

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

Held At the Village of Los Lunas Chambers

October 15, 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. Tina Gallegos, County Clerk read the agenda for executive session for the October 15, 2002 Regular County Commission Meeting.

Executive Session

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

Chairman Padilla called the meeting back to order.

Carol Anaya reported that in executive session the following was discussed. New Hires Pending Pre-employment Physical and Drug and Alcohol Testing for Keith Rightsell, Sheriff’s Office, Cameron Fisher, Deputy for Sheriff’s Office, Tonie Lucero, Older American Program, Early Voting for Ida Gallegos, Fidel Aragon, Luz Chavez, Theresa Hunter, Wilfred Otero, Angela Tafoya, Steve Saavedra, Louise Zamora, Temporary Hires not to exceed over six months for Lena Cruz, County Clerk’s Office, Leave With Pay as Per Section 6.3 running for elected office for Gary Hall and Richard Perea and this is what was discussed in executive session.

Tom Garde reported that in executive session the following was discussed. The appeal for People’s Energy application for Larry Alba was discussed with procedures that are to be followed with regard to the appeal process. Mr. Garde said we are looking at four months to get this matter resolved before a District Judge. Discussed was the trial setting of the Ber Ben Road dispute with the County. Discussed was the status of the ED administrative order, the County had requested an extension of November 18, 2002 at which time to complete the clean up at the Conejo Transfer Landfill. Discussed was the contract negotiations with regards to Tri-Sect Landfill, administration received notification last week, Tri-Sect Waste Management has withdrawn its tender to this Commission with regards to the purchase and management agreement with regards to that landfill. The Waste Management gave various reasons for that decision and the corporate office in Houston made that decision and they have withdrawn their offer to the County with regards to Tri-Sect Landfill.

Commissioner Pando made a motion to accept these reports given by Human Resources Manager, Carol Anaya, and County Attorney, Tom Garde. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

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

Approval of Agenda

Ms. Gallegos read the agenda for the meeting of October 15, 2002 Regular Meeting. Commissioner Daves made a motion for approval of the agenda. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Approval of Minutes

No Minutes for Approval At This Meeting.

Public Requests

Commissioner Aguilar had some comments at one of the previous Commission Meetings this Commission took some action to where more than 100 people have raised concerns about the treatment plant near the Tome Cemetery. This Commission directed staff to do some fact-finding and check into these concerns. There was a meeting at the Don Diego Hall in Tome and Commissioner Aguilar said she had attended. The Environmental Department had a letter and she will provide a copy to the rest of the Commissioners but in this letter there was comments on their findings and their permits and this is in draft form that they are proposing. Commissioner Aguilar said this Commission has no jurisdiction over ED and we never said we did but the letter in granting the permit does indicate that it is subject to Commission local regulations. Commissioner Aguilar said she brought this up for clarification because in the newspaper it was her feeling that the article was very biased, the Commission is not out to get anyone, but not speaking for the Commission but for herself she is not out to get anyone, but we do have a responsibility to check into these issues and as far as ED goes once those facts and findings are provided to us by our Planning and Zoning Department they can come forward to this Commission. Commissioner Aguilar said for clarification purposes the Commission is not playing politics, the letter itself states does indicate that it is subject to zoning regulations and any other applicable land issues. Commissioner Aguilar thanked the Commission for listening.

Commissioner Pando had some comments and said he also received a letter from Valley Association and he thought this was inappropriate because he felt as one Commissioner he was being attacked and did not appreciate it and said we do have responsibility to the people not a corporation.

Chairman Padilla said he felt the same way that they were being attacked and he would speak for himself and said he also feels we have a responsibility to the citizens of the County.

