget, Mr. Chavez's salary was at \$28,496.00 and in the final budget it will be brought up to \$34,304.00. Commissioner Daves said with that kind of a raise Mr. Chavez should take the extra duties and the job be advertised and see who gets it at that newer rate. Commissioner Daves thinks Mr. Chavez would be the logical and most likely person that would be chosen. Commission Chair Aguilar said if the other Zoning Officers are being given extra duties and throughout the budget with the shortfalls, other people are having to pick up slack and do a lot more and here there is one individual getting a raise because he is taking on an additional duty, and said what applies to one should apply to all. Commission Chair Aguilar said, "Under the personnel ordinance, the Commission has no authority as far as hiring, firing, and shifting people around and giving salary increases that by the personnel ordinance has left full authority to the County Manager." Mr. Fernandez has met with some of the staff and there is some interest of the Zoning Managers position from three individuals within the department. Mr. Fernandez said the intention is to post that and allow any individuals within that department as well as other department to apply for it and if they qualify to fill that position. Mr. Fernandez said what they are adding to that position is the GIS because with this contract one of the requirements is for the maintenance of it. The Zoning Enforcer will not only oversee as an overall manager of Planning & Zoning but also Animal Control as well as overseeing the Building Inspector. Commission Chair Aguilar asked, so you're basically making Mr. Chavez the Planning & Zoning Administrator? Mr. Fernandez said that is correct for this interim. Commissioner Pando said it's going to be hard because Mr. Chavez is going to be doing the job of three people. Mr. Fernandez referred back to the last County Commission Meeting when he expressed a need for internal structure and said he met with Mr. Chavez to try to get an idea as to some of the ideas and concerns he had. The Zoning Manager/GIS is a newly created position. Commissioner Daves reminded the Commission that they were asked to help the Manager with direction and felt he should use his own discretion. Commissioner Daves thinks its illogical that the Assistant County Planner has the duties that Mr. Fernandez mentioned and even though they're broken out, the two departments are merged by the head of the department. Commissioner Daves said the person in charge of Animal Control should be the head of that department rather than an assistant that's to be filled later. Commissioner Daves asked if it is appropriate that a new position be filled essentially by Mr. Fernandez's discretion or should it be advertised and filled otherwise. Commissioner Daves suggested that the Assistant County Planner Enforcement Supervisor position be deleted or left vacant and for someone to be put in the Planner position. Mr. Fernandez said in trying to leave as many options available to the County as to whether or not this Board wanted to seek a Planner's services in the future, he attempted to try to leave that door open to the Commission. For that reason with the limited amount of money available, basically being redistributed within this budget, that is why they have five pay periods for a Planner if the County chooses to hire one. Commission Chair Aguilar said, "But you're making Mr. Chavez a permanent position as Supervisor, so even if you hire a Planner, Mr. Chavez would be over the Planner." Mr. Fernandez said that would not be the intent. Mr. Fernandez said they are trying to create structure and if the problem is in the phrasing or terminology, that can be dealt with. Commissioner Padilla asked if Mr. Chavez would be interim until they hire a Planner. Mr. Fernandez said, "In an effort to try to create internal structure and this is only a proposal for this Board, I did mention to this Board when we had the meeting that this was going to be a concern as to how we were going to be dealing with the interim structure." Mr. Fernandez went on to say that somebody is needed to oversee that department whether that is an interim or a permanent position. Commission Chair Aguilar would prefer to leave the salary at \$28,000.00/\$34,000.00 and advertise in the sense that Mr. Chavez can be interim until it's definite. Commission Chair Aguilar thinks the Commission needs to give this a little more thought. Commissioner Daves said the County Planner, if hired, would supervise the Assistant County Planner and Enforcement Supervisor and suggested that the Animal Control duties and other duties should be temporary duties of the Assistant Planner subject to the Planner position being filled. Commissioner Daves said he would act favorably to Commission Chair Aguilar's comments in the range of salary and would support the creation of this position, with the range of salary, and that it be advertised and filled. Commissioner Pando said he doesn't understand why Planning & Zoning was split because traditionally whoever the Planning & Zoning Administrator is is the Chief. Commissioner Pando would like to combine the two departments and said he will continue to oppose the separation of Planning & Zoning. Commission Chair Aguilar said that the Commission would be approving the position of Zoning Manager, which is enforcement and the rest of the employees would also be taking on additional duties. Commission Chair Aguilar feels they should all be treated the same.

Mr. Fernandez said in using the \$47,000.00 that was available and taking into consideration what has already been spent, they did a small bump on each of those individuals. Zoning Officers will be getting salary increases for the additional duties that will be assigned. Commission Chair Aguilar asked about the rest of the employees getting increases. Commission Chair Aguilar hoped that salary increases would've come to the Commission as a courtesy. Mr. Fernandez said these are the concerns he raised a week ago. Mr. Fernandez said the extra duties would be mobile home permitting. Mr. Chavez will continue mobile home permitting and deal more with GIS. Commissioner Pando asked why one supervisor couldn't be hired to run both departments.

