

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

April 2, 2002

Chairman Aurelio H. Padilla called the Meeting to order at 9:00 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

Chair Aurelio H. Padilla called the meeting to order at 9:00AM. Tina Gallegos, County Clerk read the agenda for Executive session. Mr. James Fernandez informed the commission that Mr. Thomas Garde, County Attorney was gone for the week so he would not be attending this meeting. Commissioner Pando made the motion to go into Executive Session. Commissioner Aguilar seconded it. Motion carried. 4-0

Motion was made by Commissioner Aguilar to go to regular meeting. Commissioner Daves seconded it. Motion carried. 4-0.

Ms. Carol Anaya reported that during executive session the following was discussed: Resignations of Gail Fenstarmacker, Assessor’s office; Robin Ver Eecke, Keep America Beautiful; status change from part-time office clerk to full-time office clerk, with salary adjustment from \$6.00 to \$8.50 for Joe Perkins, Sheriff’s Department; retirement of Henry Jaramillo, Road Department; leave with pay for Alonzo Jaramillo, Road Department and two positions were posted for the Animal Control Officers, heavy equipment and diesel mechanic and one in-house stenographer and the re-hire for temporary position of Inez Anaya for Indigent Program. Ms. Anaya then asked the commission to ratify what was discussed. Commissioner Aguilar made the motion to receive the report. Commissioner Pando seconded it. Commissioner Daves wanted to acknowledge what a good job Ms. Ver Eecke had done and that she was going to be hard to replace. All the Commissioners wished her well. Motion carried. 4-0.

Mr. James Fernandez said that in Executive Session the Board was provided with a listing of Open Valencia County Law Enforcement & Multi-lines claims as of March 21, 2002 as well as information provided by Mr. Garde in regards to legal representation for the County Commission.

Tina Gallegos, County Clerk read the Agenda. An item under Department Request was added, requested by Mr. John Cherry, Fire Marshall, who had received notification from the State on open fire and open burning. He needed a resolution passed to that affect.

Commissioner Aguilar led the Pledge of Allegiance.

Approval of Agenda

Commissioner Pando made a motion to approve the agenda. Commissioner Aguilar seconded it. Motion carried. 4-0.

Approval of Minutes

Commissioner Aguilar made a motion to approve three sets of Minutes. Commissioner Pando seconded it. Motion carried. 4-0.

PUBLIC REQUESTS

Clara Rehner said that there were 5 electric plants that are wanting to come to our county and she wanted to know if the commission would make an effort to bring one in like the one they have in Clovis, that is wind generated, uses no water and emitted no pollution into the air. It was Xcel Energy and right now they had 600 kilowatts wind farm near Clovis since

1999. She also said that this past December, Cielo Windpower had opened a generating plant near Amarillo, Tx and it also supplied customers of Xcel Energy. She would want one in the west mesa. Mr. Herb Hughes, Public Regulation Commissioner, said it was a real economic possibility because there are grants available and a tax credit that would motivate the growth of the wind industries in New Mexico.

Commissioner Pando said he would fully support what Ms. Rehrer was advocating, but that he had not seen a request for one. The only one he knew about was the Xcel Energy but they basically had no control over. Ms. Rehrer said she had seen it in the newspaper that Campbell Farms wants an electric power plant in the west mesa of Belen. Commissioner Daves asked if she would get a copy of that publication.

Commissioner Aguilar said there was a public information meeting on Thursday from 5-8 at Tierra Del Sol and everyone was invited. This was from Peoples Energy and the information she had received was that they had already contracted, or looked into, the water rights from Rio Grande Utilities, they've optioned for the property and they had already applied for the air quality permit. She said that although they've been told that the commission has no discretion, she believed that they do and they have the responsibility that before any permits are issued they should come before the commission and update them on what is going on. No action could be taken and no motion could be made now since they were in public request but she would like some documentation or a letter to go to these people that the commission is inviting them to attend the next meeting.

Cathy Dickie a fire fighter from Tome/Adelino said she wanted to offer the commission some observation before Mr. Cherry presented his request for a resolution on open-burn ban. She said that in March they had responded to 54 alarms. That represented over 380 man-hours. For one single person it represented 91/2 weeks of work. She said these were extreme and dangerous fires. Firefighter was getting hurt, property owners and firefighters were getting burned, fire trucks were getting damaged and wrecked. Another observation that she had seen was that after all the fires, people are still burning and think that the fire closure does not apply to them and she was asking the commission to please ban all open burning, sales of fire works and to please put a hefty mandatory fine and be prepared to enforce it. She said in the case of fire works, parents should be held responsible. This would be the only way firefighters and the citizens of the county would be safe during this extreme dry fire season.