Action Items:

General Request

Proclamations – In Memory of Damacio Montano/Leonard Garcia – Juan Julian/Gary Daves

Mr. Julian had Ms. Gallegos read the proclamation in honor of Damacio Montano, Valencia County Sheriff's Deputy. Mr. Julian said he has been in law enforcement for thirty years and this was the hardest thing he has had to do. Mr. Julian said he lost a dedicated officer as well as a respected citizen of Valencia County as well as a dedicated family man. Mr. Julian asked Damacio's wife Lina and the rest of her family to come forward and accept this proclamation because she is the one that has suffered the most. We will survive this and go on with life but it will take a lot of healing time and Mr. Julian said to Ms. Montano from the bottom of his heart he was sorry that this happened to her and her family, she as losing her husband and the children losing their father. Mr. Julian said Damacio's brother Eric, a State Policeman stationed here in Valencia County will also be accepting this proclamation as having been wounded in that tragedy alongside his brother. There was a round of applause from the audience as Ms. Montano and her family accepted this proclamation.

Commissioner Pando made a motion to accept this proclamation as presented. Seconded by Commissioner Daves. Discussion. Commissioner Daves said he was at the funeral for Damacio and he was never so moved by the comments from Damacio's brother, Eric and said he spoke so eloquently of his brother that we need to walk in each others moccasins, as well as Damacio's wife's Lina's words were very moving. Commissioner Aguilar said to Lina and her family thank you for such a devotion that Damacio had as an officer, husband and dedicated person. Chairman Padilla said he was out of town when this tragedy happened but heard about it through television and was saddened by what happened when an officer loses his life to such tragedy. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Commissioner Daves presented Leonard A. Garcia's family a proclamation by the Board of County Commissioners and said he is a loss to this community as he was an outstanding citizen of Valencia County. Commissioner Daves read the proclamation in honor of Leonard A. Garcia and presented this to his family. Commissioner Pando said he will be missed, especially seeing him at the Commission Meetings. Commissioner Aguilar said Mr. Garcia was more than just coming to the meetings, he had integrity, honesty and when he told you something it was from the heart and he represented Meadow Lake in every aspect. Chairman Padilla said he was one person that gave back to this community in every way and he will be missed.

Commissioner Daves made a motion to accept this proclamation as presented and asked if he could present it to the family. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Daves voted yes. Commissioner Baca voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0. There was a round of applause as Commissioner Daves presented the proclamation to Leonard Garcia's family.

Hospital Committee Report – Ellen Syverston

Ms. Syverston thanked the Commission for having them and stated she felt that their job was completed at this point. Ms. Syverston gave some background based on her report on the hospital committee renamed now the Valencia County Medical Facility Feasibility Study Committee. The Commission established this committee at their Regular Meeting on March 5, 2002 with Resolution No. 2002-14. Each Commissioner appointed three members, and additional members from neighborhood associations participated in the meetings. Ms. Syverston said three of the committee members are here tonight, George Hobbs, Dick Clapper, and Clara Rehrer. The Commission instructed the following:

- 1) The need for a medical facility; the type and size of the facility; explore various sites including infrastructure and location.
- 2) Investigate costs and find the best method financing; i.e., gross receipt taxes and/or ad valorem taxes.
- 3) Explore options of financing and its management, i.e, county owned/county managed, county owned/private managed; privately owned/private managed; other.
- 4) Explore the impact on economic development.

Ms. Syverston said the committee did meet seven times at meetings announced to the public and were held throughout the County. The public, emergency and fire rescue professionals, medical doctors and health care provider representatives provided input. Ms. Syverston said the committee initially elected as officers Dr. Manuel Gamez, Chairman, Ellen Syverston, Vice-Chairman, Teresa Scott, Secretary. But Dr. Gamez later resigned, due to other commitments, and Ms. Syverston said she was elected acting Chairman. Ms. Syverston said they did come up with the following but can go no further at this point. The following is what the committee came up with:

- 1) We have established a need for enhanced EMS training, staffing and transport and eventual phasing into an urgent/emergency care facility to operate on a 24-hour basis but are not recommending a specific site for such a facility.
- 2) We are hesitant to recommend tax increases, due to current economic conditions and the reluctance of the public to approve tax increases at this point.
- 3) We understand that a 24-hour urgent/emergency care facility would in all likelihood operate at a loss. We agree that the establishment of this facility must be a decision made by a health care provider.
- 4) We found that our economy would be impacted by employment initially.

