

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

February 19, 2002

The Meeting was called to order by Chairman Al Padilla at 5:05 P.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, said that under personnel matters, there aren't any new hires, transfers, or terminations, but there is a resignation. Commissioner Pando made a motion to go into executive session. Commissioner Baca seconded the motion. Motion carried with a vote of 4-0.

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

Mr. Fernandez reported that in executive session under personnel matters, the Commission discussed the resignation of Orlando Montoya from the Assessor's Office effective February 22, 2002, and the request for family medical leave for Olinda Reneau.

Tom Garde, County Attorney, said that during executive session he discussed the following with the Commission: the status of the pending trial with regards to the status of Burben Road, the scheduled show cause hearing next month with regards to David Martinez, the lawsuit involving R2H and direction has been given to Administration with regards to that matter, he updated the Commission with regards to the appeal of the Commission's decision involving the property owned by Tyle Garcia and that's solely an update, the negotiations with regards to the Tri-Sect landfill and the status of that negotiation, and some aspects with regards to the jail agreement and potential options that the jail and County has with regards to the operation of the jail.

Mr. Fernandez said another item discussed was that he made the Board aware of a hearing that has been set for February 21st at 2:00 P.M. in Federal Court in regards to a case between Valencia County and Billy John Burns, and there was discussion on the County Attorney's contract and direction was given to administration to prepare an RFP for an in house Attorney and also to look at the option of loss of a contract of an Attorney. Commissioner Pando made a motion that's all that was discussed in Executive Session. Commissioner Daves seconded the motion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried with a vote of 4-0.

Pledge of Allegiance was led by Attorney Tom Garde.

Approval of Agenda

Commissioner Pando said since they already discussed the renewal of the County Attorney contract, they should delete that item. Commissioner Aguilar and Commissioner Pando asked to address the Commission under public requests. Commissioner Daves made a motion to approve the agenda. Commissioner Baca seconded the motion. Motion carried with a vote of 4-0.

Approval of Minutes

Commissioner Daves said that on page 8 on the third paragraph there's a quote that Commissioner Daves said "keeping in mind the employees", he asked to strike that sentence because it doesn't express whatever might have been in his mind. Commissioner Daves said there is a sentence that says "because he was mobbed in 1991 on the merits" he asked for an insertion to add some language that says "mobbed in 1999 and agreed with other, then Commissioners, to keep Extension in the budget on the merits". Commissioner Pando made a motion to approve the minutes for February 5, 2002. Commissioner Baca seconded the motion. Commissioner Aguilar said on the first page last sentence as Mr. Garde said, "yes it's a great line, but full disclosure is best", she said he meant it's a "gray line". On page 6, where it says Commissioner Aguilar asked Mr. Garde for clarification that the 1.5 would be used for roads and drainage, and it says "not" be used for roads and drainage. Commissioner Aguilar said that on page 4, it says "the motion carried with a vote of 4-

0", and this was in Commissioner Padilla's district, he made the motion for approval so it was really "5-0". Motion carried with a vote of 4-0.

Public Requests

Commissioner Aguilar said her request is that they look at the personnel ordinance in lieu of the latest summons that was served upon the Commission and the County Manager. She would like to see some clarification as far as where they are at as far as authority and hiring and firing of employees. Commissioner Aguilar said she feels better voting on this knowing that someone is telling her exactly what it is that they have authority to do or don't do, and it's been silent for a couple of years, but she would personally like to know what is there because the Commission is aware that is silent, and would like it clarified. Commissioner Pando concurred.

Commissioner Pando said a few days ago one of the County residents passed away because they couldn't get the individual to a hospital in time. He said the volunteer Fire Fighters did an outstanding job in trying to do what they could to get this person to the hospital but unfortunately, they didn't make it. He thinks the County has reached a real crisis when the local ambulance service does not have enough ambulances available to cover the County or when they cannot respond to life threatening situations. Commissioner Pando said this problem goes a lot deeper as for the past two years he has tried to establish a ward or committee to research and try to build some type of medical facility. Basically, he said he has been totally ignored. The County spent \$40,000.00 a couple of years ago that the State Representative got for the County which clearly told the County that at that time they were in desperate need of hospital or some type of medical facility, according to Commissioner Pando. He said he realizes the County has a lot of pressing needs right now especially with the budget problems, but the County has had this problem for quite some time, yet in that time they have formed a very successful Trash Committee that did an outstanding job. The Commission has now formed a committee to address the issues of the money problems with the jail and the juvenile detention center, and he's sure this committee will come up with some excellent ideas, recommendations, and answers to some of the problems this county is facing. He is sure this committee will be beneficial to the Commission as well as to the public. Commissioner Pando asked the Commission to consider establishing a committee of the citizens to look into the feasibility of building some type of medical facility that will stabilize and treat the residents so that the tragedy that occurred a few days ago does not happen again. Human life is too valuable to throw it away because they refuse to look at the issue, and Commissioner Pando said there are ways to obtain funds for something of this magnitude and importance. Commissioner Aguilar said if Commissioner Pando wants to put this on the agenda for the next meeting, she is willing to listen. Commissioner Pando would like each Commissioner to appoint 3-5 people from each district.

