

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

October 2, 2001

The Meeting was called to order by Chairman Alicia Aguilar at 9:08 A.M.

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

Executive Session

Commissioner Pando asked to speak during litigation. Commission Chair Aguilar asked the Sheriff to come into executive session. Beverly Gonzales would also like to address the Commission during executive session. Commissioner Pando made a motion to go into executive session. Commissioner Daves seconded the motion. Motion carried.

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

Commission Chair Aguilar said that since the Commission did not finish discussion on litigation, executive session would continue at the end of the meeting.

Pledge of Allegiance was led by Commissioner Padilla.

Approval of Agenda

Commission Chair Aguilar mentioned to add item T as a continuation of executive session. Monica Mireles, Administrative Assistant to the County Manager, requested to delete item F, and it will be presented at the next meeting. Commission Chair Aguilar asked James Fernandez, County Manager for an update on a Joint Powers Agreement with Juvenile Detention during the Manager's Report. Commissioner Pando made a motion to accept the agenda as amended. Commissioner Baca seconded the motion. Motion carried.

Approval of Minutes

Commissioner Padilla made a motion to approve minutes for September 10, 2001 Workshop, September 10, 2001 Special Meeting, and September 18, 2001 Regular Meeting. Commissioner Pando seconded the motion. Motion carried.

Public Requests

Donita Holloway, who lives in El Cerro Mission, told the Commission she owns 3.75 acres and has invested over a quarter of a million dollars in her property and has worked two jobs in order to obtain what she has. Ms. Holloway's mother lives with her and has a respiratory condition. Ms. Holloway is very upset that the residents of that area are not following laws and rules in El Cerro Mission. Ms. Holloway has a neighbor to the South who is selling drugs out of his house. Ms. Holloway did report that to the Police Department 6 months ago and still he continues to sell drugs out of the house. Ms. Holloway said this man has three juvenile children living there. To the East, there are twelve torn up vehicles sitting on her neighbor's property. To the South of that neighbor there is a man who lives there and the father regularly beats his three children. Ms. Holloway has reported this person on numerous occasions. To the Southwest of that individual, there is a trailer court, in which police are there two or three times a week. There are dogs that run loose in that area. Ms. Holloway has a wire fence all the way around her property and calls the Pound at least once every two weeks because of dogs in her property. To the West, there is another trailer court and none of those trailers are set on cement foundations. Ms. Holloway said that one individual is paying his father in law \$1.00 per month so he doesn't have to put his house on a cement foundation. Ms. Holloway is very disgusted because she doesn't have the amount of authority out there to keep track of what's going on. Ms. Holloway said that last week the grater had to widen the road on the curb where El Cerro Mission meets Turbo Road, just to get the garbage out of the road way. Commission Chair Aguilar asked Ruben Chavez, Planning & Zoning Supervisor, to address those issues.

NACO-Informational.....Javier Gonzales

Javier Gonzales, President of the National Association of Counties, thanked the Commissioners for their commitment to the New Mexico Association of Counties and National Association of Counties. Mr. Gonzales said that NACO has been considered one of the top lobbying firms in this country. More than 2000 counties across the country have joined and signed up to be members of this organization. Mr. Gonzales assured the Commission that makes a difference when talking to the President or leaders of the Congress when they know that this organization represents counties all across the country. Mr. Gonzales said that firefighters from all over the country including New Mexico were dispatched out to New York and Washington to help in the relief and clean up efforts. Shortly after the attack, Mr. Gonzales asked counties across the country to issue a resolution in condemning the attack and to support the President in this time of need. The majority of counties did that. Mr. Gonzales also asked counties across the county to issue a resolution against hate crimes to assure that people don't harm any American because of their background, race, or cultural differences.

Mr. Gonzales is convening a National Taskforce at the end of October of individuals all over the country who work in County Government to do their part in assuring that the transfer of information that is received at the Federal Government makes it down to the local level so that law enforcement and fire communities are prepared to deal with any type of terrorist attack that might occur on American soil again. Mr. Gonzales said that people from Los Angeles County to Santa Fe County would be participating in this. Mr. Gonzales has spoke with Governor Ridge and believes that through more effective coordination amongst local and federal officials, they can protect their communities and prepare for any type of threat that might be looming as a result of any action the United States takes in wake of the September 11, 2001 attack. Mr. Gonzales's goal is to work to provide tools to local communities and what they can do to better prepare themselves for any type of attack that may occur.

Mr. Gonzales thanked Commission Chair Aguilar for agreeing to serve in a leadership position at the National Association of Counties. Mr. Gonzales appointed Commissioner Aguilar to serve as Vice Chair of the Community and Economic Development Committee. This committee focuses on increasing the housing stock and the economic opportunities in rural communities across the country. Mr. Gonzales has been able to appoint other New Mexicans to key leadership positions. Commissioner Rutherford represents the New Mexico Association of Counties on the NACO Board. Commissioner Garcia from San Miguel County and Commissioner Sena from DeBaca sit on the NACO Board. This Board is what sets the legislative priorities. Jan Porter, who is the County Treasurer in Catron County, chairs the Rural Action. Commissioner Montoya from Rio Arriba County, Commissioner Neville with Agriculture, and Labor and Employment Commissioner Evens from Dona Ana County are also in leadership roles. NACO exists to represent County Officials across the country.

Mr. Gonzales encourages James Fernandez, County Manager, to look into NACO programs. Mr. Gonzales said that with Office Depot, NACO leverages the purchasing power across the country in order to recognize greater discounts. Mr. Gonzales pledged to the Commission and the rest of the elected officials in Valencia County, that he would hold this position with the dignity and respect that it deserves. Commissioner Daves has a concern about the taxing authority that counties have, and said that it isn't enough to meet obligations. Commissioner Daves mentioned that Highland Meadows needs a Fire Station and the County does not have the ability to raise money or pass a tax. Mr. Gonzales promised to speak with the President and Members of Congress concerning rural communities.

Comprehensive Report on Legislative Redistricting.....Don Tripp/Commissioner Aguilar

Don Tripp, State Representative, told the Commission that he had an Aunt pass away in Belen on Monday. The Sheriff's Department and Deputy Joseph handled that. Mr. Tripp complimented the Sheriff and the Department as they took care of the body, the dog, and securing the property and jewelry.