Mr. Chavez told the Commission that Planning & Zoning does not have that much money to work with, so the only thing that made sense was this structure. This structure involved all the departments in that the new Manager for Animal Control would take place and someone would just have to oversee that. In talking with Animal Humane, Mr. Chavez said the title of "Director" was misleading, as this would be a "white collar" job that will be handling 3 or 4 animal shelters, and Planning wanted something similar to what they had with Steven Sanchez as a Manager. Mr. Chavez told the Commission if they want someone who is going to get their hands dirty and work with the rest of the Department then they need to hire a Manager. Commissioner Daves asked if there could be tiers of supervision. Commissioner Daves made a motion to accept this part of the budget as presented. Commission Chair Aguilar said with the understanding, "that the clarification was that the Assistant Planner's position is interim." Mr. Fernandez said there is a need for some management within the Planning Department and this was done with the intention that by next spring they would have an individual to oversee all of these departments and that would be "The Planner". Mr. Fernandez does not think it's inappropriate to have another level of management. In terms of the statement that was made about the Animal Control Director being a white collar individual, how this came about was that title, to Animal Humane Society, the word Director is someone who is an upper lever manager and who does not get involved in the actual animal control functions. Mr. Fernandez said that is not the intent, as they are looking for somebody who is certified and who can get his hands dirty as well as manage. Commissioner Daves asked if Mr. Fernandez agrees that if a Planner would be hired that those duties would no longer be those of the Assistant. Mr. Fernandez said those duties will be reduced. Commissioner Daves said that the Animal Control Supervisor should not have to go two tiers to the Planner but straight to the Planner. Commissioner Daves said ultimately they need an Assistant County Manager. Commission Chair Aguilar said once the Commission physically approves the budget, they approve everything that goes with it. Commissioner Daves reiterated his motion to approve this part of the budget.

### **Fiscal Office**

All office supplies are being purchased through the Fiscal Office. Last year the County spent a total of \$29,000.00 so they are trying to reduce the amount.

### **Older American**

The general fund is going to supplement the Senior Citizens Program by \$100,000.00. This is handled through a transfer. During the course of the year Mary Anne Gonzales will say that she needs more money in her account because of the funding she gets from the State and Federal Government as it comes in certain periods of time. As long as Mr. Montoya transfers up to \$100,000.00, they do it through a transfer request. Ms. Gonzales did receive a legislative grant of \$14,970.00 for food trays for the home meal program. There is a vacancy for the position of Kitchen Aide, and what Ms. Gonzales did is help out with the kitchen and trying to hold this position until late fall or early winter so they can have a little bit of salary savings. Last year, the Older American budget did run short about \$7,000.00 and the Commission did help them out. This year with the 501C, Ms. Gonzales feels she can generate a lot of money through this program and if she does, it will reduce the transfer from the general fund. If the Program does get any contributions, those will be submitted into the general fund and there will be a line item for that. Mr. Montoya said he would check with DFA to see if they would like this money in the general fund or if they want it identified in their own revenue. Ms. Gonzales suggested keeping these funds separate and creating a separate fund. Commissioner Pando understands that the County has nothing to do with this and that the 501C3 allows the Older American Program to do as they wish. Ms. Gonzales looked into a similar program that the City of Santa Fe has for their seniors, and the information that Mr. Garde gathered, they have a separate fund and the County has no responsibilities in the fiscal part of it. Commission Chair Aguilar had some concerns because she thought the County had nothing to do with this, but does think it's a good program. Ms. Gonzales asked if her department will be overseeing the Senior Olympics and will not have a budget for it. Mr. Fernandez said that is correct as other senior programs do oversee Senior Olympics and in conversation with Representative Cordova, Mr. Fernandez said her intention is to try and get funding legislatively for the Senior Olympics.

### **Indigent Fund**

The only changes from the preliminary that Barbara Baker, Indigent Administrator, requested was that her temporary help be moved up from \$6.50 to \$7.00. The indigent payout has gone down to \$7,000.00 per claim, which was at \$40,000.00 a couple of years ago. This has to do with the amount of people who need help. Commission Chair Aguilar asked, "Here we are giving another increase of \$.50 an hour, what about the rest of the employees?" Ms. Baker told the Commission that her worker Inez Anaya has been here since 1999 and has never received a raise. Commissioner Pando feels that if one employee gets a raise, all employees should get raises. Commission Chair Aguilar referred back to the preliminary budget when they were told there were freezes, positions will not be filled, and there are no salary increases, and if there are salary increases it will be looked at in the approval of the final budget but it will be for all employees. Commissioner Daves agrees with Commissioner Pando. Commissioner Pando thought Staff and the Fiscal Office should try to find money to use for raises for everyone. Mr. Montoya said he would try to revisit that at midyear review to see how revenues come in after the first half of taxes and will also have to look at expenditures. Commissioner Pando had concerns about one department getting raises as there are 18 other departments that aren't going to get anything. Mr. Montoya said that at the last Commission meeting, the four Commissioners gave instructions to the County Manager to come up with a restructuring of those two departments. Mr. Montoya said he would make the adjustment for Ms. Anaya. Commissioner Pando feels if everyone doesn't get a raise then nobody should get one.

