

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

September 3, 2002

Chairman Aurelio H. Padilla called the Meeting to order at 9:10 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	

Chairman Aurelio H. Padilla called the Meeting to order at 9:10 A.M. Tina Gallegos, County Clerk read the agenda for the executive session.

Commissioner Aguilar asked to bring up three issues before entering into executive session. Commissioner Aguilar said she had received a subpoena to appear in Michael Griego's Office and when she received this subpoena she did forward it to the County Manager's Office. Also, Commissioner Aguilar stated the day before she did get a call from Michael Griego's office stating she did not have to appear because the County had filed a motion to vacate on her behalf. Commissioner Aguilar said she has not heard of what direction she needs to go and has not heard from the County at all. Commissioner Aguilar said this put her in an awkward position because she did not get direction on how to proceed with this. Commissioner Pando said he also received a subpoena for that same trial. Commissioner Pando said he heard from Michael McCartney and told him it had been vacated. Commissioner Pando said he called Michael Griego and apparently the County or Henry Narvaez objected to the Commission being subpoenaed. Mr. Fernandez said Commissioner Aguilar did give the Manager's office a copy of her subpoena that we did forward to Mr. Narvaez and as far as the Manager's Office knew the hearing was going to continue. Mr. Fernandez said he didn't know until the day after. Mr. Fernandez said Mr. Narvaez does represent the County on this issue. Commissioner Aguilar said she didn't know he represented the Board and will Mr. Narvaez get in contact with them to know how to proceed? Mr. Fernandez said we will make sure you are notified at the next hearing. Commissioner Aguilar said she understood Commissioner Baca also received a subpoena. Commissioner Aguilar said she had received a call from Arnold Chavez who is the District Attorney from Farmington who is assigned to the grand jury investigation for the financial crisis on that petition and she has been asked to speak with him or meet with him on September 9, 2002. Commissioner Aguilar asked how does she proceed with this? Mr. Fernandez said he understood the District Attorney from Silver City and to his knowledge there has been a meeting scheduled with Mr. Garde, Commissioner Aguilar, Patricia Peralta and himself. Commissioner Aguilar asked do we have representation with Mr. Garde or do we just show up? Mr. Fernandez said he would contact Mr. Garde and inform them of what to do. Mr. Fernandez said Mr. Garde could not be present here today because of hearings but he will get back to the Commission with the information. Commissioner Aguilar said she had received three calls over the weekend and one of them kept her on the phone for two hours and they were from Commissioner Padilla's District. All three were very upset because of a statement in the News Bulletin made by Chairman Padilla indicating a decision had already been made on the Power Plant and what she told the three individuals that the matter had not come before them and she has not reviewed the facts and she will let Chairman Padilla know he does not speak for her. Commissioner Aguilar said she will wait for the meeting and at that time make her decision. Chairman Padilla said they follow the Planning and Zoning decisions and what they recommend is usually how the Commission goes on these issues. Commissioner Padilla said he does know he does not speak for Commissioner Aguilar and when the time comes they will all have a vote and say on this particular issue. Commissioner Pando said he received the same type of calls and it looked like Commissioner Padilla had already approved this and their hands were tied. Commissioner Pando said in the future he would appreciate it if Commissioner Padilla would be more discreet.

Executive Session

Commissioner Pando made a motion to enter into executive session. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Motion carried. 3-0. Chairman Padilla said Commissioner Baca was running late.

Carol Anaya reported during executive session the following was discussed. Gabriel Salas from County Clerk's Bureau of Elections to Recording/Filing with a salary adjustment from \$7.00 to \$8.99 an hour, Certification for Public Safety for Shawn Quintana and Martin Duran from the Sheriff's Department with status change from probationary to non-probationary with their certification, sick

leave with pay for Gloria Reyes from the Older American Program, Commissioners were informed that positions posted were for Planning and Zoning officers, a CDL Truck Driver for the Conejo Transfer Station, Part-Time Tierra Bonita Coordinator and Deputy Clerk for the Clerk's Office.

Mr. Fernandez reported in terms of litigation Mr. Garde was not present for closed session and not present for this meeting so there was no discussion on litigation.

Commissioner Pando made a motion to accept these reports as to what was discussed in executive session. Seconded by Commissioner Aguilar. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Motion carried. 3-0.

