

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

September 17, 2002

Chairman Aurelio H. Padilla called the Meeting to order at 5:10 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 Aurelio H. Padilla called the Meeting to order at 5:10 P.M. Chief Deputy Clerk Sally Perea read the agenda for executive session.

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

Chairman Padilla called the meeting back to order. Commissioner Pando made a motion to enter into the Regular Meeting. 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.

Carol Anaya reported that during executive session the following was discussed. New Hires pending physical and drug testing for Chris Castillo, County Clerk's Office, Resignations for Clyde Joseph, Sheriff's Office and Michael Gabaldon, Sheriff's Office, Voluntary Resignation of Ira Black, Road Department and Dismissal Older American Program, Rene Sullivan and this is what was discussed during executive session.

Tom Garde reported during executive session discussed the status of the Ber Ben lawsuit, also the appeal with Steven Romero, the county finances with regards to the District Attorney, James Foy, potential litigation on Quarry Road and this is what was discussed concerning litigation during executive session. Mr. Garde gave update on Attorney General's Office comments on the renegotiated contract with Cornell.

Commissioner Aguilar made a motion to accept these reports as to what was discussed in executive session. 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.

Chairman Padilla asked Commissioner Helen Baca to lead the Pledge of Allegiance.

Approval of Agenda

Tina Gallegos, County Clerk read the agenda for the Regular Meeting. Mr. Fernandez said Item D to be removed as of yet the 2002 Tax Property Rates have not been received from the State and Mr. Fernandez will make the Commission aware of when we do get them in for approval. Mr. Fernandez made the Commission aware if we do get them in the Commission will have five days for approval and may have to call for a Special Meeting at that time. Mr. Fernandez said to switch Item D and F since Item F was tabled at the last Commission Meeting should have been put before Item E. Ruben Chavez from Planning and Zoning stated Item F as Mr. Fernandez has alluded to as being tabled due to the fact the parties were reaching an agreement and would have affected the outcome of that hearing. Mr. Chavez said that agreement has not been settled and they would ask to consider giving them another 30 (thirty) days instead of the next meeting and let them settle their differences. Mr. Garde said if that is what counsel for Morequity would like to do. Mr. Guggino representing Morequity was present and made a request for 30 (thirty) days as Ms. Birner and Ms. Perea also present did not have a problem with the Item being tabled. Commissioner Aguilar stated if there are no other changes she made a motion for approval of the agenda with the changes and deletion of Item F and Item D. 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 Minutes

July 29, 2002 – Final Budget Hearing. Commissioner Daves made a motion for approval of the July 29, 2002 – Final Budget Hearing. 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.

Public Requests

Ray Garcia, Vice President of the Tome Association wanted to thank Commissioner Pando and Commissioner Baca for being on this Board. Mr. Garcia had some concerns on the zoning changes the Commission had passed from RR2 to RR1 and discussed this with the Commission. Mr. Garcia also brought up the Commission tabling the Comprehensive Plan because a lot of money and work went into implementing this plan and would like to see it passed.

Sheriff Juan Julian asked Deputy Mannie Torres to come forward. Mr. Julian presented Mr. Torres with an award when a tragic accident occurred involving this young officer on September 9, 2001. Mr. Torres was shot and seriously injured and has since recovered and back to work. Mr. Julian explained what saved this young officer was his vest that protected him and we are in the process of getting his vest replaced. The International Association of Chiefs and Police and the Dupont Company have issued an award to Deputy Mannie Torres and Mr. Julian stated saved him from telling his parents he was killed in the line of duty. Mr. Julian said this is not the way to earn an award but nonetheless he is here today alive and well and presented the award to Deputy Mannie Torres. Deputy Mannie Torres accepted the award from Sheriff Juan Julian and the public and the Commissioners applauded this presentation.

George Dewey stated on the Comprehensive Plan that he had a problem with the word sustainability and this word is important and wanted the Commission to be aware of this.

ACTION ITEMS

GENERAL REQUEST

Proclamation – Senior Olympics – Commissioner Padilla

Chairman Padilla presented this proclamation to Joe Padilla who happens to be his brother. Chairman Padilla stated his brother Joe qualified for the 2003 National Senior Olympic Games Track and Field Events, which will be held in Virginia. Chairman Padilla said Joe is a model and an outstanding example of a dedicated athlete to the sport of Track and Field winning over 100 ribbons (mostly 1st place) and over 40 medals in the State competitions and in the past eight years he has participated in the County Senior Olympic competitions. Ms. Gallegos read the Proclamation to the public. The Commission awarded this proclamation to Joe Padilla and asked all County citizens to follow Joe Padilla's example to take part in and participate in exercise programs and follow a healthy lifestyle, and further, join together in supporting his future competitions in local, state and national senior Olympics. Chairman Padilla made a motion to approve the proclamation. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes and stated we need to send a copy of this Proclamation to our Representatives. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0

Expansion of the Rio Grande Utility Corporation – Rita M. Padilla-Gutierrez

Commissioner Aguilar commented on Ms. Gutierrez as having put a lot of passion in her work and deserves a lot of recognition and she deserves to be recognized, as she is the one that found the VIA \$700,000 back delinquent taxes that helped in balancing the budget for Valencia County. Ms. Gutierrez, President of the Historic Tome Neighborhood Association, representing that membership said they are in a critical juncture in an inevitable expansion of the sewage plant that is located in Tome near the cemetery. Ms. Gutierrez said when Rio Grande Utility Corporation first came before the Commission regarding the sewage plant, its size, operation, etc it was approved as a small plant. It is now in the process of expanding. Ms. Gutierrez said they feel that any expansion which ultimately affects residents of the surrounding area include discussion among several entities and one being the County. The County and the Planning and Zoning are two entities that need to provide historical information regarding permits and other actions taken in the past. Additionally, any future growth of this sewage plant including total infrastructure needs to be addressed. Commissioner Aguilar said since this is now in her District and information has come to her that there is a domestic well on that cemetery and that information was not disclosed to ED. Commissioner Aguilar said there was an original permit but it was changed and there was an inadequate notice to the community that it took over 400 acres and not all the 400 acres is owned by VIA. Commissioner Aguilar said that Planning and Zoning needs to get involved and maybe send a letter and find out what is going on and maybe get involved with the ED hearings. Commissioner Daves commented that he has seen the cemetery and discussed as to how this area is zoned and the expansion of the site. Commissioner Pando said he hopes the County gets involved on this issue.

Steve Crawford with the New Mexico Water Service stated that Rio Grande Utility Corporation no longer exists and sold outright to New Mexico Water Service Company. Mr. Crawford said the permit is a renewal and not an expansion and if there were an expansion contemplated there would have to be public hearings to which the Environment Department would be involved. Commissioner Aguilar said that Mr. Crawford is correct this is a renewal and not an expansion but a few years ago a permit through ED was filed as an expansion and that is the issue now, where there was inadequate notice at that time so ED can go back and fix what should have been done. Commissioner Aguilar said this needs to be properly zoned. Steve Crawford said we agree with that. Commissioner Aguilar said ED only addresses specific items and does not address site design or expansion as far as zoning issues. Commissioner Pando said how long is this renewal for? Steve Crawford said he does not know but they have improvements for 300 thousand gallons for this sewer plant. Ms. Gutierrez said the

Environment Department has acquiesced to meetings and there will be an October 10th meeting. Commissioner Aguilar made a motion that this Commission do some fact-findings into the sewage treatment plant and follow up on information that would protect public health, safety and welfare. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted yes on reasons of comity and have often said this Commission very often assumes authority and jurisdiction it doesn't have and we are flirting with that right now. Commissioner Baca voted yes. Motion carried. 4-0.

Adoption of Penalty Resolution/Method of Charging Penalty – Diane Martinez-Coplen

Ms. Coplen requested action on the part of the Commission to establish a penalty level for the 2002 property taxes that become delinquent and this is also known as the \$5.00 minimum penalty resolution. Ms. Coplen said that each County Commission throughout the State of New Mexico must either adopt or waive the \$5.00 minimum penalty pursuant to Section 7-38-50 NMSA. It is the recommendation of the Treasurer's Office that the \$5.00 minimum penalty shall not be imposed or waived for the year 2002. Ms. Coplen said the \$5.00 minimum penalty is not equitable and penalizes the small taxpayer disproportionately to a larger taxpayer. Ms. Coplen said the current method of charging a taxpayer a 1% penalty per month up to a maximum of 5% is more equitable. Commissioner Pando made a motion to accept **Resolution 2002-40**. 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.