Commissioner Daves said that the Meadow Lake Community Center was burglarized two nights in a row. The day after the second burglary, the items were recovered and those who had probably done the burglaries were under arrest. He complimented Deputy David Baca and Deputy Donald Donges, who were responsible for that.

Request Amendment to Zone Maps from C1 to C2-2973 Hwy 47.....Fred Sanchez

Fred Sanchez asked to have Charles Lopez speak on his behalf. Mr. Lopez told the Commission that they are basically looking for a zone change from C1 to C2 to open a propane company in the Tome area on Highway 47. Since the last Planning & Zoning Meeting they have come to an agreement to try to work out a compromise, as they would like to not locate the huge loading and unloading facility in that area. Mr. Lopez said some of the neighbors were concerned that there's a possibility of a fire. Mr. Lopez said he would like to keep the C1 zoning and use the office that is available there and ultimately move the loading/unloading facility to a more remote area where there's no public involved in terms of safety hazards.

Ruben Chavez, Planning & Zoning Supervisor, said what the applicant is trying to do is withdraw his request and only use the facility for the office and have the transfer station done elsewhere. Under the C1, Mr. Chavez said that Mr. Sanchez can certainly have an office and is even allowed to store some stuff out there. The concern Mr. Chavez has is Mr. Sanchez's truck and tanks, but as far as the office, there's nothing wrong with that. Mr. Lopez said the delivery trucks would basically have to go in for an hour a day and pick up the gas orders and then go out to each customer in Socorro and Valencia Counties. Mr. Lopez asked to just keep the office and equipment there. Commissioner Daves believes this is an issue that could be resolved in the Planning & Zoning Department. Commissioner Pando said he passed by there and there's a whole bunch of tanks stored there. He asked if Mr. Sanchez is going to keep those there. Mr. Lopez said yes, they're empty and nonflammable. Mr. Lopez explained that these are brand new tanks and they have no fuel in them. Commissioner Pando asked if that is permissive and had a concern that a lot of people live in that area and that's a very flammable type of material. Mr. Lopez said the authority having jurisdiction of the State of New Mexico Construction Industries Division originally approved a plan to sit on that site, Mr. Lopez was unaware of the zone change from C1 to C2. Since the last meeting, there was opposition from the neighbors, and said he needs the highway usage for the traffic volume that passes through for advertisement as well as easy access. Mr. Lopez said 99% of the business would be going on to residential, commercial, and industrial areas at their location. Mr. Lopez said at this site, he will basically have the storage tanks there and with their equipment they will pick up the tanks at that site and take them to the customer site. The only thing that will be there is the deliver truck for maybe an hour a day to pick up the gas orders. Mr. Lopez said there would be no loading/unloading facility there. Commissioner Aguilar said in the ordinance under C1 it says, "The purpose of the C1 district is to provide limited convenience commercial services for a specific residential market area.

This district is intended to maintain the service function of rural neighborhoods in the County or to locate a present demand for small scale local convenient cents in an area where access, traffic turning movement, and off street parking can be provided in a convenient and economic manner. The size of such centers shall reflect real market demand in the residential areas to be served in the spacing that such centers shall be commiserate with the spacing of existing centers. In areas adjacent to New Mexico State Highways, the layout and design of such centers shall ensure the view from the highway and rural atmosphere of the County are not impaired and that the scale of service requirements of the facilities do not have an adverse impact on the character of the adjacent and surrounding rural neighborhoods". In reading that, Commissioner Aguilar agreed with the request for denial from Planning & Zoning. She said the business doesn't fall under C1, and made a motion to deny the request to amend the zone maps. Commissioner Pando seconded the motion. Commissioner Pando asked if Mr. Sanchez is allowed to have his tanks there or does he still have to come in for a zone change? Tom Garde, County Attorney, said the only thing before this Board is the amendment to zone maps, so if he wishes to proceed in another manner, then he'd have to start over with the zone maps and make the appropriate request.

Shorty Anaya, who lives next to this site, said a lot of people signed a petition against this. Mr. Anaya said that people are going to be returning tanks back to Mr. Lopez and said a vapor is just as dangerous as liquid. Mr. Anaya said with C1 zoning, they shouldn't have propane trucks in there.

Mr. Sanchez said that Mr. Anaya also has a lot of equipment in his yard such as oxygen tanks. He also said he has video tapes of a propane truck that is parked right in the middle of all those homes and the truck goes there every day and parks there at night. Commissioner Pando said that is something that a Zoning Officer needs to go and investigate. Motion carried with a vote of 4-0.

