

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

September 18, 2001

The Meeting was called to order by Chairman Alicia Aguilar at 5:10 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

James Fernandez, County Manager, asked to add item C, Land Acquisitions, more specifically the Los Chavez Fire Department. Commission Chair Aguilar asked to add other matters to personnel and litigation. Commissioner Pando made a motion to go into executive session and discuss the items disclosed. Commissioner Baca seconded the motion. Motion carried.

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

Carol Anaya, Personnel Manager, reported that as per budget approval, the following was discussed with the Commission in executive session: new hires pending pre-employment drug/alcohol tests and background checks for Richard Weathersby as Animal Control Officer, Luis Ortiz as Animal Control Officer, David Padilla as Mechanic for the Road Department, Victoria Mora as part time respite care, Yvette DeLeon as part time respite care also for the Older American Program, Rhonda Benavidez as homemaker and van driver for the Older American Program, temporary hire of Inez Anaya for the Indigent Department, resignation of Robert Felix from Animal Control, position enforcement supervisor for Ruben Chavez with a salary increase, and update of work comp injuries for Manuel Torres a Deputy in the Sheriff's Department, and Gabriel Salas from the County Clerk's Office. Ms. Anaya asked the Commission to ratify what was discussed in Executive Session. Commission Chair Aguilar told Ms. Anaya she also gave the Commission an update on Richard Shiplett. Commissioner Daves made a motion to ratify what was discussed. Commissioner Padilla seconded the motion. Commission Chair Aguilar mentioned on Mr. Chavez, she doesn't question that he can't do the job but has a concern with the ordinance addressing a Planning & Zoning Administrator, and with him being promoted to a Supervisor, she believes there can be some confusion or a conflict. Verbally the Commission was told that Mr. Chavez is the Planning & Zoning Administrator but he is not being given that title. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes and also reiterated what Commission Chair Aguilar said about promoting Mr. Chavez. Commissioner Pando believes Mr. Chavez should be given the proper title. Motion carried.

Tom Garde, County Attorney, reported that in executive session under pending potential litigation, he discussed the following with the Commission: dismissal of the Twin Mountain appeal of the Commission's decision on that, continuance of the Ben Bur Road case, and under Land Acquisition they discussed a reported sale of property with regards to the Los Chavez Fire Department and direction has been given to staff and Mr. Garde to notify the appropriate parties of the County's having no intent to consummate that purchase. Commission Chair Aguilar said the other issue that was discussed was the Isleta Pueblo acquiring Comanche Ranch and some concerns that the County may have on access and Mr. Garde was given direction to address that. Commission Chair Aguilar said that Ms. Anaya also brought up the County Manager's contract and there is a provision there for a 3% salary increase that would be effective now, and the Commission did not take any action on that. Commissioner Daves said based upon Mr. Garde's legal opinion on the Los Chavez Fire Department, that without favorable action to consummate a purchase, there is no purchase of the land. Commissioner Pando said another item was discussed as the Commissioners received a letter from an individual who didn't sign his name. There is some litigation in the letter that Commissioner Pando read aloud. Commissioner Pando felt if the individual is going to accuse someone from the County of misdoing something, that individual should sign his name. Commissioner Daves made a motion that's all that was discussed in executive session. Commissioner Pando seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Daves voted yes. Commissioner Pando voted yes. Motion carried.

Pledge of Allegiance was led by Lawrence Barreras.

Approval of Agenda

Commission Chair Aguilar asked that under action item A to asked questions of Cornell concerning the existing contract. James Fernandez, County Manager, asked to delete item E as tax rates have not been received by the Assessor's Office. Under request for in-state travel, Mr. Fernandez will present the item for Beverly Gonzales. Commissioner Padilla made a motion to approve the agenda as amended. Commissioner Pando seconded the motion. Motion carried.

Approval of Minutes

Commissioner Pando made a motion to approve minutes for the meetings of August 27, 2001 Special Redistricting and September 4, 2001 Regular Meeting. Commissioner Baca seconded the motion. Motion carried.

Public Requests

Bill Olson, who is the Chairman of the Board of Directors for the new Fire District, District 10, told the Commission that local people have called him in regards to the dump. Some people go to unload their trash and they're overcharged and some items can't be left there. Mr. Olson said that County roads are filled with trash. Mr. Olson asked the Commission for a dump in the County. Commissioner Daves, who is also the Chairman of the Trash Committee, told Mr. Olson that those are also concerns of the Committee. Commissioner Daves invited Mr. Olson to the next Trash Committee Meeting. The Committee does have recommendations to make to the Commission. Carlos Montoya, Fiscal Officer, told Mr. Olson that Conejo is a Transfer Station, not a dump. There is not a dump in Valencia County. There are flyers at the Transfer Station that list what facilities will take the different kinds of trash.

