

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

February 5, 2002

The Meeting was called to order by Chairman Al Padilla at 9:05 A.M.

PRESENT	ABSENT
Aurelio H. Padilla, Chairman	
Gary Daves, Vice-Chairman	
S. T. Frank Pando, Member	
Alicia Aguilar, 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, told the Commission that County Assessor, Beverly Gonzales, would like to address the Board in Executive Session on a concern that she has on her take home vehicle. Commissioner Daves doesn't think that's an appropriate matter for executive session. Tom Garde, County Attorney, told the Commission that issue should be addressed in a public meeting. Commissioner Pando made a motion to go into executive session. Commissioner Daves seconded the motion. Motion carried with a vote of 4-0.

Commissioner Pando made a motion to return to regular session. Commissioner Daves seconded the motion. Motion carried with a vote of 4-0.

Carol Anaya, Personnel Manager, reported that the following was discussed in executive session: hires pending pre-employment drug and alcohol testing for Jose Luis Fernandez from Cops II Sheriff's Department, resignations of Juan Reyes and Jamie Rodgers from the Sheriff's Department, dismissal of Anthony Orneleas from Animal Control, status change from part time Cops I to full time Cops II for Edgar Wright of the Sheriff's Department, return back from maternity leave for Kendra Kaneshiro of the Treasurer's Office. Ms. Anaya asked the Board to ratify what was discussed in executive session. Commissioner Daves made a motion to ratify what was discussed. Commissioner Baca seconded the motion. Commissioner Daves asked if Juan Reyes was the community policer and what the prospects are of getting that position replaced. Lieutenant Gary Hall of the Sheriff's Department said he was working off the Cops II grant and was doing a lot of policing and neighborhood watching. Commissioner Daves asked if he is gone because that grant expired. Mr. Hall said he left for other employment. Ms. Anaya said this matter should be discussed in executive session. Commissioner Aguilar asked how this would affect the grant if the County doesn't implement community policing. Mr. Hall said all the officers in the cops grant work in the community policing aspect, the Sheriff's Department just went a step further by having Deputy Reyes assigned to a specific area. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried.

Mr. Garde reported that in executive session, the Commission discussed pending litigation and Mr. Garde advised the Commission with regards to the status of the EID suit against the County, and said EID has granted the County an additional 60 days to bring itself into compliance with the administrative ordinance that was issued back in October of this year. Mr. Garde said EID also advised that the County has to justify through DFA's assistance the status of the County's financial position with regards to paying them any fines. They also discussed the current litigation with regards to Ben Bur Road, which was a case update. Mr. Garde said they discussed the administrative appeal with regards to Steve Romero, which was an update. They also discussed the lawsuit the County just received with regards to R2H, and that's a new case. Last, they discussed potential litigation with regards to the cattle out in Highland Meadows, and that's an update also. Commissioner Daves made a motion to accept that report. Commissioner Pando seconded the motion. Commissioner Aguilar said the Commission doesn't need a motion for that because there's no action, it was just information. Commissioner Aguilar also said that Barbara Baker was discussed in executive session and it wasn't reported on yet. Ms. Anaya said she discussed it with the Attorney. Mr. Garde said it's a personnel request. Commissioner Aguilar said the disclosure should be that Ms. Baker was discussed and what direction was given to administration. Mr. Garde said yes, it's a grey line but full disclosure is best.

Pledge of Allegiance was led by Commissioner Pando.

Approval of Agenda

Commissioner Pando said that Beverly Gonzales, County Assessor, wanted to address the Commission under public requests. Commissioner Daves requested to move item Q and place it

after item I. Commissioner Daves said he might have a couple of comments under public requests. John Cherry, Fire Marshall, asked to be put on the agenda after item M for signing of an amendment to a resolution for Fire Department funding. Commissioner Aguilar made a motion to approve the agenda with the changes. Commissioner Daves seconded the motion. Motion carried with a vote of 4-0.

Approval of Minutes

Commissioner Pando made a motion to accept minutes for January 15, 2002 as presented. Commissioner Aguilar seconded the motion. Motion carried with a vote of 4-0.

Public Requests

John Bennett asked that the County raise the sales tax in order to pay the employees of the county a little bit better. For example, Mr. Bennett said the Bernalillo County Deputies receive about \$18.00 an hour, and the Deputies of Valencia County don't get that much.

Commissioner Daves said he read a column in the News Bulletin which was addressed to an individual, he thinks it was a good column and the comments at the end of the column by the editorial staff of the News Bulletin were in order and it was just a question of the 1/8 of a cent tax that was recently approved by the public on September 11th. Commissioner Daves said they didn't try to sneak up on anybody, they really wanted to publicize that. Commissioner Daves said this particular vote dedicated a 1/8 of a cent gross receipts tax to the Sheriff's Department, road equipment, and Fire Department stipends. According to Commissioner Daves, there has been a good faith idea presented by Commissioner Aguilar to put some of that in the general fund. Commissioner Daves said there was no attempt by the Commission, if anything there was an attempt to communicate, as they wanted people to support this tax, but to not inform the public, that initial idea was not followed through with. Through orderly debate, very public process, and with as much publicity as they could get, Commissioner Daves said the Commission wanted voters to support what was approved.

Manzerro Plaza-Stage 3 Final Approval.....Van Camp Diversified Investors

Bill Campbell told the Commission that he is in stage three and final review for Manzerro Plaza. He has been in public hearings in front of the Commission and Planning & Zoning a couple of times. A couple of the items that he addressed were questions that the Commission had come up with. Mr. Campbell went through those items. Starting with the restricted covenants that are in the Commissioner's packets, on page 3, paragraph 1.3D, that's where he included the uses that are not permitted anywhere in this project. Also on page 3 under 1.3C, he addressed the issues that the Planning Department had dealing with the setback requirements that are required by Valencia County Zoning Ordinance and he included those in the restrictive covenants also. On page 4, under 1.3I, it states in there very clearly so there isn't any question that all development upon any parcel shall be subject to all necessary approvals by Valencia County zoning authorities. It was implied in the restrictions, but Mr. Campbell added that language to it as a recommendation from the Planning Department. On page 9, under paragraph 3.3A and B deals with a couple of issues that they had with the State Engineer's Office, in particular dealing with the amount of water used, so what he has done there with the recommendation from the State Engineer's Office, is clarified how much turf area per lot, which is basically 400 square foot of grass that is the maximum amount that would be allowed and he also included under exhibit B at the end of the restrictive covenants, the only plants that can be used in the project, which are from the New Mexico State University's zeroscape plan, they're all low use water plants that can be used in the development. Mr. Campbell said that Valencia County authorities would be reviewing every site development plan in this project prior to building permits. Also anybody who develops in there is going to have to go through Van Camp's Architectural Control Committee, so they're all on the same page with the landscape requirements. On page 9, paragraph 3.4 is one of the things that since it's going to be a water/sewer system that will be supplied to the entire project, the State Engineer's Office also wants to see that there will not be any private wells drilled in that project at all. That's pretty much all in the restrictive covenants that Van Camp needed to do. The other issue they had was with the State Engineer's Office, and they do have the favorable opinion from the State Engineer's Office in the Commissioners' packets, that kind of reflects on the same issues that Mr. Campbell just talked about.

In the actual plan itself that was submitted to the Zoning department, Mr. Campbell went through those briefly that deal with the water issues for Manzerro Plaza. On page 2, it shows there dealing with the green area of 400 square feet maximum per lot, it also states in there that the entire project will not exceed 90 acre feet per year, and the State Engineer's Office approved that particular amount of use that was going to be used and sufficient water rights are in place for that. Stage 3 page 5 addresses the fire hydrants throughout the project, since Van Camp first submitted the plan 18 months ago for Planning & Zoning approval, the regulations changed, at that time there was a 500 foot distance to a building where they had to have at least two fire hydrants, now there is 350 feet. On page 14 of that plan also has the same list of low water usage plants that the State Engineer's Office approved for use. The final item that Van Camp also included in the plan was that the Planning Department wanted to see the cross section of the roads and how they will be built. Page 16 has the intersection design that was included for El Cerro Mission and Manzano Expressway.

The other thing Van Camp had was an issue with the property owners to the south of this project on Rio Abajo Road, and included in the Commissioner's packets is a design that is used for breakaway gates, basically they would be locked and it would be across the entire road once they have done the

development so that it's not closing the road but it's not allowing any access through that road, so the Commercial can't go into the residential part. The only keys for the place would be for the Fire Department and Police Department, they would be the only ones to have that. Those will be put in as soon as they have the utilities and road construction completed in unit 4 of that project. Mr. Campbell said it might be a good idea to leave the residential side as Rio Abajo and then on the commercial side they could rename that road Manzerro Place. When the Fire Department goes out they'll know Rio Abajo is the residential and they'll understand what side they can come through. Mr. Campbell said he got the recommendation from the Planning Department that Van Camp has completed everything that is required for section 8.04 for planned commercial development.