Commissioner Pando wanted to thank the committee for serving in this capacity. Commissioner Pando said the only way to pass something would have to go up for election but knowing the expense of putting on an election of this magnitude would be astronomical.

Commissioner Aguilar also recognized the committee members present and applauded them for their input because as mentioned before it even got emotional at the beginning but the committee did a very good job. We do have a good start with this information and go forward.

Commissioner Daves thanked Ms. Syverston for a short report and this is a critical matter that the voters would support a project that is feasible for the County.

Chairman Padilla also thanked his fellow Commissioners for their involvement in this project and hopefully we can come up with something in the future that would benefit the County for a facility that is very much needed here in Valencia County.

Petition Requesting to Restore Forest Health on Federal Lands within NM – Clifford Nichols

Mr. Nichols presented to the Commission in the form of a Resolution for Commission review. This would be a resolution of the Board authorizing the endorsement and delivery of a petition to Secretary Ann Veneman requesting action to be taken to restore forest health on federal lands within New Mexico. Mr. Nichols read the resolution to the Commission. Commissioner Daves said he does not agree with the terms of the petition and state that he would not sign the petition. Commissioner Pando made a motion to approve **Resolution 2002-45** to restore forest health on federal lands within New Mexico. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted no. Commissioner Aguilar voted yes. Motion carried. 3-1.

Concerns: Regarding Marble Quarry Road – Mike Mechenbier

Mr. Mechenbier requested of the Commission to reaffirm not rededicate that Marble Quarry Road is a County road. Mr. Mechenbier said Jack Huning does have the history on this road. Commissioner Pando said this road is used by a lot of people and his feeling it should stay a public road or county road but at this time he would support this. Commissioner Daves said he too also feels it is a public road but would like to hear from the people present on some background history. Mr. Huning came forward and said to the Commission in your packet there is an agreement that speaks for itself because we agreed to provide a road right of way to get to Marble Quarry this right of way also served ranches west of there. The County built the road but there was nothing on record. Mr. Garde said the road department does not have this road on their inventory as being a County road. Mr. Garde said there is a distinction public road vs. county road and that is where we are getting crosswise. But for the county to get involved in litigation we would have to establish an interest in it being a county road but again based on the county inventory it is not established as a county road. Commissioner Pando said even though we do maintain a lot of public roads throughout Valencia County whether they are mail routes or bus routes and to him this is the same thing, a public road. Commissioner Aguilar after hearing Commissioners discuss the history at length stated she felt all that Mr. Mechenbier at this time is asking the Commission to reaffirm or rededicate that this is a County road and that is all we should be looking at. Mr. Mechenbier's attorney came forward and said this road may not be on the inventory as a county road but it has been maintained as a county road. So all we are asking for is to reaffirm this as a county road or rededicate because it has been maintained as a county road. Commissioner Daves made a motion that this Commission affirm Marble Quarry Road is a County Road. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Baca voted no. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 3-1.

Request Four (4) Physical Improvement Projects (Animal Control) – Judy Babcock

Ms. Babcock informed the Commission the Valencia County Animal Control Advisory Board has been meeting twice a month to discuss issues concerning the physical structure and operations of the facility. Ms. Babcock said they have identified eight (8) items that they feel require immediate action to improve conditions at the shelter and provide adequate and humane services for the future.

1) The existing septic system has failed.

Solution: Reconstruct the existing septic system or connect to the Los Lunas sewer system.

2) Deterioration has set in the interior walls of the enclosed area.

Solution: Remove the wall and replace with brick, concrete block or other material that can be sealed with water resistant material.

3) Winter weather will cause stress to the impounded animals in the exterior kennels.

Solution: The exterior kennels must be enclosed.