Commissioner Daves talked about the tragedy that happened last Tuesday, and said, "We should always do our best within our human failings to take the high ground to keep to a morality of freedom. We cannot make our anger spread to whom it should not be spread to". Commissioner Daves said the anger should be directed to the people who did it and it would shame the Country, for Americans to let the anger spread to a hate.

Commissioner Pando agreed with Commissioner Daves and thanked Valencia County residents for having faith in the Commission and passing the 1/8th tax.

Status Report Alternative Sentencing-Electronic Monitoring.....Lawrence Barreras

Lawrence Barreras, Warden at Cornell, gave the Commission a status report on what's going on with the proposal that is being developed for electronic monitoring. Mr. Heineken, who represents Cornell, has met with the Magistrate Judges and with District Judge Sanchez and those Judges have indicated full support for the program as they find it to be an advantage and provide an alternative. Also with the proposal, Cornell has to meet with the Public Defenders Office, have a follow up meeting with the District Attorney's Office, and meet with Judge Pope. Mr. Barreras intends to meet with those people prior to the next Commission Meeting and come back to the Commission with a proposal for consideration. In addition to that issue, Cornell is still dealing with the overflow issue for the jail. San Miguel County has offered to take any overflow inmates at a cost of \$55.00 a day, and they have given Cornell a contract to present for consideration. Mr. Barreras feels there is room for negotiation in that contract and will look into that prior to presenting it. As part of this process, Cornell is also taking a look at the possibility of adding some additional beds to the old facility. If Cornell can move forward with electronic monitoring they're hoping to avoid moving inmates.

Mr. Barreras talked to the Magistrate Judges, District Judge Sanchez, and the Judge from Isleta. They are all interested in the program. For inmates participating in the program, Mr. Barreras told the Commission they could charge the individuals the entire amount of the program and even an administrative cost on top of that. Mr. Barreras feels that if the Commission charges the individual that it wouldn't be an effective program and they would go the jail. Mr. Barreras recommended that the Commission charge something, which Cornell would be able to get inmates to participate in. Mr. Barreras said the inmate must be involved with a job or some type of activity to be on this program.

Commission Chair Aguilar said that according to the contract, Cornell was supposed to implement a program for work release so those inmates that would have a job, that would be revenue coming into the County because there's an incentive the individuals can go to work, but its going to cost them. Mr. Barreras said there has been a work release program since the inception of the contract but doesn't think there's anything as far as recovery from inmates participating in the program. Commission Chair Aguilar said according to the contract, there would be a proposal to the Commission implementing that. To her understanding, some of the fees are based on the income of the individual. Commission Chair Aguilar spoke with Judge Tody Perea earlier today and he indicated that he would like to review the contract and make sure that the Judges have the authority to do this in the beginning and that it's done at arraignment or sentencing and not after. Commissioner Pando feels that the inmates should be charged something. Commission Chair Aguilar told Tom Garde, County Attorney, that there is a contract and these programs are part of the accreditation. Mr. Garde said these items are required to avoid litigation. Mr. Barreras said that there are some areas in which the County can charge an inmate. Commission Chair Aguilar asked if Cornell is working on getting the facility certified by the National Commission on Correction Health Care. Mr. Barreras said that Cornell is working on that and intends to provide the Commission with that certification in a timely manner. One of the last things the Medical Director was working on was a dental service, in which they recently found a mobile dental service that comes into the facility.

Cornell signed a contract with that mobile service for \$30,000.00 a year. There will be a Hygienist and Dentist at the facility on a regular basis. Mr. Barreras said the application for accreditation was done within 12 months of the contract and it was a joint application with Santa Fe County. Cornell contracted the American Correctional Association and changed that to have the application specific to Valencia County. That paperwork is in process. Commission Chair Aguilar asked what would need to be done to get the existing facility accredited.

Commission Chair Aguilar asked if there is any revenue coming to the County on the inmate welfare fund. Anthony Romero, Associate Warden, said he would work on that report and have it for the next Commission Meeting. Commission Chair Aguilar also asked about telephone funds. Mr. Barreras said that the County has a contract for inmate pay telephones but he will look into it. James Fernandez, County Manager, told the Commission the County received two payments last fiscal year on the previous contract. Wherever there's money that is generated by an inmate population, that money needs to be put in a fund and sent back towards the inmate population. For instance if they're being charged to utilize payphones and if there's a profit that's made from that, then that profit needs to go into a fund for recreation equipment or something for the inmates. Mr. Barreras said the commissary fund is a losing operation not a profit making one.