Ruben Chavez, Planning & Zoning Supervisor, said this is stage three and there were three items that needed to be addressed today. One was that of Rio Abajo Road. The developers have presented their plan. The other things were the amendments to the restrictive covenants, and Mr. Chavez is glad to see that there, as one of the problems he has had in the past is when they deal with setbacks in building a home. Planning & Zoning has been working with the State Engineer for quite a while and said this revised water plan meets their approval. Mr. Chavez said that other than the discussion of Rio Abajo Road, he feels that under section 8.04, it substantially meets Planning & Zoning's requirements. Commissioner Daves understands that the County has the right to enforce the covenants. Mr. Chavez said no, what Planning & Zoning wanted the covenants to do is reflect the zoning ordinance so they wouldn't clash. Mr. Campbell said the reason they have restricted covenants is so that it tracks with the zoning ordinance, the zoning ordinance is what the governmental entity enforces, they don't necessarily get involved with the enforcement of restrictive covenants, that's up to the property owners. Commissioner Aguilar asked for clarification as the county does not get involved with any enforcement of restrictive covenants no matter where. Tom Garde, County Attorney, said that's correct with regards to any subdivision covenants, the County is not a party to those covenants and as such the County would not attempt or enforce any covenants that are set out in this particular subdivision. Mr. Garde explained what was done was ensure that the covenants track the County's language with regards to setbacks but as far as the County enforcing a restrictive covenant, that will not happen. Mr. Chavez feels Van Camp has met everything under section 8.04 and recommended approval.

Dorothy Orolli would like to make sure that what was just stated by Mr. Campbell actually happens. As far as the breakaway gates after development, Ms. Orolli requested that they be done prior to development so that the commercial trucks and construction vehicles stay off of Rio Abajo Drive, which is the residential section of it. The renaming of Manzerro Plaza is perfect, according to Ms. Orolli, as she spoke with Deputy Fire Chief Charles Eaton, and he suggested that Rio Abajo Street should be named on the commercial side. Ms. Orolli told the Commission that they are quoting section 8.04 and she said 8.04 section D states "roads within the proposed development, which is the planned development, will be adequate to support the anticipated traffic and traffic generated by the development will not adversely impact adjacent roads". As residents of that area, they have signed a petition, and they are requesting that a breakaway gate be put up prior to construction of the development and that Rio Abajo Street be changed to Manzerro Plaza. Commissioner Aguilar said in changing the name of the road, that is a different part of the ordinance and a different process so that would need to be taken one step further and not just addressed as part of the approval but direction to Planning & Zoning that the process begin to change the name because that would need to come before the County Commission for approval and that would ensure the residents that it is done and there is legal documentation assuring that is done. Ms. Orolli said the development is Rio Abajo Street and the residential development is Rio Abajo Drive and in speaking to the Deputy Fire Chief he said it would be very confusing to fire and police because of the similarity. Commissioner Daves asked Mr. Campbell if they are bringing the utilities through Rio Abajo. Mr. Campbell said yes they would be run down Rio Abajo eventually because of the way they have to move it. Commissioner Daves asked if they have plans to build a gate after that. Mr. Campbell said yes once the water and sewer is run down Rio Abajo, that's when they plan to put the gate up. Commissioner Aguilar said that by putting up a gate, in the future when the area to the south is developed and emergency vehicles need to go to that area, there isn't a cul-de-sac right now, they're putting a gate and their going to have lots, so if police go out there they're going to have to back up. Ms. Orolli said she measured the property for the road and according to Planning & Zoning they need 50 feet, the property line to property line across Rio Abajo Road is 52 ¼ feet. Commissioner Daves made a motion to approve phase 3 of this subdivision development. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0.

Request to Amend Zone Maps from RR1 to MR/Belen NM.....Jerry Rodgers & Paul Wood

Jerry Rodgers told the Commission he does not need the zone change; he just needs approval so he and Paul Wood could improve their properties. Commissioner Pando asked if they are just leveling the property. Mr. Rodgers agreed. Ruben Chavez, Planning & Zoning Supervisor, said on March 1, 1999, Planning & Zoning heard a request by the applicants to remove dirt from the property and their request was from RR to SP (Special Purpose), that was the ordinance at that time. The applicants had a contract with a road improvement of River Road, and they were going to sell the dirt to that highway project. They fell under SP at the time so on March 1, 1999 the Planning & Zoning Commission heard the request to remove the dirt and approved it. On April 5, 1999 that came before the Commission and that zone change was approved for two years. On April 10, 2001, the applicants came before the Planning & Zoning Commission and requested an extension of that for three more years. On May 1, 2001, the County Commission heard the request and reverted it back to Planning & Zoning because there were now different regulations in place under section 402, which is the MR

district. When the applicants went back on June 12, 2001, they had revised their application because they no longer wanted to sell any of the dirt and mine it over to that road project, all they wanted to do was level their own ground. The applicants changed their minds in the middle of the process and all the time from March to June, Planning & Zoning was reviewing it as if they were going to sell the land. On June 12, 2001, the Planning & Zoning heard the revised request, and they tabled it. On January 8th, the applicant submitted the revised plan again and the Planning & Zoning Commission heard the testimony and they felt it was just an improvement of the property. Planning & Zoning did have some concerns based on the bluff and arroyos, if it was that significant an amount of dirt that was going to be removed, Planning & Zoning wanted to get some state agency review. The applicants cooperated with the process and provided that information. The one issue that was never solved was the Core of Engineer's approval, the applicant met with the Core of Engineers and the Core will not plan this for them but would like to see their plan and approve it at that time. Commissioner Aguilar asked Mr. Rodgers what he is asking of the Commission. Mr. Rodgers said he would like permission to improve the property. Mr. Wood said at the present time it is zoned RR1, they do not want to change the zoning and do not want to haul any dirt from the property, all they want to do is level up some of the hills and low places. Mr. Wood said the way the property is right now; they have to stay 200 feet below the bluffs. Mr. Wood would like to take some bulldozers to knock down the hills and level the property. Mr. Wood asked for approval to go in and grade the property and leave the zoning alone. Tom Garde, County Attorney, said he met with Mr. Chavez Friday and went over the MR district. What Mr. Rodgers is planning on doing, Mr. Garde said it is not necessary for a zone change. Mr. Garde explained that what may be appropriate is if Mr. Rodgers would withdraw his application to amend the zone map, that might solve everything. Commissioner Daves asked, what kind of protection does the County have, such as a site development approval, that addresses any kind of drainage and arroyo issues without this process. Mr. Rodgers said the Core of Engineers is going to watch them and they have to go by their regulations. Mr. Chavez said the process allowed Planning & Zoning to send the applicant to the Core of Engineers and also allowed them to require a receipting plan because they are going to make cuts of over 30 feet. Commissioner Daves asked if the applicants came in to subdivide R1 land, and there has been no history of taking dirt off of it, would it be processed without coming to the Commission and allow Planning & Zoning to monitor and make sure that they could do what they need to do within their zoning? Mr. Chavez said the subdivision ordinance would take them through that process. Mr. Chavez said that with the revision of the plan and not taking any dirt off, he met with Mr. Garde and they agreed that there's no reason for the applicants to be here. Mr. Garde suggested that Mr. Rodgers formally withdraw the application for the amendment to zone map from RR1 to MR. Mr. Wood said that "on behalf of Jerry Rodgers and Paul Wood, we withdraw the map change from RR1 to MR. We would like to leave it at RR1 as it presently is now, and just give us approval to do the dirt work on the project". Commissioner Padilla made a motion on that request. Commissioner Aguilar seconded the motion. Commissioner Daves asked Mr. Chavez if that satisfies him. Mr. Chavez answered yes. Motion carried with a vote of 5-0.

Request to Amend Zone Maps from RR2 to RR1/647 Jarales Rd.....Gillie Garcia

Commissioner Baca recused herself from this item. Ruben Chavez, Planning & Zoning Supervisor, told the Commission that this request was heard on December 11, 2001; the applicants have two pieces of property. They have tract 101B, which is .29 of an acre and tract 105, which is 2.10 acres. What the Garcia's wanted to do was put each house on its own tract, by replatting that. The only problem with replatting that, it would cause the lots to be less than the two-acre minimum because it's currently zoned RR2. Mr. Chavez said he advised the applicants that the right process is to put each house on its own lot and do a zone change. That would be over an acre for each lot. The Planning & Zoning Commission voted 4-0 to approve the zone change. Mr. Chavez agreed with Planning & Zoning. Commissioner Aguilar said that a memo says to remove the mobile home. Mr. Chavez said when the applicants came to Planning & Zoning; their impression was that there was a house, a mobile home, and a third mobile home in the back, so they were going to move the third one in the back. Mr. Chavez explained that was totally misunderstood, what was in the back was a little room and they use it for storage. Commissioner Aguilar made a motion to approve this request. Commissioner Pando seconded the motion. This property is on Jarales Road. Dale Jones asked if they go to an RR1 will that allow the two places to split again or is this the only split that can be made? Commissioner Pando said that in the County, he believes EID will not allow someone to do anything unless they have $\frac{3}{4}$ of an acre. Commissioner Aguilar said one is a very small lot that's almost $\frac{1}{3}$ of an acre and then there's a lot that's a little over an acre, so we're trying to combine the two into one big lot and then split it. Mr. Chavez said once this is combined and re-split, each lot would be 1.18 acres. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted no. Chairman Padilla voted yes. Commissioner Baca did not vote. Motion carried 3-1.

