

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

March 4, 2003

Chairman Gary Daves called the Meeting to order at 9:05 A.M.

PRESENT	ABSENT
Gary Daves, Chairman	
Paul Edward Trujillo, Vice-Chairman	
Aurelio H. Padilla, Member	
Alicia Aguilar, Member	
Mary J. Andersen, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Gary Daves called the Meeting to order at 9:05 A.M. Chairman Daves read the executive session items.

Executive Session

Commissioner Trujillo made a motion to enter into executive session. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Chairman Daves called the meeting back to order.

Carol Anaya, Human Resources manager reported in executive session the following was discussed. Temporary Hire for Inez Anaya, Indigent Department, Status change from probationary to non-probationary with salary adjustment for James White, Animal Control, \$7.00 to \$7.50. Status change from Title V to probationary part-time status for Anna Marie Gonzales, Older American Program, Kitchen Aide. The Board of County Commissioners signed the Professional Services Contract for Torres and Garde, Law Firm and the employment contract for Valencia County Manager, James Fernandez and Ms. Anaya said she had a question for the Board. She had placed a job description for a Business Office Manager in the Commission packets but there was no direction given as to if this can be advertised for that position and at this time would like some direction.

Chairman Daves said that the Board would wait and get input for the qualifications for the next meeting.

Tom Garde, County Attorney reported in executive session the following was discussed. The status of the administrative appeal for People’s Energy, also the lawsuit filed by Larry Alba concerning the zoning with regards to the People’s Energy and this is scheduled for March 21, 2003 and direction was given by Commission to contact our insurance carrier. The status of the ED administrative order was discussed and there is an extension until March 18, 2003 and we are waiting for final approval on this proposal.

James Fernandez, County Manager reported in executive session the following was discussed. Under land acquisition the Board was given an update on the negotiations on the Los Chavez Fire Department on the pending legislation.

Commissioner Trujillo made a motion to accept these reports as presented. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Commissioner Aguilar said for the record on the Los Chavez Department she would like the record to reflect that she objects to that.

Chairman Daves asked Ruben Chavez to lead the Pledge of Allegiance.

Approval of Agenda

Mr. Fernandez said an added item to the agenda after the Manager’s Report, Executive Session to discuss pending litigation pertaining to road issues. Ms. Gallegos read the agenda for the March 4, 2003, Regular Meeting. Commissioner Padilla made a motion to approve the agenda as read with the added item of Executive Session. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Approval of Minutes

No Minutes For Approval at this time.

Public Requests

ACTION ITEMS;

GENERAL REQUEST:

Request for Approval of Hazard Mitigation Planning Sub-Grant – Wayne Gallegos/Manny Garcia

Regional: Valencia/Socorro County

Wayne Gallegos, Fire Chief for the City of Belen said he works in the office of Emergency Management for the City of Belen and with mutual aid agreements with Valencia County. Mr. Gallegos introduced Toby Jaramillo who works for the City of Socorro and also with the County of Socorro and he said everyone knows the Fire Marshal of Valencia County, John Cherry. who is also the appointed Emergency Manager for the County. Mr. Gallegos said he is before this Commission to discuss the sub-grant agreement that affects Valencia County. Mr. Gallegos said this is a pre-disaster grant or mitigation planning that deals with preparing for a disaster if and when it happens. Mr. Gallegos said through this grant both Socorro and Valencia Counties will be able to participate in the appropriation monies of \$35,000 each. The local mitigation plan is the representation of the jurisdiction's commitment to reduce risks from natural hazards, serving as a guide for decision makers as they commit resources to reducing the effects of natural hazards. Local plans will also serve as the basis for the State to provide technical assistance and to prioritize project funding. Mr. Gallegos said there is a plan requirement for disasters declared after November 1, 2003, a local government must have a mitigation plan approved pursuant to this section in order to receive HMGP (Hazard Mitigation Plan) project grants. Until November 1, 2003, local mitigation plans may be developed concurrent with the implementation of the project grant. Mr. Gallegos said the match that is needed for this to work is \$1600.00 per jurisdiction and that is his request.

Mr. Cherry said this type of situation has become necessary and this County is also applying for funding for Homeland Security. This will open the door to enhance that type of funding if we don't have mitigation planning which is mandatory and is set forth and established. We have a fire contingency fund within the fire department budget and this could be utilized for that match. Mr. Cherry said all jurisdictions receiving pre-disaster mitigation program funds must meet their 25% match requirement.