4) Overcrowding of the kennels.

Solution: Build an addition to compensate the overcrowding.

5) Hours of Operation Monday thru Friday.

Solution: Monday thru Saturday is more convenient.

6) Shelter is understaffed.

Solution: Hire an additional field officer. Support the use of volunteers from all resources.

7) Existing Shelter is nearly 30 years old with continued growth.

Solution: With support of the Board and the appropriate members should form a sub-committee to investigate the design and funding of a new facility.

Mr. Fernandez discussed these issues with the Commission to see what the budget would allow and we do have some bond money that could be spent on this facility. The first item is doable and we could use the revenue bond monies for that. Linda Cisneros was present and stated the hours of operation can be done with getting staff changed to fit that schedule. Commissioner Daves discussed with Ms. Babcock on the utilization of the overcrowding of the kennels. Commissioner Pando asked about the volunteer liability labor and this was discussed as to this issue being waived. Ms. Babcock said this is being looked at with Mr. Garde. Mr. Fernandez said we were presented with a waiver of liability and determination was how management at the facility would implement this. Mr. Garde said the waiver of liability was appropriated but having too many volunteers was over exposure. Commissioner Aguilar said this issue has been brought to the Commission before and here we are again and this Commission is the only direction this facility can go on. At one of our last meetings Commissioner Aguilar said Ms. Cisneros was supposed to get back to us because she had a contractor friend that was going to give us figures on the facility and that never happened. Commissioner Pando said he would make a motion to approve according to the issues problem 1, problem 2 and problem 3, problem 4 needs to be done immediately and Commissioner Pando said problem 6 he could not support because this deals with personnel and needs to be looked at within the budget. Commissioner Pando said he would like staff to look at problem 6 and get the waiver liability looked at. Commissioner Daves asked Commissioner Pando to restate his motion. Commissioner Pando said his motion would be Problem 1-6 except the hiring of personnel and get that waiver volunteer liability looked at. Seconded by Commissioner Daves. Discussion. Commissioner Pando amended his motion by adding Problem 7 if we can get additional help let's look into that also. Commissioner Daves seconded the amendment of the motion. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted no. Motion carried. 3-1.

PLANNING AND ZONING

Request to Vacate an Easement between tracts 128-B1 and 128 B2 (116 Valencia Road) – Paul Le Doux

Mr. Le Doux said his request was to vacate an easement on Valencia Road between him and Linda Davis. Mr. Le Doux said tract 128 B1 is his property and 128 B2 belongs to Linda Davis. This road is not being used and there are no utilities on this road. Mr. Le Doux showed the Commission a plat map of the area. Mr. LeDoux said there is a lot of traffic through there so there is a safety issue here. Commissioner Pando asked Mr. Garde isn't it illegal for you to create property that is land locked? Mr. Garde that is correct but we need to hear from Planning and Zoning on this item. Mr. Chavez said Matthew Otero did come before this Commission to do a subdivision and these lots were under an acre and it didn't go further than the preliminary plat. Mr. Chavez said he has a real concern with the vacation of this easement and these lots are buildable and there are people using this access. Mr. Chavez recommended to the Commission that this easement be denied. Commissioner Pando made a motion to disapprove the vacation of this road. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Appeal Planning and Zoning Decision – M. Kushner and Lawrence Guggino, Attys.

Morequity, Inc. – Tabled on 10-01-2002

Mr. Guggino came before the Commission along with Michel Kushner. Mr. Guggino said he and Mr. Kushner represent Morequity in regarding an appeal of denial of variance from a Planning and Zoning decision. This involves a piece of property owned by Betty Stewart Ashe, approximately in 1996 she did a lot split, she kept one piece and the other piece she gave to her daughter and son-in-law and they built a house on that property. Mr. Guggino said they came to P & Z and got a permit and they submitted a plat showing the location of the house. The plat showed the house appropriately placed on the property with 15 ft. sideyard setbacks. Mr. Guggino said what that plat doesn't show is where the residence is located today, to meet the 15 ft setbacks they would have to cut cottonwood trees so instead Ms. Ashe moved the property in front of the trees. Mr. Guggino said Morequity loaned Ms. Ashe the money for this house to be built but Morequity did not know of the setbacks. The appraiser, the building inspector and the lender were all not aware of the side setback. It is respectfully submitted that a strict application of the zoning requirements would impose practical difficulties of

