

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

July 16, 2002

Chairman Aurelio H. Padilla called the Meeting to order 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	

Chairman Padilla called the meeting to order at 5:05 PM. Tina Gallegos, County Clerk read the agenda for the executive session.

Executive Session

Commissioner Pando made a motion to enter into executive session. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Commissioner Pando made a motion to enter into the Regular Meeting. Seconded by Commissioner Aguilar. Motion carried. 4-0.

Carol Anaya reported during executive session the following was discussed. The resignation of Eleanor Montoya from the Older American Program and the dismissal of Diego Luna from the Animal Control Center and the County will have to pay contributions for two County employees for retirement purposes through PERA for Dennis Storey in the amount of \$2,969.42 and for Laurie Thomas in the amount of \$11,261.49 and this needs to be paid within 30 days of notification of this letter which was received July 11, 2002 in the Manager's Office. Ms. Anaya reported also discussed during executive session Mr. Fernandez was given authorization by a majority of the Board of County Commissioners to reconstruct the Fiscal Office by consolidating it with the Manager's Office within the existing budget.

Tom Garde reported during executive session discussion on the status of Ber Ben lawsuit which is set for October 3, 2002 and the existing lawsuit between the Burris estate and Harvey Yates and the decision of garnishment of Jorge Trujillo, county employee lawsuit which involves a judgment against the County and the receipt of the EID administrative order the extension is set to expire August 8, 2002 to resolve that issue.

Mr. Fernandez reported during executive session direction was given to administration on how to deal with the denial of the reimbursement of the legal fees for one of the Board members, Commissioner Aguilar by the Association of Counties and that will be brought before the Board at the next meeting.

Commissioner Aguilar stated for the record to indicate the restructure of the Commission Office it was stated authorization by a majority of the Board but she was not one of the Commission majority for this restructure.

Commissioner Pando made a motion to accept these reports as to what was discussed in executive session. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Chairman Padilla asked Commissioner Pando to lead the Pledge of Allegiance.

Approval of Agenda

Tina Gallegos read the agenda for the Regular Meeting. Commissioner Pando stated he would like to add an item to the agenda under Department Request/Reports with Commission approval. Discussion. Commissioner Pando made a motion to approve the agenda as amended. Commissioner Daves said he would second the motion for approval but would like to ask what Commissioner Pando is adding. Commissioner Pando said the item is Resignation To The Work Force Investment Board. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Approval of Minutes

Approval of Minutes for June 3, 2002 – Special Meeting, June 7, 2002, Canvass 2002 Primary Election and June 7, 2002 –Comprehensive Plan – Commissioner Pando made a motion to approve the above meetings. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar addressed the June 3, 2002 Special Meeting with minor corrections. Commissioner Pando made a motion to approve the above meetings with minor corrections. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Public Requests

Commissioner Aguilar stated she needed to address the Commission for the record. Commissioner Aguilar said she would like to submit information to the Clerk's Office and to her recollection the County Manager already has this information. She received an e-mail from Shari Gold and she had comments on Animal Control and also received a letter from Marci Britton. Commissioner Aguilar read the letter from Marci Britton. In summary the letter stated Animal Control Director, Linda Cisneros refuses to investigate cruelty and neglect, specifically hoarders and puppy mills. She said she gives hoarders and puppy mills kennel permits that they don't deserve because she is trying to change the County ordinance to say that kennel permits allow search and seizure without permission. She was obviously too terrified to properly conduct an investigation and said as much. Cisneros has told her officers not to pick up animals so that the euthanasia numbers will go down. Mr. Fernandez said he had not received these letters to his recollection. Commissioner Aguilar stated this letter came from the Manager's Office stamped and dated.

Action Items

General Request

Request to Dissolve Existing Valencia County Animal Control Advisory Board and Appointment New Board – Terrence H. Toomey

Mr. Toomey presented to the Commission the minutes of the June 20, 2002 Advisory Board Meeting and stated the Advisory Board has been unable to present to the Valencia County Commissioners with a clear and adaptable draft of a new Animal Control Ordinance. The reason for this failure is clear. The Advisory Board does not represent the cultural diversity and the broad range of animal owners within Valencia County. Mr. Toomey said the current Advisory Board does not represent the animal owners of Valencia County, has not heard testimony from or considered the views of Valencia County animal owners, and only represents the views of the Animal Control Director. Mr. Toomey said to the Commission the solution would be to dissolve the existing Valencia County Animal Control Advisory Board and appoint a new Valencia County Animal Control Advisory Board that truly represents the interests of the animal owners of Valencia County.

Judy Hummel said the Advisory Board needs to consist of members that are dog breeders and to be residents of the County or haven't lived in the County long enough to know the problems that exist.

Lorell Campbell stated to the Commission there needs to be more representation on the Advisory Board. Ms. Campbell said she is willing put in an application for Board member to the Advisory Board. Ms. Campbell discussed with the Commission the Advisory Board meetings she had attended.

Judy Babcock, Chairman of the Advisory Board stated the way she got on the Board was by submitting an application with the Manager's Office and was selected to the Board. Ms. Babcock gave input because she is the chairman and with the new ordinance so controversial it is tough to do your job. For one thing it has been said she is against pure bred breeding and she is not she says that is quality breeding and that is what saves the breeds, they have to select the best of the best. Ms. Babcock feels they have good representation on the board and they are working hard and making good decisions for the good of the animal owners.