Mr. Jaramillo said this plan is very effective and would like for all jurisdictions to consider this plan.

Commissioner Aguilar said she would like to thank Wayne Gallegos because he is always there for Valencia County; he works well with the Fire Marshal, John Cherry. Commissioner Aguilar said going back a few years to Y2K and all that he did he exceeded in every expectation and she trusts in the two of them. Commissioner Aguilar said if Mr. Cherry says he has the funding and Mr. Gallegos says this is what is needed then there is no further explanation. Commissioner Aguilar made a motion for approval of this request. . Commissioner Andersen said she commends them for stepping out to get this done because when you think about a potential disaster happening in Albuquerque and the help that they would need would come from here in Valencia County. Commissioner Andersen said she did have a question for Mr. Gallegos when he mentioned a 75% to 25% match and a total of \$35,000 available. Mr. Gallegos said but only \$20,000 would pertain for us to be responsible on the match. Mr. Gallegos said this would be split by four jurisdictions. Chairman Daves asked for a motion. Commissioner Aguilar said she had made a motion but never got a second. Commissioner Aguilar made the motion for approval of this request. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

PLANNING & ZONING;

Findings & Conclusions-Leonard Peralta Zone Change RR2 to RR1 – Tom Garde

15 Campo, Belen, NM – Tract A, Map 102

Mr. Garde presented findings and conclusions for Leonard Peralta on the zone change from RR2 to RR1 and apologizes, as he wasn't aware he was on the agenda until Friday and asked the Commission if they needed more time to review this decision. Chairman Daves said to proceed with the findings and conclusions. Mr. Garde reviewed these findings with the Commission. Commissioner Trujillo made a motion to accept these findings and conclusions as presented by Mr. Garde. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted no. Motion carried. 3-1.

Request to Amend Zone Maps from OD to WCF –Ruben Chavez/Clint Belyea

Tabled February 4, 2003

Suwanee A/K/A Highland Meadows along Rail Road Property

Hwy 6 Dalies Road A/K/A Dalies Townsite

Mr. Chavez said this item was tabled at the February 4, 2003, meeting because the Commission requested to receive an agreement with Laguna Pueblo and Highland Meadows. The site is at Suwanee otherwise known as Highland Meadows and a second location was over at the Dalies Townsite. When it was discussed on the Suwanee location this required a 440 ft. tower and a representative from Laguna Pueblo and the Homeowners Neighborhood Association of Highland Meadows had concerns on this and this is why it was tabled. We have satisfied these concerns and questions related to this project.

D.J. Robinson, a realty specialist for the Bureau of Indian Affairs, Laguna Agency said the support would be given to Burlington Northern Santa Fe Railroad's plans to upgrade its communications systems in the Suwanee area. Mr. Robinson said he had concerns in dealing with the NEPA document and at this time his concerns and questions have been answered to his satisfaction.

Gary Bunce, Burlington Northern Santa Fe Railroad, Manager of Telecom Systems said he has worked with Mr. Chavez, Pueblo of Laguna and Highland Meadows to offer them tower space and antennae based at the bottom of the tower.

Commissioner Trujillo said he would like to congratulate all parties involved because as he remembered at the last meeting there were concerns and it is apparent that interested members have worked this out to their mutual satisfaction without the Commission being involved.

Commissioner Andersen said she would like to thank Mr. Bunce and Burlington Northern for their assistance to Highland Meadows and for the radio antennae. This will mean a lot to that community and it is very appreciated.

Mr. Chavez said there are two separate items that need to be voted on separately and he recommends approval for the zone designation.

Commissioner Andersen made a motion for approval on the Suwanee A/K/A Highland Meadows site. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Commissioner Andersen made a motion for approval on the Hwy 6 Dalies Road A/K/A Dalies Townsite. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

First Public Hearing on Proposed Amendments to Solid Waste Ordinance No. 99-04 – Tom Garde