Commission Chair Aguilar said according to the contract there was an increase of the CPI; it was not only the management fee but also the price per unit. Mr. Fernandez said under the provisions of the contract, on the anniversary date, the CPI introduces that. With the billing that the County received from Cornell, it did not indicate those increases. Mr. Barreras said that would be applied. On the activation fee, Commission Chair Aguilar asked Carlos Montoya, Fiscal Officer, if he reviewed every invoice to justify the \$380,000.00. Mr. Montoya said he reviewed all invoices and still has questions on some of them. Mr. Barreras has not received a check yet for a bill that was submitted and did not apply any interest to that. Commission Chair Aguilar asked what the County owes on medical bills. Mr. Barreras said those bills have been submitted to the Business Office and he will be glad to work with Mr. Montoya on both of these issues. Mr. Montoya said by the time he gets the bills, they're already past the 90 day requirement for Indigent to pay for them. On the bills Mr. Montoya is getting called on, those are the ones he is addressing to make sure that individual was an inmate at that time. Mr. Barreras said that the Cornell Doctor has to sign off on anyone that goes, so there is a Doctor's approval with the paperwork. The Jail Monitor is now being notified by memo or phone as to individuals getting medical treatment. Commission Chair Aguilar had concerns that it's addressed in the contract that the County is responsible and that they are local bills. The bills that Mr. Montoya has are all from Albuquerque. In the Management contract, the County pays Cornell \$242,000.00 a month and then Cornell pays the County \$2,500.00 a month to provide the Jail Monitor. Commission Chair Aguilar asked Sheriff Juan Julian if Jailors must be certified by him to be Peace Officers. Mr. Julian does commission Cornell workers. Mr. Barreras would like to come back to the next Commission Meeting with a final proposal and also meet with County staff between now and then. Mr. Barreras will also bring information about the work release program and any revenues on that. It is Mr. Barreras's intent to have validation from the Judges that they support the program.

Proposal for Juvenile Electronic Monitoring.....Cornell Companies, Inc.

Housing of Juveniles

Lawrence Barreras, Warden at Cornell, submitted some information to the Commission for consideration on alternatives for the County to bring down some costs for the Juveniles. Mr. Barreras hopes to place Juveniles on the electronic monitoring program in order to bring down the number of juveniles that are incarcerated.

Melissa Padilla, Facility Director for the Juvenile Facility in Santa Fe, told the Commission that facility is a dually accredited ACA facility. Ms. Padilla runs a detention program and a training school for kids. The detention program is local pre-adjudicated kids whose average age is 15, and this program is certified by Children Youth & Families. The training school is for long-term federal residents but those two populations never interact. This program is very staff intensive as there is a 1-8 ratio. The program starts at 7:00 and ends at 10:00 and staff are with the kids all day long. With the school program, when kids come to the facility, they get progress reports that they get to take to their home schools and they get credit in the district for attending school. Ms. Padilla tries to get the families involved as much as possible.

Commissioner Pando asked what happens with the Juvenile Monitor's if these juveniles get transferred to Santa Fe. Mr. Barreras said the juvenile program would not have that aspect to it, but the electronic monitoring program would. So the inmates that are on the electronic monitoring program, there would be a need for those services. What Cornell would like to do is take a look at utilizing those individuals for the electronic monitoring program and see how much they could do to offset what the County is doing with those individuals now. According to Mr. Montoya, on the monitoring, the Juvenile Monitors feel that the Judges will not support it unless there is more contact with the juveniles. Matthew Lange, Program Director for Cornell, said that is basically on a level one service. What Cornell does is combine their services with Children Youth & Families in Santa Fe, so the Probation Department is the one that sees these individuals on a regular basis, what Cornell does is the electronic monitoring. Cornell is capable of doing all the services. Commission Chair Aguilar said that at the last meeting, Probation & Parole mentioned that once a month is not adequate and they wanted to maintain the daily contact. Mr. Barreras said that Cornell will work with the Judges, and if there is a particular requirement that the Judges have prior to putting someone on the electronic monitoring, and if the Juvenile Program is going to have a higher requirement by the Judge, that is something Cornell can do. Mr. Montoya explained that the Joint Powers Agreement

that Valencia County has with Bernalillo County is for \$400,000.00 a year, Valencia County is provided 10 bed spaces at the facility or at the Bernalillo County facility. What Bernalillo is quoting is \$120.00 a day and Valencia County would have to average no more than five juveniles per day and that will come out to about \$182,500.00. Valencia County pays \$400,000.00 to Bernalillo County but also gets back \$125,000.00 in revenue sharing with Bernalillo County. The net that Valencia County is paying for housing of juveniles is \$275,000.00-\$325,000.00. Mr. Montoya said that if the County considers going with Cornell, it has to make sure they have a monitoring program in connection with the housing because there is no way they can keep the count at 4-5 without alternative sentencing. The programs that Valencia County has with Bernalillo County are the same programs that are listed with Cornell. Mr. Montoya said what the County has to look at is an effective monitoring program so Valencia County doesn't have more than 4-5 juvenile inmates. Another thing the County has to make sure is that these transports will cover the Court appearances. Mr. Montoya has concerns that there is going to be a vacant building next door and if it will be cost effective to ship someone 80 miles north when there is a facility in Valencia County.