ACTION ITEMS

PLANNING & ZONING MATTERS

a) Request to Amend Zone Maps from RR2 to C2- Performance Automotive in Belen...

Jeff Hunter

Mr. Jeff Hunter was asking for approval of the changes of two properties in Los Chavez where he has operated a business for 16 years. Ms. Anna Jojola, from Planning & Zoning, said the request for a zone change from RR2 to C2 was that when they changed the zone maps it was not changed to a commercial zoning. The business had been there for 16 years and they wanted to amend the zone maps to make them into compliance with the zoning ordinance. The property next door to him had a conditional use permit on it for an auto sales lot and instead of extending the permit, do the zone change. Commissioner Baca made a motion to approve the zone change. Commissioner Aguilar seconded it. Motion carried. 4-0.

GENERAL REQUESTS

b) Submit Petitions to Remove Speed Humps in Rio Communities.....Floyd Kaler

Mr. Kaler's request to remove the speed humps was because they were a road hazard, a health hazard and they cause more problems than they cure. He said young kids are using them for skate boarding. Speed limit signs are posted and should be enforced to punish speeders rather than punish law-abiding citizen because of the few that break the law. He had a petition with 264 signatures. Commissioner Pando said he had people asking for speed humps and that this is the first time that someone wants them removed. He said he had a petition dated August 25, 2000 signed by people on Horner ST. that wanted them to begin with, now they're signing a petition saying they don't want it. Commissioner Aguilar said there was a procedure, a process and an ordinance to follow and realized that this was in Commissioner Padilla's district, but she would want this matter tabled until the attorney and the engineer had an opportunity to review and come back to them with a recommendation. This was in the form of a motion. Chair Padilla seconded it.

Mr. Miles Michaels said people were leaving the road to avoid the humps and there are people that jog and it was just another factor that has come up since. Mr. Scott Kaler said he had never seen the petition to put the humps in the first place. He had worked with the

petitions to remove them and had 264 signatures with no effort. He said it was dangerous and would ask that they look into it. Commissioner Daves asked how many speed humps and where they were. There are two speed humps on Horner St. between Damon St. and Rigg Cir. He said he would certainly look at the facts. Chair Padilla did want Mr. Kaler to know that procedures were followed when the speed humps were put in and that the commission or the road department did not take this upon themselves to do it. He agreed that there were many requests for speed humps and was surprised by this request to take them off. He reminded them that there was a motion to table. Motion carried. 4-0.

**c) Support of House Joint Resolution 81 Introduced in the 107th US Congress.....
Commissioner Aguilar**

Commissioner Aguilar said she had received two requests from Washington, DC, from the chairman of the board of county commissioners, asking for support to a resolution introduced in the 107th U.S. Congress. After reading the resolution, she said she strongly supported it and moved for approval. Commissioner Pando said somebody along the road had changed this law and it was a shame and so he fully supported this. He said it was going back to grass roots, to old ideals and morals, and so he second the motion. Commissioner Daves said he opposed this resolution. He understood that it was a deeply felt concern of many people, and one of the issues before them as a free diverse people is that we “are free and we are diverse”. A vast majority of our country are Moslem and Jewish, the two largest religions in our country, and it has always being an issue of importance that drove the reason of school prayer declared unconstitutional. Commissioner Baca said she highly supported this resolution and also thought it was a moral issue. Ms. Clara Rehrer, in going back to when she was in school said that her teacher would read a passage from the bible. She also was a teacher and she could see the difference in the kids. She said children were more respectful when they had that moment of prayer and could see no harm to their children. She said that little bit of respect that they instill in them in the morning lasts through the day. Commissioner Aguilar said she has a personal belief and it was not pushing one religion, this was a fundamental of ethics, morality and having a conscience and doing what is right. Not blaming society and being responsible for our actions. She said this was not about any religion, it was about ethics, morality and having respect for one another and that was what this resolution was to her. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted no. Commissioner Baca voted yes. Chair Padilla voted yes. Motion carried. 4-1.