PLANNING AND ZONING

People's Power Plant – Lawrence S. Alba/Agent: Sylvian Segal, Segal & Soifer LLP

Appeal Planning & Zoning Commission's decision to approve I3 Site Design

Tom Garde stated if anyone is planning on submitting oral testimony or comments regarding the above matter the names and signatures must appear on a listing and to which the County Clerk needs to administer the oath to the individuals giving oral testimony on this issue. County Clerk, Tina Gallegos administered the oath. Chairman Padilla said he would allow the petitioners to speak first, then Planning and Zoning, Ruben Chavez, people's comments and then Peoples Power Plant will speak last. John Kelly, with People's Energy had some procedural process points he needed to clarify first. Mr. Kelly said first of all this is an appeal brought forward by Mr. Alba and issues raised on Mr. Alba's appeal. Mr. Kelly said to his understanding there are no other issues in respect to the site design and review application of People's Energy and asked the Commission if they could confirm that. Commissioner Pando said he did not agree with that and felt that this Commission has not learned at all on People's Energy issues. Mr. Kelly said he would like a ruling from the Chair if tonight's hearing will be limited to the appeal that Mr. Alba filed and the issues that he raised or whether the Commission intends to consider other issues and what is the basis of the County Zoning Ordinance if you are doing so? Mr. Garde said under the Ordinance the Board may, at its option, whether or not upon a motion of a party, hold a de novo hearing or admit additional testimony and other evidence with or without holding a de novo hearing, if it is satisfied that the testimony or other evidence could not have been presented upon initial hearing and action. Chairman Padilla said then we have an option to do so. Commissioner Daves said then what are issues or action asked of the Planning and Zoning? Mr. Garde said the appeal was the site design review and the People's Energy submitted a site design review and that is what was heard from the Planning and Zoning Commission. Mr. Garde said through administration and by that Planning and Zoning Commission the zoning is proper on this particular parcel of property and that is why we are proceeding under the site design review and those are the issues that were represented to the Planning and Zoning Commission with regards to the site design review submitted by People's Energy. Mr. Kelly said from the applicant's perspective that this matter has to be fully aired and discussed and the Commission knows that a five-hour hearing was held before the Planning and Zoning Commission. Mr. Kelly said they want to follow the rules and this Commission will decide whether this site design review application should be approved or not and Planning and Zoning made their decision a month ago and their decision was to approve it. Mr. Kelly said the County Ordinance in 1304.02 says that appeals can be taken from that decision and the applicant has to have it in writing and submit the appeal within 15 (fifteen) days of the decision of the Planning and Zoning and the Ordinance 1304.03 goes on to discuss what has to be included in that packet. Mr. Kelly said it is People's Energy review that what is before the Commission today is Mr. Alba's appeal. Mr. Kelly said the point that Mr. Garde has raised and he would like this clarified that there are two different ways to go about this appeal it can either limit the consideration tonight to the record that was established before the Planning and Zoning Commission in which case we can discuss that and give that presentation, or Mr. Kelly said we can have a de novo hearing. Mr. Kelly said a de novo hearing doesn't mean that the issues are broader than Mr. Alba's appeal it just means that new evidence can be introduced tonight. Mr. Kelly said he just wants clarification is what we are doing tonight is considering the matter that Mr. Segal is going to address on behalf of Mr. Alba or is your view that other issues that were discussed a month ago like the height of the smoke stack or setbacks or is it your view on those matters be heard tonight. Mr. Kelly asked is the Commission going to accept new testimony and new evidence or are you going to limit yourselves and base it on the record on the five hour hearing before Planning and Zoning. Mr. Kelly said he would like to have these issues resolved so he can better effectively represent his client. Chairman Padilla said he gets the feeling the Commission is going to hold very close to the same hearing that Planning and Zoning held. Commissioner Daves said this de novo hearing will this be brought forth starting from scratch with regard to site design? Mr. Garde said he suggested Commissioners enter into executive session and discuss the options with the Commission. Commissioner Daves said going into executive session is not going to change the views of some Commissioners. Commissioner Daves said the niceties that Mr. Kelly is talking about are important for establishing record but are going to be lost in the shuffle of the reality of whatever kind of hearing we have and we have a court reporter here and maybe have some motion and

findings of how we are going to proceed. Commissioner Aguilar said we need to listen to our attorney but to Mr. Kelly the ordinance does provide some interpretation of the ordinance is for the Commission and its members. Mr. Kelly said that is why we are asking for clarification. Commissioner Aguilar said we do have the authority to ask for additional testimony and even reprimand or even over turn any decision or anything that was done by administration and the P & Z Commission. Commissioner Aguilar said so with facing that and that is our Ordinance made a motion to take our attorney's advice and enter into executive session so that he can provide us with some legal direction on how to proceed and that should take 15 (fifteen minutes). Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Daves voted no and he would not attend. Commissioner Baca voted yes. Motion carried. 3-1.

Commissioner Aguilar made a motion that in executive session procedural issues were given by County Attorney, Tom Garde and site design review was discussed and the Commission did receive guidance from Mr. Garde and that was all that was discussed in executive session. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Mr. Garde said the procedure that the Commission will follow in this matter will be a de novo hearing and will conform with the 1303 Ordinance and if there is some information that has not been provided to any of the parties and that party on request will have the opportunity to proceed at a later date with regards to that information.

Sylvian Segal on behalf of Lawrence Alba owns property in Rio Grande Estates, which is adjacent to the location of the power plant site. Mr. Alba has requested that this matter be appealed. Mr. Segal said that if this area is zoned I-3 that it be permitted use or an additional use to allow People's Energy to be located in that area. Mr. Segal said the Ordinance section 703.02 permitted uses and no where does it state that such a facility is permitted in a heavy industrial area nor is it a conditional use. Mr. Segal quoted 1102.01 that such uses shall not be incompatible with the type of uses permitted in surrounding areas. Mr. Segal said the Planning and Zoning Commission made an error in voting in favor of site design because of the use that is authorized is permitted use or is it a conditional use. Mr. Segal said in section 703.05 under prohibited uses it states uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the I-3 District. Mr. Segal said that is one of the reasons Mr. Alba filed this appeal. The scope of the hearing went far beyond site development review as a result of which a lot of people might have wished to voice an opinion were actually deny that opportunity. Mr. Segal said in reviewing the minutes of the Planning and Zoning Commission at one time Chairman Tabet stated he was totally confused on the packet. Mr. Segal said the location of the facility next to the Rio Grande subdivision is not an appropriate location. Mr. Segal said he had a certified copy from the County Clerk's Office of the zoning in the area and presented it to the Commission for examination and said it is not zoned I-3 but I-2 which is light and medium industrial. Mr. Segal said he did not participate in this discovery but was advised the signature of the County Clerk is on the bottom of this and the certification is on the back and coloring was put in by the County Clerk's Office employee who emphasized the strip of land is zoned I-2. Mr. Segal said if that is the case then certain zoning is inappropriate and the application should be turned down at this level instead of being remanded to the Planning and Zoning Commission. Mr. Segal said even I-3 is inappropriate and so is I-2 the appeal of Mr. Alba should be granted and the matter should be denied and the application of the applicant heard from the Planning and Zoning level should be denied.

Mr. Kelly said he objected to the introduction of this map. Mr. Kelly said it is completely inappropriate to consider it and would like to ask Mr. Segal are you representing to this Commission that this property is zoned I-2? Chairman Padilla said to Mr. Kelly you will have your chance at the end to comment. Mr. Kelly said we do object to the introduction of this surprise, it is prejudicial and there is no basis to this document and the County has a copy of the official zoning map it wants to know how the property is zoned. Commissioner Pando said that in 1999 when we changed the zoning we were never given the copies. Commissioner Aguilar had a question for Mr. Garde the fact that this was not provided to us and hearing the word surprise does this allow the other party time to check it out or is it up to us? Mr. Garde said this needs to be presented to our zoning officer to see it is valid. Lawrence Alba stated it shouldn't be a surprise he sent it to the paper and discovered it last week. Mr. Garde said but this is a surprise to the other party. Commissioner Daves questioned Mr. Segal that the Power Plant is neither a permitted nor conditional use in an I-3 zone and is there an I-4 zone? Mr. Segal said the electrical energy plant is neither a permitted or conditional use in an I-3 zone per zoning statute. Commissioner Daves said so then it would have to be zoned different from that in order for it to be a permitted or conditional use.

Mr. Chavez said he is the one that is being appealed because of Planning and Zoning decision. Mr. Chavez said he looked at the appeal and will present the process to this Commission as he did to the Planning and Zoning Commission. Mr. Chavez said he determined this property zoned at I-3 and he also determined that a power plant is a permissive use in the I-3. Mr. Chavez addressed the zoning map and stated the coloring of the map in question but Mr. Chavez said he does have an official colored map in his office and the Clerk's office has an official map in their office and Commissioners you do sign an updated map from time to time as changes occur. Mr. Chavez said we did concur that the property is zoned I-3 in our pre-application hearing with the applicants we went over those issues and based on precedence we came to a conclusion in writing that the power plant is a permissive use under the I-3 zone. The I-3 zone also says that permissive uses are allowed subject to site design review. The site design review in section 1000 of your ordinance with the applicant and