Commissioner Baca walked in at 10:15 AM.

Chairman Padilla called the meeting back to order. Commissioner Pando made a motion to enter into Regular Session. Seconded by Commissioner Aguilar. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Chairman Padilla asked Carol Anaya to lead the Pledge of Allegiance.

Approval of Agenda

James Fernandez, County Manager read the agenda. Commissioner Aguilar request under Item L Manager's Report – Jail Monitor's Report – Informational she wanted to discuss a matter about the jail. Commissioner Daves on Item B – Request Approval of Valencia County Comprehensive Plan would like this item be deferred until the next meeting because he has spent time on comments concerning this item and does not have his amendments available at this meeting Commissioner Daves asked this Item B be deleted from this agenda and placed on next meeting's agenda. Commissioner Pando does not support this deletion and stated they have had workshops and meetings to cover this Comprehensive Plan to do review and attendance was poor, the first workshop there were two and the second and third workshops there were no more than four in attendance. Commissioner Pando said he couldn't support this deletion because there has been ample time to take action on this plan. Chairman Padilla called for motion to approve this agenda. Commissioner Pando said if there are no more changes he will make a motion to approve the agenda. Mr. Fernandez said under Item A he will present this item on behalf of Tom Garde and Item J will also present this item on behalf of John Cherry. 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.

Approval of Minutes

Revised June 26, 2002 – Special Meeting Preliminary 2002/2003 Fiscal Year Budget
Regular Meeting - July 16, 2002

Commissioner Pando made a motion to approve the Revised June 26, 2002 Special Meeting and the July 16, 2002. 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.

Public Requests

Simone Sala from Tome upset about the guns in the area due to hunting season and said there are places for hunting but not in this residential area. We have signs posted no hunting around Tome hill and they are in the fields and this is a definite problem. Commissioner Aguilar said to contact the Sheriff's Office. Juan Julian said we do the best we can with the amount of officers we have and Game and Fish has one officer and it is a problem with bird hunters. Mr. Julian said most of them are from out of the County. Mr. Julian said the County needs to think of an Ordinance preventing hunting in the residential area because Valencia County has grown so much.

ACTION ITEMS:

GENERAL REQUESTS:

Request to Publish Amendment to Solid Waste Ordinance – James Fernandez

Section 4.1.3 C – Extend Solid Waste Permits

Mr. Fernandez read the Section of the Solid Waste Ordinance to the Commission. The amendment reads permits for residential and commercial haulers in existence prior to September 30, 2002 shall be extended indefinitely for a period not to exceed six months with existing solid waste contracts between the County and residential and commercial haulers also being extended indefinitely by addendum for a period not to exceed six months or until Section 4.1.3 is amended, whichever is sooner. Mr. Fernandez said at the last meeting Mr. Garde was proposing changes to the Solid Waste Ordinance and the Board did request that you look at only extending the existing Ordinance until such time that the proposed amendments are brought forward. Commissioner Daves said he would like to hear from Marlene from Waste Management in the audience about her thoughts on the solid waste ordinance. Commissioner Aguilar commented that this is what is on the agenda and there was a question on the CPI and one of the haulers hadn't been paying the fees and yet we were granting the CPI? Mr. Fernandez said any of the violations were referred to Mr. Garde and they were sent notice to these individuals and have not heard back on this issue. Commissioner Aguilar said please get back to the Board on this. Commissioner Aguilar said another thing she had noticed that one of the haulers was in disagreement that the Ordinance was not being enforced on everyone so that the fees that he was paying he was escrowing, is that still going on or has that changed and how

much is there and what about the other haulers? Mr. Fernandez answered the particular individual you are talking about continues to escrow and we have not received a revised report from him and the other haulers are fine in submitting their fees. Commissioner Aguilar said she would like to know the revenue that is coming in from them? Mr. Fernandez said he would get that information. Marlene Foyer, Representative from Waste Management will give an update on the meeting on waste management and will let the Commission know as soon as possible. Commissioner Daves said on the proposed agreement with Valencia County he would like a range of cost of equipment, insurances and so forth. Ms. Foyer said she could get that to the Board. Commissioner Aguilar said if there is a meeting going on this Commission has not been aware of any information that maybe this Board needs to know. Ms. Foyer said she will get the information back to the Commission. Commissioner Daves made a motion for approval to publish amendment to the Solid Waste Ordinance. 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.