Mr. Garde said this is the First Public Hearing with regards to the request to extend the existing Solid Waste Ordinance until April 30, 2003. We anticipate final approval on this item at the Regular Meeting on April 1, 2003. This is a preliminary draft that has been prepared by Ruben Chavez, James Fernandez and himself. Mr. Garde said this is a discussion draft that we have provided to this Commission and their comments and request to publish at the next meeting, so this Commission would have ample time to review the document. This Commission gave direction for us to meet with the local haulers for their input and that has not yet taken place. Mr. Garde said he has been in contact with one of the insurance carriers whom two of the haulers have been in contact with on the issue of the performance bond, surety bond or bank guaranty. Mr. Garde said those types of conversations are still on going. We intend to have this ordinance included in the Comprehensive Plan because that would make reference to this ordinance relatively easy in that we are dealing with a complete Comprehensive Plan for this County. Mr. Garde said he has purposely not requested to void the existing contract so that we can make sure that all the haulers are in compliance with our old ordinance. So this ordinance would be a continuation of our existing ordinance. Mr. Garde said sometime in the future when everything has been complied with then we would approach the Commission to repeal the existing ordinance but right now we are only looking at amending the ordinance to include it to our Comprehensive Zoning Ordinance and we have made changes that are reflected in the document.

Commissioner Aguilar said we have an ordinance in our packet and yet we received one today. Are there changes in the document she received today? Mr. Chavez said if you have a copy that is dated February 28, 2003 then that is the latest copy. Commissioner Aguilar said you are providing us with this document today for discussion and changes can be made until the next meeting so at the Second Hearing is when action is taken on this document.

Mr. Garde said the process would be on the zoning ordinance and at the next meeting would be to request to publish. Final Action on this document would take place at the last meeting in April.

Commissioner Aguilar said but the information or any feedback or comments to be placed in it should be by the next meeting.

Chairman Daves said this is a formal public hearing that relates to the amendment to our ordinance which would be an extension for the next 30 days on the existing solid waste ordinance. We do have a proposal from staff that reflects the discussion at the workshop we had that addressed the issues on performance bonds and so forth. Chairman Daves opened it up to the public. No response. Chairman Daves said Commissioners could then comment on the solid waste document.

Chairman Daves said we have been given a mandate to try to recall where we are and what the package is in front of us and the issue on the performance bond has been discussed at a doable level.

Mr. Garde said that Mr. Chavez had come up with a formula that one of the concerns of the haulers was that we don't know what we are insuring. The formula is based on the number of clients that a

hauler has times three months of which the amount that they collect times the fee they collect from the customer so that would be the amount that we are looking for to secure the performance bond. Mr. Garde said what is lacking are contracts for the haulers to review subject to this Commission's review of this ordinance.

Commissioner Aguilar said can this be stamped draft or preliminary draft that way we have just one document in circulation? Mr. Garde said that would be a good idea to differentiate the documents and would be done.

DEPARTMENT REQUESTS/REPORTS

Board of Commissioners Convenes as Indigent Board

Indigent Report/Appeal – Barbara Baker

Board Re-Convenes as Valencia Board of Commissioners

Commissioner Aguilar made a motion to convene as the Indigent Board. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Ms. Baker reported on the Indigent Appeal for Maria Urias and stated that she requested an indigent appeal January 8, 2003. Ms. Baker reported that Ms. Urias was denied, as she did not bring in the information required by the date it was required. Ms. Baker said she only heard from Ms. Urias after she received the denial letter. If this were approved the amount being paid to Living Cross Ambulance would be \$450.00. Ms. Baker's recommendation is for approval. Commissioner Padilla made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Ms. Baker reported on the Indigent Appeal for inmate Edward Ibuado. Mr. Ibuado was denied as the bill was received after the 90-day limit. If the Commissioners were to approve this appeal the amount paid to Radiology Associates would be \$60.77. Ms. Baker recommended approval. Ms. Baker said the other indigent appeal is for inmate Alberto Martinez. Mr. Martinez was denied as the bill was received after the 90-day limit. If the Commissioners were to approve this appeal the amount would be to Living Cross Ambulance for \$430.29 and X-Ray Associates for \$21.60, total amount \$460.89. Ms. Baker recommended approval. Commissioner Aguilar asked why the 90-day limit and why are they not being submitted. Ms. Baker said they are passing through to many hands, first Cornell gets them and then if they don't know who to give them to, it takes awhile to get them to her. Ms. Baker said it could be the billing department but she has talked to them and it is getting better. Chairman Daves said along those lines how many within the same time period have been timely submitted. Ms. Baker said we receive twelve in a timely manner and then two after the 90-day limit. Ms. Baker said a lot of times the provider doesn't know where to send it at first. Commissioner Trujillo made a motion for approval on both of the above appeals. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Ms. Baker presented her report on the Indigent Claims from January 23, 2003 to February 20, 2003. The total amount of claims submitted was \$176,474.10. Ms. Baker asked the Commission for approval of \$36,197.82 and to deny \$140,276.28. There were 77 claims submitted and 24 applicant denials. Commissioner Padilla made a motion for approval of Ms. Baker's report. Seconded by Commissioner Aguilar. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Commissioner Aguilar made a motion to re-convene as Board of County Commissioners. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Request In-State Travel for Assessor's Office – Beverly Gonzales