Update on Comprehensive Plan (Informational Only).....Steven Chavez

Steven Chavez updated the Commission on the Comprehensive Plan. He said it is just about complete and 3 ½ years of work is coming to a close. Mr. Chavez said there have been 26 Steering Committee Meetings in the past 3-½ years and the 27th meeting will be scheduled in the next few days. According to Mr. Chavez, there is a very strong core group of Steering Committee Members. Mr. Chavez also commended Ruben Chavez, Planning & Zoning Supervisor, as he has been with this plan since the day he started working with the County. There has been a total of 3 Commission Meetings regarding the status of the plan and regarding the details of the plan. There has been one Planning & Zoning Commission Meeting regarding the details of the plan. The Steering Committee has completed all chapters except the last one, which is Economic Development. The content amounts to a little over 200 pages and is being edited to hopefully less than two hundred pages. There are 42 exhibits and maps and 25 tables regarding details of the County. There are approximately 90 goals, policies, and objectives. Mr. Chavez is dealing with everything from land use, transportation, community public facilities, as well as the environmental historic conditions of the County. Mr. Chavez has been pleased with the commitments of the Committee in the last 6 months. What they will be doing in the next committee meeting, if the Committee finalizes chapter 5, they will go into the last chapter. Mr. Chavez has a first iteration draft of the economic development chapter to present to the Committee, which is the last substantive chapter of the plan. The final chapter deals with implementation and is more of an appendix and summarizing of the plan. The Committee has had the assistance of the Middle Rio Grande Council of Governments. Mr. Chavez asked the Commission how they would like to proceed. Mr. Chavez will have a final iteration, if the Steering Committee permits it, within the first couple of weeks of March. Mr. Chavez recommended having public meetings to go over the plan. Mr. Chavez is going to have a summary of the Comprehensive Plan for those who don't want to read it all. It will have all the policies, goals, and objectives in a 30-page format. That will also be prepared by the middle of March. Mr. Chavez is also putting together a power point presentation. Mr. Chavez thinks there can be a PowerPoint presentation for the Board as well as the public that would last approximately 3 or 4 hours. Mr. Chavez recommended presenting the power point presentation to the Board in late March or early April and getting the Commission's feedback, then they could take it to the public. Mr. Chavez would like to make his presentation on the week of March 17, 2002. Mr. Chavez said he would not bill the County for any of his time after the contract ends in March. Commissioner Daves is interested in a half hour presentation and having the document in front of him. Given the magnitude of this plan, Mr. Chavez thinks he will need more than a half an hour. Commissioner Pando would like this addressed fully. Mr. Chavez recommended moving the first presentation to sometime in April so he can provide the Commission with the finished document in the second week of March, so the Commission can have the time to read it.

Commissioner Aguilar asked if the plan gets adopted as an ordinance. Mr. Chavez said under the scheme of state laws, there was a bill that was proposed in the session of 2000/2001, and in that bill they had a procedure of adopting a comprehensive plan as well as what goes into the plan. They also had language that requires that the plan be adopted as an ordinance, but it was killed, so currently there is no guidance from the State Legislature on how to proceed. Most counties adopt the Comprehensive Plan as a resolution or as an ordinance. Mr. Chavez said it's not necessary to adopt it as an ordinance. Tom Garde, County Attorney, recommended that it be adopted as a resolution, as resolutions are easier to amend and resolutions are valid until the Commission says otherwise. Mr. Garde said ordinances would have to be amended and there's a whole different process. In the Comprehensive Zoning Ordinance, there is some language that the County can not implement for mistakes in the zone maps without having the Comprehensive Plan, but it is not required that there actually be an ordinance. Mr. Garde thinks a resolution would satisfy that condition. Commissioner Aguilar said that a resolution has no authority. Mr. Garde said that the Zoning Ordinance is basically

the law and the resolution is the guide that the County would follow to apply the ordinance. Commissioner Aguilar asked if the Comprehensive Plan is the backbone and the guide that would support the County in any challenge in Court, isn't that the basis with the Zoning Ordinance and Subdivision Regulations supporting it, but isn't the Comprehensive Plan the legal document that protects and guides the County as far as intent and decision making. Mr. Chavez said the Zoning Ordinance is just one factor of many factors. Commissioner Pando asked if the Comprehensive Plan should've been done before the Zoning Ordinance. Mr. Chavez said they had a comprehensive plan in 1986; the zoning ordinance came in 1987. The comprehensive plan in 1986 was just 15 pages of general policies, but Mr. Chavez said theoretically, textbook planning necessitates that you have a comprehensive plan first and then move to the zoning ordinance. The only reason the County drafted the Zoning Ordinance first is because they needed to update it quickly, according to Mr. Chavez. Mr. Chavez said that one of the things the Comprehensive Plan shouldn't do, is have specificity and shouldn't be specific about any particular direction. Mr. Chavez will try to get the Commissioners a copy of the plan by the second week of March. Mr. Chavez told the Commissioners that he would be available if the Commissioners have questions about the plan.