**d) Request Commission attendance at Meeting.....Carol Hart
NM State Environmental Dept. Air Quality Bureau-April 8, 2002 at 3:00PM**

Ms. Carol Hart presented the commission with a packet on a concern that she had with Peoples Energy, an Illinois based energy company and the parent company for Valencia Energy, who was proposing to bring a power plant to the Rio Communities area and locate it in the Rio Communities Industrials Park, behind Solo Cup to the west and Rio Grande Estates residential lots to the east. She said that in looking at the ordinances, 703 and 703.02, power manufacturing plants are not listed as a permitted use. Also, 1102.02-D talks about any usage not impairing or preventing the use of surrounding properties for the permitted uses listed in the underlying zoning district. Unfortunately there was heavy industrial next to residential that has been plotted for a long time and it was difficult to stay in compliance with both usages when you are next door to each other. There were protective covenants that were put into place by Horizon and Ms. Hart read it. She wanted to invite the commission to an open house that Peoples Energy was having on April 4th at the Country Club at the Rio Communities. The Air Quality Bureau had been applied to by Peoples Energy for an air quality permit and they have called a town meeting at Belen City Hall on April 8th. She wanted the commission to really understand that once these power plants come to our area, they were committed for many years to have them here. One of the biggest concerns was water and they had gone to Rio Grande Utilities and have applied for water usage there and to her understanding there was not a contract signed, but there was a written agreement from Bob Davies that he has committed up to but not more than 100 acre ft. a year to the power plant and it is to come out of the well that is on the industrial site in the industrial complex. Mr. Larry Alba, who owns lots there and is concerned has been talking to Rio Grande Utilities and asking about water supply. He was informed that well would not allow that kind of usage and it would not be very long before it will be dry. At that point they must run a pipeline to the water source, Well No. 2, for Rio Communities and then they will be taking their drinking water. She said, “To have all of these power plants wanting to come here, take our water, pollute our air and export the power, is not okay.” She said there was a massive amount of solar and wind here, so why not encourage those kinds of clean energy to come here.

Commissioner Pando said that they had passed an ordinance about one year ago and that there was an old ordinance and he thought that was the one they were going on and they were claiming being grandfathered in. Ms. Hart said she had asked for the latest one. Commissioner Aguilar said the old zoning ordinance had been repealed and was on the new ordinance when it was adapted. She said that the questions that were being asked deserved answers and she moved that this commission request that Peoples Energy come before the commission to answer the questions, not only on water but also update them on what they wanted to do and allow the public to ask questions. And that the county not allow it to go forward with any permits or approvals from administration until this was done. This was in the form of a motion made by Commissioner Aguilar. Commissioner Daves said he supported a public meeting on the basis that it was an informative question and answers, but he did not support this printing on authority to require permitting unless its legally in the package. The motion was made to put Peoples Energy on the agenda by Commissioner Aguilar. Commissioner Pando seconded it. Motion carried. 4-0.

DEPARTMENT REQUESTS/REPORTS:

**e) Acceptance of Report & Proclamation-Tierra Bonita.....Robin Ver Eecke
Quarterly Report November 2001-January 2002**

Proclamation to Begin Great American Cleanup in Valencia County

Ms. Ver Eecke had a quarterly report of Tierra Bonita which she said they had finally received their grant from State of New Mexico in November. They generally receive it in July, but because there had been issues with the funding source at the state level and the grant had been extended through October, they wouldn't lose any money on it. She also had a Proclamation for the commission to sign.

Commissioner Daves said that Ms. Ver Eecke had submitted her resignation and how much they appreciated her work and she was going to be missed. He thanked her and moved to approve the Proclamation. Commissioner Pando seconded it and he also thanked her for her hard work. Commissioner Aguilar comments were that Robin was one who went out of her way for others. Chair Padilla and Commissioner Baca also thanked her for a great job. Motion carried. 4-0.

Valencia County Board of Commissioners Convenes as Indigent Board

Commissioner Daves made a motion to convene as indigent board. Commissioner Aguilar seconded it. Motion carried. 4-0.

f) Indigent Appeals & Report.....Barbara Baker

Ms. Baker asked the commission to reconsider the denial to Ms. Minerva Sanchez that had been denied because she did have Medicare, which paid a portion of her bill. Commissioner Pando made a motion to accept Barbara Baker's recommendation. Commissioner Aguilar seconded it. Motion carried. 4-0.