Commissioner Padilla feels the same way about this as Commissioner Pando. Commissioner Daves said he would go with the consensus of the Commission. Commissioner Baca said, "if it's within the Indigent budget, I don't see why we shouldn't give it to her." Commission Chair Aguilar said that Administration should have told Ms. Baker that there is a freeze and there are no pay raises, but Administration has already put it in the budget. Commission Chair Aguilar told Administration to leave it alone.

### **Road Department**

Commissioner Pando asked, on the preliminary budget if they were estimating the revenues. Mr. Montoya said yes, these are actual figures he received from the Highway Department. The motor vehicle and gasoline taxes are estimates. On the expenditures one thing that has changed from the preliminary is the overtime. Usually the County doesn't give overtime, but because of the inclement weather during the winter, Louie Pena, Road Superintendent, asked to supplement the overtime budget with his personnel. Mr. Pena had an employee that he chose not to replace, so he had some extra money in his budget. Mr. Montoya said the raises Mr. Pena was requesting were denied. Patrick Otero was changed from a Laborer to a Heavy Equipment Operator and was brought in at the entry level of Heavy Equipment Operator at \$7.50 an hour. Mr. Otero was making \$6.83 as a Laborer and is the Grater Operator. Mr. Pena said in conversations with the Commission, he asked if he could take a vacant position's salary and spread it to the employees, but the Commission said that it couldn't be done. Commission Chair Aguilar said it was denied with the understanding that they wait for the final budget. Mr. Montoya said that vacant position was for \$15,000.00 and they used \$5,000.00 for overtime, so there's approximately \$10,000.00 left. Commissioner Pando said it's hard to approve a raise for one department when the other departments aren't getting anything. Mr. Montoya recommended to wait until midyear to see where the County is mid year and see if everyone can get a \$.25 raise and do it across the board for all employees of the County. Commissioner Padilla said that Administration should instruct the departments and tell them they can't do it because if they put it in the budget and it comes before the Commission, it complicates the situation.

Mr. Montoya said that Patrick Otero would move up to \$7.50 as a heavy equipment operator if the budget is approved. Commission Chair Aguilar said at the Road Department meeting she attended, the biggest concern the employees had was with the insurance going up and even \$.25 an hour would level it at the same salary. Commission Chair Aguilar said from preliminary to the final budget, her comment to Administration was to at least try and find the \$.25 an hour to help with the insurance.

Commission Chair Aguilar said last year when the budget was approved, she was one who told Administration to keep in mind that the goal was to give the employees a raise of 5% to 7%. Commissioner Daves thinks the employees are underpaid and the cash flow in is less than the cash flow out, so it's not an issue that anyone can be blamed for but themselves. Commissioner Daves said a 7% raise would be difficult and it is essentially the art of the possible and isn't anything they can just say they asked for it and therefore it should've happened, because the money isn't there and if there's no money it's very difficult to spend it. Commission Chair Aguilar asked if the Road Department is getting a belly dump truck. Mr. Montoya said that depends on the gross receipts tax.

### **Fire Department**

Mr. Fernandez said in terms of the Fire Department budget, he did meet with Mr. Cherry. Mr. Fernandez received a letter from Mr. Cherry indicating his approval of the budget that is being presented. Mr. Montoya said the fire protection funds are restricted to operating expenses of the Fire Department as there are no personnel there. The way each department's revenues are determined is by the ratings for each of the fire districts. Commission Chair Aguilar said about a year ago they asked to get ratings because the better the ratings, the less the premiums are of the residents but it would increase this as much as 20%. Mr. Fernandez said that some of them did go through the rating process. This amount is based on insurance premiums and that is sent directly from the State Fire Marshall's Office in conjunction with the Public Regulatory Commission. Commissioner Pando said the Fire Department is spending about \$100,000.00 more than they are bringing in. Mr. Fernandez said this is where the Fire Excise Tax comes in and at that point it is divided evenly among the districts.

For the new Fire Department in Highland Meadows, each of the Fire Departments will be contributing unused equipment to that department.

### **Law Enforcement Protection Fund**

Mr. Montoya told the Commission this Law Enforcement Protection Fund is what the County gets for the number of certified deputies in the Sheriff's Department. The County receives \$600.00 per certified deputy. Out of this the big expenditure is the lease expenditure. The Sheriff is on a lease/purchase with his vehicles. This lease payment is for five vehicles. The County received a grant from the State for computers in the amount of \$8,800.00.