Planning and Zoning Matters:

Request Approval of Valencia County Comprehensive Plan – Ruben Chavez

Chairman Padilla said this plan has been in the making for a number of years. There was extensive work done and good ideas and Chairman Padilla said he was ready to act on this request today. Mr. Chavez said there has been workshops in Belen and Los Lunas and given everyone ample time to review this comprehensive plan. Commissioner Aguilar said she had attended every one of the workshops and comprehensive plan meetings but felt that the public comments have not been taken into consideration. Mr. Chavez said that staff could take and modify public comments in a way that would benefit the lengthy plan. We did take them into consideration. Commissioner Aguilar said of all the Commissioners she has been very vocal and does not agree with the vision statement. Commissioner Aguilar said there are facts that are erroneous and contradictory information and we are not complimenting the growth of our economic development. There are some valid comments that are made on the plan and wanted to see the public comments placed in a draft and have one more hearing to address this. Commissioner Aguilar said there is an impact in approving this plan and there are some enforcement and budgetary issues that are tied to this plan. This plan is written more for an urban, municipal Bernalillo County or City of Albuquerque it definitely talks about preserving the green belt area and at the same time in another chapter says we will discourage wells and septic. Commissioner Aguilar said we have been going through this for two years and we need to do something. Commissioner Daves discussed the demand of conflicting policies on this plan for example, water quality. Commissioner Daves said he was not prepared to vote yes or no on any amendments to this plan. Chairman Padilla called for public input.

Harvey Yates said he had attended one of the workshops to where there were only two Commissioners present. Mr. Yates commented on the Comprehensive Plan but stated he had a problem with the wording on a specific section, which reads the county should recruit environmentally, sound well paying sustainable industries. Mr. Yates went on to discuss with the Commission the word sustainable that he had a problem with and the different sections of the plan that he felt should be taken into consideration.

Jacqueline Guilbault commented on the well thought out public input was not taken into consideration after giving documentation to this effect. Ms. Guilbault discussed with the Commission her thoughts on different sections of the plan.

Carol Romero from Pargin Realty stated the ambiguity of the comprehensive plan is dangerous and opens the floodgates for lawsuit for the County and to which the County cannot afford right now. Ms. Romero said she was one of the Realty members that attended one of the workshops and they voiced their opinions and presented petitions to this effect.

Bill Brown viewed his comments with the Commission and stated the public input on this plan was a mockery and not taken into consideration and said the plan is flawed. Mr. Brown said this is irresponsible on the part of the Commission to knowingly approve a poor plan.

Eric Eichwald from Altura Realty said the plan describes Tierra Grande as wrong and subdivisions as a whole. Mr. Eichwald said the plan needs to look at the realistic future of this County and what the County can do for growth and development.

Clara Rehr from San Clemente said she had attended a workshop in Tome at the Campus and it showed all the growth and they had a template and mentioned cluster housing. Ms. Rehr said the most important section is water and right now we are in a severe drought and need to implement something for our lack of water.

Commissioners discussed the public input and Commissioner Daves said he appreciated their concerns and the plan does have ambiguities. Commissioner Daves said if this plan is passed he would like to see immediate changes that the public has stated be addressed and for clarification purposes be dealt with. Commissioner Daves said if we give this plan two weeks for these changes to be implemented he would go for this. Commissioner Aguilar said she would make a motion because this is what she would like to see done and take the next thirty days because she feels that the Commission has received enough public comment and each Commissioner should go through the plan and input their comments. Commissioner Aguilar said she is willing to do that because she feels each Commissioner should represent their constituents and come together and come to some consensus or a good draft and provide these revisions. Commissioner Aguilar said she is against bringing in some one else to do a clean up because they would not be aware of the revisions to be

made. Commissioner Aguilar said therefore this is her motion to take thirty days and have the Commission go through and state their comments and provide a draft with these revisions. Commissioner Pando said he agreed in part with Commissioner Aguilar's motion but there is two Commissioners that will not be here for the next term. Commissioner Pando said he would like to see this tabled until the first of the year due to so much controversy on this plan. Commissioner Pando said he did agree with the part where we need to incorporate public comment in this plan and especially the part of how are we going to finance it. Commissioner Pando said as everyone knows the County is in a financial crisis right now. Commissioner Aguilar withdrew her motion. Commissioner Pando said he would make a motion for this plan to sit on the shelf until the first of the year and let the new Commission work on this plan. Commissioner Aguilar seconded the motion. Discussion. Commissioner Aguilar said the reason she seconded because she feels that Chairman Padilla is pushing for approval of this plan and to her approval of this document is worse than no document at all. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