Request Approval of Transfer of Ownership Liquor License/The Wild Pony...Renate Lynn Wilder

Tina Gallegos, County Clerk, told the Commission that on January 16th, the Clerk's Office received a request from the Regulation & Licensing Department for transfer of liquor license to Renate Lynn Wilder, owner of Wild Pony. Mr. Gallegos said this was published in the News Bulletin on February 2, 2002 and again on February 9, 2002. Commissioner Baca made a motion to approve the transfer of ownership. Commissioner Pando seconded the motion. Motion carried with a vote of 4-0.

Request Approval & Signature-Phase II of Rio Del Oro Pathways.....Jacqueline Guilbault

Cooperative Project Agreement

Certification of Pre-Construction Phase

Agency Agreement Request Form

Jacqueline Guilbault, from Valley Improvement Association, presented a joint powers agreement and related paperwork for the Rio Del Oro Pathways phase II, to the Commission. This is for a bicycle/pedestrian path, which would be along the Manzano Expressway and also Rio Del Oro Loop. The funding for the second phase would provide about an additional mile of pathway. This is federal enhancement money. Similar to the Tome Hill project, it is not taking away from any road projects and is not local or state money. Like the Tome Hill project, VIA would pay the matching, be responsible for the liability, and be responsible for the maintenance of the contract. VIA would be constructing this part of it in about July of 2003. The Joint Powers Agreement has to be signed by the County Commission, County Attorney, and Clerk. There are two other forms that go with it, which are a certification, to be signed by the County Manager, the Chair of the Commission and the Clerk, and the request form, to be signed by the County Manager. Commissioner Pando made a motion to approve this request. Commissioner Daves seconded the motion. Tom Garde, County Attorney, told Ms. Guilbault that on page 5 of the agreement, they need to remove "city" and include "county". Motion carried with a vote of 4-0. Ms. Guilbault thanked the Commission for their support.

Animal Control Update.....Linda Cisneros

Linda Cisneros, Animal Control Director, updated the Commission on the Animal Control Department. Ms. Cisneros is now cooperating with the Rescue and Humane Associations on a very cooperative basis. They are placing a lot of animals up for adoption. These animals are all spayed and neutered before they go to new homes. Rescue & Humane have also set up a fund called Friends of the Shelter, in which they accept financial donations that go directly back to the care of the animals. Some of the donations they have received include blankets, bleach for petroleum parvo that was running in the shelter before and it has been cut down to almost nonexistent, they purchased some equipment for the department, a refrigerator, washer & dryer, and puppy cages. They also have a program where people can sponsor kennels and cat cages so that the animals that are adopted can remain in those cages a little bit longer with the extra funding. Ms. Cisneros has volunteers coming in and helping with various duties from cleaning, walking animals, and talking to people as they come in. The shelter hours have been extended which has helped a lot. The Animal Control is open longer during the week and for four hours on Saturdays. Ms. Cisneros has rewritten the standard operating procedure manual, which gives staff direction on how they should perform their duties.

During the time she has been here, Ms. Cisneros has been working on doing an overview of the County and what the needs are for animal control. The numbers that she got, she estimated a population of about 66,000 people in the year 2000. The growth rate at that time in this County was 36.2%. If they use a conservative figure of 30% growth, the County will be nearing 90,000 people by year 2010, according to Ms. Cisneros. Based on the population figures, Ms. Cisneros expects to run 4,500 animals through the shelter. Historically, the shelter exceeds that by a tremendous amount. Nearly 7,000 animals were placed in and out of the shelter in the year 2001. Ms. Cisneros estimated all the figures she's used and the national percentages that she's used to calculate, that there are approximately 926,000 dogs and cats in Valencia County. She said the shelter should be planning to house about 10,000 animals per year based on those numbers. Ms. Cisneros said she has no room for the animals now. There are 32 dog runs and 18 cat cages. Based on a stay of 5 days per animal,

each cage can house about 73 animals during a year's time. Using those estimates of 5 days stay per animal, the facility can handle 3,650 animals, so they're handling at least twice that many in the available space. If they double the facility by another 2,400 square foot, they would still be using a Band-Aid to fix the problem, according to Ms. Cisneros. She said the animal population in this County is tremendous and she has tried to step up with enforcement efforts for the animals running at large and the dangerous animals in the County, but to do that, they have to have a place to put them. Currently, they have to double, triple, and quadruple animals in one cage and that's really not satisfactory. The Animal Control department averages about 20 animals coming in per day, and they euthanize an approximate of 25 animals per day. Two weeks ago on a Saturday, Animal Control placed four animals up for adoption and they got 10 brought in. She said there is a danger to the citizens both in potential bodily injury and in disease. There are more than 250 diseases known and those are diseases that can be transmitted from animals to humans and it doesn't include things like distemper and parvo, which mainly runs in the animal population. Rabies is the worst of those, but fortunately there is no rabies here at this time, but we do border Mexico and Texas, where rabies is rampant. Ms. Cisneros said a lot of this is due to unvaccinated animals throughout the County. Ms. Cisneros said a number of animals die out in the wild for unknown causes, but they're never tested. Wednesday and Thursday of last week, the Animal Control had 42 dogs brought in, they had 32 kennels and all of them were already full.