discussed site design and the ordinance gives six different criteria's. Mr. Chavez said the ordinance gives us site plan review procedures and any permissive use can be of site design and can be critiqued and approved by the administrator himself and in this case Mr. Chavez said it was he. It also gives a provision if you so choose because of the mass of the issue at hand he has the option to escalate this site design into a Type B procedure, which is the Planning and Zoning Commission. Mr. Chavez said the issue before us wasn't being formed and should not have been kept in his office and informed the applicant we will be using a Type B procedure. Mr. Chavez said we scheduled a meeting with the Planning and Zoning Commission and explained to the Commission that the use is an allowable use and that zoning issues were not relevant to this case but they were instructed at that time to assist him in critiquing the site development plan review process. Mr. Chavez said they looked at the requirements, looked at existing site conditions, looked at proposed changes under the existing conditions and there were six items that were addressed. Mr. Chavez explained that Planning and Zoning Commission felt that they had received enough evidence and did not need further review and granted final site plan review as well. Mr. Chavez said he would like to go over the appeal process with both parties and answer what is being appealed. On Item 1 heavy industrial district zoning does not permit electric power plants as a permissive or conditional use and Mr. Chavez said he disagreed with this. Under 703.02 it reads the facilities for the processing of production of oil, natural gas, geothermal resources or other type of hydrocarbons and that is exactly where we placed this. On Item 2 discussion of the public on all aspects relating to the construction of the facility including, but not limited to, the appropriateness of zoning. Mr. Chavez said he and Chairman Tabet of Planning and Zoning did allow for everyone to speak and have their say. The P & Z Commission after listening to pros and cons remind the public that some of those issues which might be relevant to zone change were not relevant to site design and review. Under Item 3 facility is only 86 feet from Rio Grande Estates and P & Z did look at this but anytime you have industrial next to residential you are going to have conflict. There is conflict within commercial and residential. P & Z took a look at the 86 feet and took a look at the buffer area and decided there was a problem and went 20 more feet of buffer so their decision was to increase the buffer area. Item 4 of the appeal deals with potential catastrophes adjacent to the neighborhood in the event of an earthquake or gas explosion and so forth. P & Z did take a look at this and in the P & Z minutes there are comments that state an earthquake can happen here or happen anywhere just because the site is being proposed as a power plant did not attract the earthquake or make it any more catastrophic than it would be anywhere else in this County. The gas explosion in Jarales was discussed and realized the connection that was not made is how the power plant would increase if such a catastrophe would happen so that was looked at. Item 5 states there are sufficient energy producing facilities to serve the public. The P & Z Commission did take a look at this and we heard testimony by Mr. Garcia to encourage the problem. This power plant may not be what he is encouraging whether a store or gas station or any commercial industry is going to fail or not fail was that of the entrepreneur himself and not of the County Commission when we allow a gas station to open up we don't go on the basis we have too many gas stations we are not going to allow another one. The P & Z Commission decision based on these five items did take a look at these issues so Mr. Chavez said and in some instances made adjustments and some were not relevant to the site design review.

Mr. Chavez said to the Commission they have a packet on the site design process and Commissioners you will see that they are tabbed to address every one of the items that are outlined in the site design process. The six (6) items of general requirement and the six (6) items for existing conditions and the five (5) items for the changes will be in the slide presentation that will deal with each one of those items. Mr. Chavez said P & Z looked at these items and had discussion on these and that is how the decision was based on. Mr. Chavez said in the preliminary review process, they did take a look at the application and came up with a nine (9) item punch list that is in the packet, they range from a lot of access, they range from the type of materials that were either stored and used and if this Commission wants we can address those nine (9) items. Mr. Chavez said after presenting this punch list to the P & Z Commission and to the applicant, the applicant in turn addressed in writing and you will find those comments also in your packet and they answered each one of those items individually. The P & Z Commission looked at these and felt very comfortable with the response or remedies that were given based on the punch list that he had put together based on his review. After reviewing this application which you will get a visual to know what that was all about on reviewing his punch list and those responses not only did he put the punch list in the narrative but Mr. Chavez said he also put a punch list in writing that you have in your packet. P & Z Commission looked at the site design process and looked at the procedures, looked at each item, and determined that substantially every item was met except the only one that they did agree with was trying to create more of a buffer between this industry. Mr. Chavez said to remedy that they placed a condition on this property that an additional 20 ft of buffering and you will see some renderings and sketches of how that buffer is going to work in the presentation. Mr. Chavez said that sums up the procedure that we did with P & Z and summarized the procedure that he took to get to that point and Mr. Chavez said at this time he will answer questions.

Commissioner Pando said that Mr. Kelly in his opening remarks to the P & Z Commission, Commissioner Pando read: It is intended to development and according to the copy of the new plat and other county related ordinances in the private sector ensure safe and functional projects between proposed developers and adjacent uses. Commissioner Pando said we do not have a comprehensive plan because that item was tabled but we do have an old comprehensive plan that goes back as far as 1997. Commissioner Pando said at that time this type of zoning was not allowed. Commissioner Pando said just for a minute assuming that this zoning is appropriate for this particular area and what is bothering this Commission and this general population is the fact that we sent People's Energy two letters, Chairman Padilla sent one, Mr. Fernandez sent one and asked them to please make a presentation as to what is going on and we never received a response.

Commissioner Pando said all this might be legal but it doesn't make it right and if these people had come before us and explained these issues as far as health, safety and welfare of the meeting we would all be more comfortable.

Mr. Chavez said whether this may be right or may be wrong as he addressed Planning and Zoning Commission that was not their decision to make, the decision was made in their eyes when the land was already designated I-3 so we dealt with the procedures that were before us.

Commissioner Pando said that is the whole point because you made yourself judge, jury and executioner all in one and you determined that this is I-3 and that is final and this is the problem Commissioner Pando stated that was the problem that everyone is having. Commissioner Pando said he felt that the will of the people should be adhered to.

Mr. Chavez said he differed with Commissioner Pando because he did not make that I-3 that was zoned I-3 back in 1999 and this Commission is the one that adopted the zoning map but all he did was interpret the permitted uses that were adopted by this Commission and said this particular use fits I-3 by definition and never said he was not the one that designated that I-3. Mr. Chavez said there was a public hearing process and four meetings that this Commission held when it went to a zoning ordinance to do that.

Commissioner Pando explained maybe it is the way it was said to the effect in your presentation that stressed you had done this and done that and because you used the word I on a regular basis. Commissioner Pando said he still feels that the people need to be told. In the zoning ordinance it addresses value and none of this has been inundated.

Mr. Chavez said he was at a loss to try and solve this for you. Commissioner Pando said he wasn't trying to be difficult it is just that People's Energy is not being up front with them. We have asked them twice to please come and make a presentation for us and they have yet to do that.

Mr. Garde said after consulting with Mr. Fernandez on the issue of People's Energy coming before the Commission our view and his recommendation and legal advice because there was a pending application before this Commission that it would not be appropriate for this Commission to hear a presentation from People's Energy because there is a due process and if you allow People's Energy to make a presentation then the other side has a right to contest what they are presenting. Mr. Garde stated that you end up in a situation to where ultimately the Commission will be the final decision maker in this case and you could end up doing is prejudged either for People's or against People's and that is inappropriate under our process.

Commissioner Pando said he has been serving on this Board for the last fifteen years and as Planning and Zoning Commission at first for twelve and the remaining as County Commissioner and I don't really care about the zone change and what goes on in the community but we always seem to hear about it and have a friendly discussion.

Mr. Chavez said there is one question that remains unanswered when you talk about public process that is exactly the reason he chose to take this application process through a Type B review so there would be public comment.

Commissioner Aguilar said what is before us is of great importance and this will have a large impact on the community and may be a good thing and I do feel like Commissioner Pando that the opportunity has not been afforded for everyone to bring those issues before the Commission even in the form of public hearing for information and then letting the Commission decide. Commissioner Aguilar said she had sent a memo and said she felt that the Commission would like to hear everything and condense it and then let us decide. Commissioner Aguilar said to let both sides have their say.

Commissioner Daves said he had a procedure question and said to the Chairman that he said it was improper to ask questions because he thought they were going to wait for Commission input at the end of this process. Commissioner Daves said he will have comments that he would like to make and asked Chairman Padilla to please either follow what you requested or clarify where we are and all these arguments are appropriate to some point. Commissioner Daves said but in terms of efficiency we need to listen to the parties and said that he had deferred in asking questions much less making comments at your request and this is the appropriate thing on this item tonight so that we can move forward and let everyone talk as much as they want to.

Commissioner Pando said he asked what he asked because he has such a short memory that he felt this was appropriate at the time because Mr. Chavez stood for questions.

Mr. Chavez said he will answer at any time if he has the answers that is why he asked for questions. Mr. Chavez said the item before the Commission today is to appeal the decision of the Planning and Zoning Commission and what he did try to do was explain the process outlined in the Ordinance that is followed. Mr. Chavez said he had to make the Commission aware of the criteria that they used to make their decision. Mr. Chavez said it is up to this Commission to decide if they erred and when he says him he means Planning and Zoning Commission because that is part of the appeal process and as staff that is whom he is representing.

Chairman Padilla said now the Commission will listen to public comment and stated that they limit themselves to two (2) minutes because there is more than 20 people on the list that wish to speak.

Naim Kassicieh, a CPA in Albuquerque, stated he is in support of the People's Energy project.

William L. Giron, a member of the group that owns the Rio Grande Investment Park stated on August 13th the Planning and Zoning Board met to determine the site design to see if it met all the criteria. Mr. Giron said the group that invested in Rio Grande Industrial did that to promote Belen and try to create jobs. Mr. Giron said he thought Mr. Chavez did a wonderful job in his presentation.