**Appeal Planning and Zoning Decision – Morequity Inc. /M. Kushner & L. Guggino, Attnys.
12' Food Variance on Setbacks (to be 3' from the property line) for a house**

Mr. Guggino asked that this item be tabled and stated that Mrs. Betty Birner is present and she is the adjacent landowner. Mr. Guggino said they may have some resolution as to some of the concerns that Mrs. Birner has and have almost been resolved. Mr. Guggino said it would be helpful if the Commission heard from Winton Allen from Planning and Zoning, Building Inspector. This situation involves a home that was built on a piece of property and is sixteen feet from the side of the property line which is the south side and another three feet on the north end of the property and therefore lies the problem. Mr. Guggino said his client Morequity foreclosed on this property with a Special Master's sale and now are working with the adjacent property and it is important that Mr. Allen testify and he has not been able to be present. Mr. Guggino said he would like for this item be tabled until the next Commission meeting which is September 17, 2002. Chairman Padilla said there is a recommendation to table this matter. Commissioner Aguilar said she had a question and asked Mr. Fernandez if we table this matter will it have to be republished because it was appealed? Mr. Guggino said to his understanding it did not have to be republished. Ruben Chavez from Planning and Zoning said that is correct and said this appeal was heard about two or three years ago with Planning and Zoning and they have acted within the thirty days and have complied with this so this would be a continuation. Commissioner Pando made the motion to table this item. Commissioner Baca seconded the motion. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Request to Amend Zone Maps from RR2 to RR1 – Entrada Aragon, Los Lunas – Patricia Martinez

Commissioner Pando recused himself from this item. Commissioner Aguilar said she was handed two petitions of protests with additional signatures and she would to submit this for the record. Patricia Martinez requested to amend the zone maps from RR2 to RR1 for the purpose of splitting 1.0 acres from 2.50 acres zoned RR2, Township 6 North Range 2 East Section 14; Tract 3C1A, Map 84, Entrada Aragon in Los Lunas. Ms. Martinez said she has petitions for this zone change. Ms. Martinez said her father gave her this property in 1985 and all she wants to do is split off 1.0 acres to place a mobile home. Commissioner Aguilar said she would like to hear from Ruben Chavez and the public. Mr. Chavez said we have worked on this issue for two years presented the maps for the Commission to view. Mr. Chavez stated that when this matter came before Planning and Zoning Commission it was a 4-0 against this request. Ms. Martinez said she would like to improve herself and be a taxpayer and recognize that this is her land.

David Crawford said he doesn't deny anybody being welcome in that area because when he first moved here he was welcomed to this area. Mr. Crawford said there are regulations that need to be abided by with the greenbelt being in effect in that area. Mr. Crawford said we need to comply with the FEMA regulations.

David Martinez, Jr. said the Commission needs to enforce these Ordinances and in this case this should have been grand fathered in before the ruling came into effect.

Dr. Joseph Harvel said he is a newcomer to this area and stated he must acknowledge that at the very beginning these people have been there for generations but that each individual is entitled to their dream. Mr. Harvel said since he has lived there which has not been very long he has had an intruder that kicked the gate presumably coming to rob them. Mr. Harvel said there has been other incidents that have happened and feels that he left the urban area to move to a rural area and these incidents have left him troubled.

Commissioner Daves had some questions as to how the mobile homes that are there located. Ms. Martinez pointed out the five family lots as to whose belong to who. Commissioner Aguilar made a motion to follow Planning and Zoning's recommendation based on following regulations. Commissioner Aguilar said this is a fine and good family but we as Commissioners need to abide by regulations and therefore stick to them. Chairman Padilla said there is a motion on the floor by Commissioner Aguilar to follow the recommendation made by Planning and Zoning Commission for denial of zone change. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted no. Commissioner Baca voted no. Chairman Padilla voted no. Motion failed. 3-1. Motion by Commissioner Baca to approve zone change. Seconded by Commissioner Daves. Discussion. Commissioner Daves voted yes. Commissioner Baca voted yes. Chairman Padilla voted yes. Commissioner Aguilar did not vote. Motion carried. 3-0.