To build an additional facility, remodel the one they already have, or build a brand new building, Animal Control has a limited budget and therefore they need professional help for that. Ms. Cisneros said that kennel specifications are very different than building other types of buildings. She said they have to make it very durable, and make it so that it can be easily cleaned, or the animals that come in if they track particles of waste matter or parasites get in there, then every animal that comes in is exposed to that. There is a list of things in the Commissioners packets on page 5 that are to be looked at when planning for the facility. Ms. Cisneros said an architect who is familiar with building, can help Animal Control work with some of the ideas that they have to come up with something that would work for the budget. She said they may have to do it piece by piece but they have to have some way to house the animals that are out there. Commissioner Aguilar asked Ms. Cisneros for a breakdown of how many dogs and cats come in from Belen, Los Lunas, and Bosque Farms. Commissioner Aguilar would also like to know what the costs are and if the costs are adequate. Ms. Cisneros had a meeting with the other agencies recently and said the agencies may be willing to share a burden, a proportionate amount, of the expense for building an adequate facility, but that's something that still needs to be looked into. Commissioner Pando asked if the County is housing Isleta animals. Ms. Cisneros said they are servicing Isleta but do not have a signed agreement with them right now. Commissioner Aguilar said with the adult detention facility, every time a prisoner comes in there's a booking charge, classification charge, and a daily rate. She asked why they couldn't do that with dogs and cats. Ms. Cisneros said they are coming up with renewal on those agreements, so that's something they can look at. Commissioner Aguilar asked on the locations, where she got the 6-acre site. Ms. Cisneros said that's what she was told the size of the property was. James Fernandez, County Manager, said its 3 acres. Commissioner Aguilar said on that site, the access itself just going in is very limited, but the plan of the County and reason they purchased that property is because they may need to house another District Judge or other mandates. Ms. Cisneros thought there was more land available and was thinking they could build the county offices in front and have the shelter behind. Commissioner Aguilar asked since you're on a septic system, if you build a new building, how would you address the water? Ms. Cisneros said not all of it is on septic; some of it is on sewer. Ms. Cisneros said all of the kennels drain into a septic tank and the plumbing in the front of the building is on sewer. She said if there is a way they can tap into that, they will. Commissioner Aguilar said when they were looking at that area for the facility, there was some limitations from the city on the infrastructure. Mr. Fernandez said that one of the items they talked about were the lines that run down Highway 314, the size is relatively small. Commissioner Aguilar said when they purchased the property down south its because the State Property Control, they did not have a lease on that property it was expiring. When Mr. Fernandez and Commissioner Aguilar met with Mr. Swindell, there was a time that he mentioned that the policy of the state was that they wouldn't go with the \$1.00 per year lease, they were looking at charging the County per square foot, so whatever improvements the County made to it, it would be the same procedure, as what the County has with public health. With public health, at the hospital and training school, they charge the county \$1.00 per year but then they're charging \$4.25 a foot. The reason the one down south was purchased was because it didn't make sense to go into a lease when you're making improvements and then you're going to be paying \$28,000.00 a year rent on it, according to Commissioner Aguilar. The other reason she said for the property down south was the fact that it already had the infrastructure and was properly zoned. Even now with the Road Department having the grader leave at 7:00 A.M., they're going to work in the southern end of the County, it takes them an hour and a half to get there, they do some work, and they have to stop at 2:00 P.M. to get back by 3:00 P.M. Commissioner Aguilar said this was a place to park that equipment because of the wear and tear. The third reason she said was that if they wanted to be a convenient station, it's perfect, so with the Trash Committee, there wouldn't be a matter to have to go and buy property, they could just set up a convenient station that just requires an application at no cost and it would clean up trash. As far as the animals, people complain when it's so close to residential. Commissioner Aguilar said that was her understanding of why the Commission did that. Ms. Cisneros would like to look at the facility being totally enclosed as it takes care of a lot of problems such as noise and odor. Also with an enclosed facility, they don't have to worry about climate controls.

Commissioner Pando asked how the licensing is being addressed. Ms. Cisneros said currently the ordinance requires people to purchase a license for \$2.00, it's a lifetime license and they have to come back with proof of current rabies vaccinations every year. Ms. Cisneros says almost nobody