Edwin Spitzinagel said he agrees with Commissioners Aguilar and Pando that this is too important of an issue for just one or two agencies to approve. Mr. Spitzinagel said the power company that he worked for took over five years and twenty-three public appearances before anybody could start construction. People's Energy appears to be doing this in less than a year with only two public hearings or three counting this Commission meeting. Mr. Spitzinagel said the method of notifying the landowners surrounding the proposed changes is wrong and said that public notice in the newspaper does not allow people to who may not be present at the time the newspaper makes it publication. Mr. Spitzinagel stated his reason for not supporting the power plant that the County should not prostitute themselves by selling its valuable and scarce resources for a few dollars it would receive in its treasurer because without the necessary laws in place we leave ourselves open to the onslaught of this and every self serving industry. Mr. Spitzinagel said to this Commission do not allow this to happen.

William Dean from Los Chavez stated Planning and Zoning said the County notified the public with legal notices in County newspapers and have not found any mention in the paper of heavy industry or any mention of I-3 for the industrial park. Mr. Dean read from Commission minutes dated 11-08-1999 and again no mention of Rio Grande Industrial Park. Mr. Dean said the industrial park is zoned I-2. Mr. Dean said the water issue is a major concern. Mr. Dean said he was the one that discovered this to be I-2 and not I-3 and spent days reading all the data on the current change issues.

George Faust said he had spoken his decision three times and stated he had one question under what statute was this thing zoned I-3? Mr. Faust said there was no mention in the minutes about rezoning the area and no mention in the newspapers of rezoning. Mr. Faust said that Mr. Garde told him that Section 321.14 is the statute they were working under. Mr. Faust said in going back to his question it was answered that the zoning was proper but never referred to a statute and feels like he was brushed off. Mr. Faust said he believes this zoning was done illegally or done outside the boundaries of the statutes of the state.

Mr. Garde said the reason he referred that statute to Mr. Faust is because that is under what the County has adopted is the comprehensive plan. It encompasses the entire County and under the terms of this statute the County is required to give notice to the newspaper because it is considered a legislative act, we are making a decision that affects that entire County. Mr. Garde said the legislation decided to pass on the County to issue individual notices that we are doing a comprehensive plan and statute requires we provide notice of publication to all citizens that we are in a process of doing a comprehensive zoning ordinance.

Mr. Faust said he agreed with Mr. Garde as far as the ordinance is concerned but nowhere does that statute give the right to rezone property without notification.

Lawrence S. Alba said that statute that Mr. Faust was referring to is 3-21-6, which states zoning; mode of determining regulations, restrictions and boundaries of district; public hearing required notice. Mr. Alba said it states basically if you are going to be rezoning more than one lot you have to send first class mail to the owners of the properties that are located within 100 feet and we calculated just in the Rio Grande Estates owners alone there are 100 lots that are located within 100 feet of this industrial park. Mr. Alba said if we could look at the zoning map, that have Commission signatures, dated November 19, 1999 in Cabinet J Page 307 and have Tina Gallegos, County Clerk if she can get the map to where it shows we do not have an I-3 zone in this County. Mr. Alba said if we could go next door and get this map. Mr. Alba said he has a copy of the public notice and an article in the local newspaper and read the article to the Commission. Mr. Alba read "County Commission Chair Alicia Aguilar said this week the area had been zoned for heavy industrial use many years ago when Horizon Corporation divided up the land and the generation plant is permissible under this zoning." Mr. Alba said apparently Ms. Aguilar was misinformed because he has a copy of the original protective covenants that Mr. William Giron didn't offer to show the County Commission the protective covenants and they state a light to medium industrial park and no such heavy use business are allowed. Chairman Padilla stated time was up.

Ken Wright brought up the discussion earlier of a 20 foot buffer, this huge monster plant and this room is more than 20 feet across so you are moving this elephant 20 feet across and this is very gracious of these people to allow this. Mr. Wright pointed to a picture on the sidewall the air quality they show there is fast disappearing until a few years ago our skies looked like this. Mr. Wright said we have been to many meetings on power plants and there have been concerned citizens working for free and many lawyers who are not. Mr. Wright said we have a water problem and the power plants have worn down many unpaid citizens but the high-powered lawyers keep coming. Mr. Wright said to the Commission please do what the majority of the citizens want.

Harvey Yates said he had taken time to read the minutes of Planning Zoning appeal. Mr. Yates said here is an electrical generating company that is willing to abide by the law and have been advised by P & Z that it is properly zoned place for it. Mr. Yates said when the Commission passed 1999 Zoning Act Commissioners believed there was a place in Valencia County that was zoned heavy industrial. Mr. Yates said that Commissioner Aguilar knew this by the article that Mr. Alba read that this area has been zoned heavy industrial use and she was right. Mr. Yates said there have been questions to the lack of need of energy. Mr. Yates said that Commissioner Pando said he wants the people to be involved in the decision then why have any laws or why have a zoning ordinance. Mr. Yates said the reason we don't let the people decide is because we don't want a society like that. Mr. Yates said the only issue here should only be site design and then why have a rule of law.

Commissioner Pando said he wanted to respond to Mr. Yates comment, Cobiza came before this Commission and they told us what was happening and kept us informed of what they were doing. Commissioner Pando said in this case it was just said this is the law and go with it.

Craig Oresman said he lives in Rio Communities and his work is right in between where the plant is going to be so where the wind shifts that is where he is. Mr. Oresman said what it looks like here is argument over money that is going to make it and who is not. Mr. Oresman said just like he thinks with a two year old where is the money going to come from for education just like everybody else. Mr. Oresman said if People's Energy is correct they are going to buy \$16 million worth of natural gas and since they are buying it and it is being used here in Valencia County that with the gross receipts tax will be calculated on. Mr. Oresman said and say they were wrong that they are only to do half of that it is still going to mean \$150,000 a year for 10 years for the Belen Schools. Mr. Oresman said with this money coming in to the County they will be able to work 40 hours and maybe hire someone to answer all these questions. Mr. Oresman said this should go out before a County vote and let the people vote on this issue.

J Placido Garcia Jr. stated his name Placido Garcia (then someone from the audience questioned the list that it was not his name) and Mr. Garcia stated he stands corrected his name is J Placido Garcia Jr. Mr. Garcia said he has spent a lifetime in public service. Mr. Garcia said he is one of the investors in the Belen industrial park and sees nothing but positive for this plant. Mr. Garcia said he would not participate in something if it wasn't positive for Valencia County.

George L Dewey said he was running for Congress specifically for what he witnesses, this dog and pony show you call due process and I feel like you are bordering on violating his civil rights and the rights of every person in this room that is come here to discuss this issue. Mr. Dewey said he takes exception to the gentleman that wants to marginalize these people and demonize them by calling them environmentalists, which you are witnessing is a whole state of monitorization of the political process of the United States of America. Mr. Dewey said we have a Congress of the United States which is stagnant, dead locked, they can't get a majority so what do they do they crap laws by calling themselves bi-partisans but what they are talking about is a money tree.

Commissioner Aguilar interrupted Mr. Dewey and said at the beginning there were rules that were stated and if you want to be fair and not violate other's rights let's stick to the site design.

Mr. Dewey said the government that we have has exempted you from considering any alternative energy sources and have people calling wind power dreamland but that is not true. There is no wind power implementation because the laws have accomplished crap the energy policy demanded no alternative energy sources at the local level and that exempted you from considering any other alternatives and allowed you to rubber stamp the oil and gas industry right into our neighborhoods.

Commissioner Aguilar said to please limit these talks to two minutes and stated to County Clerk, Ms. Gallegos to time two minutes and raise a hand letting them know time is up and said to Mr. Dewey your time is up.

Clara T. Rehrer from San Clemente was interested in what Harvey Yates had to say where he said we could get economic development through this. Ms. Rehrer said she also had a newspaper article that said where Duke Energy spokeswoman said it anticipated the Clovis project to be completed in the year 2004 and the project has been delayed because of a decline in wholesale power market and over all economic recession. Ms. Rehrer said she doesn't think People's Energy will help one bit with economic development to our County.

Jeff Greig said he is with the People's team and will speak later.

Rick Johnston said he is a 22 year resident and pipe fitter by trade and not a public speaker and not a lawyer and not a politician but just a common person. Mr. Johnston said power plants are being built not just in New Mexico but also across the country and if there wasn't a market for power then they would not be built. Mr. Johnston said some of the companies that are building power plants in the southern part of the state are importing workers from out of state and knows that because he has applied for jobs at those power plants. Mr. Johnston said he is a pipe fitter licensed by the State of New Mexico and was never given the opportunity to fill out an application while unlicensed out of state workers are coming to build these power plants and take away his job. Mr. Johnston said if you go to the parking lot of those power plants all you see is Texas license plates while New Mexico workers are on the unemployment line. Mr. Johnston said he realizes New Mexico exports power to other states and this is a good thing. If we allow ourselves to follow the model after what California has done and because of their environmental reasons they have not built power plants and they have

to buy power from other states such as New Mexico this is a reason they have brown outs. Mr. Johnston said he would hate to see New Mexico in that situation. Chairman Padilla said time is up. Mr. Johnston said he would like to see People's Energy build this power plant because they will hire New Mexico workers and we do have qualified people here.