Commissioner Pando had concerns that the County budgeted \$350,000.00 and Bernalillo County is saying that budget will carry Valencia County through October and are saying that the County owes them \$496,000.00. Commissioner Pando also said that Sandoval County had 169 bed hours, Valencia County had 130, and Bernalillo County had 1200 bed hours in the Valencia County facility, so the County is using the facility but not for its own use. Commission Chair Aguilar mentioned that if Cornell is going to give the County a proposal, transportation needs to be an issue. Commission Chair Aguilar also said there are medical issues and asked how that is handled. Ms. Padilla said that in house she has a Psychiatrist and four therapists so the \$120.00 that is proposed is to take care of all those costs not including the external if the juveniles have to be taken out for medical injuries. There is also a Pediatrician and Dentist on staff. Commission Chair Aguilar asked that in the proposal that Cornell clarifies if these juveniles are released to go to school during the day. Commissioner Daves would like a proposal from Cornell and Administration to tell the Commission what its recommendations are. There is a meeting on September 27, 2001 at 1:00 P.M. with Bernalillo County and they have not paid Cornell for the meals to the juveniles so Commission Chair Aguilar asked if that could be addressed there.

Justin Pennington, Representative of Cornell, asked if the Commission is asking him to meet with Administrative staff to put together a proposal that would have their support. That is what Commissioner Daves would like. Commission Chair Aguilar thought Cornell would meet with the appropriate agencies and Judges to get the information, work out a proposal; it channels through Administration, then gets presented to this position. Commissioner Daves agreed with that. Commission Chair Aguilar said the County would not be left out of this and that Mr. Fernandez will consult with him on everything. Tom Garde looked at the contract and without the full cooperation of the Judges, the County is in no situation to go forward. Mr. Pennington said he met with each of the Magistrate Judges in Valencia County and with Judge Sanchez, and the feedback he is getting is the Judges are behind him but thinks it is a County Commission decision. Commission Chair Aguilar said that Judge Perea told her he knows it is a Commission decision, but the Judges want input and want to know what the contract says and they want to approve it.

State Funding Law Enforcement/Cibola Nat'l Forest & Mountainair Ranger District.....Vicky Estrada

Vicky Estrada, District Ranger of the Mountainair Ranger District, told the Commission that the Forest Service has provided funding to the County based on timber revenues. Last year, a bill was passed called the Secure Rural Schools and Community Self Determination Act and the intent of that was to provide a more stable source of funding to the County for rural schools and community roads, etc. What that Act has done is given a choice to the County on whether they want to continue to go with the timber revenue dollars that have come from the Forest Service, which in the last three years the County received \$1,000.00, \$1,044.00, and \$1,743.00. The option of this Act is for Counties that receive less than \$100,000.00 in revenue from the Forest Service, is to pick the highest three revenues since 1986 and average those and keep that as an annual figure that the County would receive. With the three highest figures Ms. Estrada has, the average is approximately \$2,800.00. What the County needs to decide on by September 30, 2001 is if it wants to be in this program where the County sets a set figure based on the high three average or continue to get a percentage based on timber revenues from the Forest Service. A critical part that requires a decision by the County is a letter has to go to the Governor saying that the County wants to participate in this program and that it wants to go with the high three average. Carlos Montoya, Fiscal Officer, did the average himself and the average he got was about \$1,200.00. Mr. Montoya recommended that the County support the high three average in order to get a higher revenue. Mr. Montoya also mentioned that the County needs to have a written response by September 20, 2001. Commissioner Pando made a motion to accept Mr. Montoya's recommendation. Commissioner Baca seconded it. Motion carried.

Request Approval to Amend Zone Maps from RR2 to C1/1010 Hwy 116 Bosque NM.....Leo Wilson Romero

Leo Wilson Romero requested a zone change for the purpose of selling this property. Commissioner Baca made a motion to approve. Commissioner Padilla seconded the motion. Motion carried.

Request Signature on NM State Voting Machine Contract.....Tina Gallegos Danaher Controls & Election Products and Service

Tina Gallegos, County Clerk, asked approval, as she needs Commission Chair Aguilar's signature on a license agreement that the County wants to enter with Danaher Controls. This is the company that the County is going to be purchasing software from for the voting machines. The software is going to be used to program the voting machines and create different types of ballot faces. The vendor Election Services and Products is no longer going to maintain the software that the County currently has. Ms. Gallegos provided the Commission with a fee schedule. The \$2,160.00 installation fee and the license fee of \$1,080.00 was budgeted in the Bureau of Elections Computer Software. Tom Garde, County Attorney, had one concern if in fact there is some litigation venue in Illinois. Mr. Garde said this was a contract with the State of New Mexico and basically all counties have the same contract and the State approved it. Mr. Garde recommended approval of this contract. Commissioner Pando made a motion to approve. Commissioner Baca seconded the motion. Motion carried.