unnecessary hardship. Since P & Z issued a Certificate of Occupancy, and since Morequity detrimentally relied upon that certificate, the decision of the P & Z Commission should be reversed. In any event, the County is prevented under its zoning ordinance from forcing the removal of the building that encroaches into the setback. It is respectfully submitted that a permanent variance should be issued.

Commissioner Pando made a motion to approve the variance. Seconded by Commissioner Daves. Discussion. The motion made by Commissioner Pando was withdrawn as Commissioner Daves withdrew his second due to discussion, as this was Commissioner Aguilar's District. Commissioner Aguilar said this is another time where a situation comes before us and Commissioners you are granting a variance on a setback. Commissioner Aguilar said to Mr. Chavez there are other violations that have been brought forth against the County and one was that we allowed the house to be built very low and there was flooding and it was built below the flood plain ordinance and we did not do anything about that. Commissioner Aguilar said she would ask Mr. Garde about liability so if we approve this are we saying the County then is saying every other violation was okay? Mr. Chavez said he was thinking that as well as this is an appeal and the decision was made by the Planning and Zoning to deny the request based on conflict like we have heard today and Planning and Zoning felt that this was not the place to air legalities and deal with them in a court of law. Mr. Chavez said Morequity who is the owner now appealed that decision so we are here now to either affirm or deny that appeal but Commissioner Aguilar said your are asking what happens to the conflict and there are comments in the paperwork regarding irrigation and if that is what Commissioner Aguilar are you referring to? Commissioner Aguilar said she is going back on memory and remembering that Ms. Perea had said the home had structural problems and it was flooded from the neighbor and they wanted to know what the County was going to do because the Building Inspector had approved it and were we liable so there is more history to this. Mr. Guggino said if he may comment because he has some knowledge when the lawsuit started between Mr. & Ms. Perea and Joe Otero, he represented Mr. Otero for a brief period of time. While the house is in the flood plain back in 1997 it was not and those maps did not exist, they were projected to exist and when the house was built it was not in the theme of flood plain. Winton Allen did discuss this with Mr. & Ms. Perea they did not want to raise the house and he could not force them to raise the house. Commissioner Aguilar said but is it not true that after they got flooded they started blaming the County and went after Mr. Allen because Planning and Zoning had issued the permit? Mr. Garde said the lawsuit between Joe Otero and the Pereas, the County was never a part of.

Commissioner Aguilar made a motion to support Planning and Zoning Commission decision and the Chairman of the Planning Commission that says on the record that he thought the Commission should fill this request rather than settle in court. Seconded by Commissioner Baca. Discussion. Commissioner Daves said he would like to wait for Commissioner Pando as he had stepped out of the room and ask people to vote against the motion. Commissioner Aguilar commented that in her motion reasoning is because in the past she has had calls from Planning and Zoning Commissioners whereby this has gone before them and have read the minutes and no new information has come before us and she feels like she needs to support that. Chairman Padilla said since Commissioner Pando had returned there is a motion on the floor against the variance to deny it and seconded by Commissioner Baca. Discussion. Commissioner Pando voted no. Commissioner Baca voted yes. Commissioner Daves voted no. Commissioner Aguilar voted yes. Chairman Padilla broke the tie and voted yes. Motion carried. 3-2.