On the redistricting, the State is charged with doing redistricting for the House, Senate, U.S. Congress, State Board of Education, and the PRC. Mr. Tripp said this is a very political and partisan process. Some plans went before the voters and elections in the house and before the rules in the Senate. Plans were passed out of that to the floor. There are plans for all five of the charges, which are on the Governor's desk at this point. Mr. Tripp believes those plans will be vetoed by the Governor and that they will go to the Courts to be redirected back to the Legislature or directly drawn by the courts. The House was briefed by many of the Attorneys who work for Legislative Counsel. The Counsel briefed both the Democrats and Republicans on what would happen. According to what is taking place in other states, the Courts without a plan approved by the Governor, will draw the districts if it goes to that point. Mr. Tripp believes that these districts will be drawn with a blind eye to incumbency or point of residents. . That means they will take care of some of the constitutional issues like the Indian Districts where they maintain the voting strength of Indians and Native Americans and some of the Hispanic Districts in the Southeastern part of the state which were drawn by the Courts. After that, communities of interest and blocks will be drawn. Blocks will be roughly equivalent in population where the Legislature has a plus or minus five percent. According to the Attorney's the Courts will be more exact. If the Governor does not sign the bills, they will automatically be vetoed and the Courts will step in. The Courts will either reassign it to the Governor or draw the districts itself. Mr. Tripp believes the Courts will draw the districts and take the politics out of it. On the minority side of the House, the belief is that more of the districts should be

competitive. Commissioner Pando asked if new legislative seats would be created. Mr. Tripp said they won't create new ones, they will move them. The eastern part of the state has lost population, so Mr. Tripp believes the Courts will take a seat from the east and place it in the central corridor, where the population growth has been. Mr. Tripp also believes there will be a loss of seats in downtown Albuquerque that will move to the West side. With the plans that went to the Governor, on the House side there was no loss of seats by the Representatives. There are several lawsuits in both District and Federal Court. Commission Chair Aguilar said that Mr. Tripp introduced a bill to help the County with the Solid Waste. There was no funding, but Commission Chair Aguilar appreciates the effort and hopes that bill will get introduced and get the support of Representative Cordova and Representative Luna on that bill to get some funding to help the County with that.

State Representative Kandy Cordova, said that Valencia County had population growth but not enough for a new seat. Ms. Cordova had to lose 7000 people in her district because the growth was on the east side. Ms. Cordova said that competitive is something that the Governor wanted but is not part of the criteria that needed to be followed. Each Representative needs 25,400 people in order to create a new seat.

State Representative Fred Luna, has gone through redistricting 3 times. The last two times, the Courts did the whole redistricting.

Jail Monitor's Report.....Larry Garcia
James Fernandez, County Manager, told the Commission the daily average of inmates is 124 individuals with 96 in the new facility and 20 in the old facility.

Request Preliminary Plat Approval.....Van Camp Diversified Investors

Stage Two Unit Development-Manzerro Plaza

Bill Campbell presented the conceptual development plan of Manzerro Plaza to the Commission. The legal description is El Cerro Mission units 2, 4, and 5. This is at the intersection of Manzano Expressway and El Cerro Mission Boulevard. The property is zoned as a planned development district. This is under the current Zoning Ordinance of Valencia County. What that particular zoning district does is allows the Commission to have a comprehensive development plan rather than the traditional types of parcel-by-parcel development. This allows for a mixture of residential, C1, and C2 districts. The plat of El Cerro Mission unit 4 was filed in 1980, and there are a couple of property lines that will be eliminated in that particular area. Mr. Campbell presented maps to the Commission that is required under the planned development district. These maps include but are not limited to the existing conditions that are in that area showing the soil plat, topography, and existing drainage. What is in these maps is proposed land uses and buildings and structures. The plan also provides for the proposed site grading and vehicle circulation with cars and pedestrians in the development. The plan also shows the layout for the water and sewer design in the project and it will be sufficient once the design is complete for the water and sewer with the utility, for handling all the fire flow needs of that particular development. Also included is a traffic impact analysis that is required under the planned development district and it asks for a TIA to be done within a mile radius of the particular project. The main thing that the TIA did address was the intersection of El Cerro Mission and Manzano Expressway and the redevelopment of that particular intersection. There is also a proposal on how Van Camp Diversified would like to proceed with the re-construction of that particular intersection. In a written statement that is required by the Zoning District there is a Declaration of Restrictive Covenants, and Grants & Easements. Mr. Campbell said one of the reasons why these are done is a lot of times on a commercial project, there are drainage, parking, ingress, and egress issues to deal with and there needs to be some type of agreement between all of the property owners on how that is handled. Also included in the packet that was given to the Commission were some responses from the State Engineers Office, Soil and Conservation District, and the Highway Department. Originally when this was submitted a year ago, this was looked at as a subdivision. Once Mr. Campbell realized that's how it was presented to them, he sent out responses to those stating that this is a Planned Development District and wasn't a new subdivision.

Mr. Campbell went through the different comments that came from the Planning Department. Under Mr. Chavez's statement regarding restrictive covenants, any of those things that he would like Van Camp to include in the restrictive covenants are certainly welcome. Van Camp's view of the restrictive covenants was that the underline basis of all this was the Zoning Ordinance and that would take care of the issues. Mr. Campbell said that what Mr. Chavez was concerned about, was the issue on any re-development on this project, which is being submitted to the County. Mr. Chavez wants to make sure that any re-development or change of plan would have to come through the Commission for approval. There are about 100 acres total in three different units for this project. Commissioner Pando asked what type of businesses would come into this site. Mr. Campbell said the land uses are tied to the C1 and C2 zoning, but he does not have a specific use for each one of those buildings. Mr. Campbell said there would basically be retail uses, offices, and business centers. In Mr. Chavez's response under the development review, that is dealing with the issues of the state agencies. Mr. Chavez made his recommendations dealing with the one with the State Engineer's Office and Van Camp is currently working on a master plan for water on the east side, which will be submitted to the County prior to final approval. Under the modified Soil Conservation Report, Van Camp sent its response to the Soil and Conservation District in May stating that this was not a new subdivision, but they didn't get a response back. Under the utilities, Van Camp has had a couple of meetings with the Fire Marshall dealing with making sure that the fire flow is adequate for the development and that is the reason for the master plan for the water system on the east side.