Request Approval & Signatures on Agreement.....Monica Mireles

Between CYFD & Valencia County for Improvements at Juvenile Detention

Center

Monica Mireles, Administrative Assistant to the County Manager, presented an agreement between Valencia County and Children Youth & Families for a grant that Valencia County received for improvements to the Juvenile Detention Facility, which is south of the Courthouse. Valencia County applied for these funds and met with John Chavez who is the Director of the facility and came up with a list of improvements that need to be made at the facility. The total project is in the amount of \$16,000.00. Funds that would be received by CYFD would be in the amount of \$7,500.00. The Regional Authority match, which is from the Regional Juvenile Detention Agreement between Bernalillo, Sandoval, and Valencia, is \$5,500.00. Valencia County's match will be \$3,000.00 and that would have to be in the form of cash. Carlos Montoya, Fiscal Officer, said the \$3,000.00 is not budgeted, and will have to come from the Juvenile Monitoring Program, so that match will come out of those payments. Mr. Montoya said what he would like to do is have the Regional Authority come up with the whole amount. Ms. Mireles spoke with Mr. Swistack this afternoon and he indicated to her at first that a decision could not be made until the September 27, 2001 Meeting. The funds for this grant do have to be encumbered by September 30, 2001, which is on a Sunday, so Ms. Mireles has until that Friday to get the funds. Ms. Mireles told Mr. Swistack that the problem was only having one day to encumber these funds and he said that he would recommend that the County go ahead and encumber the \$5,500.00 from the regional match but nothing could be submitted in writing until after the meeting of Thursday September 27, 2001. Ms. Mireles explained that for the \$5,500.00, Mr. Swistack said this money would come from the contingency line item. The unbudgeted amount is \$3,000.00. Commission Chair Aguilar would like to allow Administration a day or two to follow up on this and see what they can do to address the unbudgeted items. Mr. Montoya said there is a budget for repairs to the building for \$10,000.00 or they can take it out of a line item, as he would hate to lose this money on this grant. Mr. Garde said the concern is that if the Commission doesn't make this decision today, there will have to be a special meeting to authorize the \$3,000.00. Commissioner Pando said this is another example of Bernalillo County taking advantage of Valencia County because Valencia County has to pay the \$3,000.00 because it is the County's building. Commissioner Pando thinks this should be split three ways by Sandoval, Bernalillo, and Valencia Counties. James Fernandez, County Manager, said the grant that was given to the County in the early 70's was specifically used as a Juvenile Detention Facility. The County in the past has looked at utilizing the facility for office space, but cannot. The County asked the Federal Government to see if they would allow the County to get out of that one restriction, but the County has not heard a response from that. Mr. Fernandez suggested that Administration attempt to get the additional funds from Bernalillo County, and if not, to use an existing line item to take it out of and if it needs to be supplemented with a transfer, they can do that and it will be brought to the Board. Commissioner Padilla made a motion to approve this request. Commissioner Baca seconded the motion. Mr. Garde said that is appropriate as long as the motion is that Administration has the authority to encumber the money if in fact nothing goes forth in regards to the other. Ms. Mireles asked, if the motion is approved, if she has the authority to encumber the funds in the full amount. Commission Chair Aguilar stated that's what Counselor clarified. Motion carried.

Request Approval or Disapproval of Waste Hauling Contract.....Carlos Montoya

Carlos Montoya, Fiscal Officer, told the Commission that Waste Management has supplied a new contract for the hauling of trash from the Conejo Transfer Station to the Rio Rancho Landfill. The rate will be effective October 1, 2001 at 3.2%, which is the latest CPI increase that has changed from June 2000 to June 2001. Basically Waste Management is asking for an increase of \$.28. This is still the best price Mr. Montoya has found. Mr. Montoya stated that fiscally this is a good contract. As far as the landfill contract, Mr. Montoya asked the Commission if they want it extended another year. The contract shows the one-year extension. Commissioner Padilla made a motion to approve Mr. Montoya's recommendations. Commissioner Daves seconded the motion. Motion carried.

Representative Don Tripp Update On Legislative Redistricting.....Commissioner Aguilar

Commission Chair Aguilar received a call from State Representative Don Tripp who wanted to update the Commission on legislative redistricting and he also wanted to be on the agenda for the first meeting in October to bring a full report. Commission chair Aguilar read a memo from Mr. Tripp.