The next appeal was for Ms. Martha Thomas who was in the same predicament. Ms. Baker recommended that it be approved. Commissioner Aguilar made a motion to accept Ms. Baker's recommendation. Commissioner Pando seconded it. Motion carried. 4-0.

Ms. Baker then presentated her Indigent report from February 19, 2002 to March 20, 2002. The total amount of claims submitted was \$180,350.24. She asked the commission to approve \$38,884.49 and to deny \$141,465.75. Commissioner Baca moved to accept Ms. Bakers report. Commissioner Aguilar seconded it. Motion carried. 4-0.

Commissioner Aguilar made a motion to return to re-convene to regular meeting. Commissioner Pando seconded it. Motion carried. 4-0.

Establish a Ban on Open Burning.....John Cherry

Mr. Cherry thanked the commission for allowing him on the agenda. He said they needed to force an emergency that he felt was extreme because of weather conditions. He asked the commission to place a ban on all types of burning. He said the State Environmental Department had issued a ban from all-public and private lands as in affect the day before and he wanted Valencia County to enforce it with a Resolution. He gave the commission a report on how much the calls and the loss in the county had increased and how much it said for the volunteers and their endeavors to try to protect everything. He requested that the enforcement of this ban would be taken place both by his office; the sheriffs department and they have been assigned a law enforcement agent from the State Forestry that works with his area. Commissioner Daves wanted to know who the environmental department issued permits to. Mr. Cherry said private citizens and it was for whatever they wanted to burn. Mr. Cherry said that has since been changed. Now they required the citizens to call the fire control, give them their name, address and when they are going to burn, because of the size of the county it would take two or three more personnel to issue

permits, so they don't issue them anymore, as long as they are notified. He said with this resolution, it bans fires altogether. He said City of Belen, Los Lunas and Bosque Farms were going with them.

Commissioner Daves pointed out that the word "resented" was a typing error and he moved to change it to "rescinded", the word intended. Commissioner Aguilar made a motion to accept Resolution 2202-17 with the correction. Commissioner Pando seconded the motion and he asked how much the fine would be. Mr. Cherry said the minimum would be \$300.00 and 90 days in jail. Commissioner Pando also asked if the State Police could enforce this ordinance. Mr. Cherry said they could enforce all ordinances. Commissioner Aguilar asked if citizens burning in their yards were subject to the fine or would there be a first warning. Mr. Cherry said it was discretionary. His office keeps track on if they have already been warned and the second time they are cited.

Commissioner Aguilar asked if he would be coming back to the commission when it came time for fireworks to which Mr. Cherry replied that his office had already sent out letters to the bigger vendors that there could possibly be a ban placed on fireworks. This is advance notice to them. Commissioner Baca wanted to know if this would include all fireworks. State statute says they need to take action 20 days prior to the 4th of July. Municipalities are not bound to that. Motion to approve resolution carried. 4-0.

g) Request Permission to Publish New Animal Control Ordinance.....Linda Cisneros

Ms. Cisneros had a request to publish a new animal control ordinance which she had sent copies to the commission. In trying to amend the existing ordinance, in which the revisions were extensive, she felt it was better to go with a whole new one.

For that reason the committee should review it first, before it goes out to publish, this matter was table. Commissioner Aguilar made a motion to table. Commissioner Pando seconded it. Motion carried. 4-0.

h) Approval of Impounding of Animals Service Agreement with Pueblo of Isleta & Valencia County.....Linda Cisneros

This was an agreement that was sent to Isleta Pueblo for impoundment of animals and setting fees and which the governor had signed and returned. Commissioner Pando asked if they had paid what they owed and Ms. Cisneros said we had not received a check yet, but that they would be paying it. Commissioner Pando also asked Mr. Fernandez if this was the same agreement as all the others that had been sent to them. Mr. Fernandez said it was. Commissioner Aguilar had a concern in that we send our employees to pick up animals from private properties and asked if they were putting the employees in danger and the county in a liable position as far as going into someone's private yard. Isleta should have some responsibilities in restraining the animals and then we pick them up. Ms. Cisneros said that was the way it was done but was not aware if they had animal control officers of their own. Which led to another question Commissioner Aguilar had. If we were doing that service, should there not be another fee as part of that service. Ms. Cisneros said that when she did the numbers on the fees on various jurisdictions based on one year, Isleta was underpaying for the amount of animals that we were housing for them, so the extra that we were asking for now would cover some of that service that we are providing for them. Commissioner Pando asked Mr. Fernandez if the \$8,250.00 that Isleta owed had been paid. Mr. Fernandez said they had not received payment, but he was now dealing with the Lt. Governor and he was being more helpful. Commissioner Daves made a motion to approve the agreement. Commissioner Pando seconded it. Motion carried. 4-0.

i) Request Approval of In State Travel to Ruidoso-NM Assoc. of Assessing Officers...