Update on Abandoned Property/Discussion/Request for Direction – Ruben Chavez

Mr. Chavez gave Commission an update on condemned property throughout Valencia County. Mr. Chavez explained the comprehensive ordinance section provides a civil procedure to remove from the unincorporated area of the County ruined, damaged, and dilapidated buildings rubbish, wreckage or debris and abandoned motor vehicles. Commissioner Aguilar said she received this packet on Friday and did not have enough time to review it and would like more time for review. Commissioner Daves said he does feel that we have a crisis in Meadow Lake on abandoned property for trashed out mobile homes. David Martinez spoke on behalf of the properties that are in question due to rubbish, wreckage and so forth. Mr. Martinez said he use to own a salvage yard and picked up numerous abandoned vehicles throughout the County and said we need this type of business again in Valencia County. Commissioner Pando said he does agree that we have a problem with the abandoned properties.

Department Requests/Reports

Valencia County Board of Commissioners Convenes as Indigent Board

Indigent Report and Appeals

Commissioner Pando made a motion to convene as the Indigent Board. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried.

Ms. Baker reported on the Indigent Claims from July 25, 2002 to August 22, 2002. The total amount of claims submitted is \$226,700.74. Ms. Baker said there were 29 applicant denials. Ms. Baker asked the Commission to approve \$57,559.76 and to deny \$169,140.98. Commissioner Pando made a motion for approval of this report. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Commissioner Aguilar was not present for this vote. Motion carried. 3-0.

Ms. Baker requested on behalf of James Fernandez an Indigent Appeal for inmate Justin Brown. Ms. Baker reported he was denied indigent assistance as Valencia County Indigent received the bill after the 90-day limit. If the bill for University Physician Associates was approved the amount would be \$20.00. Indigent Inmate Appeal for David Proctor was denied indigent assistant as Valencia County Indigent received the bill after the 90-day limit. If the bill for Presbyterian Physician billing was approved the amount would be \$55.20. Indigent Appeal for Joseph Rodarte was denied indigent assistance as Valencia County Indigent received the bill after the 90-day limit. If the bill for Dr. Gopal Reddy was approved the amount would be \$362.14. Indigent Inmate Appeal for Robert Lovato was denied indigent assistance as Valencia County Indigent received the bill after the 90-day limit. If the bill for Presbyterian Physician billing was approved the amount would be \$57.60.

Ms. Baker recommended these bills be paid. Commissioner Pando made a motion for approval. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Dave voted yes. Commissioner Baca voted yes. Commissioner Aguilar was not present for this vote. Motion carried. 3-0.

Board Re-Convenes as Board of County Commissioners

Commissioner Pando made a motion to reconvene as Board of County Commissioners. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Commissioner Aguilar was not present for this vote. Motion carried. 3-0.

Request Permission for in State Travel –Beverly Gonzales

New Mexico Association of Assessing Officers/Ruidoso NM

Ms. Gonzales requested permission to attend the New Mexico Association of Assessing Officers conference in Ruidoso, NM and the Triadic Users group meeting. The Triadic Users group meeting will be October 1, 2002 at 6:00 PM and the conference will be from October 2, 2002 through October 3, 2002. The money for these events will come out of the re-evaluation fund. The cost for the conference is \$100.00 plus mileage and per-diem. Commissioner Pando made a motion to approve Ms. Gonzales request. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Commissioner Aguilar not present for this vote. Motion carried. 3-0.

Ms. Gonzales requested Commission approval to apply for a loan at zero percent that would be paid back out of the property valuation funds at \$17,060 per year for 5 years. Ms. Gonzales explained the loan would be from the state to complete the GIS mandate and to network the assessor's office and do a few improvements in the office, for example the carpet in the office is a hazard, employees tripping and taxpayers tripping where the carpet is worn and not tacked down, the total amount would be \$85,300.00. Ms. Gonzales said the state has given the assessor's office an extension to complete the GIS project but the extension is only until December 2002 and she explained the office has neither the time nor the staff to complete a project of such magnitude in a short period of time. Under existing New Mexico statutes, the Property Tax Division is seeking ways to assist county assessors in their efforts to meet the state requirement to have parcel based maps in computer files by the end of 2002. Valencia County is looking for ways to meet state statutes as well as upgrade and improve its ability to provide an equitable and complete assessment of parcels in the county. The parcel-mapping program in Valencia County is a computer-based system. The Valencia County parcel database is not complete and not all parcels are in digital form. This loan would also have to be approved by Department of Finance and Administration, once Property Taxation and Revenue has approved it. Ms. Gonzales had a projection breakdown for the Commission. Commissioner Pando made a motion to accept Ms. Gonzales proposal to apply for this loan. 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.