Under the Traffic Impact Analysis, Van Camp submitted it to the State Highway Department. Van Camp re-did the TIA dealing with those particular intersections and submitted it to the County. What Van Camp wants to do is being able to handle the reconstruction of Manzano Expressway and El Cerro Mission at their expense, not the County or Highway Department's expense. Van Camp will be doing that in certain phases. The first thing they want to do is handling the El Cerro Mission Road from the Manzano Expressway, up to Avila Road in order to handle turn lanes so the traffic flow there is a little bit better. Over a period of time, El Cerro Mission has almost got out of the right of way, so Van Camp will need to realign that somewhat to straighten that out. On the drainage issue, a lot of that on unit 4 is handled on site as per what the Zoning Ordinance is. Van Camp assumed that the entire property was going to be asphalt, so that's how they designed it. They made sure that the drainage was taken care of on each individual site. Those sites are a minimum of 1 acre in size and they will not change, unless they come through the Commission. Unit 5 is on the north side of El Cerro Mission and on the northeast corner of Manzano Expressway and El Cerro Mission Boulevard. That part is quite high on where El Cerro Mission Boulevard is and it drops off substantially towards the Conejo Transfer Station. From that intersection of El Cerro Mission Road and Manzano Expressway, there was a line of site issue that Van Camp had. What Van Camp did with the County's approval is put about \$85,000.00 worth of dirt and drainage work towards that project to raise that so the line of site is 500 feet. That was also done because that does handle the drainage of this particular site because it goes underneath the road. Van Camp is hoping that this project will alleviate some of the traffic issues because within a 5-mile radius there are about 30,000 people. There is also a career academy and other schools in that area. Mr. Campbell feels that it is time for the services that are needed on the east side of the County.

Ruben Chavez, Planning & Zoning Supervisor, told the Commission that his department has been reviewing this project for over a year now, and it has gone through many provisions. Mr. Chavez told the Commission that Van Camp is working on the water plan and they have had discussion on it and that John Cherry, Fire Marshall, has had a lot of input on it. The developers are willing to change the infrastructure to meet those needs. Mr. Chavez feels the biggest issue is going to be the TIA. Mr. Chavez is pleased with the modifications that the project wanted to do with those intersections. The TIA also suggested that they monitor this intersection in the future. In lieu of that, the developers have offered to do the infrastructure for the signalization of this intersection. If sometime in the future the county needs signalization, the infrastructure would already be there. Mr. Chavez would accept that as a form of monitoring and minimizing the County's cost if further impacts warranted more revisions of the intersection. Mr. Chavez is pleased with the TIA and recommended to accept the recommendation for that. Mr. Chavez discussed with the developers that the TIA did not address the intersections at Sands, Airport Road, and Manzano Expressway. That intersection has three roads coming to the same point. There is a platted road that continues west from Manzano Expressway, which would probably line up with Sands at an intersection. There has been conversation about improving Airport Road in the future and Mr. Chavez believes that creating a five points intersection at that point is not to the County's benefit and not to the benefit of Manzano Expressway being an expressway itself. Mr. Chavez would like to see some dialogue on that issue. Mr. Chavez has concerns that in Identifying land uses, in C2, it does have a variety of uses that may be considered quite broad. In the restrictive covenants, the developers wanted to omit some uses, and Mr. Chavez believes that is not favorable. Mr. Chavez said if the developers decided to sell a portion of the property, than a different individual owning that property would not be limited by any of the permitted uses. Once the County agrees with the uses, the Commission will not see any of the site developments again. Mr. Chavez advised the Commission if they are going to deal with it, to do it now or recommend getting a list for stage 3. Commission Chair Aguilar asked about the water plan. Mr. Chavez said this project will not get approved and stage 3 will not get recommendation until the final letter from the State Engineer says that they comply. Commissioner Pando asked if the Engineer has a system in which they make sure the developers have a system for water pressure. Mr. Chavez said not with water pressure as that is something that Planning & Zoning and the Fire Marshall will be testing. This is a 3-stage process, and Van Camp is in stage 2. All of these concerns must be addressed by stage 3. Commission Chair Aguilar asked if the Commission would get a checklist for stage 2 as they did in stage 1. Mr. Chavez said his report is for stage 2. Commission Chair Aguilar said she would like to be able to see what was needed in stage 1 and if it was completed in stage 2. Mr. Chavez will prepare that for the Commission. Commissioner Daves asked if the developers intend to keep those multiple plats within the development. Mr. Campbell said it was Van Camp's decision to leave those in 1-acre lots in unit 4. The property in unit 5 is also platted in 1-acre lots and Van Camp will be vacating that plat. In response to Mr. Chavez's issues about particular uses, Mr. Campbell concerns and said they can decide which uses are going to be in there pretty easily. Commissioner Daves believes traffic signals should be put in earlier rather than later and thinks it's appropriate that the developer bear the cost of that.

An Engineer from Gannett Flemming told the Commission what he looked at under the subdivision regulations is the historical flow across these properties and then they have to look at the developed impact that it will have on that. Since this is a planned development unit and the uses are not clearly defined at this point, the Engineer visited with the County and expressed an interest to go ahead and model and do the drainage calculations as if this entire planned development were paved a 100% runoff. That will allow the developers some flexibility to move buildings around or change the size of buildings since the drainage ponds would be sized if the entire development were paved. The entire development is not paved so the drainage is over designed. Around the perimeter, all of the open space will be constructed much like the new development along 1-25 with the gas stations and new car dealerships. Commissioner Daves asked if there's any internal ponding in the middle of the project. Mr. Campbell said no. There are plans at the intersection of Manzano Expressway and El Cerro Mission for an overflow culvert to go ahead and transfer any overflow water from El Cerro

Mission Boulevard re-work and from that development underneath El Cerro Mission Road and proceed North down gradient to some additional drainage ponds that are not shown in the illustrations. Commissioner Pando asked Mr. Campbell if he has a buyer for the property. Mr. Campbell has talked to organizations such as clothing stores, grocery stores, senior housing, assisted living, and urgent care types of services. Without having the approval at this stage, Mr. Campbell has not been able to give these organizations a specific timeline. Mr. Chavez recommended approving stage 2 and sending Van Camp to stage 3 as long as they get their water plan approved by the state agency. Van Camp agreed to do all the infrastructure and roads all at once. The improvement will be from the intersection to Avila Road. Tom Garde, County Attorney, told the Commission that they need to decide what conditions must be complied with prior to final plat. Mr. Garde said the developers have 18 months with which to complete from phase 2 to phase 3. Basically phase 3 is the developers complying with what the Commission wants. Mr. Garde said that the Commission needs to set conditions or adopt Mr. Chavez's recommendations in order to get to the next step. Commissioner Padilla would like to go with Mr. Chavez's recommendations to approve stage 2 and make sure the developers provide whatever Planning & Zoning is requiring. Mr. Garde said Mr. Chavez would need some direction because one thing that is left up in the air is specifically what C2 businesses are going to be dealt with. Mr. Garde said that if the Commission wants to give Mr. Chavez that authority it can or if the Commission wants to table it and continue it at the next meeting until that is developed, that is the option of the Commission. Commissioner Pando would like to see a master plan as to what businesses will go in this project.