Registration and Per/Diem for 5 Employees in Socorro, NM

Margaret Garcia on behalf of Beverly Gonzales requested in state travel for the Assessor's Office for five employees to Socorro Tech for an Appraisal Program. The request is also for mileage for two employees and per diem for three employees. The school is \$225.00 per person and this will come out of the 420 line item in the appraisal budget. Two employees will be attending four days and three employees will be attending two days. The employees that will be attending are Joann Ervin, David Salazar, Viola Vallejos and Rosemary Sandoval. Commissioner Padilla made a motion for approval of this request. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Request for Road Priority List for 2003/2004 Road Projects – Helen Cole

Tabled February 18, 2003

Ms. Cole requested the Commission's road priority list for 2003-2004 road projects with the State Highway Department. Commissioner Trujillo said he is going to need a couple of days to get his list compiled because of a recent problem regarding a funding of a road and he will need to discuss this with Mr. Fernandez before he finalizes his list. Ms. Cole said as soon as possible as this is due on March 15, 2003 with the State Highway and she still needs time to figure out the estimate as to what it would cost whatever the Commission recommendation is paving or chipping. The Road Superintendent still has to go out and look at the road and decide how much of a build up it needs so

there is still a lot of work that needs to be done. Chairman Daves said maybe a contingent list could be given to help meet these concerns.

Commissioner Padilla said his list is as follows:

Serafin Road – Re-Paving
 Valentin Road - Re-Paving
 Lucero Road – Chip-Sealed. Commissioner Padilla said he would be getting back to Ms. Cole with the rest of his list.

Commissioner Trujillo said contingent upon what he finds out on Los Chavez Road, he does have a list to present as follows:

Cordova Loop –Chip-sealed
 Willow Lane – Chip-sealed
 Calle de Baca – Chip-sealed
 Green Valley Rd – Chip-sealed
 Andres Sanchez Rd – Chip-sealed

Commissioner Aguilar said her priority list is as follows:

Monica Rd – Re-paved, Commissioner Aguilar said this road might take all her appropriation monies as it is in such bad shape.
 Mission Park – Chip-sealed
 El Cid – Chip-sealed
 El Cerro Mission, Carmel and the other part of Air Port – Rector Rd, Roberto Rd, Prairie Hawk, Chip-sealed

Commissioner Andersen presented her list as follows:

Calle de Llano – Chip-sealed
 Duarte Rd – Chip-sealed

Chairman Daves presented his list as follows:

Bonita Loop – Chip-sealed
 Journey Rd – Chip -sealed
 Lawrence Dr – Chip-sealed
 Guerrero Lane, Bosque Place and Peak Rd, these roads were paved with the original development of the Meadow Lake Development – Re-paved
 High Mesa – Chip-sealed needs to be paved but Commissioner Daves said at this point he is probably running out of appropriation monies.
 Navajo and Comanche – Re-paved

Commissioner Aguilar asked when is the certification of mileage due in Santa Fe? Ms. Cole said it is due April 1, 2003.

FINANCIAL/BUSINESS MATTERS:

Request for RFP's for a Financial Audit of the Adult Detention Center – Commissioner Mary Andersen

Commissioner Andersen said she would like this Commission to ask for an audited profit and loss statement for this particular operation of the Cornell Corporation. If we could see a profit and loss statement that was prepared under generally accepted County practices we would be able to answer the questions whether or not the Cornell contract is reasonable. Commissioner Andersen said this would put to rest much of the discussion that has gone on in the three or four years that she has been here whether or not the Cornell contract is one that we need to get rid of or amend or keep or whatever. The only way we can come to a conclusion is to have a profit and loss statement and realize that Cornell is a public entity and a very large corporation. A simple sheet of what has gone on for the last year or so of the operation here.

Commissioner Aguilar said this is an appropriate time to indicate that she will be recusing herself from this item and will be abstaining from any vote and that she did not approve the contract

Chairman Daves said then the discussion will then be limited to the four remaining Commissioners.

Commissioner Padilla said the request then is to go out for RFP then what do you intend to do.

Commissioner Andersen said the request for proposal would ask for an independent auditor to prepare a profit and loss statement and then that statement would be presented to this Commission and to the public. This will give us some direction and we can stop some of the controversy that continues and continues about this contract.