Request to Amend Zone Maps from RR2 to RR1/40 Forgotten Promise, Los Lunas.....Paul Shoemaker

Mr. Chavez told the Commission this is a request to amend zone maps from RR2 to RR1 by Paul Shoemaker and Agent Harvey Phillips. Mr. Chavez referred to the map and said the lands of Edward Zoch were split some time ago. Tract 65C1,D1, and E1 were also split on the right hand side of the map. According to Mr. Chavez, nothing can be done with those pieces as those lots have already been approved. Mr. Chavez said the strange thing, is that Tract 65E1B1, not only did it include that piece but the road with the cul-de-sac should've been combined. What the applicant would like to do is take that $\frac{2}{10}$ and make it part of the 1.89 acres. There are four residents on those two lots. Mr. Chavez said the applicants plan is to sell the two acres to a purchaser who wants to build a house. So there would be a house there and the four mobile homes there would be moved. That particular

lot would now be over the two-acre minimum, so that lot will now stay conforming. This split project that was going on because of the cul-de-sac and the road would now be tract 65 as its individual lot. Because it is under the two-acre minimum, the only avenue would be to get a zone change for tract 65E1B. Commissioner Pando said that all they are doing is taking the .21 acres and giving it to tract 65F1, which makes it 2.14 acres. Mr. Chavez agreed. Commissioner Pando asked if tracts A and B are part of this. Mr. Chavez said no, those were split a long time ago. Commissioner Daves asked about the tract north of 65E1B, there shows to be a circular cul-de-sac, does that exist? Mr. Chavez said there is a cul-de-sac; it is a private easement that was put in originally. Commissioner Daves made a motion to approve this request. Commissioner Pando seconded the motion. Commissioner Aguilar asked, if we have another tract combining with this tract, why is this a realignment of property lines and not a change or combination of the tracts making one tract. Mr. Shoemaker said because they're separated and the gentleman that wants to buy the piece that's there now, he can only afford the two acres and build a nice house. Mr. Chavez said if they were combining that lot, they would've done that administratively, but the 65E1, they're reducing that lot to less than the two-acre minimum by 2/10 of an acre. Motion carried with a vote of 4-0.

Request to Amend Zone Maps from RR2 to RR1/121 N. El Cerro Loop.....Becky Tiley

Becky Tiley told the Commission that this is her husband's land and when he first purchased it, it was 6.14 acres. Since that time the highway has taken two separate pieces of land off the front of it, now it is reduced to less than 6 acres. As the house sits, they have two acres there that are in accordance with RR2 and then there's 1.06 on the side. Ms. Tiley is asking to section off the 1.06, because that is where she wants to put a doublewide on a permanent foundation, that way the balance of it will be in Mr. Tiley's estate for his children. Ruben Chavez, Planning & Zoning Supervisor, said the property is 6.10 acres, the house is located on the east side of the property, the Tiley's want to split that piece as a matter of choice. Mr. Chavez said that in his opinion there is plenty of land for the applicant's to make a two-acre land split. The Planning Department recommended against this because there was plenty of land. The Planning & Zoning Commission heard the rational of the applicants and agreed with the applicants and recommended to this Board that they change the zoning for this one parcel. Commissioner Pando asked if there is irrigation. Ms. Tiley said they have water rights. Mr. Tiley gets the water from the Chical Lateral. Mr. Tiley doesn't farm this land, but leases some of it out. Commissioner Aguilar made a motion to approve this request. Commissioner Pando seconded the motion. Commissioner Aguilar withdrew her motion as this is in Commissioner Daves district. Commissioner Pando withdrew his second. Commissioner Daves made a motion to deny this request. Motion died for lack of second. Commissioner Aguilar made a motion to approve this request. Commissioner Pando seconded the motion. Motion carried with a vote of 3-1, as Commissioner Daves voted no.

First Public Hearing/Amendment to County Comprehensive Ordinance.....Ruben Chavez

Ordinance 99-07 Section 906-Day Care Facilities

Ruben Chavez, Planning & Zoning Supervisor, told the Commission that on January 15, 2002 the Commission awarded him permission to publish, so he did and that brought them to the first public hearing. Mr. Chavez said the Planning & Zoning Commission felt that they were overwhelmed with a lot of day care facilities, and they go through the Planning & Zoning Commission as conditional uses. The majority of the ones they were hearing were for grandma to take care of one of her grandchildren. The Planning & Zoning Commission felt that it was a lot for the grandma to go through that process. Mr. Chavez said the Planning & Zoning Commission set a standard, the standard would be that six children or less would be administratively approved and over six would go through the process. What they did was follow some of the Fair Housing Act. Mr. Chavez said what they do in the review is make sure there's parking and fences so the children do not run into the road. Mr. Chavez added some language to the ordinance which is item B, it reads "Day care facilities and family day care providers providing care in the providers home for more than six children other than the providers own children shall be subject to section 1001, Site Design review and Type B review. All others (6 children or less) shall be subject to the Type A review process, which would be administratively." The second change would be on the application requirement, it said "and application", it was changed to "Any application" for day care facilities shall include the following. On the definition of day care provider, it says no more than 6. Commissioner Pando made a motion to approve this request. Commissioner Aguilar seconded the motion. Motion carried with a vote of 4-0. Tom Garde, County Attorney, asked if this was advertised as the first public hearing. Mr. Chavez said that is correct, they'll come back for a second hearing. Mr. Garde said that they would have to withdraw the vote. Commissioner Pando withdrew. Commissioner Pando asked if they have to have more than one public hearing on this. Mr. Garde said no, this could be done at the first public hearing. Commissioner Pando said that he would stand on his motion. Commissioner Pando said there was not a lot of public comment on this. Mr. Garde said his concern is that there may be people who plan on making a comment at the next meeting. Commissioner Pando said if that's the case they have the public requests section on the agenda, and this can always be brought back as an agenda item if necessary. Monica Mireles, Administrative Assistant to the County Manager, said that one public hearing is required but they have always rewarded the public the opportunity for two hearings, one in the day and one in the evening. Commissioner Pando said that he would not withdraw his motion since there was no public comment. Mr. Garde said after the vote was taken, it was brought to the Commission's attention that this was the first public hearing for this matter; the second public hearing is scheduled in February. According to Mr. Garde, this first public hearing was for the purpose of public comment. Commissioner Pando said when the Commission gave staff

permission to publish, that was also a public hearing, and there was no public comment there either. Chairman Padilla said the motion would stand.

Public Hearing/Final Consideration.....Ruben Chavez

Amend County Subdivision Regulations Article9-Administrative Fees

Ruben Chavez, Planning & Zoning Supervisor, asked to amend Article9, administrative fees. Mr. Chavez received permission to publish this item on August 7, 2001, the first hearing was held on September 4, 2001. On page 2 of the Commissioners packets, there are two different options. The purpose of the request of this amendment is to reimburse the County for its review fees on subdivisions. There was a subdivision just a few months ago and the expense was quite intense. Under the ordinance, all the County can charge is \$1,000.00 plus \$10.00 per lot. Mr. Chavez said that doesn't cover the thousands of dollars that subdivision reviews take. On option 1, in preliminary plat, Mr. Chavez wants to amend that to a review fee of 1.5% of the construction costs. Upon final plat, which would take another review, Mr. Chavez is presenting an addition of another 1.5% of construction costs. Option 2, is more of a graduated scale, where it starts on small projects from \$250.00 to \$2,0000.00. Along with these options, Mr. Chavez has asked for Molzin Corbin, who has been the Engineer in some of the past projects, to analyze these two options based on what they charge, and he commented on both of those options for the Commission. Mr. Chavez recommended option 1, 1.5% at preliminary plat and 1.5% at final plat. Commissioner Daves made a motion to approve option 1. Commissioner Pando seconded the motion.

Commissioner Aguilar had a concern that only one option was published and not a choice. Tom Garde, County Attorney, said the publication would indicate that the change of ordinance is available at the Clerk's or Zoning Office. Commissioner Aguilar said when they request to publish, it's something the Commission has picked so the public knows what's being considered, she asked what was published. Mr. Chavez said they published a revision to administrative fees; they did not print the whole thing. Commissioner Aguilar asked Mr. Garde what was published. Mr. Garde said generally speaking in the request for publication it will indicate that the Commission is considering permission to publish amendments to zone maps and there will be something in the publication that would indicate where the public could obtain a copy of the proposal. Commissioner Aguilar asked what happened at the first hearing. Mr. Chavez said at the first hearing, the Commission requested that he look into other alternatives. Commissioner Daves said what was published was words to the effect that the Commission is acting on an ordinance that would establish developer fees, non-detailed language. As Mr. Garde looked at part of the documentation of August 7, 2001, he said Steven Chavez made a presentation and it appears that the presentation was based on the 1.5% at preliminary plat and 1.5% review fee at final plat, so it appears that what was recommended by the Commission for publication was option 1. Commissioner Aguilar asked Mr. Garde that at that time he had some concerns about the 1.5% construction fees and mentioned that the Village of Los Lunas has impact fees, but there needed to be a more clear definition as to what the construction fees were. Mr. Garde doesn't recollect that. Commissioner Aguilar asked Mr. Garde if he is comfortable with the 1.5% construction cost the way it is. Mr. Garde said in his review he made a comparison to a portion that the State Law provides, where up to 3% is appropriate and based on that figure and the fact that the Village of Los Lunas also uses that 3%, then this would be aligned with both the State Statute and customs within the Village of Los Lunas. Commissioner Aguilar said she thought Mr. Garde had said he wanted clarification that the 1.5% would be used for roads or drainage. Mr. Garde said this was back 6 months ago. Commissioner Daves asked if this money would go into the general fund. James Fernandez, County Manager, said any fees would go into the general fund. Mr. Garde asked what the purpose of that money is. Mr. Chavez said the purpose is to reimburse staff time and engineering review time. Commissioner Daves said the reason for this is so that the County doesn't incur costs but to give those costs to the applicant.