Department Requests/Reports

Update on Ambulance Concerns – John Cherry

Mr. Cherry gave an update to the Commission on a meeting that was held on October 9, 2002. Mr. Cherry said they addressed concerns with the ambulance services in the County. There were representatives in attendance at that meeting from the municipalities, fire departments, State EMS, Living Cross Ambulance, Isleta Fire Dept and the Valencia County Fire Marshal's Office as well as the County Manager. Personnel was discussed as a shortage in staff is involved in all aspects of the ambulance services. Mr. Cherry said the response time with the ambulance service is 45 minutes and this is a major concern due to shortage in staff. There were recommendations to certificate fire rescues on a temporary basis and allow them to charge the state tariff rate and pay our volunteers for transport only. Discussion ensued and in closing Mr. Cherry said he would come back at the next meeting with more information, as this was only to update the Commission on ambulance concerns.

Request for Professional Services (Architect) Highland Meadows Fire Dept. – John Cherry/James Ashmore

Mr. Cherry on behalf of the Highland Meadows Volunteer Fire Department and the Valencia County Marshal's Office requested approval of acquiring professional services from Smith Engineering in an effort to complete required drawings to produce a complete project cost and provide the information necessary to out to bid for a permit ready package for a contractor RFP. In order to provide a complete design and set of information necessary to release a complete and adequate bid document for a contractor to construct this project, we need to complete the mechanical and electrical drawings to the floor plan and building design. This step in the project does not require cost estimates or sealed bids as it falls within the \$20,000.00 threshold allowed for professional services. Mr. Cherry stated this does request approval of this Commission to allow this to happen. Commissioner Pando made a motion as this was in his District and moved for approval. Seconded by Commissioner Daves. Discussion. Commissioner Aguilar asked if the motion needed to include the amount of the cost estimate of \$6748.28 and does this include gross receipts? Commissioner Pando made a motion to amend his motion to include the \$300.00 for applicable fees. Seconded by Commissioner

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

Financial/Business Matters

Budget Increase BOE (General Election Expenses) – Tina Gallegos

Ms. Gallegos stated she was before the Commission to ask for approval on a Resolution for a Budget Increase per the last County Commission Meeting held on October 1, 2002 for a temporary employee and early voting poll workers for Saturday voting. The request would be \$1064.00 increase. Commissioner Aguilar made a motion for approval of **Resolution 2002-46**. Seconded by Commissioner Daves. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Ms. Gallegos stated at this time her apologies for having no minutes ready for approval at this meeting but the General Election has consumed all of her staff and her stenographer, Peggy Estrada has been busy with this. At this time there have been 3,000 absentee applications that have been mailed out. Commissioner Baca asked what are the hours again on Saturday voting? Ms. Gallegos said the hours are from 8:00 AM to 5:00 PM, the same as weekdays for early voting.

Award of Bids #530/531 RFP Tome/Adelino Brush Truck Chassis – John Cherry

Mr. Cherry asked Commission approval for the bid for the Tome/Adelino Fire Department, Bid 530. We are asking the Commission for approval of the bid by Don Chalmers Ford in the amount of \$31,188.00 as indicated in their sealed bid opened on October 4, 2002. Chairman Padilla made a motion for approval of Bid 530 Cab & Chassis. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Mr. Cherry said we had another bid we opened the same day, Bid #531. for Fire Apparatus Bed & Equipment. Mr. Cherry made a recommendation to award the bid to Monarch Equipment, Inc. in the amount of \$36,465.00 as indicated in their sealed bid opened on October 4, 2002. Commissioner Pando made a motion for approval of Bid #531 Fire Apparatus Bed & Equipment. Seconded by Commissioner Aguilar. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Budget Transfer – Sheriff's Gross Receipt – James Fernandez

Mr. Fernandez said a couple of meetings ago he asked for budget increase on the Sheriff's Gross Receipts and at that time we recognized the expenditure but not the revenue and this is to complete that transaction. Commissioner Pando made a motion for approval of **Resolution 2002-47**. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Request Approval Professional Services – Implementing GASB 34 – James Fernandez

Mr. Fernandez requested approval to acquire professional services to aid in the implementation of GASB 34 reporting of fixed assets, infrastructure, etc. The County must be GASB 34 compliant by the end of the fiscal year. Mr. Fernandez said they had looked at firms to implement this and the County sought a proposal from Neff & Ricci LLP. This has fallen within the range of \$20,000.00.