does it. Ms. Cisneros is also looking at some changes in the ordinance also, and in there they want to go to a yearly licensing requirement. Animal Control can also get some free computer software that once the database is established and you have the animal or owner in the database, it generates renewal notices every year. If this gets sent out to the people, they can even mail it back in with proof of rabies and their fee. Commissioner Aguilar said she knows there's been some money designated for the facility for animal control, but right now with the budget situation and with DFA and ED coming down, she said the reality is that those funds may even have to be designated for mandated or other fines. So in approving for an architect or for this to go forward, she would like to wait until after the Commission has a budget workshop to see where they're headed. Commissioner Pando asked where this money is coming from. Ms. Cisneros said the figures she gave the Commission were for fixtures and furnishings, so if they could build the shell of the building and the dog runs, which have to have the proper drainage and accessibility for cleaning, a lot of the others can be received from grants and it'll just be piece by piece. The figures the Commissioners were given were for having the entire thing done at one time. Mr. Fernandez clarified that on the revenue bond money, it is to be used solely for capital projects and that's what the terms of the revenue bond money are. It is not to be used for any type of operational, so there are limitations.. Commissioner Aguilar said it could be used for the closure of a landfill. Mr. Fernandez said as long as it's considered a capital project. Mr. Fernandez said the money was about \$230,000.00 that was earmarked specifically for Animal Control.

Commissioner Pando asked Ms. Cisneros if they ever got cages for the trucks. Ms. Cisneros said they are using the trucks and portable cages and kennels when necessary. Commissioner Pando had concerns that there should be only so many animals per square foot and asked whose responsibility that is to enforce that. Ms. Cisneros said she's not sure whose responsibility that is and when they get a complaint, they go out and investigate it. The law provides that as long as people are providing proper food, shelter, water, veterinary care, and are currently vaccinated, then basically there's not much Animal Control could do.. She will look into that.

Commissioner Pando asked what grants are available. Ms. Cisneros said most grants will not provide funds for building a shelter, they will provide funds for helping to furnish the shelter and spay & neuter programs. Commissioner Daves understood that the revenue bond money could only be used for animal shelters. Mr. Fernandez said his understanding on talking with Mr. Garde on the cages, is the Commission would have to reauthorize the use of that money if it was not going to be used for the original intent and would have to be agreed to by the individuals issuing the bonds. Commissioner Daves asked if that money was used for the purpose that the bonds were sold, could they get the shell of the building. Ms. Cisneros believes they could with some professional guidance. Commissioner Daves said the County has taken it upon itself to have an animal control center and thinks the County has to work with municipalities since this is not just an unincorporated area problem but also a county problem. Commissioner Daves would like to look at joint powers agreements to make it feasible to create a facility that is needed for the County as a whole. Commissioner Daves thinks that those who own dogs and cats should pay for the enterprise that the animal control center amounts to, through some sort of licensing program. Commissioner Pando asked for the cost to keep one animal in the shelter and believes Commissioner Aguilar came up with a good idea as far as charging per animal per day. Mr. Fernandez said they have been trying for over a year and a half to get an agreement with Isleta. Commissioner Pando said before they sign that agreement the Commission needs to analyze everything. Commissioner Aguilar would like to see from Ms. Cisneros basic requirements and options. And if its going to be phased, she would like to know how many animals can be housed, the recommended processing fee, and recommended cost per day, and if they're going to be euthanized, there may even be a fee to the municipalities to dispose of the animal. Mr. Fernandez said the majority of the animals in the facility aren't coming from the municipalities; they are coming from the unincorporated areas. Commissioner Aguilar asked if the Association of Counties had some kind of technical assistance in which they could help the counties. Mr. Fernandez said the Association of Counties were talking more along the lines of the ordinance and operating procedures, as far as design, Mr. Fernandez will check on that. Ms. Cisneros has plans and figures of facilities that were built over the years and also an extensive list of architects. Ms. Cisneros told the Commission about a facility on the west side that has a lot of space. Commissioner Aguilar asked if they have all this space, what would they charge the County to take the dogs. Ms. Cisneros said part of the problem would be the transportation. Commissioner Aguilar said if they compare it with litigation and legal issues, she would be interested in knowing the costs. Ms. Cisneros said it would be difficult for people to find their animals.

Request Acceptance for County Maintenance:

Vista Bella Drive.....Chris Chavez
Chris Chavez told the Commission that he didn't meet the requirements as far as selling 80% of his lots. He said he will come back before the Commission when he sells another lot.

Arta Road.....Charles Diebold
Commissioner Daves said he talked to Mr. Diebold this morning and said this shouldn't have been put on the agenda. He asked to remove it from the agenda.

Financial Update Presentation (Informational Only).....Commissioner Gary Daves
Commissioner Daves said Valencia County's financial situation has been in the papers a lot, and he would like to show them that he does care about this situation. Commissioner Daves did his