Diane Chavez told the Commission that she paid a lot of money for engineering fees, and on top of that the County had to pay for engineering fees. Ms. Chavez asked if they could do something so that the County is satisfied and it's not costing the applicant a lot of money to pay two engineers that she doesn't know what they are doing. She asked if they could do something so the applicant is not paying these fees upfront for the subdivision and then the County will still have to pay the engineer on top of that. Commissioner Pando told Ms. Chavez that her Engineer is licensed but the County also has to have an Engineer to make sure her engineer did everything right. Commissioner Aguilar said this came up before and Steven Chavez was present, she thought they were going to change the ordinance so that the recommendation was that on the engineering, the one that would be hired would be the one that the County would approve. She explained that Ms. Chavez's Engineer would do all the work and work with administration, and then the County Engineer would review at the end, as he shouldn't be doing the County's work on every step of the way. Commissioner Pando said that Mr. Chavez is not an Engineer; therefore he needs to hire one. Mr. Chavez said the Engineer that the developer hires works for the developer and can do anything the developer wants. Mr. Chavez said it is up to the County to hire an Engineer to look out for the County's interests, not the interests of the developer. The Engineer that the developer hires does the job for the developer not for the County. Mr. Chavez said the County's Engineer does not sit with the developers and design this thing, when the developers Engineer presents the packet to the County, they send it off for someone to review the plans in order to protect the County's interest. Mr. Chavez said that to have the developers Engineer do their own review is not going to make sense because he will review it by the person that hired him, not by criteria that the County would like. Ms. Chavez asked the Commissioners if they trust the Engineer that the County has. Commissioner Daves said they trust the Engineer and need to review what the developer's Engineer does. Motion carried with a vote of 4-0. Mr. Garde said this would be effective 30 days from today's date.

Amendment to County Comprehensive Zoning Ordinance 9907-Sec. 1305.02
Filing Fees

Mr. Chavez said the second part of the final hearing is an amendment to the County Comprehensive Zoning Ordinance Section 1305 that is filing fees. The Commission granted Mr. Chavez permission to publish on August 7, 2001 and the first hearing was held on September 4, 2001. On filing fees, Mr. Chavez talked about mobile home permits, variances, conditional uses, zoning changes, appeals, sign permits, and under the planned development districts, site plans. In order to do the calculations on the drainage ponds for the site plans, Mr. Chavez is asking for an amendment, which would be item #7, which is site design review, and for commercial use Mr. Chavez is asking \$250.00 and for industrial use, he's asking \$500.00. This is a one-time cost and is for the drainage section. Commissioner Pando asked where the proposed power plant in Rio Communities would fit in here. Mr. Chavez said that would be under industrial and would cost \$500.00. Mr. Chavez said this is only for the drainage review. Mr. Chavez recommended this amendment. Commissioner Pando made a motion to approve this amendment. Commissioner Daves seconded the motion. Motion carried with a vote of 4-0.

Facts & Findings-Sal Martinez.....Tom Garde
Since Commissioner Pando recused himself from this item, he feels that he should not sign this item. Mr. Garde said the document before this Commission is the findings and conclusions that staff has developed based on the hearing that was held on January 15, 2002. Because this was a vote by this Commission and since Commissioner Pando abstained from voting, Mr. Garde said it would not be appropriate for him to sign off on the document.

Mr. Garde told the Commission that this document is a chronology of what occurred on this case with regards to the findings showing that where the property is located and how the property was used by Sal Martinez. He said it goes through the process that Mr. Martinez went through with regards to obtaining a zone change back in 1996, it goes through a variance process that he went through at the Planning & Zoning Meeting and also goes through the process that he went through with regards to the amendment of zone map at Planning & Zoning, it also goes through facts that were developed during the public comment portion of this Commission on January 15, 2002. Mr. Garde said it also sets out the conclusions of law, which provide for a zone change on this property from C1 to C2, which the Commission ultimately decided upon. Commissioner Daves made a motion to adopt these findings. Commissioner Baca seconded the motion. Commissioner Pando did not vote. Commissioner Aguilar voted no because they are combing a variance with a zone change which is in violation of the ordinance. Commissioner Daves voted yes. Commissioner Baca voted yes. Chairman Padilla voted yes. Motion carried with a vote of 3-1.

Resolution-Establish New Restricted Fund.....Commissioner Daves/Commissioner Pando

Chairman Padilla said there are several resolutions on this matter and asked James Fernandez, County Manager, to go through them with the Commission. Mr. Fernandez said the item before the Commission came about from two separate requests, one by Commissioner Daves and the other by Commissioner Pando. The first request was from Commissioner Daves looking for a mechanism to allow the County to provide funding to the Extension Service for the fiscal year 2002-2003. The first resolution, Intent to Fund the Cooperative Extension Service for the 2002-03 Fiscal Year County Budget, would basically commit the County to funding the Cooperative Extension Service for the fiscal year 2002-03. The second resolution that was prepared in response to Commissioner Pando would actually create a fund that would allow for any of the contributions that are being received for the Extension Service to be deposited into a restricted fund. That money would be deposited into the fund and used solely to serve as the County's 3-1 match that the Extension Service receives and would not commit the County to any further funding then the contributions that are received. Administration produced a third resolution for Commissioner Daves that was similar to Commissioner Pando's in that it would allow for the creation of a new fund and would also have any contributions that are made be deposited into this fund, but the distinction of this particular resolution, would be that any shortfalls in the contributions, the County would make up the difference as the contribution. The fourth item again was from Commissioner Daves, the distinction with that is he basically added two additional paragraphs describing the services that the Extension Service provides.

Chairman Padilla cautioned the Commission on these resolutions as they are on the second month of the budget crisis and have to be careful not to mess up the plan that was recommended by Administration. He also reminded the Commission that the employees of the County are taking a \$250,000.00 hit by cutting down their hours of work time.

Commissioner Daves told the Commission that he hasn't changed his mind about keeping the Extension Service in the budget. With the crisis becoming apparent, a decision was made that he disagreed with which was to remove the Extension Service from the budget for the second half of this fiscal year. Commissioner Daves said he voted against that action. Commissioner Daves believes it's the County's obligation that it's a fundamental government service that the County must do in terms of his perception of what the County must do even though the law does not require them to do it. One of the things that he thinks it makes it easier for him to take that position is not an either/or, as administration essentially determined that the cash flow problem of the County requires those cutbacks. Commissioner Daves has been concerned that through the Legislators and outside donations has allowed the Extension Service to get through this fiscal year. Commissioner Daves

said he was invited by Commissioner Aguilar to present a resolution doing exactly what he consistently wants to do, to express intent to cover the Extension Service for the next fiscal year. Commissioner Daves hopes that the resolution that creates the fund, and also commits the County to making up budget shortfalls. He hopes that those who are working hard to keep the Extension Service alive through fundraising continue to do that. Commissioner Daves said this is not on the backs of the employees, the problems that have led to the cut in salaries are not a \$60,000.00 problem they're about a \$1,000,000.00 problem. He believes it's appropriate for the County to commit to making up the balance.

Commissioner Pando also voted to continue funding of the Extension Service but feels very strongly that his obligation is to the employees of Valencia County first. He said it's tough to ask an employee to give up some of their pension, and said Valencia County has some of the most loyal and best employees around. Commissioner Pando still backs what he proposed to open a separate account where the people who want to donate to the Extension Service can do so. Commissioner Pando said he talked to the municipalities and they have committed to helping out. Commissioner Pando said the restricted fund guarantees that money will only go to the Extension Service. Commissioner Pando understands that for this fiscal year up until June, the Legislature made revisions to cover the \$37,000.00 that is requested. Commissioner Pando feels that the Commission needs to protect the employees before protecting anyone. He cannot commit to funding any organization at this time until the Commission gets its own act together, and his first priority is to the employees of Valencia County. Commissioner Pando volunteered to help the Extension Service go out and raise money.

Commissioner Aguilar said when they voted on this there were three Commissioners that had to back the recommendations of DFA and administration and there was a legal obligation, which is provided for by Statute. She read the minutes of June 5, 2001 when they talked about funding programs, "Commissioner Daves made a motion to fully fund the Extension Service for the existing fiscal year and perhaps at the next meeting find out where in the existing budget we can do that". Basically, she said they didn't have the money, but it sounded good. She said today there is another resolution, and asked where is the money coming from? She wants to make sure the money is there and wants to know what the liability is, as far as doing this today. She feels it is premature, before they even have a revised budget, to even tell the Commission where they're at. The information that is coming in is not telling the Commission this is going to be an 18-month problem, but it could be a 3-year problem. She said the truth is they are not prepared to obligate for another budget when they haven't even provided or allowed administration to come forth with a revised budget to even tell the Commission where they're at. She supports the resolution that Commissioner Pando has for a restricted fund, and when the budget comes forth, she would like to see how much is there for Extension Service and then look at what is there just like for the other programs, the employees, and the budget in general.