Frank Scott said he lives in Rio Communities and works at one of the factories neighboring the site. Mr. Scott said he favors the People's Power Plant because the air monitoring results that we have done and the plant is not an exorbitant water user and the plant will be an economic benefit to the County and State. Mr. Scott said that benefit will come from property taxes to the County in gross receipts tax and for the natural gas and water that will be consumed. Mr. Scott said he feels this plant should be built here.

Rita M. Padilla-Gutierrez said she would start by saying this is dejavu all over again and we are looking at Cobiza again. Ms. Gutierrez said the issue here is water and that we don't have. Ms. Gutierrez said the jobs that people are alluding to temporary jobs and a handful of technical jobs will exist that those will be transports from the Chicago based area. Ms. Gutierrez said what bothers her is the behavior of some people because she attended the P & Z meeting and there were a parade of people coming in. Ms. Gutierrez said there was an immense conflict of interest and a group of people a year ago were fighting the Cobiza project on the west side and now the People's Energy project on the east side and they are for it. Ms. Gutierrez said Commissioners you really have to do the right thing and revisit the decision made by P & Z but err on the side of the people.

Ronald C. Hibdon - (Mr. Hibdon's name was on the list but did not show.)

James Lynch said he has been here since 1978, a business owner and is here tonight to speak in support of the power plant and would like to address some issues. Mr. Lynch said the reason there is pollution in this County is because people have to drive 50 or 60 miles away to Albuquerque. Mr. Lynch said this power plant is one of the highest forms of clean technology for producing electricity that is available. Mr. Lynch said this is a small scale plant as opposed to a 40 year plant that exists on Rio Bravo on I-25 and have never heard of anyone complain about that plant. Mr. Lynch said the Power Plant will contribute to the revenue source of the County.

Nick Petrilyak said he has lived in Rio Communities for 30 years and disagree with Horizon Corporation proposals when he first moved here because they changed everything just to satisfy themselves. Mr. Petrilyak said he agrees where the site is for a facility and does not provide any type of pollution, traffic problems or any kind of health problems. Mr. Petrilyak said that Mr. Kelly injected the rule of law but in his opening statement the County Commission has the power to change the law to satisfy the majority of the people. Mr. Petrilyak said the majority of the people should rule as Commissioner Pando stated. Mr. Petrilyak said the Commission should consider the people and consider the pollution and all the problems that these things create and we do not need this plant.

Gil Gray said at the P & Z meeting that he attended, which created the initial approval for this site and did speak there too. Mr. Gray said he represents about 500 people in the form of a petition against this plant. Mr. Gray said to the Commission to take this into account that there are 500 people against this power plant. Mr. Gray said they will deplete our water and what will the revenue impact really have on this County. Mr. Gray said to the Commission to revisit that decision made by P & Z and please consider this.

Dennis Mummert a resident of Rio Communities stated the Power Plant will be a clean neighbor and a project that is positive for economic development and you can't have growth without some standard building blocks. Mr. Mummert said one of the building blocks that most industries look for is energy and if you don't have energy then most places can't come in. Mr. Mummert said he is here to say he is in favor and think the community and the state will benefit from this plant.

Steve Crawford on behalf of New Mexico Water Service Company said we are regulated by the State of New Mexico and legally control sufficient water rights to serve this project to the extent that we promised. Mr. Crawford said they look forward to getting the revenues.

Diane Chavez said she realizes it is so late and she should have put her kids to bed but she stayed because she believes this is an issue that people need to speak about and she is for the People's Energy. Ms. Chavez said People's Energy has presented their plans to Valencia County and is a well-designed plan and everything has been fully documented as to its purpose. Ms. Chavez said everything that has been proposed has been available at all the public hearings and know that if there is question their questions will be answered. Ms. Chavez said she is on the side of economic development and for People's Energy.

Ruben Chavez said he had just signed in on the list.

Cameron Epard said he is with People's Energy.

Chairman Padilla said now People's Energy will speak.

John Kelly said he will turn it over to a non-lawyer. Mr. Kelly said he would introduce the next speaker but would like to make a few small points. Mr. Kelly said one of them has to do with Cobiza and would like to present the facts and findings of law at the conclusions on Cobiza. Mr. Kelly said in reading the facts and findings Valencia County has industrially zoned land designated for similar use

without a show of necessity the Commission finds that the creation of new industrial sites in the County already has approximately twenty-three acres of vacant industrial lands is unnecessary. Mr. Kelly went on to read the applicant did not meet the requirements of Section 703.01 for heavy industrial of the Valencia County Comprehensive Zoning Ordinance. This section refers to the I-3 section provides for industrial uses with high nuisance characteristics that are incompatible with adjacent urban residential uses or for industrial uses where space for performance characteristics demand specialized locale. Mr. Kelly said when People's Energy came to him about a year ago; they said they are interested in going into Valencia County because it is part of the Albuquerque Metropolitan market. Mr. Kelly said they foresaw transmission capacity problems coming into the four corners area not because those power plants don't generate enough power for Albuquerque but that there are not enough transmission lines bringing that power in. Mr. Kelly said we need to be near a State highway, we need to be near the grid of PNM, we need to be close to natural gas, and if rails are available that would be a plus. Mr. Kelly said that is why we discussed Valencia County. Mr. Kelly said there has been a lot of discussion on air quality. Mr. Kelly said there have been studies done on air quality and he has information on these studies if the Commission wants to view them.

Mr. Kelly introduced Cameron Epard and stated he is the project manager for People's Energy with a degree in Engineering from the University of Kansas and spent most recent years of his career doing Power Plant Development with the last twelve months researching Valencia County and discussing with the community as to what will work here. Also with Mr. Epard we have Jeff Greig, he is with Burns and McDonalds, an Engineering firm and they have designed dozens and dozens of power plants across the country and they will present their slide show.

Commissioner Pando questioned Mr. Kelly because he has received numerous phone calls both for and against the power plant that the information he understood was all the data on air quality was taken at the Albuquerque International Airport. Commissioner Pando said there has been none taken here in Valencia County and a lot of people are going to be affected but then you leave and we are still here.

Mr. Kelly said he understands Commissioner Pando's point the air quality modeling that was done; they used temperature data, used wind velocity data. Mr. Kelly said you are right Commissioner Pando it was done at the Albuquerque International Airport and mileage from the proposed power plant is around and Commissioner Pando said thirty-five miles. Mr. Kelly said this data is most frequently gathered and maintained and considered to be the most reliable are the airports.

Commissioner Aguilar said we need to move along and we need to understand this is an appeal on the decision on Planning and Zoning brought forward by Mr. Alba and the testimony that he provided P & Z erred in the zoning. Commissioner Aguilar said we allowed it to be open to everyone for a fair process but to stay with the procedures identified in the zoning ordinance and that is what we need to be looking at. Commissioner Aguilar said we need to stay within the law and jurisdiction and authority of what we need to do.

Commissioner Daves said he would go back to what he understood the ground rules were which is we allow the parties to speak including the public and at that time we would have those profound discussions and would like to move forward.

Cameron Epard, project manager for the Valencia Energy facility, People's Energy wanted to thank everyone for staying so late as it is going to be 11:00 PM. Mr. Epard said he would like to give the Commissioners a general overview, which should only take ten minutes, as he understands everyone has been patient in listening to all the parties. Mr. Epard said and afterwards he will turn it over to the engineer, Jeff Greig to discuss the site design plan. Mr. Epard said People's Energy is a Chicago based company and dates back to the 1850's and serves over a million customers with natural gas in the Chicago market, which is a similar service to what PNM provides here in New Mexico for gas service. Mr. Epard stated the company wanted to expand their horizons and diversify to other businesses to continue growing with the company and felt that power generation was one of the key areas to diversify into. At that time we formed People's Energy Resources Corp. as a subsidiary of People's Energy and will refer to it as PERC and what it does is we develop and operate power plants. Mr. Epard said they are based in Tempe, AZ and in Chicago, Illinois. Mr. Epard showed map representation of the development opportunities around the country and in Chicago we currently have two operations going at this time. Mr. Epard said what they are proposing for Valencia County is a 280 megawatt natural gas fire simple site project. Mr. Epard said simple site is often described as a peaker because these operations typically operate during point of daytime hours in the summer months to serve that peak electrical demand that occurs when people have their air conditioner on and so forth. Mr. Epard said they are using general electrical combustion turbines and this is the same general electric that makes your television or refrigerator that make quality products. Mr. Epard pointed to major points on the map to the Commission. Mr. Epard said there will be not be any visible emissions from the facility and not be able to smell any odors. Mr. Epard said they will use a fraction of the water of typical power plants twenty times less than the conventional plants of similar size. Mr. Epard said they are going to use less than 100 acre feet of water a year and 100 acre feet will give you the idea that is amount of water required to irrigate 30 to 50 acres of alfalfa. Mr. Epard said we selected a good site for a project for this Type I-3. Mr. Epard said in getting to the construction portion of the project it is going to be \$130 million. Mr. Epard said this will result in a peak construction staff of about 150 workers and we will have about 7800 cubic yards of concrete, which translates into about \$3.5 million, and 1900 square feet of building space, which translates into about \$2.1 million.