### **Sick Leave Fund**

The Sick Leave fund pays an individual for his/her sick leave when they leave the County.

### **Senior Olympics**

Mr. Montoya is closing the account for the Senior Olympics.

### **Debt Service on El Cerro Fire Department**

There is a debt service on the El Cerro Fire Department that John Cherry, Fire Marshall, is taking care of.

### **CDBG**

The CDBG is for the Valencia Counseling Services reimbursement. Valencia County will be the fiscal agent for this. There is a cash match of \$2,500.00, which Valencia Counseling Service is providing.

### **Debt Service**

This is the payment for the jail bond for the construction of the jail. The bond payment for the upcoming year is going to be \$677,000.00 and will be the second year payment. The administrative fee is with New Mexico Finance Authority. The majority of the excess rebate will be used at the County's discretion, and last year about \$117,000.00 out of \$600,000.00 was used to supplement the debt on the correctional gross receipts tax. The County gets about \$520,000.00 and the payment last year was \$624,000.00. Mr. Montoya said after the payment is made to the jail, there should be about \$511,000.00 left from the gross receipts and out of that Mr. Montoya is proposing to the Commission that for the debt service of the revenue bond they use \$137,000.00 on that. That will still leave the County approximately \$350,000.00 left over. Mr. Fernandez said the 25% requirement is met with the matter in which the money is being retained. The way the statute reads indicates that the end of the fiscal year releases that money. Mr. Fernandez read from the statute, "Proceeds from the first 1/8 of the tax will be dedicated to the county general fund, county road fund, except that 25% of the revenue generated by the first 1/8 must be set aside monthly in a reserve fund each fiscal year and the reserve fund is released after the closing of the fiscal year."

### **Solid Waste Department**

The County receives an environmental tax of \$150,000.00 a year. The transfer station fees throughout the course of the year are \$148,000.00. There is also a transfer from the general fund to the enterprise fund in the amount of \$60,000.00. Commissioner Pando would like the County to put a transfer station or do a joint powers agreement with the City of Belen. Mr. Montoya said that would be a wonderful idea as the County has already been put on alert that the volume is exceeding what is required at the transfer station. The County has notified the Environment Department that they are working on a plan. Commissioner Daves said the Trash Committee met with people from Belen and Los Lunas last Wednesday and Commissioner Daves thinks the Trash Committee is going to recommend that with the cooperation of both Belen and Los Lunas, that the Belen station be made available to County residents. The Trash Committee would like to raise some money to be able to compensate Belen or hopes that charges at the transfer station might be made.

Mr. Montoya said that a well, pump, and storage tank is budgeted because there is no fire protection up there. If the County does exceed the volume from a registered transfer station to a permitted one, the County will be required to have water flow there. Since the VIA cleanup last year, that increased the volume flow as a survey was taken of all the trips and an estimation of how much trash the County is generating was done. Mr. Montoya tried to explain that was not customers that was a special project the County took part in but that didn't matter. Mr. Montoya warned the Commission that when they do that VIA project, that is going to be the same problem. Mr. Montoya gave the Commission a list of what the transfer station can and cannot accept. Commission Chair Aguilar asked why Mr. Montoya doesn't have Waste Management under the construction debris or others. Mr. Montoya said he doesn't know if Waste Management collects construction debris as he usually uses Southwest because they're in Pajarito. Commissioner Daves thinks Waste Management will accept it. Commission Chair Aguilar said the County doesn't accept construction debris. Commissioner Daves said he has specifically talked to Waste Management and all they will not accept is hazardous material. Mr. Montoya said Waste Management wouldn't take shingles, sheet rock, or insulation. Mr. Montoya told the Commission there are a lot of irate customers at the transfer station.

Mr. Montoya said there were no changes in the Solid Waste Department. The only change is on Professional Services, which is being budgeted as \$50,000.00 for the monitoring that is going on at the existing landfill. In the past the Commission budget would absorb that expense, but Mr. Montoya feels it's an enterprise fund and should be with the Solid Waste Department. The County gets invoiced every quarter of \$11,000.00-\$13,000.00. Hopefully in the next year the ED will like the results from the monitoring and lessen the requirement. ED can lessen the requirement to twice a year so that will reduce the expenditure to \$25,000.00. Commission Chair Aguilar asked if the equipment used at the Solid Waste Department belongs to the Road Department. Mr. Montoya does not know what was purchased through the Road Department prior to him taking over. When Mr. Montoya took over the transfer station, he was told that some of the equipment was bought through the Road Department and some was bought through funds elsewhere. At one time Conejo was run by the Road Department and employees were budgeted through the Road Department. Commission Chair Aguilar asked, is it not true that in our audit last year, were we not told that it had to be designated or separated so that on equipment you couldn't just borrow and have it over there and it should be the Road Departments? Mr. Montoya said with the equipment they have purchased, they have labeled it Solid Waste Department but prior to that there were three trailers and a backhoe that came from the Road Department, so that needs to be separated. The last auditor did not give the County a solution but just told the problem. Commissioner Pando said that he was talking to somebody the other day and they felt they could do it for a lot less money then the County is paying