Commissioner Daves stated that the minutes that Commissioner Aguilar referred to reflects that he has a commitment to the Extension Service because he was mobbed in 1991 on the merits and agreed with other Commissioner to keep extension in the budget on the merits. Commissioner Daves also said that he made motions to get the County out of the Middle Rio Grande Council of Governments, which was in the administrations budget, and made motions to do other things in the administrations budget and were approved by the Commission and at that point, at least a majority of the Commission was comfortable with putting the Extension Service in the budget. Commissioner Daves made a motion on his resolution that would create the fund and would commit the County, at least today, to express intention to fund the balance. Commissioner Aguilar asked where they would get the money. Commissioner Daves said there is a cash balance and the County has made choices, they could turn off the phones, but they're essential, they could turn off the Extension Service, but it is essential. Commissioner Daves said that about the employees, it isn't an either/or decision. Commissioner Pando would like to give the Extension Service a chance, but not commit them to something that they cannot fund.

Commissioner Baca said the County employees are her first priority, and if there were any money available out there, she would like to put the employees on 40 hours before they decide to do anything else. She said the Extension Service is a very important program but they have priorities. When the budget came before the Commission in June, she said there was a question on whether they could fund it or not, and they funded it for 6 months. Commissioner Baca said when it came to cutting the employees salaries; it made her wonder what other programs they could've cut down so they wouldn't have to reduce the employees' hours.

Commissioner Aguilar asked James Fernandez, County Manager, for his recommendation. Mr. Fernandez suggested Commissioner Pando's resolution in order to be consistent with what has been requested from the Department of Finance and Administration.

John Cherry thinks this resolution would be great as long as it was limited to establishing an expenditure line item to where it could be accepted from donations and contributions. What upset Mr. Cherry more than anything was a clause in there that if there was a shortfall in there, that it would be picked up by the County. If that happens, Mr. Cherry said the employees again will pick up the slack and be penalized for the shortfall. Mr. Cherry said the employees have had enough.

Salomon Baca said what needs to be done is that the Extension Service stay within the County budget, so they don't lose the State and Federal funding to support the youth of this County. Mr. Baca said the 4H Extension Service is the biggest and best youth program in the world today. Commissioner Aguilar said when the budget was approved for the Extension Service, Frank Holguin was aware that the County only had \$45,000.00. She said they started out with \$25,000.00; it wasn't

good enough, so they cut MRGCOG and there were other cuts done to do that. In addition to that at that same meeting, Mr. Holguin and others were aware that there would be a shortfall, and they committed to go out to the municipalities and also do some fundraising, Commissioner Aguilar said that never happened. Commissioner Aguilar supports 4H but told Mr. Baca that they're in a situation now to where this motion would allow him to go out and also contribute to the program that he so much believes in and wait until May or June, when the budget is prepared, to see what is in the budget then. Mr. Baca said they need to make sure that there is money in the budget for the Extension Service and believes that should be a priority for the youth and community. Commissioner Aguilar said that when the budget was done, and Mr. Holguin was there, she agreed to have a garage sale and did not receive one call to help with the garage sale. Commissioner Pando said by allowing \$62,800.00 to go to the Extension Service, that means the employees stay off two years instead of the eighteen months. Mr. Baca referred back to a subdivision and paying two engineers and said there is irresponsible spending in this County.

Larry Fuller acknowledged the difficult position that the Commissioners are in. Mr. Fuller told the Commission that some other lives will be affected also as they may have to move or find other employment. Mr. Fuller asked if the Commission could direct Mr. Fernandez to think about the commitment of the Extension Service and that it will be a service that the County provides. Mr. Fuller does not mind raising funds for the Extension Service, but as a taxpayer, he pays taxes and feels that it is a double dip. Mr. Fuller said he has utilized the Extension Service for his livelihood, where he's been able to get help with services.

Commissioner Pando said all the Commissioners are committed to the Extension Service, but told the people of the Extension Service that they need to go out and do whatever it takes. Commissioner Aguilar told the people from the Extension Service that she would like them to go the municipalities and get their commitment and then when the County comes to the budget, they can see how much is there. Commissioner Aguilar also said that a year ago, the Extension Service budget was \$58,000.00 the Legislature passed a bill to give all state employees a 7% increase, so the budget went up to \$62,800.00 to allow Mr. Holguin and the other employees a salary increase, in addition to the fact that County employees have not received a raise in 4 years and insurance costs have gone up so the employees are less than what they were four years ago and now on 32 hours. Commissioner Aguilar said she is not talking about a program, but about the employees feeding their children, paying for transportation, and being able to make the house payment. She told the people of the Extension Service, lets go out there and see how much they can put in the restrictive fund, then they can get together. Commissioner Daves motion died for lack of a second.

Frank Holguin said he did go to the municipalities and got turned down. He said they made every attempt and said the municipalities have no intentions of making any deposits into this fund. Mr. Holguin said he talked to each one of the Mayors. Commissioner Pando said the municipalities told him the reason they could not commit is because they don't want this money to go into the general fund, and that was the reason he created this fund. Mr. Holguin said the municipalities told him that legally they couldn't make a transfer to the County. Commissioner Aguilar said they told her they can't contribute because they're already in the fiscal year and their budget has been approved but said to go back early enough for the next year and they could fund it as a program, they can't legally give it to the County but could give it to 4H or the Extension Service and it gets deposited in the restricted fund. Mr. Holguin said he would participate in that budget process. He said if the municipalities put up any money, it would be through a service contract. Mr. Holguin said he has made every attempt with the municipalities and will continue to do so. Mr. Holguin said with the raise that the Legislature approved last year for state employees, the Extension Service did not get a penny of that because the funding was level funded and the same as the previous year. Mr. Holguin told the Commission that right now the Extension Service has \$5,000.00 and said that's a long ways from \$64,000.00 plus what they're going to need for office space. Mr. Holguin asked the Commission for direction when approaching municipalities and they ask how much the Extension Service wants. Commissioner Pando made a motion to approve his resolution 2002-05, which creates a separate fund. Commissioner Daves seconded the motion. Commissioner Daves asked to amend the resolution to add "Whereas the Cooperative Extension Service is a Governmental Program of great benefit to all the residents of Valencia County through its programs of nutritional education, food safety, and home economics advice, and advice to farmers, dairies, and master gardeners and support for the 4H programs for the youth of the County and". Commissioner Daves made a motion to add that language to the resolution. Tom Garde, County Attorney, said for the amendment to be dealt with appropriately, this Commission would have to withdraw the motion to approve the first one. Commissioner Pando seconded the motion.

Charles Eaton told the Commission that the problem is just east of here, the building that the County constructed and is operating. Mr. Eaton said he had a phone call from a friend where her husband was picked up on a warrant out of Socorro County that he didn't know about. His friend called Mr. Eaton and asked for help. Mr. Eaton called Socorro County Magistrate, and they said if they could get the individual down there, they would set some conditions and release him, to keep him out of that facility. Mr. Eaton's friend called the Correctional Facility and asked when they could transport him so the Judge could see him. The Correctional facility told Mr. Eaton's friend it would be about a week. Mr. Eaton talked to Commissioner Pando earlier today and explained what happened, and Commissioner Pando told him that there's a guarantee with Cornell that the County pays them so much per day per inmate. Mr. Eaton told the Commission that he wishes the county employees would have their full check in two months or six months. Mr. Eaton also said the 4H group would also like a guarantee that their funding would be placed. Mr. Eaton said it seems that there is only one entity in this function of County Government that has a guarantee and it's the facility east of here.

Commissioner Aguilar said her and Commissioner Padilla were Commissioners when they inherited the problem. Commissioner Aguilar told Mr. Eaton that he was a Commissioner before when they were dealing with the condemnation of the facility and five grand jury indictments; they were also dealing with a federal lawsuit and dealing with ACLU that was eventually becoming a class action suit. Commissioner Aguilar referred to the facility getting paid per day and said that is not true. She said there are accreditations and legal requirements that the County has to abide with that they didn't have it before. When they had the old facility, she said they were paying close to \$400,000.00 a year in Risk Management and lawsuits. Mr. Eaton said there is a problem when County employees that have been cut can go to Cornell and get employed part time. Commissioner Pando told Mr. Eaton that what he told him earlier was that the County had a contract that they were paying Cornell for 126 prisoners, whether they have 150 or 120 they still pay for 126 prisoners. Mr. Eaton said that's a guarantee to them and said the employees would like that guarantee too. Commissioner Pando voted yes on the amendment. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. On the resolution that Commissioner Pando introduced, Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried.