Dorothy Orolli, who owns 4 acres in the housing development just South of the Southeast corner development, said that Rio Abajo Road goes right through that development. There are 12 homes in that development, and building stopped there in 1995. Ms. Orolli requested from the Commission that as part of this development, that Rio Abajo Road be closed off and become a private road. Commission Chair Aguilar asked Mr. Chavez to get together with Ms. Orolli to address the concerns. Commissioner Padilla made a motion to table this item until there is further clarification. Commissioner Daves seconded the motion. Mr. Campbell said that El Cerro Mission unit 6 is where those houses are. About 20 of those lots were sold to a builder as raw land. Van Camp did not deal with any of the property owners there. Van Camp still owns property South of where the houses are currently. The property on the South side of Van Camp that was referred to is also a portion of unit 6, which does not have any houses on it. South of that, which is Bonito Estates, does have doublewide homes on it but are not a part of unit 6. Mr. Campbell does not have any problems with the closing of Rio Abajo. Commission Chair Aguilar would like this to be addressed with Mr. Chavez and for Mr. Garde to also look at it because this is an existing road. Mr. Campbell preferred that this was not tabled and conditions be placed from the Commission for solving this issue, taking care of the water master plan, and the land use issues. Mr. Campbell said the water plan is close to being done so that Van Camp would be able to move forward on this a little quicker. Mr. Garde recommended tabling this until the next meeting or the meeting after, that way there is a definite time on this. Commissioner Padilla amended his motion so that this is tabled until November 6, 2001. Commissioner Daves seconded the motion amended. Mr. Campbell asked if he would be able to get approval for stage 3 at that time if all the conditions have been met. Mr. Garde said the way the Ordinance is constructed is that the Commission sets standards for stage 2 and then the developers come back at a later date to show that they have complied with that. Motion carried.

Commission Reports & Requests.....Valencia County Board of Commissioners

MRGCD Request for Law Enforcement Support of Bosque

Commissioner Pando made a motion to move this item up as next the next item on the agenda. Commissioner Padilla seconded the motion. Motion carried. Jose Otero, Board Chairman of the Middle Rio Grande Conservancy District, told the Commission that on September 24, 2001 at their last regular meeting, the Conservancy Board passed a resolution to extend county criminal jurisdiction to Bernalillo, Sandoval, Valencia, and Socorro Counties. Presently the Conservancy District owns a great part of the Bosque and the river. Although the Conservancy does have two patrolmen, they don't have any enforcement authority. There is a lot of criminal activity going on in the Bosque such as firearm activities, parties, and drug use. Since the Conservancy doesn't have any enforcement authority the Conservancy District requested that the Commission go along with the Conservancy and sign a Joint Powers Agreement extending a county criminal jurisdiction on the Bosque and Middle Rio Grande properties. Commissioner Pando asked what happened with vehicles and non-access. Mr. Otero said that has not been resolved, but there has been public meetings. Mr. Otero believes action will be taking action on that on October 22, 2001. Commissioner Pando would fully support this resolution. Sheriff Juan Julian said the resolution includes 4 counties and would like to have a chance to look at this and discuss it with the other Sheriff's to see what concerns they have in the Bosque area and how they will be addressed. Mr. Julian said there is policy in the Bosque and the Middle Rio Grande and the Sheriff can't enforce policy. If this agreement is authorized and passed by the Commission, Mr. Julian believes it will empower the Sheriff to go in and enforce the law. Commissioner Pando asked if municipalities would have some jurisdiction on this. Mr. Otero said the Conservancy District is talking about getting the municipalities also involved in this. Commissioner Padilla made a motion to table this until the Sheriff checks on this. Commissioner Daves seconded the motion. Subhas Shah, Chief Engineer and CEO of the Conservancy District, said they have talked to their own counsel and thinks the best way to get this resolved would be a Joint Powers Agreement. The Conservancy tried to get some police authority through the State Legislature but they couldn't get it. Commission Chair Aguilar said if the Commission tables this that it will not be indefinitely but for the Attorney and Sheriff to review it. Commissioner Pando disagrees with tabling this. Attorney Tom Garde said there are legal issues that need to be dealt with and issues of the Sheriff patrolling that area. Since the Sheriff is going to

be the individual enforcing the agreement, Mr. Garde thinks he should have the ability to review it and decide whether or not this is feasible for his department. Commission Chair Aguilar asked the Sheriff if the Commission could get something back within 30 days. Sheriff Julian believes he can do that. Motion carried with a vote of 3-1, as Commissioner Pando voted no.

First Hearing for a Moratorium on Subdivisions.....Ruben Chavez

Ruben Chavez, Planning & Zoning Supervisor, told the Commission that at the last meeting they gave him authority to go ahead and publish this moratorium. This moratorium is to move forward the comprehensive plan. The Steering Committee has already had one meeting since then and has scheduled a second one mid month. Commissioner Pando still feels that this is not necessary but will go along with the wishes of the community. Mr. Chavez said there was quite a bit of discussion on chapter 4 and part of the group is working on chapter 5. The final hearing is on October 16, 2001 at 6:00 P.M.

Report on Baseball Fields.....Monica Mireles

Monica Mireles, Administrative Assistant to the County Manager, requested from the Commission on how to proceed with the Belen baseball fields. In the early 1970's and 1980's the County was a recipient of land and water conservation fund programs and this money was used to obtain and develop recreation sites throughout Valencia County. Acoma Fields and Acoma Park is going to be sponsored by the correct agency. And Ms. Mireles is not sure what the State is going to do with that one. Old Town Mini Park is going to be sponsored by the City of Belen and that leaves Valencia County with Sombrero Park and with the Belen Ball Fields. Sombrero Park is considered as an open space park in the Rio Communities area and Belen Ball Fields is a park that is located in Belen on the West Mesa between LeSeurs Restaurant and the Mesa right above it. Belen Ball Fields have not been maintained in quite some time and according to the LWCF Program these parks needs to be kept and maintained in perpetuity. Ms. Mireles and James Fernandez, County Manager, met with Ms. Masingile from the State LWCF Program and she suggested either maintaining the fields or trading this park out for another park site in Valencia County. In order to do that, the County would have to have an appraisal and survey of the Belen Ball Fields and have an appraisal and survey of the proposed site, which the County wishes to trade. Ms. Mireles asked the Commission for direction. The last time the County received funds for this park was June 27, 2001 of 1980. This property belongs to the County. With the \$20,000.00 that the County received, the Belen Ball Fields were acquired, fencing was placed there, utilities were installed, and there were bleachers and signs. The only thing that exists today are light poles. Commissioner Baca made a motion that this go to Administration and for them to come back to the Commission. Commissioner Daves seconded the motion. Motion carried.