Commissioner Pando said of those 150 workers how many do you bring in? Mr. Epard stated we haven't made any determination as to whom our final contractor will be but we have made preliminary labor assessments and feel there are many qualified labor in the area and good opportunity to use local labor.

Mr. Epard went on with his presentation and said getting into the economic part of the project during operation we will have 8 to 10 full time workers with good benefits and good indirect jobs. Mr. Epard said they will see a significant wage increase during both construction and operation. Mr. Epard said to the labor benefits there will a significant tax base for the county and will provide property tax and gross receipts taxes. Mr. Epard said they have PHD Economist named Brian McDonald and has worked for 20 years at the University of New Mexico and now is in private practice but his specialty is doing economic benefit studies and he indicated for the first ten years Valencia County would receive over \$6.5 million in tax revenue, the Belen schools would receive about \$3.5 million, University of NM, Valencia Campus would receive \$800,000 and the State of New Mexico would get \$25 million. Mr. Epard said to the Commission so you see there are some local benefits.

Chairman Padilla asked Mr. Epard how long is it going to take to build the project? Mr. Epard answered once the project is started it will take nine or ten months for completion. Commissioner Pando asked what happens if the project is started and find out completion is impossible? Mr. Epard said People's Energy is a utility company and known to have a strong balance sheet and are on the New Stock Exchange and we will make sure completion will be done.

Commissioner Aguilar said she thought the ordinance provides five years for completion. Commission Aguilar found the Section 1001.05, which states the five years for completion for any site plan.

Mr. Kelly introduced Jeff Greig to speak at this time. Mr. Greig said he is the development manager with Burns and McDonnell Engineering Co. and have worked with People's Energy for a year on technical engineering aspects of the project. Mr. Greig said they were responsible for the preparation of the engineering exhibits, which are included in the site design review. Mr. Greig said he would give the Commission an overview of those exhibits, which are included in the site design review plan and discuss the major features of the project. Mr. Greig said he would like to demonstrate how the site design review plan has met the requirements of Section 1000 of the County's Zoning Ordinance. Mr. Greig said there is five exhibits required labeled A through E, and they deal with a number of the subjects that are dealt with in the zoning ordinance. The first, Exhibit A deals with existing site conditions. Mr. Greig said they have a little over eighteen-acre site and only require eight acres for the construction of the plant. The topography of the site is extremely flat, there's less than three feet of elevation difference across the site. There are no existing structures to be removed, or any trees that need to be cleared before site preparation or site construction commences. Overall, the design and construction from an existing standpoint is very straightforward. Mr. Greig said Exhibit B details the equipment and structures of the project and as been mentioned before is a nominal overall 280 megawatts simple cycle combustion turbine peaking plant. The primary engines used will be two General Electric combustion turbines. These are state of the art for power generation for both reliability and safety and from an air emission standpoint. The full landscaping is included in Exhibit D of your packet. This is a ground level view from the east of the site and some of the features incorporated in the landscaping plan include two-foot berms that will surround the project on the south, on the east and on the north side. People's and Burns and McDonnell's have worked regional landscape architect who helped develop the plan utilizing only vegetation that is suitable for the climate here. The other area that we needed to address is included in Exhibit C and that is the site drainage and final site grading. The site is relatively flat so the final grading will be relatively minimal. There are additional details of the elevations and architectural features of some the different structures included in Exhibit E of the packet. One of the items that People's has directed us to incorporate into the design is the minimal use of outdoor plant lighting and that's what we've done with the plan proposed. Outdoor lighting will only be used for employee safety or security reasons. A unique feature of the plant, since it will operate primarily in the daytime, we can turn off all the outside lights and the plant will sit in relative darkness. All the outdoor light fixtures used will meet the requirements of Illumination Engineering Society of North America for full cut off fixtures. In conclusion, Burns and McDonnell have reviewed the ordinance requirements and then submitted a plan that meets the requirements. The project will be designed and constructed in a manner that results in a safe and reliable power generation facility. Mr. Greig said at this time he will turn it over to Mr. Kelly.

Mr. Kelly said if there are any questions for the People's team we stand ready for any at this time. Commissioner Daves said he had a question; the concern that has been addressed is the noise contours and would like someone to characterize your best conclusion as to what your operation would have on those residential lots across the street? Mr. Greig said in the existing ambient whether it is built or not is about fifty decibels at the industrial park and they took sound measures in Rio Communities and also in residential areas west of the property.

Commissioner Aguilar said this appeal is for Mr. Alba and we need to allow this gentleman the opportunity for rebuttal before we go any farther.

Mr. Segal on behalf of Mr. Alba stated in conclusion he would like the Commission to take into consideration the I3 zone can be used for this purpose because in the ordinance both permissive and conditional uses does not bring him to conclude that this is either trying to be used for an I3 zone. Mr. Segal said the discovery in the Clerk's Office is accurate and in fact zoned I2 and even if you

want to conclude I3 would be okay but if it turns out that this is I2 zone this Commission should explore that and the application should be denied. Mr. Segal said that can be determined if the Commission take a look at that map.

Lawrence Alba stated he would still prefer the Commission authorizing Ms. Gallegos to go next door to get the original map. Chairman Padilla said this has been a lengthy discussion on everyone's part and we would like to proceed. Mr. Garde said Mr. Segal is representing Mr. Alba and we have heard all the testimony and have all the information we need.

Chairman Padilla said after hearing everyone's testimony and this is strictly a site design issue and would make a motion to deny the appeal. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar said in denying the appeal she would like to hear the facts and findings. Chairman Padilla said the facts have been clearly spoken and based on P & Z, Ruben Chavez's recommendation. Mr. Chavez said actually he was the one that is appealed and what he gave the Commission was testimony to the process that we followed. Chairman Padilla said so that is my motion. Commissioner Aguilar said no your motion was to deny it. Commissioner Daves said so if this motion passes the approval of the Planning and Zoning Commission will stand. Chairman Padilla called for the vote. Commissioner Pando voted no. Commissioner Aguilar said she will go along with Chairman Padilla's motion and vote yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-1.

Amend the Valencia County Zone Maps from C1 to RR1 – Christine Moya

Ms. Moya explained simply she would like to amend the maps from C1 to RR1 with Commission approval. Commissioner Daves asked how many lots does this involve? Mr. Chavez said four lots. Ms. Moya said there are four homes on four lots. Commissioner Daves made a motion for approval for this zone change. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Aguilar asked is there anyone that would like to speak for or against it. Chairman Padilla asked the public. No response. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 4-0.

Public Hearing/Final Consideration ICIP – Ruben Chavez

Mr. Chavez said what was requested of the Commission was to rank, prioritize and approve the 2003-2007 Infrastructure Capital Improvements Plan for Valencia County. Mr. Chavez said this item has been advertised as a public hearing and request for final consideration of Valencia County's ICIP plan. Mr. Chavez said every year all counties and municipalities should review and update their ICIP plans and submit to the State Department of Finance and Administration for use by the State and by the New Mexico Legislature. The final ICIP Plan is due in Santa Fe by September 30, 2002. Mr. Chavez said this will be up for approval on a resolution. Commissioner Aguilar said we did have a workshop on the ICIP and to move things along it would be her recommendation to rank the first five of the ICIP listing. Commissioner Aguilar said we go through this every year and what is going to be submitted every Legislation. Commissioner Daves said based on Mr. Chavez's recommendation and based on projected phasing of the projects he made a motion that we rank the individual elements based upon their phasing starting from this year that are high ranking. Seconded by Commissioner Aguilar. Discussion. Commissioner Pando voted no. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-1.

Commissioner Pando left he wasn't feeling well. Time being 12:30 PM.

Monica Mireles reminded the Commission the above ICIP vote was in the form of a resolution. Ms. Gallegos said this would be 2002-41. Commissioner Aguilar made a motion for **Resolution 2002-41**. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Request to go out to Bids – Monica Mireles Brush Truck – Tome/Adelino Fire Department Highland Meadows Fire Department Building

Ms. Mireles requested permission to go out for bids for a brush truck/chassis for the Tome/Adelino Fire Department. Jack Dickey submitted the specifications to the County Manager's Office. He was invited to speak but was unable to be here tonight. Mr. Cherry, as well as Ms. Abril from Purchasing Department, has reviewed the specifications. Ms. Mireles said this vehicle will be purchased from the appropriation of \$50,000.00 the County received. Commissioner Daves made a motion for approval to go out for bid. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Ms. Mireles requested permission to go out for bid for a Fire Department/Community Center Building for the Community of Highland Meadows, and for a Contractor to construct a building. James Ashmore did submit the building specifications to the County Manager's Office, as well as Mr. Cherry and Ms. Abril, Purchasing Department. Ms. Mireles said the building will be built from legislative appropriations of \$50,000.00, depending on cost James Ashmore is working on securing additional funds for this project. Commissioner Aguilar asked Mr. Fernandez do we have to out RFP? Mr. Fernandez said yes. Commissioner Daves made a motion for approval on this request. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Ms. Mireles said for Commission information this item will be on the next agenda again to request permission to go out for bid for a contractor for the same project.