right now. Mr. Montoya said he would look into that as the County pays Molzin Corbin and they pay Sauder Mills. The revenue from solid waste enforcement is \$80,000.00. Last year the County collected 62,000.00. Mr. Montoya thinks this should go into the Solid Waste fund but this is for an extra Zoning Officer, which is about \$20,000 for salary and benefits. Commission Chair Aguilar asked which Planning & Zoning Officer is enforcing the ordinance and inspecting the trucks and making sure that the dumpsters and trucks all meet DOT requirements. Mr. Montoya does not know who is designated for that position, but said it may be Carlos Perea. Carol Anaya, Personnel Manager believes it was Ed Gonzales that was assigned to that. Commissioner Pando said Mr. Gonzales was never given any direction. Commissioner Pando understood that this \$80,000.00 was going to be used strictly for enforcement. All haulers are current on their fees except for Reliable. Commission Chair Aguilar said the ordinance is specific on the use of that money. Commissioner Daves thinks the ordinance should be enforced but the trash committee is going to be interested in the idea of an enterprise fund and using as much of that money for a direct solid waste management program for the County. Commission Chair Aguilar said, "if the ordinance says we're supposed to have a Zoning Officer specifically for Solid Waste, and that Zoning Officer is to be inspecting vehicles and making sure that they're safe and making sure that they follow up on complaints, there's a tracking system or whatever, if it's in the ordinance, let's comply."

### **Sheriff's Fund**

Mr. Montoya does not know if this fund is drug related or not. \$100.00 comes into the fund and \$700.00 goes out. Mr. Montoya believes this is the account that the Sheriff takes care of himself. Commission Chair Aguilar said last year the Attorney told them there was \$150,000.00 that the County was going to collect in a few months because of its participation in drug enforcement and the fact that they were paying one Officer overtime and it was just a matter of legality and procedures. Mr. Montoya said the County is getting reimbursed for this Officer's overtime, as far as the big lump sum, it's zero. Mr. Montoya said the Sheriff did get some vehicles. Mr. Fernandez said he verified that all the County is getting back is the overtime.

### **Clerks Recording Fund**

Mr. Montoya said the County Clerk is looking at raising the recording fees and tried to raise the fee for marriage licenses but that is turned over to the State. Tina Gallegos, County Clerk, said that revenues instead of \$40,000.00 would be closer to \$60,000.00.

### **Cops Grants**

The County gets reimbursed \$317,000.00 from the federal government and the County's match is \$138,000.00. There is one part time vacancy in the Cops I program. The County has 36 months per officer before the County has to take over the entire amount. David Baca has been budgeted for 15 pay periods and John Gordon for 11 pay periods, and at that time the general fund will absorb them full time. In Cops II there are five vacant positions. Mr. Montoya said these officers get hired throughout the fiscal year so the County will not absorb ten of them in one year.

### **Law Enforcement Block Grant**

The LLEBG Block Grant is part of the Sheriff's.

### **E911 Addressing**

This is the County's last year of this grant and it still has \$87,000.00 in which it needs to be reimbursed for the PWT who does the maintenance of the GIS monitoring. The way Commissioner Daves understood it, with the expiration of the grant and the project being completed, the County has to maintain the data set and Richard Chavez, with this reorganization is intended to do that and perhaps be freed up to where he might be able to do that. Mr. Fernandez said that one of the requirements of the grant is 97% accuracy. It has to be maintained at that level, so once it's turned over to the County, it has to make sure, in order to be in compliance with the grant, it has to be constantly updated. By trying to reassign some of Mr. Chavez's duties to other individuals, it gives him more time to give to the E911 Addressing.

### **Special Revenue Fund**

This is a stand-alone fund that was created. Once closing is completed, the bond proceeds will be presented to Valencia County. At that time it will be put with the Treasurer's Department into a savings account. The County has three years to draw down on this account to complete projects. While money is in there, the County will be generating interest. A list was provided to the Commissioners of roads that will be completed by December 2001. Part of this money is going to be for the 25% match going into upcoming projects, which the County will get funded in November or December of this year. Those roads need to be completed by December.

Also included in the revenue bonds is the Animal Control. There is \$30,000.00 budgeted for a transport truck and \$284,000.00 for the necessary repairs of whichever route the County takes. Commissioner Daves said there was a letter in yesterday's paper from Don Spires talking about efforts on the grand jury petition process in effect stampeding or causing inappropriate priorities among the many obligations the County has to perhaps give too much to Animal Control. Commissioner Daves said he takes that to heart as a sincere complaint of that individual and is not second-guessing except to the point that the Commission does not have to approve this money. Commissioner Daves said as he was mentioning earlier about salaries, something has to be done.