Mark Rosenbloom said his animals are in compliance because when he moved here he made sure to abide by the animal control ordinance. Mr. Rosenbloom said he feels like he is being picked on because so many animal owners are not in compliance with the laws.

Commissioner Pando asked when was this advisory board committee formed? Linda Cisneros said it was formed in the early part of the year in 2001. There were applications that the County Manager's Office took in and the Commissioners are the ones that chose the board members.

Commissioner Aguilar commented she keeps repeating herself but five years ago when the current ordinance was revised she thought it was a good ordinance. Commissioner Aguilar said it may need some strengthening and some changes but doesn't agree that we need a new one just revise the current one.

Commissioner Daves commented on the fact he didn't feel that the animal director should be part of the advisory board but act as an ex-officio of the board.

Commissioner Pando said he feels that Ms. Cisneros is doing the best she can but we need to just expand the advisory board but not to dissolve it. Commissioner Pando made a motion to retain the current board as is but encourage more participation. Seconded by Commissioner Daves. Discussion. Mr. Toomey had a comment that the members on the advisory board attend the meetings but still feels that the board should be dissolved. Commissioner Pando voted yes.

Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Ms. Cisneros stated that the advisory board meetings that have been held there has been participation by most of the board members. Ms. Cisneros said one of the board members has asked to be removed and the other board member has had difficulty taking off work to attend the advisory board meeting during the day. Ms. Cisneros said there would be evening meetings to make participation a little better.

Department Request/Reports

Request Approval and Signature – Monica Mireles

Two Separate Grant Agreements with Department of Finance and Administration for 2002 Legislative Appropriations

Grant Agreement with New Mexico State Highway Department

Ms. Mireles requested signatures on grant agreements with Department of Finance and Administration and NM State Highway Department. Appropriations received from the 2002 Legislative Session for \$25,000 to purchase buses for the Head Start program in Valencia County. These monies do need to be expended by June 30, 2003. The agreement between NM State Highway Department and Valencia County for the amount of \$18,810.00 to pave Rio Del Oro road from the Manzano expressway to Bonita Vista Boulevard and the other agreement is for \$25,000.00 to construct road drainage improvements to county roads in Valencia County. These agreements shall terminate on June 30, 2007. Commissioner Pando made a motion for approval of signatures for these agreements. Seconded by Commissioner Aguilar. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves not present for this vote. Commissioner Baca voted yes. Motion carried. 3-0.

Request Approval of In State Travel – Tina Gallegos

Clerk's Summer Conference in Ruidoso, NM

Ms. Gallegos requested Commission approval to attend Clerk's Summer Conference in Ruidoso, New Mexico on August 12th - 16, with the first two days set aside for voting machine technician training and the latter part of the week the Clerk's affiliate meeting. Ms. Gallegos will be taking her Chief Deputy, Sally Perea and two technicians from Bureau of Elections. Ms. Gallegos said she will take the County vehicle and will need two rooms for four nights. Mr. Fernandez asked Ms. Gallegos are you asking for actual expenses or and per diem? Mr. Fernandez stated per diem is \$65.00 per day. Ms. Gallegos said she was asking for actual expenses. Commissioner Aguilar made a motion for approval for this request. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Commissioner Pando said he has been the CEO for the Work Force Investment Board and he is tendering his resignation effective immediately. Commissioner Pando said there is a conference coming up July 24th and July 25th and he feels someone needs to attend; maybe the Chairman can attend or appoint someone who can.

Financial/Business Matters

Approval of Payroll and Warrants – James Fernandez

Mr. Fernandez presented Treasurer's Financial Report as of Monday, July 15, 2002 General Fund cash balance in the amount of \$1,129,206.15. Mr. Fernandez presented computer printout of all checks issued by the Fiscal Office on 07-12-2002 covering payroll processed on the above date. Warrant #69155 thru Warrant #69187 inclusive. Payroll #52873 thru payroll #53050 inclusive. Listing total \$167,330.92 and of that \$104,989.36 is from the General Fund. Commissioner Pando made a motion for approval. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Mr. Fernandez presented computer printout of all checks issued by the Fiscal Office on July 14, 2002 covering vendor bills processed on the above date. Warrant #69188 thru Warrant #69255 inclusive. Listing total \$750,342.05 and of that amount \$270,937.52 is from the General Fund. Commissioner Pando made a motion for approval. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted no because she has not had an opportunity to review. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Manager's Report – James Fernandez

Jail Monitor's Report - Informational

Mr. Fernandez reported for the period of June 29, 2002 to July 12, 2002 average population prisoner count was 126 and of that count 109 were males and 18 were females. Mr. Fernandez also reported he had met with senior warden, Lawrence Barreras with an update on the electronic monitoring. Mr. Fernandez stated that Mr. Barreras has hired an individual who will be heading the monitoring for the facility.

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 6, 2002 at 9:00 AM Executive Session and 10:00 AM Regular Session in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Pando made a motion to adjourn. Seconded by Commissioner Aguilar. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0. Time being 7:25 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, 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/
GARY DAVES, VICE-CHAIRMAN**

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

**ss/
ALICIA AGUILAR, MEMBER**

**ss/
HELEN BACA, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: September 3, 2002