Department Requests/Reports

Request to place Recording/Filing Employees on 40 Hrs –Tina Gallegos

Ms. Gallegos asked the Commission on two requests with the first one to place recording and filing employees on 40 hours during this general election cycle. Ms. Gallegos said there is a shortage of staff with one of her employees in Bureau of Elections going on 40 hours, which only leaves her director Lawrence Kaneshiro to run the election. Ms. Gallegos said she has put Peggy Estrada on 40 hours while losing a permanent employee due to maternity leave, Sheryl Salas and Gabe Salas is a transfer that got promoted to recording/filing. Leticia Sedillos is a student taking classes and will stay on 32 hours. Ms. Gallegos said in order to fill the positions in Bureau of Elections she has to move people from recording and filing to Bureau of Elections, which will be Debbie Ridley, Gabe Salas and Sally Perea. Ms. Gallegos said there is a fiscal impact of approximately \$3600.00. Ms. Gallegos said she did go over these figures with the County Manager and does anticipate a total savings of \$3000.00. Ms. Gallegos said she is willing to transfer that after the election cycle is over to put into her recording and filing fund to help offset this cost. Ms. Gallegos said she doesn't see any other way to manage this upcoming general election without a full staff. Mr. Fernandez said she did have conversation with Ms. Gallegos on this and wanted to clarify where the \$3000.00 savings is coming from. Mr. Fernandez said she is willing to not utilize the early voting site in Belen and asked Ms. Gallegos if this was correct? Mr. Fernandez said this where the hiring of the four employees savings would come from. Ms. Gallegos said partly from there and also from Sheryl Salas and Leticia Sedillos not going on 40 hours. Mr. Fernandez said to clarify this request would only be during the election cycle and run through November 8, 2002. Ms. Gallegos said that is correct and her Bureau of Elections was scheduled to go on 40 hours yesterday September 16, 2002, and continue the Friday after the election. Commissioner Aguilar asked how many early sites will we have in Belen? Ms. Gallegos said there will only be one, here at the Courthouse Commission Room. Commissioner Aguilar asked what kind of an impact will that have? Ms. Gallegos said it will have a huge impact and anticipate Bureau of Elections to be very busy this election cycle. Commissioner Aguilar said Ms Gallegos needs this and is trying to work within her budget and is there anywhere else this can come from and thinks it is important to have a site in Belen? Ms. Gallegos said the main reason we aren't having the site in Belen is because the facility we used in the past is Wells Fargo Bank and that office space is no longer available to us. Ms. Gallegos said the only place would have been where she has her voting machines stored and that is the Senior Citizens Center and we went out there to see if this was feasible. Ms. Gallegos said there would have to be some wiring done for the computers and telephones and there was an expense there and there was not enough money to cover this expense. Ms. Gallegos said unfortunately she also has a voting machine shortage and the expense of paying poll workers and her budget would not allow this to happen. Commissioner Aguilar said so there are several factors and not just the salaries for the employees. Ms. Gallegos said that is correct. Commissioner Baca made a motion for approval of this request. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar said she would support the motion but reluctantly because she would like to see an early voting site in Belen and a disadvantage for the voters. Ms. Gallegos said she will still look at options but have to check the guidelines on this. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Ms. Gallegos next request was for a temporary employee in the Bureau of Elections Department to replace an employee that will be going on maternity leave. Ms. Gallegos explained the fiscal impact of this individual will be approximately \$896.00 per month and requesting a minimum of four months. Ms. Gallegos said this will get her through the general election and school election in February. This individual will be on the same hourly schedule as the rest of the Bureau of Election Department, which is 40 hours during election calendar and 32 hours afterward. Commissioner Aguilar asked Mr. Fernandez is this an increase to her budget so will we need a resolution that would require DFA approval? Mr. Fernandez said yes we would. Commissioner Aguilar said she did not see one in her packet. Mr. Fernandez said we did not provide one because we were waiting to see what would happen to the other request. Mr. Fernandez said he doesn't really disagree as the four month period but doesn't see it as pressing as the general election as opposed to the school election. Ms. Gallegos said the schools will pay us back for this employee and also would like to state we will be redistricting so there will be a lot of data entry. Commissioner Daves said he would make a motion for approval on this request. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar said she would like to see a resolution done on this budget increase. Ms. Gallegos said she can have it by the next meeting but she is losing Sheryl Salas this week and the sooner the better on this request. Commissioner Daves said we need to accommodate Ms. Gallegos on this request. Commissioner Aguilar voted no. Commissioner Daves voted no. Commissioner Baca voted no. Motion failed. Commissioner Aguilar made a motion for Mr. Fernandez get together with Ms. Gallegos to address this issue and come forth to us at the next meeting with a resolution for approval on this request. Seconded by Chairman Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Chairman Padilla voted yes. Motion carried. 4-0.

LLEBG Public Hearing/consideration of committee's recommendation – Monica Mireles

Ms. Mireles reported committee's recommendation for the Local Law Enforcement Block Grant. Ms. Mireles said this is a public hearing and the committee's recommendation is as follows:

1. 6 Radars/Cameras (In Vehicles)	\$31,812.00
2. 25 RTS Kits (Reflective Traffic Sticks)	\$ 1,999.
3. 50 Nartec & Refills (Drug Testing Kits)	\$ 3,441.50
4. 3 Computers (Dispatch)	\$1,904.97
5. 1 Camera Camcorder (Record Interviews)	\$ 399.00
6. 7 Cassette Voice Activated Desktop Recorders	\$ 517.30

Total	\$40,074.52
Grant Amount	\$40,614.00
Balance	\$ 539.48

Ms. Mireles said as part of the requirements of LLEBG, the committee must make a recommendation for the expenditure of these funds, a public hearing must take place (today) and the Commission approves or makes recommendations on how funds should be used. Chairman Padilla asked if the public had any comments. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Financial/Business Matters

Request permission to seek RFP/Direction – James Fernandez

Management/Operation of Valencia County 194 Bed Adult Detention Center

Management/Operation of Regional Juvenile Facility

Mr. Fernandez said he is before the Commission to seek direction whether it is the desire of this Board to seek RFP for the Adult and Juvenile Detention Center. The conditions that existed before the contract was signed still exist and the background information that we provided to you is the same that was provided during negotiations. Mr. Fernandez said this request was made per Commissioner Aguilar's motion and seconded by Commissioner Pando at the September 3, 2002 Regular County Commission Meeting. Commissioner Aguilar said this item was discussed in executive session and at that time her comments and to bring forth, she is still hearing comments that we can run the facility for a lot less if we run it ourselves. Commissioner Aguilar said she is hearing numbers out there that we can save a million dollars in running it ourselves and another million dollars from the revenue that is generated. Commissioner Aguilar said there are two new Commissioners coming on Board in January and the issue needs to be resolved. Commissioner Aguilar said in the preliminary budget hearing Commissioner Daves made the comment that he was very resentful that when he joined this Commission there was a million dollar deficit and it is fine to make those types of comments when you have half truths and you don't have full information out there this issue needs to be placed to rest. Commissioner Aguilar said even with a re-negotiated contract there are still allegations out there that is a smoke screen and the money is not going to come forth and it was done in haste and not good for Valencia County. Commissioner Aguilar said what she asked is this to be placed on the agenda so that if a Commissioner or anyone feels that we can go out RFP and we can save money and by doing this we can bring our employees back to 40 hours in 90 days come forth because here is the opportunity.

Commissioner Daves said Commissioner Aguilar pretty often puts words in his mouth and he will try to characterize again what he has said. Commissioner Daves said he doesn't feel he has ever used the word resentful but knows he has said he may have done the same thing but the budget he joined as Commissioner did have a million dollar deficit and wasn't a one time cost but a million dollars worth of recurring expenditures and that is why our employees are on 32 hours. Commissioner Daves said he thinks the increase in the Adult Jail facility costs were the reasons for it. Commissioner Daves said we can't make a decision tonight of where we are and put the matter to rest, this matter won't be put to rest until the budget is balanced and our employees are on 40 hours. Commissioner Daves said we can't make a grand decision tonight but appreciate the opportunity to say that the words that were put in my mouth were words that he did not say. Commissioner Daves said he doesn't think the revenue will come in and may have to eat his words and hope he does and hope the revenue does come in. Commissioner Daves said Mr. Fernandez has put in our budget \$350,000 projected based on modest conservative estimate of what additional revenue can be generated. Commissioner Daves said it is silly to say we can dispose of this issue tonight and won't be disposed of until we are in the black and among the things to get us in the black is to make sure our jail is run efficiently and effectively. Commissioner Daves said he has some questions for Lawrence Barreras.

Commissioner Aguilar said before we start she doesn't put words in anyone's mouth and if you look at the Special Minutes of July 29, 2002 she quoted Commissioner Daves said he had a grand resentment of the fact that he had inherited a million dollar deficit when he joined this Commission and has a grand hypocrisy in the two Commissioners to his left when it was their leadership that embedded that million dollar deficit.

Commissioner Daves said he remembered saying the latter and will restate it but those who say we don't have the money to put us back on 40 hours he concurs with that statement but the major point he has said all along is we as a Commission embedded a million dollar deficit and we as a Commission haven't faced up to that issue the way we should.