presentation on budgeted verses actual revenues and spending. Starting in FY 1999 revenue has been less than expenditures, so the county has been drawing down its cash balance. In the year 2000, the County has drawn down the cash balance by \$1,000,000.00. There has been discussion that in FY 2001 money has been spent without the knowledge and approval of the Commission, whereas in fact, FY 2001, is a year the Commission came the closest to what they intended to do. The animal control budget has been essentially flat to decreasing. The peak of animal control was in 2001. In juvenile detention, that has been a pretty flat budget and this year is the peak of about a half a million dollars. The Sheriff's Department is relatively flat, this is not entirely correct in the sense that not all the Cops is in there, but these are the general fund budget figures. The adult detention had a leap in the fiscal year 2001; the number is \$1,000,000.00 increase in that budget in that fiscal year. One of Commissioner Daves slides compares spending verses adult detention costs. In the year 2000 adult detention dropped a little bit but what the County spent increases a little bit, he believes that may be due to a raise the employees got. Mr. Fernandez said in the year 2000, the Sheriff's Department received a raise. In the year 2001, there was a 3% increase that benefits picked up. Commissioner Daves thought the employees got a 5% increase in the year 2000. Commissioner Daves was given information from fiscal staff that there was a net \$300,000.00 recurring costs due to a 5% increase, 3% increase and \$1.00 hour increase for deputies. The \$1.00 an hour was effective fiscal year 2001. Commissioner Aguilar asked Commissioner Daves if he is also giving the Commission revenues that the jail is generating. She also asked if he is going back to three years ago when the existing jail was run and the County was only looking at 50 prisoners' verses 130 now. Commissioner Daves understands that and has asked staff for figures in terms of prisoner load. Commissioner Aguilar said there aren't facts in there to get a better perspective and thinks the Commission is not getting the whole truth. Commissioner Daves said this fiscal year; the total jail budget was 2.13 million dollars for the Cornell contract, which in fact included running the jail from October 1, 2000 to the end of the fiscal year on June 30th. Commissioner Aguilar asked if that included the activation fee. James Fernandez, County Manager, said the activation fee was this past fiscal year. Commissioner Aguilar said Cornell was also running the Santa Fe facility, and asked if this fee was partly when they were transporting. Commissioner Daves gave costs of running the jail in his presentation. In conclusion, Commissioner Daves stated that the day the jail contract was signed, a one million dollar revenue/expenditure deficit was created in the county budget that led to what happened, putting the employees on 32 hours, effective the day before Christmas this year and cutting Services such as Extension/4H.

Commissioner Aguilar told Commissioner Daves that there was a federal court order, a class action suit, and said he didn't have all the facts as to why it was done. She said the County tried running it, the facility was opening, the employees were untrained, and the county had a court order that had to be met. Commissioner Aguilar told Commissioner Daves to give the Commissioners the facts. Commissioner Daves said the County had a budget trend where three years ago, revenues started being less than expenditures and when the jail contract was signed that embedded a continuing \$1 million deficit.

Commissioner Pando said the County had a small jail that was closed and reopened and it cost a million dollars to renew that jail. The Commissioners then voted to fix it, and it was fixed to accommodate some of the County prisoners.. He said it takes training to run a jail and the people training then were not certified. Commissioner Pando said the County tried to give the County seat to Belen and Bosque Farms, but nobody wanted it. He said he was criticized because the Commission built the jail, but said none of the Commissioners today had anything to do with the building of the jail, other than the fact that they authorized it to be built. The gross receipts tax got passed and was earmarked for the jail, and that's what the present Commissioners did with that money. Commissioner Pando thinks the Commission needs to make this a revenue producing jail.

Commissioner Aguilar said when the County ran the facility, they had a technical assistance team come to Valencia County and they told her they didn't think the County was competent of running the facility. The County tried it for a year and got into a bind.. She said if you take the numbers that are in the facility and multiply it \$60.00 a day you got 3.1 million dollars. She said if the County gets a rate of \$55.00 a day to transport the prisoners elsewhere, that's a good rate, but asked if the Sheriff has the Officer's to transport, and do they have the vehicles and insurance?

Commissioner Daves said the committee would meet tomorrow and be rigorous in developing facts so that any recommendation will be based upon facts.

In talking to the people from Cornell, Commissioner Pando realized the County could buy the food for the Senior Citizen Centers from Cornell and buy it cheaper from them.

Presentation & Release of 2000/2001 Audit Report.....James Fernandez

James Fernandez, County Manager, presented the audit report for the fiscal year ending June 30, 2001, so the Board could accept it. The audit findings are on page 121-129. During the last fiscal year, there were 12 prior audit findings. Of those, six of them were resolved and 4 new ones were added. The four items that were added this year were on grant calculations. There is still a question as to the reimbursement. Last year the County received advice from the auditors as to certain ways to calculate it this year because the audit changed. They're saying it needs to be done in a different manner, so they brought it out in audit findings. Mr. Fernandez said they had audit findings on the accounts that still exist with the old adult detention facility, that is audit finding 2 and 3. The last audit finding was the budgeted deficit. A copy of the audit was given to the County Clerk for public record. Commissioner Aguilar asked how they would deal with the fixed asset. Mr. Fernandez said the

County has to be in compliance by the end of June 2003 and it has not been addressed at this point. They will have to have a complete inventory of every road and building, and basically they will have to start from square one. Commissioner Aguilar said that's a mandate and something that needs to be resolved this fiscal year.