Report on Vista Volunteer position-Senior Olympics.....Mary Ann Gonzales

Mary Ann Gonzales reported to the Commission that she has received a Vista slot and currently there are 15 Vista slots that were given to the state. Ms. Gonzales would like to have a Vista volunteer coordinate the Senior Olympics since the Senior Program doesn't have a Coordinator. This individual's primary job description would be to promote health in the County and schools. Ms. Gonzales has interviewed for that position. The County's only responsibility is for supervision of that individual and office space. James Fernandez, County Manager, said his understanding is that office space and supervision would be provided by Ms. Gonzales and this is not a cost to the County. Commissioner Padilla made a motion to go with Ms. Gonzales's recommendation. Commissioner Baca seconded the motion. Motion carried.

Request Approval on Appointments to Assessor's Protest Board.....Beverly Gonzales

Beverly Gonzales, County Assessor, asked if she could have Bob Cullins and Charles Griego to be accepted as Protest Board Members. This year Ms. Gonzales has 7 protests and they will be heard on October 22, 2001. Mr. Cullins has been a Board Member for several years and Mr. Griego would be new to the Board. Commissioner Padilla made a motion to accept Ms. Gonzales's request. Commissioner Baca seconded the motion. Motion carried.

Request Approval of 2001 Property Tax Rates.....Beverly Gonzales

Beverly Gonzales, County Assessor, presented tax rates to the Commission for the year 2001. The state debt service did go up throughout all the school districts. The only way the County is benefited is during the 30-day period that the County is allowed to hold those tax dollars the County can invest it until the point that it is distributed. The cost of this would be about \$.20 more per \$1,000.00 in assessed valuation. Ms. Gonzales believes the tax bills will be sent out by November 1, 2001. Commissioner Daves asked what discretion the Commission has on voting yes or no. James Fernandez, County Manager, said the County has five days in which to approve these rates and the Commission has no discretion. Commission Chair Aguilar had concerns that there were some changes from before and that there won't be any loss in revenue. Ms. Gonzales said that with the new school districts, the way they switched properties, people had to be identified in their own school districts because if they were in that school district before, they're still liable for those school bonds. What happened is Wal-Mart had been put on and the Assessor is supposed to have everything on the tax role even though it's exempt. That value went into the computer as new value, but then the Assessor's Office turned around and exempted it all within the same year, so it gave it to the County and then it took it away. Commissioner Padilla made a motion to accept Ms. Gonzales's recommendation. Commissioner Baca seconded the motion. Mr. Fernandez explained that the major increases were in state debt service and there was a small change in the branch college and

under the school district. The two rates that the County collects on is residential and non-residential property. Motion carried.

Request Approval of In State Travel:

NM Association of Assessing Officers/Rio Rancho.....Beverly Gonzales
Beverly Gonzales, County Assessor, told the Commission that previously she was going to take herself and 4 of her employees but now asked for approval for the registration fee for herself to attend a conference in Rio Rancho. The fee is \$75.00 and it will be coming out of her reappraisal line item. James Fernandez, County Manager, recommended approval since this is not out of the general fund and it is only for one individual. Commissioner Pando made a motion to approve. Commissioner Baca seconded the motion. Motion carried.

E-911 Conference/Las Cruces.....John Cherry
John Cherry, Fire Marshall, asked permission for in state travel to Las Cruces on October 10th, 11th and 12th for an E911 conference. Mr. Cherry does have this in his budget. The registration is \$130.00. Mr. Cherry is also requesting per-diem. Commissioner Padilla made a motion to approve. Commissioner Pando seconded the motion. Motion carried.

Dispatchers Tactical Response to School Violence Events/Las Cruces.....Juan Julian
Sheriff Juan Julian dropped this request since Mr. Cherry can attend this event and bring the information back to the dispatchers.

EMS Conference/Las Cruces.....Juan Julian
Sheriff Juan Julian requested permission to allow Dee Hall to attend the EMS Conference to keep her certification in training and teaching emergency response. This is a total of \$40.00. Sheriff Julian does have this in his budget. Commissioner Pando made a motion to approve this request. Commissioner Baca seconded the motion. Motion carried.

Valencia County Reservists Medical Insurance Information Only.....Juan Julian
Sheriff Juan Julian informed the Commission he depends on Reserves, which is a volunteer organization that assists the Sheriff's Department in administering service to the citizens in Valencia County. In discussion with Barbara Baker, Indigent Administrator, Sheriff Julian asked if it would be possible to have some medical and life insurance benefits for the reservists since they volunteer their time in assisting law enforcement for the citizens of Valencia County. Ms. Baker came up with a packet where it would be a very minimal cost to the County for approximately 30 reservists. It would be about \$2,200.00 per year. In the last 60 days, Sheriff Julian has had two reservists that have been injured while assisting the Sheriff's Department. Commission Chair Aguilar said she asked for a list of who these reservists are and what they do but Personnel does not have that list. Commission Chair Aguilar also had concerns of liability and if they use the cars and if the County provides uniforms. Sheriff Julian said the County has policy for the reservists and they are trained. The County does not provide reservists with a vehicle, they ride with an Officer. The County does not provide uniforms or firearms, they provide their own. Tom Garde, County Attorney, believes this is a worthwhile endeavor but thinks the Commission should be notified as to whom they are. Sheriff Julian will provide that information to Administration. James Fernandez, County Manager, suggested that when the Sheriff starts working on the budget with the new 1/8% tax increase, that it would be appropriated there.

Indigent Report & Appeals.....Barbara Baker
Commissioner Baca made a motion to convene as the Indigent Board. Commissioner Daves seconded the motion. Motion carried.

Barbara Baker, Indigent Administrator, and Mrs. Mireles, spouse of Clyde Mireles, informed the Commission that the Mireles's income is \$93.00 per month over the allowable. The Mireles's pay about \$300.00 in medical bills each month and would like to appeal the denial for their income. The bills are a Living Cross and Presbyterian. The total of the bills is \$7,438.76. Commissioner Pando made a motion to approve. Commissioner Baca seconded the motion. The bills were due to a heart attack. Ms. Baker recommended approval. Motion carried.

Ms. Baker told the Commission that Ronald Rodgers also had a heart attack and bypass surgery. Mr. Rodgers's income was over because he worked at Allsup's and has worked a lot of overtime. After Mr. Rodgers's heart attack he has not been able to go back to work other than part time of about 16 hours per week, so his earnings have decreased tremendously. Mr. Rogers has a Living Cross Ambulance bill. Ms. Baker recommended approval. Commissioner Padilla made a motion to approve. Commissioner Pando seconded the motion. Motion carried.

There are two inmates that were denied indigent because Ms. Baker received the bills 90 days after. The total amount of bills for the two inmates is \$721.60. Ms. Baker recommended approval. Commissioner Baca made a motion to approve. Commissioner Pando seconded the motion. Motion carried.