Establish Committee to Evaluate Juvenile & Adult Detention.....Commissioner Aurelio Padilla

Chairman Padilla said the Commission decided to set up a committee because there are so many concerns with the budget. The Committee would try to come up with some ideas to create more funding for the County and this study would be on the Juvenile Detention, Adult Detention, and other means to create funds. Chairman Padilla said that Commissioner Daves has expressed interest on heading the Committee. Commissioner Daves said that Administration hasn't had the opportunity or time to deal with much larger funding problems than simply the Extension Service. Commissioner Daves said that with close coordination with the County Manager, he would like to head up a process of a member appointed by each Commissioner to look into these issues. Commissioner Pando talked about the bracelet project, and said jail staff informed him at that time that there was approximately 30-40 inmates that could possibly be released on that. Commissioner Pando feels that the prisoner should pay the entire fee on that bracelet, and said even if the County has to pay a little bit, it's a lot cheaper than what they're paying right now. Commissioner Pando said if they could bring in 10 federal prisoners, it generates into approximately \$300,000.00, if they could bring 20, it'll generate into about \$600,000.00, so consequently, if they could do this, they could put the employees back to 40 hours per week much sooner than the anticipated 18 months. Commissioner Pando said it's crazy to try to break the contract because they'll still have to pay the contract. He also said the jail is one of the responsibilities counties have. Commissioner Pando also discussed the Juvenile Detention Center and said he tried to get Sandoval County to pay 70% and Valencia County would pay 30% because of the fact that Valencia is supplying everything and they're not supplying anything. He also said Valencia County's bed hours are not even close to what they're using the facility for. Commissioner Aguilar said she would love to chair this Committee and would like to look at both the adult detention and juvenile detention programs. Chairman Padilla said he would like this work completed in two months because the budget is coming up and would like to know where they stand. Commissioner Daves does not agree with Commissioner Aguilar chairing the Committee. Commissioner Daves said he started out this process and would like to see if they are able to help County employees. Commissioner Daves said with the range of options the Committee needs to have, is to start from termination of the contract at the end of this fiscal year, to all of the good ideas that Lawrence Barreras, Jail Warden, has mentioned. Commissioner Daves is not interested in anything but seeing if they could help the budget situation. Commissioner Pando made a motion to set up a committee. Commissioner Aguilar seconded the motion. In setting up the committee, Commissioner Aguilar asked to amend the motion and asked to chair the committee. Commissioner Pando thought they could vote on this and then do a separate motion. Commissioner Daves would like to make sure that the motion comports with what he's said about looking at all the options including looking at whether the County might find it in its best interest to terminate the contract. Chairman Padilla said the request is for a committee to evaluate juvenile and adult detention and believes it all falls under there. Commissioner Aguilar said she would feel comfortable if the Committee was not chaired by a Commissioner and let the Committee appoint their own chair and act in an unbiased manner without any influence from any one Commissioner. The motion is to form a committee with one member being picked by each Commissioner. Motion carried with a vote of 5-0. Chairman Padilla asked the Commissioners that don't have a name ready for the Committee to call James Fernandez, County Manager, by Monday and have a name for him. Commissioner Daves said his support for the Committee is premised upon himself chairing the Committee. Commissioner Pando made a motion to appoint Commissioner Daves as Chairman. Commissioner Daves seconded the motion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted no. Commissioner Aguilar voted no. Chairman Padilla voted yes. Motion carried with a vote of 3-2. Commissioner Pando appointed Steven Chavez. Chairman Padilla appointed George Koch. Commissioner Daves appointed Neil Hartwicksen. Commissioner Aguilar appointed Lawrence Barreras. Commissioner Daves thought it would be a conflict of interest for Lawrence Barreras to be part of the committee, he said the conclusions would have to be independent of the issue that they're looking at. Commissioner Aguilar said Mr. Barreras is a resident of the County and if anyone could provide the Committee with information and facts, it is Mr. Barreras. She said Mr. Barreras would get appointed unconditionally. Commissioner Pando believes Mr. Barreras will do a professional job and doesn't think that any decisions that are made would be made for his benefit. Tom Garde, County Attorney, said one thing the Commission has to do is direct the Committee as to what the scope is, of what Committee is looking at. Commissioner Baca will give a name to Mr. Fernandez by Monday.

James Fernandez, County Manager, said a copy of a letter that was sent to him from Cornell is within each of the Commissioners packets. Commissioner Aguilar told Mr. Fernandez that he directed Attorney Garde to look at the contract and said that information is extremely important to the committee. Tom Garde, County Attorney, said he has not completed his analysis yet, prior to providing any information to the public, he would prefer to provide that in legal discussions with the Commission prior to disclosure. Commissioner Aguilar asked him to bring it at the next meeting. Mr. Garde agreed to that. Mr. Fernandez read the letter to the public. Commissioner Daves said he would like to have open meetings where the public is properly notified. Commissioner Aguilar said this does not fall under the Open Meetings Act, it's just a committee. Mr. Garde said because it's solely a committee, any notice is good notice.

Participation in NM Unified Certification Program-Request Signature.....James Fernandez

James Fernandez, County Manager, said the County would be required to be a participant in the NM Unified Certification Program if they could get any funds from the several sources from the Federal Transportation Department. If they do, they have received funds in the form of funds going to Tierra Bonita for the Rio Del Oro Pathways. In order for the County to continue to receive funds, they would need to sign as a participant in this program. Commissioner Pando asked if this costs anything. Mr. Fernandez said no. Commissioner Pando made a motion to sign this request. Commissioner Baca seconded the motion. Motion carried with a vote of 4-0.

Road Project List Priorities Fiscal Year 2002/2003.....Louie Pena/Helen Cole

Helen Cole asked the Commissioners' for their priority list for the 2002/2003 Cap, Co-Op, and School Bus Program. This is basically the wish list of what they would like done for that fiscal year as far as getting roads paved, chip sealed, or a build up. Commissioner Padilla said the roads that are on the list for each district, he would like to have the amounts so the Commissioners have an idea and don't go too much over. Commissioner Daves would like Ms. Cole to give him the lengths of the roads and how much could be done on those roads. Commissioner Aguilar clarified that the Commissioners give Ms. Cole the list, she evaluates it and then comes back and tells the Commissioners how much each one's going to be and then they prioritize it. Ms. Cole said they will give her their lists and from there she will do a scope as far as what it's going to cost to do that road. Each Commissioner basically has about \$100,000.00. Commissioner Daves believes the Road Department has some expertise and would like the Road Department to take his list and tell him which ones are of priority. Commissioner Aguilar said all her roads are to be chip sealed, which are: JD Road, Airport, Smith, Kelly, Cottonwood, Sun Valley Road, Bloom & Shine, Lara, Park, and Andy. Commissioner Pando would like Don Pasqual, Sean Lane, and South Los Lentos paved. Commissioner Aguilar told Ms. Cole she made a request last year to switch Camino Los Chavez with Elias. Ms. Cole said she has that. Commissioner Baca would like Don Felipe Road paved, Lopez Road paved, and Harrison Road. Commissioner Daves said last year he put in Fenceline Road and asked to remove it from the list. Commissioner Daves would like Buena Vista paved, and the rest chip sealed, which are: Osha, Manzano View, Turner, Worsah, and Forgotten Promise. Ms. Cole said that these roads wouldn't happen for about another year and a half. Commissioner Padilla would like Sanchez Road off Gabaldon Road paved, Padilla Road, Baldwin, and Briggs chip sealed, and Cherar paved. Before she turns in her list to the State, Ms. Cole will show the Commissioners the roads and what the cost estimates are.

Indigent Appeals & Report.....Barbara Baker

Commissioner Pando made a motion to convene as the Indigent Board. Commissioner Baca seconded the motion. Motion carried with a vote of 4-0.

Barbara Baker, Indigent Administrator, presented indigent claims from January 3, 2002-January 23, 2002. There were 78 claims submitted and 26 denials. The amount of claims submitted is \$163,560.14, and Ms. Baker asked the Commission to approve \$34,662.60. Commissioner Pando made a motion to approve. Commissioner Daves seconded the motion. Motion carried with a vote of 4-0.

Ms. Baker told the Commission that James Fernandez, County Manager, is requesting an appeal for an inmate Ms. Baker had to deny because she received the bill 90 days after service. If Valencia County were to approve the amount that would be paid would be \$189.70. Ms. Baker recommended approval. Commissioner Pando made a motion to accept this appeal. Commissioner Daves seconded the motion. Motion carried with a vote of 4-0.

Commissioner Pando made a motion to reconvene as the Board of Commissioners. Commissioner Aguilar seconded the motion. Motion carried with a vote of 4-0.

Request to Review and Sign Grant for Rio Grande Estates Fire Department.....John Cherry

John Cherry, County Fire Marshall, asked the Commission to sign a grant application for the Rio Grande Estates Fire Department. The amount of the grant is \$3,250.00, and the County's matching funds is \$361.00, which the total amount of funds they would receive from the Energy & Minerals of the State Forestry is \$3,611.00. This is for wild land fighting tack gear for the Rio Grande Estates Fire Department. The money will only go to this Fire Department. Commissioner Pando made a motion to approve. Commissioner Baca seconded the motion. Motion carried with a vote of 4-0.

Mr. Cherry asked to have the Commission sign two amendments to resolutions in reference to the Manzano Vista Fire Department and the Highland Meadows Fire Department. Mr. Cherry said the resolutions were done in the past, however the State Fire Marshall did not agree with the wording in the resolution, so they had to redraft it and change some of the wording. Mr. Cherry also had to add a couple of sentences to amend the resolution for the Manzano Vista Fire Department. Commissioner Pando asked what was changed on the Manzano Vista resolution. Mr. Cherry said the wording that change was the original resolution stated at the top, to establish a new fire department. The State Fire Marshall didn't think that was appropriate, he wanted the heading to name a particular fire department, which Mr. Cherry changed. Commissioner Aguilar asked about a letter that she received from State Fire Marshall, George Chavez, regarding the fire district substation in El Cerro and the fact that the County was non compliant. Mr. Cherry said this is part of the compliance. Also Mr. Cherry produced maps of the fire district and everything so it could be certified and he requested ISO rating reestablished up there, but Mr. Chavez did not like the maps that Richard Chavez provided to Mr. Cherry, so now he is forwarding maps from the Assessors Office hoping he will accept those. Commissioner Aguilar made a motion to approve amendments to Resolution 2000-48 and Resolution 2001-38. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0. Mr. Cherry said with the Highland Meadows resolution, the original resolution was provided by James Ashmore from the Highland Meadows Neighborhood Association, and it listed a lot of the Neighborhood Association. In order to receive state funding, the wording had to be changed from the Neighborhood Association to Valencia County, and there's a clause in there that the County will have a 99 year, \$1.00 lease from the Neighborhood Association which makes it legal to use state fire funds for that installation.