Chairman Daves said he would like to ask Mr. Garde to comment on this.

Mr. Garde said any audit has to comply with the contract with Cornell and there are two sections that allow for an audit of what they do here. It may enable us not to get a profit and loss statement. Mr. Garde read from the contract that stated Cornell should have the right to have access to any corporate accounting of financial records not created or maintained in the furtherance of the operation of management.

Commissioner Andersen said the contract further states in the same paragraph Mr. Garde was reading from it reads that Cornell shall keep proper and complete records filed of accounts with respect to the operation of the jail and shall permit the County to inspect same and make and take away copies thereof. Commissioner Andersen said she submits to this Commission any proper auditor can look at those records and make up a profit and loss statement that we can understand.

Commissioner Andersen made a motion that we advertise a request for proposal for an independent auditor to look at the records of Cornell operation in Valencia County. Seconded by Commissioner Trujillo. Discussion. Commissioner Padilla said it was mentioned that they don't have to give us a profit and loss statement. Mr. Garde said that is their option. Commissioner Trujillo said he doesn't see anything in the language and what he has heard from Mr. Garde that refers to an exclusion of a profit and loss statement. Commissioner Aguilar recused herself. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-0 with Commissioner Aguilar not voting and recusing herself from this item.

Commissioner Aguilar said she would like the record to further reflect the reason she did recuse herself and abstain from this item because the information was not provided to us when this item was placed on the agenda, we as Commissioners are very quick to criticize administration and say provide us with information that gets placed on the agenda. Commissioner Aguilar said you have just voted to go out for RFP and possibly obligate this County to something that you haven't even discussed, especially the budget. We haven't even discussed whether we can even do this and Commissioner Aguilar said she is not saying whether you can or can't but thinks that you have not given it enough thought. Thank you.

Chairman Daves said Commissioner Aguilar that is inconsistent with the idea that you recused yourself on this item but thank you for your comments.

Commissioner Aguilar said her comments were on the motion that was made by Commissioner Andersen.

Approval of Budget Resolutions – James Fernandez

Budget Increase-Indigent Claims

Intra Budget Transfers General Fund

Revenue & Expenditure Budget Increase-Adult Detention

Mr. Fernandez said the first item is the request for Barbara Baker on the budget increase from cash reserves indigent-to-indigent claims in the amount of \$100,000.00. Commissioner Andersen made a motion for approval of **Resolution 2003-11** for this budget increase. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Mr. Fernandez said the next request is intra budget transfers which are transfers from the General Fund GASB Compliance, Rental of Equipment, Law Enforcement, Full-Time Salaries, Temporary Salaries, Animal Control, Full-Time Salaries, Overtime Salaries, Equipment Maintenance Repair, Capital Outlay, Road Department, Equipment Maintenance and Repair, Capital Outlay for Computers, Property Valuation, Telephone, Computer Software, Office Supplies, Indigent, Printing and Publishing, Equipment Maintenance and Repair, Office Supplies, Temporary Salaries, FICA Medicare, and Workman's Compensation. Commissioner Andersen said as she understands it compliance with GASB is fairly important and the priorities, and we are running out of time, can we afford to take money out of that line item and put it some place else. Mr. Fernandez said the professional services contract we have with Neff and Ricci is not to exceed \$20,000 and we did allocate \$50,000 to this so the movement of that money from that line item would be the excess we have acquired through the contract. Commissioner Andersen asked but aren't there some actions that will be necessary that you get from the professional services contract? Mr. Fernandez said the professional services contract is for the implementation of the program and the documentation and working with our auditor to show those receipts are in place. Even with the transfer of funds from this particular line item we left contingency of about \$3,000 in the event that we had something additional that we had to do that was anticipated. Commissioner Andersen said she just wanted to make sure we stay in compliant and meet that order. Commissioner Padilla made a motion for approval of the intra budget transfer, which is **Resolution 2003-12**. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Mr. Fernandez said the next item is inter budget transfer and this would be from GASB compliance in the amount of \$23 453.00 to Full-time Salaries for the hiring of the anticipated Business Manager, the movement of monies into a line item for data entry for a temporary employee to complete the process for GASB Compliance and the benefits associated. Commissioner Padilla made a motion for approval of this transfer, which will be **Resolution 2003-13**. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted no. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 3-1.