Ms. Baker presented indigent claims from August 24th to September 21st of 2001. The total amount of claims submitted is \$146,698.37. Ms. Baker asked the Commission to approve \$32,134.37. There were 41 claims submitted and there were 8 applicant denials. Commissioner Padilla made a motion to approve. Commissioner Pando seconded the motion. Motion carried.

Commissioner Pando made a motion to re-convene as the Board of Commissioners. Commissioner Baca seconded the motion. Motion carried.

Request Approval.....John Archuleta

Adoption of Sale Resolution

Approval of Sale of Gross Receipts Tax Revenue Bonds

John Archuleta presented a pricing book to the Commission. What George K. Baum did was gone ahead and priced the bonds last Friday and Monday. Mr. Archuleta put together some information concerning the economic activity, bond market activity, the pricing summary, and the comparison of what the county paid on the last issue which was the jail financing as far as the gross receipts tax and the present financing. The interest rates that are being looked at on this particular transaction are interest rates of 3% starting in the year 2002 and ending with 4.5% in 2009. The average coupon is a 4.14%. Mr. Archuleta explained when this is compared to the financing for the New Mexico Finance Authority Loan for the jail facility, the County is actually paying 3% now, and they were paying 4.10%. The 4.5% that the County is paying now, they were paying 5.20%. This is a little over 1% higher than the County paid on its last issue versus this issue. The overall average principal and interest payments on a yearly basis will run about \$128,000.00. These particular bonds have no credit enhancement or no call option and most of the bonds were sold either to institutions or to retail. The County could not pay this off earlier than in 2009 because this is such a short maturity, so that would actually cost the County more in interest costs. The bonds are date October 1, 2001 and the County will have to make the August 1, 2002 principal payment. The last two payments will be about \$125,000.00. The reason for that is because the County is paying down on the principal amount, and as it goes along from year to year the principal is being reduced, so the overall payment is at the tail end. Mr. Archuleta tried to maintain a yearly payment of about \$128,000.00. Commission Chair Aguilar asked, on the first 1/8%, who's holding the money and how do the debts get paid? James Fernandez, County Manager, explained the New Mexico Finance Authority holds the totals until the first week in June and at that point the release the unused portion back to the County. Mr. Archuleta said the money would be available on October 9, 2001, so the bond proceeds will be available for the Commission to start expending on projects. Commission Chair Aguilar mentioned that this money was already budgeted and is not considered unbudgeted funds requiring DFA approval. Commissioner Pando made a motion to approve the Sale Resolution (2001-42) and the sale of gross receipts tax revenue bonds. Commissioner Padilla seconded the motion. Motion carried.

Commission Reports & Requests.....Valencia County Board of Commissioners

Commissioner Pando reported attending a seminar for the Workforce Investment in Albuquerque last week. Most of the items that were discussed were the client and one stop centers. Commissioner Pando also attended a meeting yesterday at the Workforce Investment in Albuquerque. What the Workforce Investment has done is come up with an agreement and did away with the CEO Board and the Private Sector Board and created a Board in which one Board takes care of both. Commissioner Pando thought that to be a good idea.

John Kelly, Attorney for Peoples Energy Company, told the Commission that the Peoples Energy Company is within a day or two of signing an agreement with a property owner in the Rio Grande Industrial Park. That property is located behind the Solo Cup facility and is about a 20-acre parcel that Peoples Energy of Chicago will be purchasing. That property is zoned Heavy Industrial and is an appropriate site for the kind of plant that Mr. Kelly is talking about. This project is a natural gas fired turbine powered plant. This is a single cycle plant in which Mr. Kelly believes will work well in that location. Peoples Energy Company has created a limited liability company called Valencia Energy LLC, which will be going forward in the name of the company. The Peoples Energy Company is applying this week to the New Mexico Environment Department for an air quality permit. In the packets the Commissioner received is a copy of a notice that by law they are required to give to the local governments within the County and to property owners who live within a half-mile of the proposed project. This company has received lists from the Assessor's Office and will be mailing several hundred notices by the end of this week to property owners within Valencia County. That notice will also be published in the newspaper and will be posted in libraries. Mr. Kelly will keep the Commission posted on this.

Valencia County Manager's Report.....James Fernandez

James Fernandez, County Manager, requested information from Bernalillo County in regards to the grant that was received from Children Youth & Families in the amount of \$97,000.00. Bernalillo's response to that request is that of the \$97,000.00 grant, roughly \$12,000.00 of that comes to three entities that would be Valencia, Sandoval, and Cibola County. Mr. Fernandez was told that 1/3rd of that is allocated to Valencia County, which is roughly \$4,000.00 and that is utilized for ankle bracelets and the paperwork as far as monitoring. Jamie Goldberg and John Thompson attended the meeting and they are not utilizing the ankle bracelets, as there is some difficulty when an individual is out of range or violates the use of the ankle bracelet, they were not being notified. Mr. Goldberg and Mr.

Thompson are doing more intense one on one monitoring. There was some indication from Bernalillo County that they would be modifying the way they utilize this program and will be providing pagers to these individuals so that in the event that somebody went out of range, they would actually receive notification. It was determined that the services that are provided by Mr. Goldberg and Mr. Thompson are not covered by this grant and if the County wishes to participate with that, the County would have to look at allocating an additional \$14,000.00 to cover those two individuals. The cost of the monitoring by these individuals is \$30.00 per day, 365 days per year, and what the County put towards that is \$9,000.00. If the County wants to continue with having Mr. Goldberg and Mr. Thompson monitoring, the County would have to look at adding \$14,000.00 to cover them.

Commission Chair Aguilar explained that on the \$97,000.00 grant, it is not a regional grant it is dealing with two issues. One of those issues is a custody grant that was obtained through Probation & Parole and the 13th Judicial District. Out of that \$97,000.00 there's \$12,000.00 that was allocated for the three counties. Bernalillo County changed their system and went with a new provider so those benefits in Bernalillo County are now not available to Valencia County. So what's happened with Mr. Goldberg and Mr. Thompson not being able to be called when the monitors go off, they have to call the clients more frequently. Commission Chair Aguilar said that Bernalillo County was also asked at that meeting to look to see if the service would be available to Valencia County. Commission Chair Aguilar said that she asked that there be a reporting of all of the juveniles in the County, and not just from Mr. Goldberg and Mr. Thompson. Commissioner Pando asked what happens to the \$85,000.00. Mr. Fernandez was told that the \$85,000.00 was actually a grant to the City of Bernalillo.

Mr. Fernandez informed the Commission that the grant that Monica Mireles applied for upgrades to the juvenile detention facility, the County was asking \$55,000.00 from the Regional Authority. Ms. Mireles also asked them to pay Valencia County's match, which is \$3,000.00, and the Regional Authority matched the total amount, so the County doesn't have to pay that.