Commission Chair Aguilar said there are mandates, necessary services, and obligations the County has as last year Judge Sanchez and Judge Pope sat in the front row telling the Commission there will be a new District Judge and the County will need to provide space within the year. In addition to that, Commission Chair Aguilar said Judge Pope has mentioned there have been leaks on his roof and there is absolutely no security at all there. Commission Chair Aguilar said the Commission told them it will be budgeted next year and the County will be prepared for the next Judge, security, and better housing. Commission Chair Aguilar asked, "How are we planning for these issues of which some are mandated, some are necessary, and some are operation services to benefit the community. If the Judge comes to us after this session, or within the next two or three months, how are we going to pay for that?" Mr. Montoya said whatever direction he gets from the Commission is the way they will pay for it. On the roof of that building, Mr. Montoya got some quotes and it was about \$28,000.00 to re-roof Judge Popes office. The County patched that up itself. Commission Chair Aguilar said we have a low budget and we're already short on reserves and we know that there's going to be a possible mandate from the courts within a year and that may be \$100,000.00 or \$200,000.00. Mr. Montoya said he could put that in this year's budget but the Judges have been saying for two years that they will get a new Judge. Commission Chair Aguilar said, "I'm not saying budget for it, I'm saying I think you need to plan for it and not come to us when it happens and say, what do you want me to do now?" Last year Mr. Montoya went to the Legislative Session requesting funds for the possibility that the County does get a new Judge. Commissioner Pando said what still bothers him is this is the most unprotected courthouse as far as he knows, but yet going into the Administration Office, he can't get in unless somebody opens the door. Commissioner Pando thinks the metal detectors need to be in the front of the Courthouse so it protects Administration as well as Judges and everybody else. Commission Chair Aguilar said last year they budgeted for security and Administration said no we're not going to do it because we're remodeling the courthouse so why put the security in now, we'll put it in later. What the Judges were told is wait until it's done and then the County will do that. Mr. Montoya said they have started on securing all the preliminary doors as Garcia & Sons is doing that. Commission Chair Aguilar was talking about an actual security door and it was budgeted. Before the metal detectors are bought, they have to make sure all doors are only accessed through the inside and not the outside. Mr. Montoya said it is not in the budget under security, but they have money budgeted for repairs to the building. Commissioner Pando asked when the other list of roads would be completed. This list will be completed by December 2001 and the other list will be completed by December 2002.

### **Meadowlake Activity**

This fund is what the Department of Finance and Administration requested to account for these activities in their own separate funds. Commissioner Padilla asked what's going to happen with the Jarales situation in repairing that building. Mr. Fernandez said the County has a legislative grant in the amount of \$67,000.00 and the County has already gone through the process of meeting the necessary requirements as far as historical preservation. One thing the County has to look at is the roof and the roof estimates at \$100,000.00 alone. Commission Chair Aguilar said, the appropriation said it had to be at the southern end of the County, it didn't say it had to be in Jarales. Mr. Fernandez said the County has already used a portion of that to do the archeological assessment.

### **Commission**

#### **Juvenile Detention**

The total budget of the Commission is \$4,900,000.00 and out of that Cornell is budgeted for \$3,147,000.00. The other two items is the juvenile detention, which was, budgeted \$350,000.00, and last year it took \$400,000.00 to run that. Mr. Montoya recommended to Mr. Swisstack of Juvenile Detention to look into their budget to see if they can find some cost savings on the budget. Commission Chair Aguilar said she also had a conversation with Mr. Swisstack and he said the budget is \$454,000.00 and Sandoval County has contributed their half and it was his understanding that he was told the County was budgeting \$350,000.00. In the conversation with Mr. Swisstack, he told Commission Chair Aguilar to be aware because that will only carry the County through February and someone will go back to the Commission asking for more money to make up the budget because it is \$454,000.00 they never agreed to \$350,000.00. Mr. Swisstack told Commission Chair Aguilar he will try and keep the costs down, but even at that he made her aware that they're budgeting for only one Juvenile Monitor. Commission Chair Aguilar has a letter from Judge Sanchez indicating, "he feels that the two monitors should be budgeted and left alone. He was concerned about the impact it would have on the Detention because there will be four or five additional juveniles daily." When Commission Chair Aguilar asked Mr. Swisstack, what would that do, he said they would be forced to open the second wing and that would have an impact of about \$200,000.00. If the County didn't budget \$104,000.00 going in and the County is cutting on the Juvenile Monitor, there's going to be an impact there. Commission Chair Aguilar said the \$350,000.00 is not something that has been agreed upon between Valencia County and Sandoval County. Mr. Fernandez said the \$454,000.00 was funding for both wings so for Mr. Swisstack to say it's going to cost an additional \$200,000.00 to open up the other wind, Mr. Fernandez thought it was based upon the full facility. Commission Chair Aguilar said that Mr. Swisstack told her there were some additional requirements on the half wing. Commission Chair Aguilar asked Mr. Swisstack to send a memo to Mr. Fernandez and there was a message on her voicemail that said he faxed it. Mr. Fernandez said he did not receive it. Mr. Montoya said he asked Mr. Swisstack to send a revised budget and he has not sent the revised budget to him. Commission Chair Aguilar thinks this needs to be identified and taken care of now instead of waiting until February. Mr. Montoya said in the preliminary budget the Commission was aware that they were cutting back on the Juvenile Monitors from \$18,000.00 to \$9,000.00. Mr. Montoya said the Juvenile Detention also received \$98,000.00 from the Children