Request to Update the Valencia County Dedicated Road Map – Helen Cole

Ms. Cole requested Commission signatures on the Valencia County Dedicated Road Map to which the following roads have been accepted for maintenance and dedication to the County, Diana Drive, Diana Road, Diana Circle, Palomar Place, James Street and El Cielo Street.

Financial/Business Matters

Request Permission for Budget Increase E-911 Addressing – John Cherry

Mr. Fernandez for Mr. Cherry requesting permission for budget increase on revenue E-911 Addressing in the amount of \$425.58. Commissioner Daves made a motion for approval. 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.

Approval of Warrants and Payroll – James Fernandez

Mr. Fernandez presented Treasurer's Financial Report as of Saturday, August 31, 2002 General Fund cash balance in the amount of \$564,728.11. Mr. Fernandez presented computer printout of all checks issued by the Manager's Office on August 8, 2002 covering payroll processed on the above date. Warrant #69766 through Warrant #69799 inclusive. Payroll #54327 through Payroll #54497 inclusive for a listing total of \$174,900.91 and of that \$102, 983.98 if from the General Fund. Commissioner Baca made a motion for approval. 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.

Commissioner Aguilar recused herself from this next vote for approval of warrants. Mr. Fernandez presented computer printout of all checks issued by the Manager's Office on August 30, 2002, covering vendor bills processed on the above date. Warrant #69801 through Warrant #69878 inclusive for a listing total of \$131,456.25. Mr. Fernandez explained Commissioner Aguilar recused herself from this item due to the fact that the warrant issued for legal fees was for Commissioner Aguilar's legal fees for costs incurred. This warrant in the amount of \$3,340.03 made payable to Rael and Sanchez. Commissioner Pando made a motion for approval. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Manager's Report – James Fernandez

Jail Monitor's Report – Informational

Information Regarding Out of State Travel for County Elected Officials – Informational

Mr. Fernandez reported for the period of August 16, 2002 to August 30, 2002 average population prisoner count was 160 and of that count 145 were males and 15 were females. Commissioner Aguilar discussed the Cornell contract to which she is still getting phone calls on this and explained that she would like to bring it out in the open again to ensure the public that a good decision was made to this effect. Commissioner Aguilar said she would put this in a form of a motion for request to be put on the agenda for next meeting to discuss the Cornell contract once again. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Mr. Fernandez reported at the last County Commissioner's meeting (August 20, 2002) a request was made for "Out of State Travel" by Sheriff Juan Julian. At that meeting the concern was raised regarding the Sheriff's travel, and further, Commissioner Aguilar stated that she would only approve this on the recommendation of the County Manager. As per statute NMSA 1978 10-8-5 F& G reads no reimbursement for out of state travel shall be made to any elected public officer, including any member of the legislature, if after the last day to do so that officer has not filed a declaration of candidacy for reelection to this currently held office or has been defeated for reelection to his currently held office in a primary election or any general election. Subsection F of this section does not apply to any elected public officer who is ineligible to succeed himself after serving his term in office. As per the above statute Sheriff Juan Julian is eligible for travel as he is unable to succeed himself as Sheriff after serving his term in office. Therefore, the Valencia County Board of Commissioners, based on this statute did have approval not on the recommendation of the County Manager.

The next Regular Meeting of the Valencia County Board of County Commission will be held on Tuesday, September 17, 2002 at 5:00 PM Executive Session and 6:00 PM Regular Session in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Pando made a motion for adjournment. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Time being 1:35 PM.

<p>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.</p>

VALENCIA COUNTY BOARD OF COMMISSIONERS

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

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

S. T. FRANK PANDO, MEMBER

**ss/
ALICIA AGUILAR, MEMBER**

HELEN BACA, MEMBER

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: November 12, 2002