On the billings of Mr. Goldberg and Mr. Thompson, she thought the County wasn't paying gross receipts tax.

There was consensus by the Commission that Mr. Fernandez look into this and come back to the Commission with a recommendation as to where the money comes from for the Monitors.

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

Carlos Montoya, Fiscal Officer, said the chip seal that the County wanted to perform now with the funding from the bonds, Coke Materials out of Albuquerque has a state contract on that. They notified Mr. Montoya that they are backlogged and cannot provide the oil that the County needs to do the chip sealing until the latter part of November. So through the instructions of the County Manager, Mr. Montoya called DFA and was told that the County can go out to bid to try and get another vendor. Mr. Montoya asked for permission to go out for four bids on the oil for the chip sealing. Mr. Montoya will get the specs from the State contract. Once the County gets those specs they can go out and get the vendors who do this type of work in order to get the bid going. The Road Department has been in contact with Coke Materials and if they have any cancellations or postponements, the County is first on the list. Commissioner Padilla made a motion to go out for the request of the oil bid-paving project. Commissioner Baca seconded the motion. Commission Chair Aguilar asked James Fernandez, County Manager, for a list of all the roads and when they're getting done. Motion carried.

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

Carlos Montoya, Fiscal Officer, passed out the cash report to the Commission. In the general fund, which includes all the warrants to be approved today, the cash balance would be 1.126 million dollars. Mary Ann Gonzales from the Senior Program received her funds from the State and Federal Government, so she's back in the positive at \$23,000.00 for the Senior Citizens. On the Road Department, there is \$53,000.00 in that fund. By this bond closure that was just approved, the money that's allotted for the paving projects will be put into this fund in order to continue with the paving projects. On the yearly cash receipts up to date have been 1.554 million dollars. The Fiscal Office has disbursed \$1.663,622.00 from the general fund. The months of August, September, and October are low revenue producing months.

On Wednesday of last week, Mr. Montoya met with all the Department Heads and Elected Officials on the recommendations that were proposed to the Commission at the last meeting. Mr. Montoya put the comments that were made on the recommendations. On travel, Mr. Montoya replaced limited travel instead of no travel as some of the seminars and meetings provided to the counties are important. James Fernandez, County Manager, told the Commission that there are some seminars and meetings that are mandated for departments to attend. Mr. Montoya said the officials had comments on coming before the Commission if it doesn't require overnight stay. Mr. Fernandez referred back to the travel policy that requires officials to make their request before the Commission for prior approval. Mr. Fernandez said there was concern that money would be in place for the mandated conferences that some of the departments might have come springtime. Mr. Fernandez said they are wanting equity of treatment of all elected officials on travel when it comes to the individual departments, as they are elected officials too and they thought they are on the same level of elected officials with the Board. Sheriff Juan Julian said the reason that was brought up is in prior years each department had their own line item for this and now there's a question if there's going to be enough money for the needed trips that department heads are going on. Mr. Fernandez said an item that was discussed was coming up with a limit as to an in state and out state travel with one each.

On number 2, with freezing all hiring, department heads requested that they do not eliminate the position. On number 3, with overtime and only allowing compensation except for law enforcement, the employees asked if they could have the possibility of accruing more comp time than what's allotted right now. Carol Anaya, Personnel Manager, stated that an individual can accrue 45 hours of comp time in a pay period and has to use it within a month. Commission Chair Aguilar asked what happened to the issue of the County being cited as the County can't just continue to give comp time, after so much they must pay the time and a half. Mr. Montoya said excluding the law enforcement, the only department that has been authorized overtime is Animal Control. Commission Chair Aguilar thought that after 45 hours, individuals couldn't continue with comp time, they must get paid time and a half. Mr. Montoya said that was with the Detention and the County ended up paying the individuals all their comp time.

Commissioner Pando asked if the take home vehicles include everyone. Mr. Montoya said there is no take home except for law enforcement and those who are on call.

Commissioner Pando asked how much it costs to put decals. County Assessor Beverly Gonzales said they are \$50.00 including installation.

Commission Chair Aguilar excused herself from the meeting and will return. Attorney Tom Garde also left and will return.

Ms. Gonzales had concerns about take home vehicles and asked the Commission not to take the vehicles away from the elected officials. Mr. Montoya is striving for a motor car pool. Ms. Gonzales had concerns about other people borrowing the Assessor's vehicle as they might do something in that vehicle in which the Assessor's Office is responsible for. Commissioner Daves asked if the vehicles could just say Valencia County. Mr. Montoya said the Assessor's vehicles should say Assessor's Office on them as they go out and assess property. Ms. Anaya asked the Commission to keep in mind the liability of take home vehicles. Ms. Gonzales thinks the elected officials should have take home vehicles because that has always been the case. Commissioner Daves agrees that elected officials should not take home vehicles unless they are rigorous and go home and come to work; he also had concerns of liability. Commissioner Pando said the Chairman and County Manager are entitled to vehicles. Commissioner Pando doesn't care if elected officials take home vehicles and said he has respect for elected officials and will honor their wishes. Commissioner Padilla said the Fiscal Office is asking sacrifices from everybody and said everyone should be willing to give a little of themselves.

Commissioner Pando received comments on the drinking water, as some departments didn't agree with taking it away. Commissioner Pando agrees with canceling water purchases. Sheriff Juan Julian commented that he has the money in his budget for water and said this doesn't come out of the general fund. Mr. Montoya told the Sheriff that the County has to build up the cash reserves.

Commissioner Pando commented on number 8, implementing reimbursement for physicals and drug test for employees that resign before six-month probation, he agrees with that. Mr. Montoya said in order to do that the Personnel Ordinance needs to be changed to include that. Commissioner Pando suggested keeping their paycheck. Ms. Anaya said the County cannot hold their check. Ms. Anaya said it would have to be a reimbursement that the individual pays out of their pocket. Sheriff Julian thinks the County should increase the probation time to one year, as six months is too short. Ms. Anaya did not agree with that. Commissioner Pando agreed with the Sheriff.

Commissioner Pando fully concurred with number 10, all offices that have excess supplies should turn them into the Fiscal Office to be distributed to other offices, as they tend to disappear.

On number 11, having all vehicles report to the Road Department before taking them to an outside vendor, Mr. Montoya said everyone agreed with that and asked that the Road Department help them more with the parts they need. Sheriff Julian had concerns about the fire pumpers, as the Road Department can't work on them. Mr. Montoya said that John Cherry, Fire Marshall and Charles Eaton feel that when a pumper goes down, they need to take it to someone with expertise.

Mr. Montoya said he would modify this again and bring the things that need to have action taken as an agenda item.