Youth and Families to provide for this program. Mr. Montoya said last year the County gave \$23,000.00 to this grant and out of that \$23,000.00 they only paid the Monitors \$17,900.00. If the County is a participant in a grant, Mr. Montoya thinks the County should get money for some of the money they are giving to the grant. Mr. Montoya said he asked Mr. Swisstack to give the County \$9,000.00 so they can keep the Monitors full time and Mr. Swisstack told Mr. Montoya he would look into that. Mr. Montoya said he would visit with the monitor and the Judges. Mr. Montoya said what Mr. Swisstack did with the money the County gave last year is hired a Secretary, bought ankle bracelets, and all equipment that the monitors use. Mr. Montoya told Mr. Swisstack that the County should have the two monitors full time with the grant. Commissioner Pando said at the last meeting that he and Mr. Montoya attended; Mr. Swisstack told them that he would definitely send a revised budget. Commissioner Pando feels that Sandoval County should share more than Valencia County and if it's costing ½ a million dollars a year to keep 8 juveniles, maybe the County should just close it and send the juveniles somewhere else. Mr. Montoya said last fiscal year with the amount of juveniles they had there, the County's share came out to \$350,000.00 and if they had to take them to Tucumcari, it's \$125.00 a head. Mr. Montoya said with the \$350,000.00 that the County puts in; they get \$150,000.00 to \$175,000.00 back with revenues. The County is running the facility for about \$200,000.00. Mr. Montoya said he has noticed that Sandoval County cooperates a lot with Bernalillo County.

### **Adult Detention**

The County will pay \$3,147,000.00 to Cornell this next fiscal year. Out of that there is an activation fee of \$253,000.00 and the County still owes for the original \$380,000.00. Cornell has extended the debt but they wanted to charge the County interest, in the two-year period it was going to cost the County \$70,000.00 more. Administration felt that was not a good choice so he contacted DFA and told them the County has 1.5 million dollars in reserves and asked if it's okay to pay Cornell the \$253,000.00 realizing that this is going to drop the County's requirements of 2/12. DFA responded to the County saying that they felt since there is money in the reserves, pay off the debt and work this coming fiscal year on increasing revenues and decreasing expenditures. Mr. Montoya assured DFA that the County would try and accomplish that task. On the Adult Detention, the yearly contract to house prisoners is \$2,662,000.00. The fixed unit fee is \$6.38 per inmate per day for food and medical, which comes out to \$232,000.00 with an average of 105 prisoners. The activation fee is a one-time cost, so next years budget will not include that. The contract states the 2.9 million dollar contract per year for Cornell. Right now the County has 22 months left on the contract, as it was a 3-year contract. Last month there was a top off of 131 inmates in the facilities. At that point, since the County can only house 126 inmates, 5 inmates were moved to a facility in Santa Fe. Mr. Montoya said if Cornell loses the contract in Santa Fe, Valencia County would not have that luxury. Mr. Fernandez said he talked to Lawrence Barreras from Cornell and he indicated to Mr. Fernandez they have not made progress on the negotiations. Commission Chair Aguilar said this is not accredited and that's part of the contract to get that accredited. Mr. Montoya will verify if it's accredited. Commissioner Padilla asked if the amount of the contract could be negotiated. Commission Chair Aguilar said it's up for renewal next year. Commissioner Pando said it's a shame that the County doesn't have a CPI Index because Cornell can raise the County's rates to give their employees raises but yet the County employees suffer. Commissioner Pando said one of the things the County needs to look at is getting personnel and running the jail itself. Mr. Montoya thinks the Commission should talk to the Judges, District Attorney's Office, local enforcements to make sure the prisoners aren't just sitting in there because the County is not going to get Cornell pushing them out. Mr. Montoya said he gets names of inmates that are just sitting in there and one of the problems with the District Attorney's Office, if they plea bargain these individuals out, they should be plea bargained in the beginning. Commission Chair Aguilar said there was supposed to be monthly meetings with the Judges, Staff, Jail Monitor, and Bondsmen, and she attended a few of those and it was working well. Larry Garcia, Jail Monitor, said they did not stop these meetings, he meets with the Judges on a daily basis but as far as people being plea-bargained, the system is not going to work in 60 days as it takes 9 months to a year. Commissioner Pando said it takes a long time to bond somebody out of jail as they keep prisoners in there the whole day so the County can be charged for the full day, but he thinks those procedures need to be changed. Commission Chair Aguilar asked Mr. Garcia if another meeting could be scheduled with Cornell and the Judges. Mr. Garcia said bondsmen have hard times getting people out of the jail because if someone bonds out at 8:00 A.M. they don't let them out until 2:00 P.M. or 3:00 P.M.