Commissioner Pando said we budgeted \$50,000.00 and still pondering on the fact with \$30,000.00 extra and Cornell up to date what about our employees in bringing them back to 40 hours? Commissioner Pando said we have to be in compliant with GASB and he understands that but what about being in compliant with our employees. Mr. Fernandez said as he has stated before he is waiting on the financial part of it from the Treasurer's Office, then we can have a meeting to see where we are. Commissioner Pando said and when will that be? Mr. Fernandez said hopefully at the end of the month.

Commissioner Pando said in getting back to GASB what do you recommend and asked Mr. Fernandez? Mr. Fernandez said in meeting with this firm we learned they have worked with local government. Mr. Fernandez said in part of the proposal would be assisting in the training of county personnel in implementing and maintaining compliance with GASB 34. Commissioner Daves made a motion for approval of this request. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted no. Motion carried. 3-1.

Approval of Waste Disposal Contract – James Fernandez

Mr. Fernandez requested approval of the contract with Waste Management of New Mexico. The term of this agreement for one year with (2) one-year renewal options by mutual agreement of both parties. With the yearly renewal option, annual CPI-U increase will be effective each anniversary year. The first CPI increase will be effective November 1, 2003. The rate is effective November 1, 2002 the rate of \$17.54 per ton+fuel surcharge. The County will haul all transfer trailers to the Rio Rancho landfill. Commissioner Daves made a motion for approval. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar yes. Motion carried. 4-0.

Approval Payroll & Warrants – James Fernandez

Mr. Fernandez presented the Treasurer's Financial Report, as of Monday, October 14, 2002 the cash balance is \$1,275,670.31. This does not include the billing for the Adult Detention Center. Mr. Fernandez presented the computer printout lists of all the checks issued by the Manager's Office on October 11, 2002, covering vendor bill processed on the above date. Warrant #70150 thru Warrant #70243 inclusive. Listing total \$139,855.23 and of that amount \$39,653.94 is from the General Fund. Commissioner Pando made a motion for approval as presented. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Mr. Fernandez presented computer printout lists of all checks issued by the Manager's Office on October 4, 2002 covering payroll processed on that date. Warrant #70116 thru Warrant #70148 inclusive. Payroll #54841 thru Payroll #55009 inclusive. Listing total of \$177,852.07. and of that amount \$105,883.93 is from the General Fund. Commissioner Baca made a motion for approval. Seconded by Commissioner Pando. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Mr. Fernandez presented the computer printout list of all checks issued by the Manager's Office on October 7, 2002 covering vendor bills processed on that date. Warrant #70149 for a total of \$4,873.59. Mr. Fernandez said this was for postage. Commissioner Pando made a motion for approval. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

Manager's Report – James Fernandez

Jail Monitor's Report – Informational

Mr. Fernandez reported for the period of September 26, 2002 to October 10, 2002 the average prisoner count was 165 with 144 males and 26 females.

The next meeting will be for the Canvass of the General Election on Friday, November 8, 2002 at 3:00 PM and this will only be for the canvass of the election.

The next Regular Meeting of the Valencia County Board of County Commission will be held on November 12, 2002 at 9:00 AM Executive Session and 10:00 AM Regular Session at the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Pando made a motion for adjournment. Seconded by Commissioner Baca. Discussion. Commissioner Pando voted yes. Commissioner Baca voted yes. Commissioner Daves voted yes. Commissioner Aguilar voted yes. Motion carried. 4-0.

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

VALENCIA COUNTY BOARD OF COMMISSIONERS

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

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

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

ALICIA AGUILAR, MEMBER

HELEN BACA, MEMBER

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: December 10, 2002