Commissioner Aguilar said when she goes back to half-truths and information out there and what we have in the existing facility we have inmates from 40 to 60 that doubled in a year. Commissioner Aguilar said when you have to send out 60 inmates to another facility and pay for transportation and take care of up to 100 inmates. Commissioner Aguilar said she would like to hear from Cornell and see where we are.

Lawrence Barreras said he does have an update for the Commission that included where we are with the electronic monitoring program that was part of the newly renegotiated contract, which we are currently operating under. Mr. Barreras said we have one individual on the program and we have met with the judges and they support the program. Mr. Barreras said we will build on that program and assess those individuals. Mr. Barreras said the work release program is effective and revenue coming in to the County. Mr. Barreras said the last is marketing of the beds for \$49.00 per day and

today we have 104 county inmates in the facility. Mr. Barreras said marketing is a good success right now and good for the County.

Mr. Fernandez wanted to point out just for clarification you will have nine revenue producing beds out of this fiscal year and if it holds with the \$60,000 range it would be generated roughly around \$540,000 and we did budget \$350,000 and didn't want to give this Commission the impression that we are going to bring in \$700,000 in nine months. Mr. Fernandez said the information that Mr. Barreras gave the Commission he did include it in his Manager's Report. Commissioner Aguilar said she wanted a summarization for the Commission and send a copy to DFA because she feels they received the information that the jail was the specific problem and they had issues also about the renegotiated contract and this will update them and let them know that revenue is coming in.

Commissioner Daves made a motion that County Manager be instructed to issue an RFP for operation of the jail and by Cornell to respond to that RFP. Motion died for a lack of a second. Commissioner Daves said since there was no second he just wants the world to know that he thinks that is the direction we ought to go and ought to have gone, we probably would have to worry about litigation but we should not be paralyzed and hopes the Commission's decision that he disagreed back in June gets the County to where it needs to get but he remains very skeptical.

Commissioner Aguilar said it is not that she wouldn't second this but it is passing the buck as far as saying the County Manager make the RFP for the operation of the facility but it is a Commission issue and at this point for someone to say let's go out RFP without having the specifics.

Commissioner Daves said to be respectful that is hokey as far as the comment that was just stated. Commissioner Daves said this is a grand turning point in the road at 1:00 AM in the morning on an issue that Commissioner Aguilar decided and has no idea why to put on the agenda which he supported.

Commissioner Aguilar said then you have a second. Chairman Padilla said then discussion.

Commissioner Baca said she would like to comment when this item came to the table in June she voted to renegotiate she felt that was the only way to go. Commissioner Baca said she is not to go out for RFP.

Chairman Padilla called for the vote. Commissioner Aguilar voted no. Commissioner Daves voted yes. Commissioner Baca voted no. Motion failed. 2-1.

Federal Forest Reserve Method of Payment – James Fernandez

Mr. Fernandez reported that counties are required yearly under federal law to determine the method of payment for Forest Reserve Funds. There are two methods of payment:

1. The traditional 25% payment system
2. P. L.106-393 Full Payment Amount

Mr. Fernandez reported that Valencia County for the year 2001 chose the second method of payment, as this will provide a greater amount of revenue to the County. Forest Reserve monies received by the County amounts to approximately \$1,300.00. Results of the Counties vote on the selection of payment type must be reported to the Department of Finance and Administration by September 20, 2002. Mr. Fernandez reported that selection of full payment brings in approximately \$500.00 more per year than the traditional 25% method. Mr. Fernandez requested the Commission to choose Option 2 as the method payment. Commissioner Daves made a motion for approval based on the County Manager's recommendation. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

NM State Highway Agreement Golf Course Road Lighting – James Fernandez

Mr. Fernandez reported the purpose of the agreement is to specify and delineate the rights and duties of the parties, to install streetlights on Golf Course Road between Highway 304 and Highway 47 in Belen in Valencia County. The project is a joint and coordinated effort for which the department and county each have authority or jurisdiction. Mr. Fernandez said what is being proposed is an additional 14 streetlights and in terms of the right of way issue it is broken down to the cost of this particular project. Commissioner Aguilar said the monies that were allocated were they not just for Golf Course Road? Mr. Fernandez said yes just for Golf Course Road and approached Representative Kandy Cordova to look into this project. Commissioner Aguilar said she appreciated in the packet Robert Davey's comments from VIA but has little faith as far as getting numbers because in the past we were quoted \$35,000 on a paving project and it turned out to be \$50,000 and we could not afford this or complete the project. Commissioner Aguilar said we don't have a budget for this. Mr. Fernandez said his recommendation would be to approve only the portion that deals with Golf Course Road. Commissioner Aguilar said she doesn't feel like we can do it for this amount. Mr. Fernandez said it would be \$30,000 that is appropriated. Commissioner Daves made the motion for approval on this agreement. Seconded by Chairman Padilla. Discussion. Commissioner Aguilar voted no because we do not have it in the budget. Commissioner Daves voted yes. Commissioner Baca voted yes. Chairman Padilla voted yes. Motion carried. 3-1.

Commissioner Aguilar said she realizes this item passed but they are also obligating us for the survey and where is that money coming from. Commissioner Aguilar said if it is \$10,000 where is it coming from? Commissioner Daves said we had an item that was passed whether it was wise or not we need to move on.

**Memorandum of Understanding with the Village of Los Lunas – James Fernandez
Housing Authority Family Self-Sufficiency Program**

Mr. Fernandez requested signatures to enter into a Memorandum of Understanding with the Village of Los Lunas Housing Authority Family Self-Sufficiency Program. Mr. Fernandez reported at the present time the County has a part-time employee who is Flora Armijo who works with the Village of Los Lunas Housing Authority. Mr. Fernandez said the Village has been granted by HUD a grant not to exceed one year that will allow the Village to pick up Ms. Armijo's salary to allow her to work in a full-time position. There is no fiscal impact to the County because the Village of Los Lunas will reimburse the County. The County will require a budget increase and approval from DFA in order to show the added expenditures and revenues. Commissioner Baca made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Resolution-Inter Budgetary Transfer – Sheriff's Office – James Fernandez

Mr. Fernandez requested a resolution for the purpose of this transfer to enable the reimbursement of monies used to purchase a replacement vehicle, purchased from Sheriff's Gross Receipts Fund, Capital Outlay line item in the amount of \$9,950.00. Commissioner Baca made a motion for approval of **Resolution #2002-43**. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Resolution – Creation of Expenditure line item Older Americans Program – James Fernandez

Mr. Fernandez requested a resolution for Commission approval from Older American line item to Vaccines in the amount of \$1,470.00. Commissioner Aguilar asked what these vaccines are for? Mr. Fernandez said for the employees. Commissioner Daves made a motion for approval of **Resolution #2002-44**. Seconded by Commissioner Baca. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Payroll/Warrants – James Fernandez

Mr. Fernandez presented Treasurer's Financial Report as of Monday, September 16, 2002 cash balance of \$483,530.13. Mr. Fernandez said around 3:30 PM the Treasurer's Office reported that we did receive the Equalization Payment in the amount of \$936,513.32. Mr. Fernandez presented computer print out of September 6, 2002 covering payroll processed on the above date. Warrant #69879 thru Warrant #69911 inclusive. Payroll #54498 thru payroll #54668 inclusive. Listing total of \$172,937.20 and of that total \$102, 532.81 is from the General Fund. Commissioner Baca made a motion for approval. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Mr. Fernandez presented computer printout of all checks issued by the Manager's Office on September 16, 2002 covering vendor bills processed on the above date. Warrant #69912 thru Warrant #69994 inclusive. Listing total \$138,694.86 and of that total \$19,325.67 is from the General Fund. Commissioner Aguilar made a motion for approval. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

Manager's Report – James Fernandez

Jail Monitor's Report – Informational

Justice Benefits – VC Adult Detention Center

See Valencia County Detention Inmate Count from August 31,2002 to September 12, 2002 per attachment.

Mr. Fernandez reported that Todd Murphy has waited patiently hour upon hour to update the Commission on justice benefits on the Adult Detention Center. Mr. Murphy came before the Commission to request approval/signatures on the proposed contract with Justice Benefits. Mr. Murphy explained this gives the County the opportunity to receive revenue from federally mandated programs, which the County is providing at the County's cost. Mr. Murphy said your County Attorney, Mr. Garde, has already reviewed the contract. Mr. Murphy stated the potential cost reimbursement, generating potential revenue for the adult detention facility without any expenditure obligation on the County's part. Mr. Murphy stated if revenues are not generated there is no cost to the County. Commissioner Daves made a motion for approval. Seconded by Commissioner Baca. Discussion. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0.

The next Regular Meeting of the Valencia County Board of County Commission will be held on October 1, 2002 at 9:00 AM Executive Session and 10:00 AM Regular Meeting in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Baca made a motion for adjournment. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Motion carried. 3-0. Time being 1:40 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**

S. T. FRANK PANDO, MEMBER

**ss/
ALICIA AGUILAR, MEMBER**

**ss/
HELEN BACA, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: November 12, 2002