Request to Schedule a Workshop to Discuss & Prioritize for the ICIP/2002.....Ruben Chavez

Ruben Chavez, Planning & Zoning Supervisor, told the County that the ICIP is due October 1, 2001 and Mr. Chavez is in the process of asking for an extension. Mr. Chavez submitted an itemized priority list for the ICIP plan to the Commission. Mr. Chavez believes the process would be to move some of the items around since nothing was funded in the Legislature this year and in May, all the items for 2001 should have been completed. The items that are not completed will have to be kicked over to the year 2002. Since this is 2002-2006, Mr. Chavez asked the Commission to look at some of these and come up with a wish list for the year 2006. Mr. Chavez believes the process would best be served by a workshop to be able to discuss these items and realign some of the priorities on these. James Fernandez, County Manager, recommended to have the workshop in the next two weeks and to schedule this item for October 2, 2001 as an action item to approve the resolution. Commission Chair Aguilar gave Mr. Fernandez direction to set up a workshop.

Commission Reports & Request

New Hospital Request (Tabled 9/4).....Commissioner Pando

Commissioner Pando feels the hospital issue is a very important item to the citizens of Valencia County. Commissioner Pando suggested that each Commissioner put in five names in order to create some type of a Board that would take complete control of this. The County has a feasibility study from Mr. Olson. Commissioner Padilla had concerns as to how this Board will be funded. Commissioner Pando attended a luncheon with the Board of Directors of Ranchers State Bank and they offered to donate funds for the creation of a Hospital Committee. Commissioner Daves thinks a follow up to the report they received in December is appropriate. Commissioner Daves is interested in forming a Board and believes the Chair of the Committee should be a Commissioner or a senior staff person. Commissioner Pando had some other cities send the County information on how their Boards are formed, what the duties are, and who serves on the Board. Commissioner Pando believes this is a very important issue.

Workforce Investment Conference September 26, 27, and 28.....Commissioner Pando

Commissioner Pando registered to attend a Workforce Investment Conference that will be held September 26, 27, and 28. There was a \$200.00 fee that was waived and Commissioner Pando hoped another Commissioner would also like to attend this. Commission Chair Aguilar said she would attend this.

Request In State Travel:

Triadic Meeting & GIS Meeting in Deming NM.....Beverly Gonzales

James Fernandez, County Manager, told the Commission that Beverly Gonzales, County Assessor, is requesting per-diem to attend a meeting in Deming on September 25, 2001. This is a Triadic Meeting dealing with GIS and also there is a retirement function for Margaret Hill who used to be the President of the New Mexico Association of Counties. Her per-diem would be about \$65.00. Carlos Montoya, Fiscal Officer, reminded the Commission that \$10,000.00 was budgeted for mileage and per-diem in the Commission budget for the whole fiscal year and there is \$8,200.00 left in that budget. Mr. Montoya doesn't believe travel should be allowed for anybody. Commissioner Daves said Mr. Montoya's recommendation is well taken but the County needs to be more organized in the sense of a meeting with elected officials and a policy adopted following that. Commissioner Padilla made a motion to approve Mr. Montoya's recommendations and deny the request. Commissioner Baca seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Daves voted no. Commissioner Pando voted no. Commission Chair Aguilar said she has to trust and support the Business Manager and voted yes.

NMAC Workshop in Albuquerque.....James Fernandez

James Fernandez, County Manager, requested in state travel registration fees for himself, Carol Anaya, and Barbara Garcia to attend a conference in Albuquerque. This is a workshop being put on by the New Mexico Association of Counties in response to difficult behaviors and dealing with the public. The cost of the registration fee is \$45.00 per person. Mr. Fernandez also received a request from the County Assessor's Office to send the Assessor and her Chief Deputy to this same workshop. Commission Chair Aguilar asked, if all five individuals need to attend this workshop. Mr. Fernandez said it would not be a requirement and agrees with the need for conservatism therefore he removed himself. Commission Chair Aguilar asked, if both individuals from the Assessor's Office need to attend. Mr. Fernandez believes that one individual from that department can attend. Mr. Fernandez recommended allowing Ms. Gonzales, Ms. Garcia, and Ms. Anaya to attend. Carlos Montoya, Fiscal Officer, agrees with Mr. Fernandez on that. Commissioner Padilla made a motion to approve Mr. Fernandez's recommendation. Commissioner Baca seconded the motion. Motion carried.

Request Approval of Resolution-Intra Budget Transfers.....Carlos Montoya

Carlos Montoya, Fiscal Officer, presented a resolution to the Commission of intra budget transfers. These are transfers to be approved by the Commission, as DFA does not need to approve these. According to Mr. Montoya, at the last meeting, the Chairman requested that no bills would be paid of items in the red. There is an item in the reserve for prior years line item that is in the red. Mr. Montoya discussed that item at the last meeting and recommended to transfer from the multi line

insurance of \$24,000.00 to put in the reserve for priors, and this was basically for the overcharge of the Juvenile Detention, and on the membership dues, the County went over \$145.00.

In Collections, with the lease purchase they had extra money, and a computer went down for one of the receivables that take in the money on the tax distributions. Mr. Montoya asked Larry Mervine, Data Processor, and he said this computer is needed. The Treasurer's Office is requesting to move \$2,000.00 out of the lease purchase line item and put it in the capital outlay in order to buy a new computer system for one of the receivables.