### **Meadow Lake Senior Center**

Commissioner Daves asked, now that it's getting cool, is the air conditioning in Meadow Lake hooked up? Monica Mireles, Administrative Assistant to the County Manager, said that maintenance has been working on it.

Commission Chair Aguilar excused herself from the meeting.

### **General Fund**

Mr. Montoya said that budgeted fund revenues are 9.3 million dollars and transfers out of the general fund are \$206,000.00. The budgeted fund expenditures are 9.4 million dollars and estimated ending cash balance on June 30, 2001 is \$1,151,000.00. Mr. Montoya said he did get notice from ED that the closure plan was accepted finally after 18 months, so the County has 180 days to complete that. Mr. Montoya said he talked to the engineers and as long as they see the County is making an attempt to do it, Ms. Mireles has applied to a grant and the County still has the million dollar request to Santa Fe. Whether the County gets that or not, the County has been on notice since 1994 about the closure of the landfill. Before the County gives raises to the employees, it needs to take care of the

problems that already exist in the County. One of the major problems in the County beside the jail is the landfill. Mr. Montoya hoped that when the County buys the landfill, that he is asked to join in the negotiations of the finances since he is the Financial Director. When the Cornell contract was approved, Mr. Montoya was left out of negotiations. If the County borrows from ED, it will have to pledge the environmental taxes to repay that debt. Commissioner Padilla thinks the Fiscal Agent should be involved.

### **Manager's Budget**

Mr. Fernandez requested a reduction in his compensation in the amount of \$4,160.00 to be moved to three of his employees who fall under his jurisdiction. This is the only thing that Mr. Fernandez could see would not create problems with other departments. Mr. Fernandez has three individuals who take on additional duties and work additional hours without complaining or request for compensation. This would require an amendment to Mr. Fernandez's contract to allow for this reduction. The overall dollar amount would not change in the budget but be rerouted to three individuals. Commissioner Pando agrees with what Mr. Fernandez is trying to do and gave him credit, but has a problem with other people getting turned down for raises when there are 236 other employees. Commissioner Pando said he could not support this at this time. Commissioner Padilla disagreed with Commissioner Pando, as Mr. Fernandez is offering a portion of his salary and that's his option. Commissioner Daves said this is an admirable thing but doesn't want to be pushed into having to make a decision now so he would rather postpone it or vote no. Commissioner Baca supports this. Commissioner Pando said the Road Department wanted to give raises that were not going to be changing the budget; it's the same money it was just going to be distributed. Mr. Fernandez said that the Road Department tried to eliminate a position to do this and in this case nothing is being eliminated. Commissioner Padilla made a motion to approve Mr. Fernandez's request. Commissioner Baca seconded the motion. Commissioner Pando voted no. Commissioner Daves voted no. Commissioner Baca vote yes. Commissioner Padilla voted yes. Motion failed. Commissioner Pando asked if Mr. Fernandez could bring it up at the next meeting.

Commissioner Baca made a motion to approve the final budget, Resolution 2001-36. Commissioner Daves seconded the motion and commented, as he understands the proposal before the Commission with regard to the Planning & Zoning is that the raises that are built into that are premised upon and addition to job titles and responsibilities that justify those raises. Mr. Montoya said the clarification he got is that they were going to put "interim". Commissioner Daves and Commissioner Padilla said no interim. Commissioner Pando said he has a problem with the Planning & Zoning area of the budget because he feels that Planning & Zoning should be like a pyramid as there should be one chief and the way this is presented Ruben Chavez would get the raise that is built into the budget and the employees would also get the raise that's in the budget. Mr. Fernandez said the Zoning Manager would be a posted position and for the sake of the County Ordinance that Mr. Chavez's position would also be posted. Mr. Fernandez said Mr. Chavez would be appointed as "Acting" until these positions are posted. Motion carried.

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 21, 2001 at 6:00 PM with Executive Session beginning at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

### **ADJOURNMENT**

Commissioner Pando made a motion to adjourn. Commissioner Daves seconded the motion. Motion carried.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the August 13, 2001 Special Budget 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: September 4, 2001**