Finalization on Re-Districting Maps.....Tina Gallegos

Tina Gallegos, County Clerk, told the Commission that she has received the final maps from PDS of the County Commission Districts. These are the large colored maps. Ms. Gallegos also requested that the final check for PDS be released, as they have met the terms of the contract as far as her office is concerned. Ms. Gallegos has received data on a diskette in which the Director of Elections has been able to get information off of. These districts went into effect when the Governor signed the proclamation on January 30, 2002 and all the voters will be voting in these new districts. The voters will be receiving new voter cards with all the Commission Districts.

Commissioner Daves informed Chairman Padilla that he would postpone the slide presentation that he was going to give until the next meeting.

Resolution Extending Time for Use of Annual Leave.....James Fernandez

James Fernandez, County Manager, presented a resolution that would allow employees to extend the time that they had earned through December 31, 2001 as carry over rather than losing that time because of the reduction of hours. This allows for the extension through June 30, 2002. Commissioner Pando made a motion to approve resolution 2002-06. Commissioner Baca seconded the motion. Commissioner Aguilar asked if the Attorney has reviewed this. Mr. Fernandez said the resolution was actually prepared by Attorney Tom Garde. Motion carried with a vote of 4-0.

Informational-Financial Update Fiscal Year 2000/2001.....James Fernandez

James Fernandez, County Manager, told the Commission that there was a request made by a member of the public that wanted him to create some pie charts as to where the expenditures during the 2000/2001 budget year, and what each individual fund brought in and what was expended. At the last commission meeting, Mr. Fernandez provided each of the Commissioners with a copy of that analysis. This analysis was for the fiscal year 2000/2001, the budgeted projected revenues were \$8,361,650.00, budgeted projected expenditures were \$9,499,603.00, and the projected difference at the time the budget was produced was a shortfall of \$1,138,033.00. The actual revenues that took place for the fiscal year 2000/2001 were \$8,251,502.00, actual expenditures were \$9,539,084.00, and the actual difference of shortfall was \$1,287,582.00. The source of this documentation came from two source documents. One was the Budget Report that was produced on June 30, 2001 and the Valencia County's Treasurer's Financial Report for the period ending June 30, 2001. Within this documentation are copies of the budget that was approved by the Board and highlights as to what was provided within the documentation. There are revenues that were actually anticipated for the fiscal year 2000/2001 and what was budgeted and what was actually brought in by line item. What Mr. Fernandez has attempted to do was provide the Commission with graphs showing what these revenue items were as well as a comparison of what was actually brought in and what was actually expended. Commissioner Pando asked about the animal control fees and if the County is trying to implement a licensing department to try to make some revenues. Mr. Fernandez is working with the Animal Control Department; they're looking at revising the ordinance as well as their fee structure. Any of the Joint Powers Agreements that they do have in place, they will be sending revisions off to those agencies prior to April 1, 2002. The budgeted amount from the general fund was \$9,499,783.00; the actual expenditures were \$9,539,084.00, for a negative of \$39,401.00. The general fund is the one fund other than the Road Department, which requires having cash reserve. There were four departments that accounted for the \$39,401.00 shortfall and those were in the Commission budget, actual budget amount was \$4,763,327.00; the actual expenditures were \$4,875,151.00 for a shortfall of \$111,824.00. Another line item was the Law Enforcement, as the budget was \$1,594,522.00, the actual expenditures were \$1,663,941.00, for a shortfall of \$69,419.00. The next one was the Animal Control which was \$224,831.00 budgeted, actual expenditures were \$232,822.00, for a shortfall of \$7,991.00. The last was the Data Processing Department, budgeted amount was \$185,331.00, and actual expenditures were \$202,859.00 for a shortfall of \$17,528.00.

The other departments such as Property Assessment came in under budget by \$29,261.00, Collections came in under budget by \$25,574.00, County Manager's came in under budget by \$4,954.00, Bureau of Elections came in under budget by \$17,733.00, Fiscal came in under budget by \$7,157.00, Recording & Filing came in under budget by \$17,675.00, Zoning came in under budget by \$24,403.00, Planning came in under budget by \$1,125.00, Fire Marshall came in under budget by \$30,165.00, Building Inspector came in under budget by \$8,590.00, and the Probate Judge came in under budget by \$623.00, for a combination of all that came in under budget and those who were over gave a negative of \$39,411.00. Mr. Fernandez explained that Bond Holding was the money that was received from the gross receipts tax that is being set aside for the Bond payment. There was a problem towards the end of the year in that the timing of the money coming back to the County created a negative amount in that item for about a week. Mr. Fernandez broke it down even farther and broke it down to the Commission line items as to what specific line items within the Commission budget came attributed to the shortfall. Those specifically were the adult detention contract, professional services, construction projects, utilities, reserve for priors, court settlements, membership dues, audit, equipment maintenance and repairs, repairs to buildings, rental of equipment, ground maintenance and improvement, mileage & per-diem, registration fees, and the indigent area, as well as trash disposal. Those particular line items brought about a negative of \$111,824.00. Mr. Fernandez did the same thing for the four departments that were over expended.

Along with that for the fiscal year 2000/2001, Mr. Fernandez made the public and Commission aware that he received an additional audit finding from the Auditor and it is Audit Finding 2001-05, and that relates specifically to the over expenditure of funds and its deficit budgeting. The County budgeted a deficit for the year 2000/2001 in the amount of \$1,138,033.00 in the general fund and \$3,631,728.00 overall. For the year 2001/2002 the County budgeted a deficit of \$337,305.00 in the general fund and \$606,572.00 overall, the audit findings and criteria say the County needs to maintain sufficient operating reserves to fund government in an economic downturn. The Department of Finance and Administration requires a 3/12 cash reserve for the general fund, the reserve on June 30, 2001 was below that requirement. In affect, deficit budgeting has reduced the cash reserves below the 3/12 requirement and further reduced the cash reserves cause, anticipated expanders exceeded potential revenues. The recommendation is that steps should be taken to reduce expenditures in all areas to match anticipated revenues. Mr. Fernandez has provided a response to that audit finding.

Commissioner Daves asked what other funds were over budgeted. Mr. Fernandez said the other areas that were over budgeted were bondholding, County Indigent, debt service on the jail, and sick leave/retirement fund. Mr. Fernandez also stated that he received a request from Bill Brown for a copy of what was provided for the Commission, and Mr. Fernandez gave him a copy of that today. The other item Mr. Brown asked for was a copy of the final audit, and the State Auditor has not provided that to the County yet. Mr. Fernandez said he mentioned to Mr. Brown that when it is, it would be brought to the Board for acceptance and public record.

Request by Governor of Isleta

Mr. Fernandez said a call has gone to Commissioner Aguilar, which was a request from the Governor of Isleta asking for support of House Bill 250, which would allow for the annexation of properties that are non taxable properties that are adjacent to another County and it would require approval of both Boards of County Commissioners to allow that to take place. The Governor of Isleta has made a request that the County provide a letter that the Commission supports House Bill 250. Commissioner Aguilar made a motion to provide Isleta with support on House Bill 250. Commissioner Pando seconded the motion. Commissioner Pando asked Fred Luna, State Representative, about this bill earlier in the week and asked what the benefits were and he told the Commissioner there was none. Commissioner Aguilar said last year they did this; there was a formal request by the Governor of Isleta. She told the Commissioners to realize that upon the completion or the settlement by the Casinos, the Casinos or the Tribes designate a community that they give revenues to. It was her understanding that Valencia County stood to gain revenues from the Casinos. In addition to that, the ambulance does not provide advanced level service, so the County depends on Isleta to come into Valencia County and provide the advanced level assistance from the ambulance. Commissioner Aguilar asked Administration if they could write the letter as soon as possible. Motion carried with a vote of 4-0.

Extension Service

Commissioner Aguilar said that during the break she talked with Frank Holguin from the Extension Service and he asked her to look at the budget and even on contracts that have been deleted. She mentioned the Jail Monitor's contract and said that is tied into the jail. Mr. Holguin asked if the Commission could direct administration to look at that \$30,000.00 to be earmarked for the Extension Service. Commissioner Pando agrees with Mr. Holguin, because when the Extension Service asks the municipalities for money, they're going to want to know how much the County is committing.