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

James Fernandez, County Manager, presented a computer printout of the checks issued by the Fiscal Office on February 14, 2002 covering vendor bills processed on that date of warrant #67507-#67704 inclusive for a listing total of \$151,967.38. Of that amount, \$78,549.49 is from the general fund. Commissioner Aguilar said this doesn't have the Cornell bill, Juvenile Detention, and other expenditures that are usually there the second meeting of the month. Mr. Fernandez said they have not as of yet received the billing for the month of January for the juvenile detention facility. The Cornell billing was received on the 9th of February, so they have until March 9th. That item will be brought on the March 5, 2002 meeting. The most recent billing they will have received will be for the month of January. Mr. Fernandez explained that billing that will be brought is right at \$275,000.00 for the January billing. Commissioner Pando asked if the monthly bill is stable every month. Mr. Fernandez said it goes up and down, it varied on the mandates, and there is a variable cost of \$6.59 per prisoner. Commissioner Pando made a motion to accept warrants as presented. Commissioner Baca seconded the motion. Motion carried with a vote of 3-0 as Commissioner Aguilar passed.

The next computer listing was for checks issued by the Fiscal Office on February 8, 2002 covering payroll processed on that date of warrant #67476-#67506 inclusive, payroll check #50909-#51091 inclusive for a listing total of \$168,259.61. Of that, \$104,908.82 is from the general fund. Commissioner Baca made a motion to approve. Commissioner Daves seconded the motion. Motion carried with a vote of 4-0. Commissioner Daves is interested in the first six months of the next fiscal year and what kind of cash balance Mr. Fernandez can see developing from month to month. Commissioner Daves would also like Mr. Fernandez to develop that number for the whole fiscal year based upon the projection of revenue. Commissioner Daves would also like Mr. Fernandez to come up with a figure of \$8,000.00 on a monthly basis, assuming the Extension Service was funded, and see what happens in terms of cash balance. Assuming the Cornell contract continues, with its cost of living increases, can they put the employees back on 40 hours in 18 months? The cash balance in the general fund as of today is \$1,088,643.08.

Manager's Report.....James Fernandez

Jail Monitor's Report

James Fernandez, County Manager, presented the Jail Monitor's Report to the Commission. For the period of January 29, 2002-February 15, 2002, the average count was 126 inmates. Of that there were 115 males and 11 females. Mr. Fernandez gave the Board notification that he received from Cornell on 3 prisoners who were sent outside the facility for medical care. One individual was transported because he fell and needed stitches, and another one was urinating blood.

Schedule Department Workshops-2002/2003 Fiscal Year Budget

Administration has been working on the revisions to the existing budget that they want to give to the Board on the 25th of February showing what revisions have been made to the fiscal year 2001/2002 in terms of the revenue, projected expenditures, and the reductions that have been taking place within that budget. The Commission will be meeting with the individual departments individually hopefully prior to the meeting on February 25, 2002 at 10:00 A.M. Mr. Fernandez asked the Department of Finance and Administration to come to that particular meeting to go over the existing budget and it will also be the base for the framework for the 2003 budget. Mr. Fernandez told the individual departments that they will go over the budgets this week prior to that meeting. What the Commission requested was a meeting with all the departments. In terms of the revisions they have made to this year's, Administration wants to meet with the individual departments because if they're going to be looking at post changes to it, they need the recommendation from them.

Mr. Fernandez presented a letter from DFA to the Board and made it part of the public record. Mr. Fernandez said there are two fatal flaws with the analysis from DFA. One, DFA is not including any revenue coming into the County during the month of July. Two, they're estimating operations during the month of July at \$809,000.00 which would be based on this last years budget when the County had half a year when there were no reductions in expenditures. At the expenditures in July of 2001, they ran more appropriately between \$550,000.00 and \$600,000.00, so Mr. Fernandez said the information DFA has is incorrect. Mr. Fernandez said he has been working on revisions to the existing budget showing what cuts have been made, gone to the individual line items, and showing where they can make further cuts. Based on that, they would have an estimated cash balance as of June 30, 2002 of \$1,000,000.00. During the month of July, the average is usually from \$225,000.00 to \$250,000.00. Commissioner Aguilar asked if the gross receipts money from the election that just passed comes in March. Mr. Fernandez said yes. Commissioner Pando brought up the Sheriff's Deputies getting \$1.00 an hour raises. Mr. Fernandez said the Commission would have to look at the overtime costs and whether or not some of this money might be utilized to help defray some of those in excess of the 80 hours they're paying.

Commissioner Aguilar said she received a letter from the Pueblo of Isleta. Mr. Fernandez said they are requesting a meeting on concerns with the ambulance service.

The next Regular Meeting of the Valencia County Board of County Commission will be held on March 5, 2002 at 10:00 A.M. with Executive Session beginning at 9:00 A.M. in the County Commission Room at the Valencia County Courthouse.

Adjournment

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

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 19, 2002 Regular Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
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: March 19, 2002