Mr. Fernandez said the last item is a Revenue and Expenditure Budget Increase, this item has been presented before at the Mid-Year review, the Board wanted to see what affect this would have on the overall budget by creating this particular expenditure and revenue and it is an offset because you are increasing the revenue and the expenditure in equal amounts. Commissioner Padilla made a motion for approval, which is **Resolution 2003-14**. Seconded by Trujillo. Discussion. Commissioner

Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Approval of Payroll & Warrants – James Fernandez

Mr. Fernandez presented the computer print out lists of all the checks issued by the Manager's Office on February 21, 2003 covering payroll processed on that date. Payroll Check #56545 thru Payroll Check #56711 inclusive. Deduction Check #71728 thru Deduction Check #71759 inclusive for a listing total of \$177,849.09 and of that amount \$111,989.33 is from the General Fund. Commissioner Padilla made a motion for approval. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Mr. Fernandez gave the Treasurer's Financial Report as of Tuesday, March 4, 2003 assuming the approval of the payments and warrants that has been presented the general fund cash balance is \$1,921,971.09.

Mr. Fernandez presented the computer print out lists of all the checks issued by the Manager's Office on February 27, 2003 covering vendor bills processed on the above date. Check #71760 thru Check #71840 inclusive for the total of \$135,648.26 and of that amount \$38,432.84 is from the General Fund. Commissioner Aguilar said the Forest Vehicle loaned us a vehicle and we sold it at auction and now have to pay for it. Mr. Fernandez said the vehicle was acquired back in the early 1990's and was placed on the County inventory and the agreement that the County signed was that the County was not authorized to sell it, they did sell it and the Forest Reserves requested reimbursement for it, The amount was \$1,100.00. Commissioner Aguilar said for the Older American Program are we helping supplement their food? Mr. Fernandez said it is the same vendor that was utilized and this was for floor polish and for the El Cerro Community Center. Commissioner Aguilar said the land use coverage that we are paying for \$4,000 she would like specifics of what it covers. Commissioner Aguilar said Molzen-Corbin & Associates to Souder and Miller & Associates for \$14,641.00 what is this for? Mr. Fernandez said the amount of Molzen-Corbin is for the latest monitoring fee under the existing contract we had with Souder and Miller they are no longer our contractor, this was the last quarter that was paid. Commissioner Andersen made a motion for approval. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

MANAGER'S REPORT:

Manager's Report – James Fernandez

Jail Monitor's Report – Informational

Mr. Fernandez reported for the period of February 14, 2003 to February 28, 2003 the average prisoner count was 140 and of that amount 122 were males and 18 were females. Mr. Fernandez presented an update as to where we are in terms of the revenues that have been built and has come in to the County for the operation of the jail.

Commissioner Aguilar made a motion to take a ten-minute recess and return at 12:30 PM. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Chairman Daves called the meeting back to order. Mr. Garde said discussion in executive session would be potential Burris vs. Yates lawsuit relating to property roads in Tierra Grande Subdivision.

Added Item: Executive Session – Pending Litigation pertaining to Road Issues

Commissioner Padilla made a motion to enter into executive session. Seconded by Commissioner Andersen. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Chairman Daves called the meeting back to order. Commissioner Aguilar made a motion to enter Regular Session. Seconded by Commissioner Trujillo. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

Mr. Garde reported that in executive session the following was discussed. The status of the Burris/Yates Lawsuit, which Valencia County is a counterclaim on, and Mr. Garde said he briefed the Commission with regards to the status of the case. No action was taken.

The next Regular Meeting of the Valencia County Board of County Commission will be held on March 18, 2003 at 5:00 PM Executive Session and 6:00 PM Regular Session in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Andersen brought up to the Commission as to when can set a workshop with the County Attorney and County Manager. Chairman Daves suggested we start executive session at 3:00 PM at the next meeting. Commissioner Andersen said that was not feasible for her. After much discussion, Commissioner Aguilar suggested that at the next Regular Meeting that we have a second executive session between or at the end of the agenda and a

consensus was found amongst all the Commission that a second executive session be on the agenda at the next Regular Meeting.

Commissioner Andersen made a motion to adjourn. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen 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/
GARY DAVES, CHAIRMAN**

PAUL EDWARD TRUJILLO, VICE-CHAIRMAN

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

**ss/
ALICIA AGUILAR, MEMBER**

**ss/
MARY J. ANDERSEN, MEMBER**

ATTEST: ss/

TINA GALLEGOS, COUNTY CLERK

DATE: April 1, 2003