Approval of Intra/Inter Budget Transfer & Budget Increases.....John Cherry/James Fernandez

James Fernandez presented an intra budget transfer, creation of expenditure account, under the general fund/data processing. This would call for the movement of \$2,500.00 from equipment maintenance and repairs and \$1,500.00 from computer software, into a capital outlay item. This capital outlay would be utilized for a replacement of a lap top computer that is being utilized for the E911 and rural addressing and is one of the requirements that the County does for the input, so that the County is in compliance with the E911 grant. Commissioner Baca made a motion to approve

resolution 2002-07. Commissioner Pando seconded the motion. Mr. Fernandez has checked with Larry Mervine to verify that this money would not need to be utilized for the remainder of the fiscal year. Commissioner Aguilar asked if they had to transfer from court settlements to computer maintenance because only \$3,000.00 had been budgeted. Mr. Fernandez said that was telephone maintenance. Motion carried with a vote of 4-0.

The next item is a creation of a new department and budget increase, which is a creation of a fund for the Highland Meadows Fire Department. Commissioner Aguilar asked if this would require DFA approval. Mr. Fernandez said yes. Mr. Fernandez added that this is done contingent upon DFA approval. Commissioner Baca said she thought DFA wasn't approving anything. Mr. Fernandez said that Patricia Peralta checked with DFA prior to this. Commissioner Pando made a motion to approve resolution 2002-08. Commissioner Daves seconded the motion. Motion carried with a vote of 3-1, as Commissioner Aguilar voted no.

Request to Go Out to Bid for Architect Services for Animal Control.....James Fernandez

James Fernandez, County Manager, told the Commission about a request to go out for bid for architectural services for Animal Control. They are requesting to go out for bid for architectural services for the improvements to the animal control facility. This bid will be for services only for this one project. The funding source that would pay for these services would come from the revenue bond proceeds. Mr. Fernandez said they are looking at the addition of impound or kennel areas for the existing facility. Commissioner Pando said that there are many contractors in Valencia County that are very qualified, and asked why they need an architect. Mr. Fernandez said the subsurface area, in order to meet with animal humane guidelines, has to have certain items within the foundation as well as square footage space. Commissioner Pando thinks if they would go to EID that they would tell them what they need. Commissioner Pando believes a contractor can do this and save the County money. What the Animal Control Manager is proposing is the doubling of the facility at the existing site. Commissioner Daves referred back to conversation with Mr. Fernandez and the Animal Control Manager not long ago that she was thinking about this site becoming a place for adoption and the other site south of Belen would be the main impound center. Commissioner Daves asked if this is consistent with that. Mr. Fernandez said yes. Mr. Fernandez said this calls for an increase in the kennel area as well as better utilization of the crematorium, which would be the separation of the crematorium area from the walk in freezers, as well as holding pens at that particular site. Commissioner Pando said he would rather go out to bid for a general contractor than for an architect. Commissioner Daves made a motion to approve. Commissioner Baca seconded the motion. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted no. Commissioner Pando voted no. Chairman Padilla voted yes. Motion carried. Commissioner Aguilar said she would like to have some more information on this and would like to look at the entire project and maybe have a presentation to the Commission. Commissioner Aguilar also said they haven't even looked at the cost of personnel to run both facilities. Commissioner Baca withdrew her second.

Mr. Fernandez said that anything that would be developed would be brought back to the Board for final approval before they go out and spend any money for improvements. Commissioner Aguilar told Mr. Fernandez, that they have to tell the architect what is it they want. Commissioner Daves said he's sure the Animal Control Director already has ideas for this.

Ms. Jarratt told the Commission that they are asking for an architect to do a drawing and a design, but the Commission doesn't have any idea what the architect will be drawing and designing. Ms. Jarratt said that the Commission is spending money without knowing what they're going to get out of it.

Gloria Richard told the Commission that there are Commissioners coming in and voting yes when they don't know what they're voting on. Ms. Richard said she is for the Extension Service but she is also for the employees of this County. Ms. Richard does not think the employees' hours should be cut. Ms. Richard said that Commissioner Pando is experienced in construction and gave a recommendation, and told the Commission that they should look and see because they're saying they're going to use the facility they have now for adoption. She asked, how many animals were adopted last year at that facility, and is it worth making that. Ms. Richard cannot see paying an architect money on something the Commission hasn't even looked at. She asked why they need two facilities, as it's more maintenance, more electrical bills, and more employees. Ms. Richard told the Commission that they are spending money wastefully and the employees and 4H kids are paying for it. Ms. Richard said the Commission should let Isleta know that Valencia County is interested but to ask for a representative to come and state what they want Valencia County to know.

Commissioner Pando said he has done a lot of construction throughout his life and said before he builds anything he has to know what he's doing and have a plan. Commissioner Pando said he doesn't hire architects until he knows what he's doing. Chairman Padilla asked if there is a criterion that has to be used in order to use the money. Mr. Fernandez said there are restrictions as to the original intent as to what was designated by the Board, and they are limited to that intent. Commissioner Daves thinks it would be appropriate for as much definition as the Animal Control Manager is able to give the Commission to address this issue. Commissioner Daves said this is money, that in open public meeting, the Commission determined was appropriate because of the issues relating to animal control and to put some money, that they can't spend for anything else, to try to come up with a better animal control facility. Chairman Padilla said that Commissioner Baca withdrew her second and if Commissioner Daves is willing to withdraw his motion, maybe they can

have the Animal Control Manager at the next meeting to give the Commission a little more information on exactly what she wants in the design of the animal control facility. Commissioner Daves said that under Roberts Rules, that on the basis of Commissioner Baca voting yes originally, she could ask that it be revisited and that's an opportunity for her to change her vote. Commissioner Aguilar made a motion to wait until the Commission can have more information and a workshop to understand where every department is. Tina Gallegos, County Clerk, said if they recall for another vote per the discussion, and then if they revote, they can undo what was done without creating a new motion. Commissioner Aguilar called for a new vote after the discussion. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0. Commissioner Aguilar requested a workshop for presentation to the Commission by every department before they go into the next planning of budgets within the next 30 days. Mr. Fernandez agreed with Commissioner Aguilar's request but in terms of the amount of time that administration has been able to do that, they do what they can with the limited amount of time that they do have. Commissioner Aguilar said she is basically asking for this workshop for input.

Approval of Payroll & Warrants.....James Fernandez

James Fernandez, County Manager, presented the accounts payable authorization. The computer printout lists all checks issued by the Fiscal Office on January 25, 2002 covering payroll processed on that date of warrant #67337-#67367 inclusive and payroll check #50726-#50918 inclusive for a listing total of \$168,744.20, of that \$103,803.97 is from the general fund. Commissioner Baca made a motion to approve payroll. Commissioner Aguilar seconded the motion. Motion carried with a vote of 4-0.

The next item is a computer printout listing all the checks issued by the Fiscal Office on February 1, 2002 covering vendor bills processed on that date of warrant #67368-#67475 inclusive for a listing total of \$707,672.72, of that \$556,447.55 is from the general fund. The two largest items paid out of that was for the multi-line insurance bills. Commissioner Pando noticed on the multi-line insurance, bill, check #67404, that check was for \$531,809.00 and there's a bid for \$2,730.00 for the indigent insurance. He asked if the indigent insurance should be paid out of the indigent fund. Mr. Fernandez said at the detail, the insurance for the general fund is paying out of the general fund, road fund is paid out of the road fund, indigent is paid out of the indigent line item in the amount \$2,730.00 that is out of the indigent fund. Commissioner Aguilar asked about check #67404, the County is paying a \$10,000.00 deductible, and last time they had deductible, so she would like to be informed in executive session. Mr. Fernandez said this was brought to the Board and it's been over a year since this has been settled. Commissioner Baca made a motion to approve. Commissioner Daves seconded the motion. Motion carried with a vote of 3-1, as Commissioner Aguilar voted no. For clarification, Commissioner Aguilar would like to see a revised budget so the Commissioners know they are not over expending. Mr. Fernandez provided the Commission with a cash balance, as of today, after the warrants have been paid; the general fund has \$1,239,935.35.

Manager's Report.....James Fernandez

Jarrett Property-Village of Los Lunas Authority (Informational Only)

James Fernandez said at the last meeting, there was a request made by Commissioner Aguilar to have Tom Garde, County Attorney, look into the authority that the Village of Los Lunas had to look at the Jarratt property. In their packets, the Commissioners were provided with a copy of Mr. Garde's comments on the issue. Commissioner Aguilar said she took the liberty of discussing this with a friend of hers that is an Attorney, and what he mentioned to her, is he asked if the County was looking at the statute that calls for an election by the residents to incur this debt to even purchase property or a municipal sanitary facility. She said there is a statute that says there must be an election to incur the debt. Commissioner Pando also talked to an Attorney he told him the same thing. The only other thing is if they put this money away for a certain length of time and it was earmarked for that specific purpose, than an election is not necessary at this time, according to Commissioner Pando. Commissioner Daves asked that the Attorney not bill the County anything for any work done on this, because he has budget concerns himself.

Jail Monitor's Report

Mr. Fernandez gave the Jail Monitor's Report for the period of January 1, 2002-January 28, 2002. The total female inmates for that period was 409, total males was 3,248. The daily average was 130 and of those, 116 were male and 15 were female.

The next Regular Meeting of the Valencia County Board of County Commission will be held on February 19, 2002 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 Aguilar made a motion to adjourn. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 5, 2002 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

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

**ss/
ALICIA AGUILAR, MEMBER**

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

**ss/
GARY DAVES, VICE-CHAIRMAN**

**ss/
HELEN BACA, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: February 19, 2002