Beverly Gonzales

Ms. Gonzales was requesting approval to attend the New Mexico Association of Assessing Officers spring conference in Ruidoso from April 15th thru April 17th. The money for this would come out of re-appraisal fund. Commissioner Pando made a motion to accept. Commissioner Baca seconded it. Commissioner Daves had concerns because of the budget crisis that everyone was aware of. He asked if this was important to the Assessor. Ms. Gonzales said it was. Motion carried. 4-0.

COUNTY ROAD MATTERS:

J) Approval of Road Mileage Certification Turned into the State/Projects for 2002-2003.....Helen Cole

Ms. Cole was asking for approval on the road mileage certification for the State of New Mexico. The total mileage turned in for 2002 was 1,193,540. She said the commission districts had changed because of the re-districting and Mr. Richard Chavez would be

presenting the commissioners a map at a different meeting. Commissioner Aguilar made a motion to approve. Commissioner Pando seconded it. Motion carried. 4-0.

FINANCIAL/BUSINESS MATTERS:

k) Approval of Resolution Requesting Budget Increase & Intra-Budgetary Transfer for LLEBG.....Monica Mireles

This request was for the local law enforcement block grant program. The county had received an additional \$4,791.00 from this grant and that was why she was requesting this increase. There was also an expense made from Capital Outlay item and was requesting the transfer from other line items to complete the purchase. The new grant amount with the additional revenue was \$47,909.00 and the Sheriff's department had received 9 in-car cameras with radars with the grant money. Commissioner Aguilar made a motion to approve the resolution. Commissioner Baca seconded it. Motion carried. 4-0.

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

Mr. Fernandez presented the commission with a computer printout that listed warrant #67979 in the amount of \$4,802.83. This was a settlement on R2H and Associates claim. Commissioner Pando made the motion to approve the warrant. Commissioner Baca seconded it. Motion carried. 4-0.

The next listing was a computer printout listing checks covering payroll processed on 3-22-02, warrant #67947 thru #67978 and payroll #51452 thru #51529 in the amount of \$166,200.87. Of this amount \$105,111.56 was from the general fund. Commissioner Baca made a motion to approve payroll. Commissioner Pando seconded it. Motion carried. 4-0.

The next computer printout listed all the checks issued on 3-28-02 covering vendor bills processed on this date. Warrant #67980 thru warrant #68039. Total amount was \$421,326.12. Of this total \$398,599.25 was from the general fund. Commissioner Pando had a question on check #68028 in the amount of \$6,027.50 made out to Nims, Calvani & Associates and wanted to know if this was still part of the ongoing service with the jail. Mr. Fernandez said it was still part of this and they were working on it to resolve these final issues. Commissioner Pando made a motion to approve warrants. Commissioner Baca seconded it. Commissioner Aguilar wanted to make sure that in approving that there are no line items that are being depleted and all line items are sufficient. Mr. Fernandez said that now that they are approved budget, revised budget, there are no items that are depleted. Motion carried. 4-0.

**m) Request to Go Out to Bid.....James Fernandez
Gasoline Supply for Valencia County**

Mr. Fernandez had hoped to have for the commission a copy of the request to go out to bid that the Conservancy District utilized, but he would base the bid on that item and asked the board to allow them to proceed with the necessary publication for the going out to bid on the gasoline purchase.

The next item was that the board request that they go out to bid for legal services. This was a two tier bid, one being an alternative for In-House Attorney and the other a Contractual Service hourly attorney and the bid would allow for individuals to bid on one or the other or both and these would be brought to the commission to see which would be cost effective. Commissioner Aguilar wanted to know that they were under no obligation when they got the information, than to act. Mr. Fernandez said that was correct. The notice that goes out to the individuals on the cover letter, Request for Sealed Proposal, the last item indicates that Valencia County reserves the right to reject any or all proposals, to waive technicalities and to accept the proposal that the County of Valencia deems to be in the interest of the County. So all of the bids could be rejected if they so choose. Commissioner Pando made a motion to give permission to go out to bid. Commissioner Baca seconded it. Motion carried. 4-0.