On the law enforcement, one of the Sheriff's employees is out on medical leave and he wanted to extend the part time help to work additional hours while this employee is out on sick leave. The Sheriff has this money in his full time salaries but did not have enough to cover this and it is a \$600.00 charge in part time.

On the Animal Control, the County is running into a great amount of overtime and there was not enough money budgeted for overtime. The County Manager is approving all overtime. The professional service that is budgeted, the County was going to try and hire somebody on an interim basis, so the County budgeted \$7,500.00 to have that individual work there for three months. That never happened, so there is additional money in the professional services. Mr. Montoya would like that to go into overtime to cover them until that department is up to standards. The other part is the feed supplied is getting very expensive to feed these animals. Mr. Montoya would like to work with the Director to go back to the system where stores were donating animal food to the Animal Control.

In Data Processing, the \$800.00 on paper supplies is for all departments for the whole course of the year. The price of paper did go up. Mr. Montoya took this money out of training.

Mr. Montoya requested that the Commission approve Resolution 2001-41, Intra Budget Transfers. Commissioner Pando made a motion to approve intra budget transfers. Commissioner Baca seconded the motion. Motion carried. Commission Chair Aguilar said she clarified at the last meeting that she is not concerned about each item being in the red, she is concerned about something coming in that would create and unbalance the entire budget for that department.

Request and Business Manager's Report.....Carlos Montoya

Request Approval for Method of Payment from Federal Forest Reserve thru DFA

This item was discussed early in the meeting.

DFA's Approval of Final Budget

Carlos Montoya, Fiscal Officer, told the Commission that DFA is approving the final budget but they are really going to monitor the cash reserves. DFA would like the County to build up its cash reserves by June 30, 2002 to the 2/12 requirement. Right now, the County is probably going to be short about \$400,000.00 to make the 2/12. At the end of June 2003, DFA would like to see the County back on track to the 3/12 requirement. Every quarter, the County sends a financial report to DFA and what they would like to do is have the County send that report on a monthly basis. Mr. Montoya agrees with that. Mr. Montoya said with unbudgeted items, those are really going to be looked at and need some justification. Another thing DFA is asking the County to do is that all transfers from fund to fund get DFA approval. Mr. Montoya said he would not ask the Commission to get any money out of any funds to transfer to any other funds. Within the fund itself, that is allowable with Mr. Montoya. Commission Chair Aguilar said once they get DFA approval then the County can expend. James Fernandez, County Manager, clarified that when talking about transfers, the Commission did approve budgeted transfers that will be presented to the Commission during the year. Mr. Fernandez explained, when Mr. Montoya said he won't be presenting any transfers to the Commission from one fund to another, the Commission did approve certain budgeted transfers and when the Department of Finance & Administration approved the budget, they approved those transfers. Mr. Montoya said that no unbudgeted transfers would be presented to the Commission.

Budget Report Update on Revenues & Expenditures, and Cash Balances

Mr. Montoya broke down the revenue stream throughout the year in the County. In July and August those are very low months because the County is only bringing in \$225,000.00. In September the amount shoots up to \$700,000.00 because that is when the County receives the equalization funding. October is the County's weakest month as it only brings in \$198,000.00. In November, when tax bills go out, the County starts generating the revenue stream. The County gets 1.3 million dollars in November 2 million dollars in December, and \$400,000.00 in January. In February the County receives \$296,000.00 and \$295,000.00 in March. April is a good month as the County gets \$537,000.00 and May is the second half of payments. In 1997-1998, the County only brought in 6.9 million dollars, and in 2001 the County brought in 8.2 million dollars. At one of the next meetings, Mr. Montoya will bring the Commission a breakdown of all the money generated in the 401 fund and will give a graph of the five-year period so the Commission can see where they are increasing and not increasing.

Mr. Montoya gave the Commission hand outs of the cash balance. The County received the equalization tax on Monday and got \$893,000.00. On the 401, the cash balance today is

\$1,378,929.00. Mr. Montoya budgeted \$525,000.00 on the equalization tax. Last year was a healthy year for the State of New Mexico so the total amount of tax generated by the State of New Mexico is \$839,000,000.00. The year before, the total gross receipts tax acquired by the State of New Mexico was \$684,000,000.00, so there was an increase of \$200,000,000.00. The formula that is used to judge the equalization tax is whatever the State brings in, if the County's percentages of the gross receipts that it gets increase, then the equalization increases. The County received \$390,000.00 extra then the County was predicting. Commission Chair Aguilar received a call from the State letting her know that there were problems with the Taxation & Revenue computers. Commission Chair Aguilar said she was told to recommend that the excess amount should be placed in a cash balance for now. Commission Chair Aguilar said that Union County was very happy with their check and spent it, and they received a letter indicating they have to pay it back.