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

Carlos Montoya, Fiscal Officer, reported that the computer printout lists all warrants issued by the Fiscal Officer on 9-21-2001, covering payroll processed on that date of warrants #66202-66232 inclusive of payroll #49031-49212 for a listing total of \$186,322.22. Mr. Montoya asked for approval of payroll. Commissioner Pando made a motion to approve warrants. Commissioner Baca seconded the motion. Motion carried.

Commission Chair Aguilar and Attorney Tom Garde returned to the meeting.

Mr. Montoya reported that the computer printout lists all checks issued by the Fiscal Officer on September 28, 2001 covering vendor bills processed on that date, including warrants #66233-66423 for a listing total of \$365,309.68. Commission Chair Aguilar said that she signed the checks with County Manager, James Fernandez, present. In going through the checks there were questions,

which Commission Chair Aguilar said were discussed in executive session. On the uniform allowance, Commission Chair Aguilar asked if those still get pulled. Mr. Fernandez said he spoke to the Sheriff on the purchase order for four items. Commission Chair Aguilar said she would pull check #66415, 66417, 66418, and 66419.

Commission Chair Aguilar said that Mr. Fernandez noticed all of the checks for oil changes and car repairs, that is being addressed but she did sign those checks. The Sheriff sent the Commission a letter about EMS and dispatchers, she signed the check but said that the Medical Director was going to provide the Commission with a report; she would like to follow up on that.

With the precinct workers, Commission Chair Aguilar said that Mr. Fernandez asked if there was a resolution in place for the County paying them the amount that they did. Apparently there is not a resolution in place, and Commission Chair Aguilar thinks that needs to be addressed.

Commissioner Padilla asked about GCR Truck & Tire. Mr. Montoya said that is for two months worth of tire works. Mr. Montoya explained that the Road Department decided to go with GCR, while Mr. Montoya, also Director of Conejo Transfer Station, decided to go with Enchantment Tire. Mr. Montoya feels that the service calls by GCR are too high. Commission Chair Aguilar asked that with the excessive amount isn't it a violation of the procurement code, and shouldn't the County have gone out for bid? Mr. Montoya said this includes the purchase of new tires also, and the new tires go out for bid when purchased. Mr. Montoya said there were bids for the new tires. Mr. Montoya goes to Enchantment Tires for the Conejo Transfer Station because he feels they are less expensive. Commissioner Padilla thinks the County should give people within the County their business, as the service is here in Valencia County. As far as tires are concerned, the Road Department is on state contract, but on the service Mr. Montoya will share that with Louie Pena, Road Superintendent. Sheriff Juan Julian said that Enchantment Tires couldn't furnish tires with state contract.

Commission Chair Aguilar had questions on check #66344 to Rust Tractor, there was some information and then there was some more money added in a different pen and it was called a deposit. Mr. Montoya said they wanted to carry the credits to core and once a part is replaced and taken back, they give the County a reimbursement. Mr. Montoya told Rust Tractor that the County would not be charged that \$600.00, the County would just pay for the work and take them the core when the core is done. Check #66344 will be voided and another check will be issued.

Commission Chair Aguilar questioned a check to Steven Chavez for \$2,600.00, as he sent the County an invoice, but there was no report to the Commission. Mr. Fernandez explained that one of the terms in Mr. Chavez's contract he is supposed to be providing the Commission a monthly report and that was not provided at the time the invoice was submitted.

Mr. Montoya said there was one other check that Commission Chair Aguilar didn't sign and that was to LTV Construction for the project at El Cerro. Mr. Montoya said that was not budgeted because the County had problems with them as far as doing the test & balance on the AC and heating unit, as they never got that completed until the end of August. At that time Freeman, the County Architect then released the detainees that the County was holding until he completed the project. Mr. Montoya never budgeted that, as he thought that project was done. Commissioner Pando made a motion to approve warrants as amended. Commissioner Padilla seconded the motion. Motion carried.

Executive Session

Commissioner Padilla made a motion to go into executive session. Commissioner Pando seconded the motion. Motion carried.

Commissioner Daves excused himself from the meeting.

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

Carol Anaya, Personnel Manager, reported as per budget approval, the following items were discussed with the Board of Commissioners: new hires pending pre-employment physical drug & alcohol tests for Erin Jones Cops II, status change from probationary to non-probationary with a salary adjustment for Michelle Romero of the Assessor's Office, administrative leave with pay for Julian Torres from the Sheriff's Office, rescinded hires for Louise Ortiz from the Animal Control, Yvette Deleon from the Older American Program, and Daniel Scott from the Cops II Program. Ms. Anaya also reported to the Board on the conditions of Ivan Gabaldon, who is a County employee from the Road Department and Johnny Mirabel from the Planning & Zoning Department. Ms. Anaya asked the Commission to ratify what was discussed. Commission Chair Aguilar added that they also discussed the County Manager's contract and will be in compliance with the terms of the contract. Ms. Anaya will proceed to honor his contract tomorrow. Ms. Anaya said they also discussed other personnel issues with Carlos Montoya, Fiscal Officer present. Commission Chair Aguilar mentioned that the Sheriff came into executive session and they discussed litigation issues. She also said that Beverly Gonzales, Assessor, came in and addressed the Commission and that involved personnel issues. Commission Chair Aguilar said that Mr. Montoya also came into executive session and potential litigation was discussed on that matter. Commissioner Pando made a motion to ratify what was discussed. Commissioner Padilla seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Pando voted yes. Motion carried.

Tom Garde, County Attorney, reported that during executive session they discussed pending litigation with regards to the EID complaint and Mr. Montoya discussed and reported back to the Commission on that. Mr. Garde said they discussed with Sheriff Julian current litigation in regards to staff and also they discussed potential litigation involving the denial of a zone change in a matter that is going to be coming before this Commission at the next meeting involving Mrs. Lucas. Commission Chair Aguilar said that Mr. Garde will also be getting with Administration and addressing the certification of Officers. Mr. Garde said that is correct in regards to the Sheriff's Office. Commissioner Pando said the Commission agreed to have Mr. Fernandez write a letter to Planning & Zoning so that in the future, if there is a motion to approve or deny, there are facts and findings. Commissioner Pando made a motion that's all that was discussed. Commissioner Baca seconded the motion. Commissioner Baca voted yes. Commissioner Padilla voted yes. Commissioner Pando voted yes. Motion carried.

The next Regular Meeting of the Valencia County Board of County Commission will be held on October 16, 2001 at 6:00 P.M. 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 Baca seconded the motion. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the October 2, 2001 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
ALICIA AGUILAR, CHAIRMAN**

**ss/
AURELIO H. PADILLA, VICE-CHAIRMAN**

**ss/
S. T. FRANK PANDO, MEMBER**

**ss/
GARY DAVES, MEMBER**

**ss/
HELEN BACA, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: September 16, 2001