MANAGER'S REPORT:

n) Jail Monitor's Report.....James Fernandez

Mr. Fernandez's report was for the month of March 15, 2002 thru March 28, 2002 and the average population was 138. Of that, 121 were male and 16 were female. The adult detention facility as of this morning had an inmate count of 155. Also attached Cornell issued a memorandum in regards to an individual that had to be transported to the hospital and they were giving notice. Commissioner Pando said that in the proposals to raise the price for Belen, Los Lunas, he noticed that Mr. Fernandez had averaged at 118 beds. Mr. Fernandez said that in providing information to municipalities they needed the best that they had for the last year and that's what they put forward to them and they carried it all the way to the end of March. Commissioner Daves noticed that he had an estimate in the CPI

increase and in reading the contract, it said that the increase based in the payments to Cornell, would be based upon the most recently published CPI and as he had mentioned before, through his mortgage company, there was some adjustment to his escrow account based upon CPI at 1.9 and so he was offering that, as he believes, and assuming that's an accurate number, that the CPI adjustment should be 1.9% and that would be for the year 2001. Mr. Fernandez said that when Commissioner had brought it to their attention, he had verified, and the 2.9 that is quoted is the actual average. Commissioner Aguilar said she would like to know that when they give them a total population, could it be broken down to let her know which is municipality, state or out of county prisoners? Mr. Fernandez said that would be very easy to do.

Joint Powers Agreement-San Juan County/Temporary Housing of Prisoners

This was an item that had been tabled at the last meeting in regards to a service agreement with San Juan County for 5 inmates that were going to be housed at the adult detention facility and there some concerns that the commission had prior to going to that agreement. Mr. Fernandez said he had gotten clarification from Cornell as well as from San Juan County as to the concerns that the board had and they were attached to the agreement. Commissioner Pando made a motion to approve the agreement with San Juan County. Commissioner Daves seconded it. Mr. Fernandez said the commission had allowed him to sign on behalf of them, but he asked them to sign as the commission. Motion carried. 4-0.

The next item Mr. Fernandez reported to the commission was a list of the Hospital Committee Appointees that had been received by his office both by the homeowners association and names that the commission had provided to them. It was been provided to the commission as information and asked if they wished him to proceed and to schedule a hospital committee meeting, to let him know when. Commissioner Pando said any day was fine with him and he would be happy to attend the first day and then let them do whatever needs to be done. Commissioner Daves wanted the name Dr. William Harvey to be corrected to read Dr. William Harvey.

Mr. Fernandez said that on March 27th, Maryann Gonzales had invited him to a conference with the area agency on aging in regards to the Older American Program. At that conference they indicated that they are requesting that the Older American Program submit their budget to the state by April 15th and Maryann was asking as to whether or not the county was going to commit to the same level of funding that they had in the past and he came before the board for some direction and how they wished him to handle this. Maryann was requesting a letter as to the funding level for the coming year. During the last fiscal year the county had budgeted \$100,000.00 for the Older American Program. Commissioner Pando said he would support this funding for the senior citizens. Commissioner Daves recalled that at the budget workshop, Mr. Fernandez's projection had been base on zero funding for senior citizens. Mr. Fernandez said that was not correct. They were based on the same level. Commissioner Daves said he would support it also. Commissioner Aguilar said this was very important, however, they were not looking at the entire budget for next year and they were saying same level of funding, yet, was it the same level for everything else as far as employees and what they have said no to. Chair Padilla wanted to know if they were following the same level on the revised budget. Mr. Fernandez said they were in the process of formulating the budget for 2002-2003 and the revised budget was a basis for that with modifications, but they were not looking at increases or additional items to any department.