Recommendations for Building Up Cash Reserves

Mr. Montoya gave the Commission a memo of recommendations that Fiscal Staff has brought up. Mr. Montoya read the memo to the Commission. Mr. Montoya stated that even though positions are budgeted for, that doesn't mean they have to hire. Mr. Montoya said individuals are taking their cars to different places to get them fixed. Mr. Montoya would like to see a program where those cars go through the Road Department first. Mr. Montoya would like to enact these recommendations and asked the Commission for comments. Mr. Montoya feels that Animal Control, Road Department, and Zoning Officials should all be on one radio channel instead of using cell phones. Another alternative to cell phones is pagers as they are very inexpensive. The cell phone bill from the general fund is \$600.00-\$900.00 a month, which comes out to about \$12,000.00 a year. Mr. Montoya said that as far as taking home vehicles, Mary Anne Gonzales offered to pay for her own gas. Mr. Montoya said there are people who need to take home vehicles and who need cell phones. In the Law Enforcement, they pay for their cell phones out of their own funds. This does not pertain to Law Enforcement, or Fire Officials. Commissioner Pando does not agree with number 3, no overtime allowed, because a lot of departments are already short and people will have comp hours in which they cannot take a day off because their department is short. Commissioner Pando agrees with number 12, people should do their maintenance on their cars at the Road Department. Commissioner Pando also agrees with the phones and take home vehicles. Commission Chair Aguilar asked to modify number 10 and add "using discretion". Commissioner Daves feels that this is a good recommendation. Commissioner Daves is interested in the amount of money the County can possibly save with each of the items listed. Mr. Montoya is willing to meet with Department Heads and Elected Officials for further suggestions and comments. Mr. Montoya will bring those back at the next meeting before he enacts any of these. Tina Gallegos, County Clerk, told the Commission that all of these items will impact the Elected Officials and those Officials are going to be very interested in these items.

Outstanding Bills

Mr. Montoya gave the Commission a list of bills that are outstanding. Most of these bills are from Cornell as the County still has the July bill of \$263,000.00, and August bill of \$266,000.00, and the activation fee of \$253,000.00. The first quarter bill for the Extension Office will be due in October in the amount of \$15,700.00. Mr. Montoya is still reviewing a bill for repair of lights for \$2,300.00 to find out what that is. The County is up to date with the Juvenile Detention bill. The deadline to submit bills to the County is Wednesday prior to a Commission Meeting, if Mr. Montoya doesn't receive a bill by 4:30 P.M. on Wednesday, it will not get paid, no matter who its for. Mr. Montoya informed the Commission that lights are being removed from Al's Mini Mart in Rio Communities because of people running into them and causing claims against the County. Tina Gallegos, County Clerk, told the Commission that at one time it was explained to the Elected Officials that they could have Department Head Meetings or Elected Official Meetings with Administration. Ms. Gallegos hopes that will be enacted. Commission Chair Aguilar said they were planning to schedule quarterly workshops and maybe there will be one scheduled in October so issues can be resolved. Commission Chair Aguilar asked if water monitoring for the landfill closure is done monthly. Mr. Montoya answered that is done quarterly; the County gets charged \$12,000.00 a quarter.

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

Mr. Montoya presented a list of warrants issued by the Fiscal Officer on September 7, 2001 covering payroll processed on that date, warrant #66509-66087 inclusive of payroll #48844-49028 for a listing total of \$188,378.71. Mr. Montoya asked for approval of payroll. Commissioner Padilla made a motion to approve. Commissioner Baca seconded the motion. Motion carried.

Mr. Montoya presented a list of checks issued by the Fiscal Office on September 14, 2001 covering vendor bills processed on that date, warrant #66088-66201 for a listing total of \$121,894.09. Out of this \$17,000.00 came out of the general fund. Commissioner Pando made a motion to accept warrants as presented. James Fernandez, County Manager, told the Commission that with warrant #66090, he will be asking for a refund on a registration fee. Commissioner Padilla seconded the motion. Motion carried.

Mr. Montoya asked for approval of a check that was held at the last meeting. This is a check that goes out to Bernalillo County. The reason why this was held is the County was in the red on the reserve for priors. Now that the transfer was made earlier in the meeting, there is money in the reserve for priors. Mr. Montoya requested that warrant #65986 for a listing total of \$58,410.83 be approved. Commissioner Daves made a motion to approve. Commissioner Pando seconded the motion. Motion carried.

The next Regular Meeting of the Valencia County Board of County Commission will be held on October 2, 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.

The ICIP Meeting will be held on Tuesday September 25, 2001 as a workshop at 10:00 A.M.

ADJOURNMENT

Commissioner Daves made a motion to adjourn at 10:07 P.M. Commissioner Baca seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 18, 2001 Regular 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: October 2, 2001