Commissioner Pando believed that this had come about from rumors that the commission was cutting senior funding and they needed to reassure them because it was a very important program. Commissioner Aguilar agreed that it was important and was not questioning it, but what she was saying was that if they were going to do this, it be in the form of a resolution so that its of record and DFA knows that it will take place because they've revised the budget but they haven't approved 2002-2203. What was approved was getting them through the year and anticipation for next year. Today what was been asked of them was approval of 2002-2003 without granting everyone else the opportunity to express their needs. Mr. Fernandez said that was true, but the Older American Program area agency on aging, he believed, was the only department that required this much advance notice. Chair Padilla asked for what purpose did they need it this early, and was it a state requirement. Mr. Fernandez said it was a requirement with the agency that she deal with. Commissioner Daves said he did not expect to see facts to cause him to change his view that \$100,000.00 would be an appropriate amount, plus what they would be asked to do is an expression of intent and it isn't legally binding. He supported giving Mr. Fernandez the authority to write the letter. Commissioner Pando seconded it. Commissioner Aguilar reminded them that there was a shortage of about \$20,000.00 on the Older American this year and the state did provide that so she wanted it all on the table

and see what financial impact it has. Commissioner Pando voted yes. Commissioner Aguilar voted no. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-1.

The next item Mr. Fernandez had was asking for direction because as they were aware, they were under compliance order for the old landfill as well as the transfer station. One of the requirements under the order is to deal with trash that is buried or burned at the site. He had gone out and asked for a proposal from Terracon, which does environmental assessments and what this proposal is setting forth is to provide technical documentation that they would need to submit to the environmental department showing where the county tested for removal of trash and if there was any contamination and this was for review. Commissioner Pando asked how much this would cost. Mr. Fernandez said the proposal submitted was \$9,146 and that would be for the documentation that needs submitted to the state. Any equipment used would be the county's. Commissioner Aguilar wanted to know how this was been paid for. Mr. Fernandez said it was from money set aside from the monitoring, which Commissioner Aguilar asked if they were still doing the monitoring and in continuing it would it, would it deplete the line item. Mr. Fernandez said they did not anticipate that it would and they would be requesting on going out to bid for the monitoring, rather than going through a second party and the contract will be at a cost savings. Commissioner Daves assumed that there was a schedule and what kind of a schedule was it. Mr. Fernandez said they had until November 18th. They had received an extension to deal with the last remaining items. Commissioner Daves asked Mr. Fernandez if there were other companies that might bid for this and was there time to get a second or third proposal. Mr. Fernandez said they could utilize their engineer of record and that would be Molzen & Corbin, but he understood the board was looking at somebody with more specific requirements and specific knowledge in environmental and that is why they had gone to this company. Commissioner Daves asked which board? Mr. Fernandez said "this board". Commissioner Daves said he hadn't known they wanted to do that and he would want to save money if it could be done and it seemed like there was time to get more proposal if time was not of the essence. Commissioner Aguilar said there were reports that need to be submitted and ED is waiting for some action from them to show good faith that they are pursuing and complying with the order. The reason they did not want to use Molzen & Corbin was because they were more the water, but someone that really knew what to do because the commission did not know the extent on how to address this. Chair Padilla asked if this would be brought up at the next meeting. He said the office had received it in the morning and recommended to proceed. Commissioner Aguilar made a motion to approve. Commissioner Baca seconded it. Commissioner Pando had thought that the road department with a backhoe and was having a problem understanding what these people were doing for this amount of money, other than sitting there and looking at dirt and getting a sample. Mr. Fernandez said that in order to keep the cost down and having these people contract out to do the "dirting", our people would be doing that in conjunction with them. In accordance with the plan, it could be verifiable or submitted to the environmental department and does show that the county is serious in their relevation in correcting the problem that exists at the site.

The motion had been made. Motion carried. 4-0.

The next item Mr. Fernandez had was on correcting a tax issue with Valley Improvement Association that goes back a number of years with properties that had been billed in bulk and had to be broken out individually. This properties have changed hands many times and the Treasurers office has been working with VIA to correct this problem. VIA agrees with the corrections, so they are paying the taxes that are due prior to June 30th, and they are paying 3 years of taxes, which is about \$500,000.00. Of that, the county would generate about \$250,000.00. Mr. Davey said that with some work being done by their office and the county treasurer's office they expected to have as much as another \$350,000.00 sometime in the first quarter of the next fiscal year. In working with the treasurers office they had been able to clear errors. In addition to correcting errors, they had been able to set up a system such as sharing of information and so they were able to identify 3,000 parcels that were not in the county records and the treasurers office is working on it and will generate other bills. This is an indication of what they could do if their offices would work together on solving and staying on top of this problem.

The next Regular Meeting of the Valencia County Board of County Commission will be held on April 16, 2002 at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Aguilar made a motion to adjourn. Commissioner Pando seconded it. Motion carried. 4-0.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, April 2nd 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: May 7, 2002