

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

May 6, 2003

Chairman Gary Daves called the Meeting to order at 9:07 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 9:07 A.M. Tina Gallegos, County Clerk read the agenda for executive session. Commissioner Padilla made a motion for approval of the agenda for 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.

Executive Session

Commissioner Andersen made a motion to enter into 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.

Commissioner Andersen made a motion to enter Regular session. 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.

Carol Anaya, Human Resources Manager, reported the following was discussed in executive session. Ms. Anaya said before she started with her report she wanted to introduce the new Finance Director, Edward Archuleta and now for her report. New hires pending pre-employment physical/drug test per budget for Clyde Joseph, Sheriff's Dept., Ruben Garcia, Sheriff's Dept., Henry Jaramillo, Road Dept., Voluntary resignations for Danielle L. Jony, Treasurer's Office, Effective 5-30-2003, and Rodney Johnson, Sheriff's Office, Effective 5-31-2003, Dismissal for Keith Rightsell, Sheriff's Office, Effective 5-2-2003, Salary Adjustment as per budget for Martin Duran, Sheriff's Office from \$11.24 to \$12.00, Promotion for Jeffrey Noah, Sheriff's Office, From Deputy to Detective as per budget, position left vacant by Rodney Jones when he became Sergeant.

James Fernandez, County Manager, reported the following was discussed in executive session under personnel matters. The temporary assignment for Priscilla Camerena from the Sheriff's Office to the Manager's Office pending review of personnel matters by Association of Counties and their attorney.

Tom Garde, County Attorney, reported the following was discussed in executive session under pending litigation. Discussed the appeal and procedure of this Commission's decision with regards to Leroy Aragon, discussed was the People's Energy hearing with regards to the testimony that was presented, discussed the proposed settlement with regards to the Yates/Burris case and direction was given to him for that matter. No action was taken on these items. Chairman Daves asked Mr. Garde to give reference with the meeting with the Cornell warden. With regards to an issue that was brought to administration by Commissioner Aguilar with regards to a possible breach of the agreement between Valencia County and Cornell and a meeting was scheduled with Mr. Fernandez and himself and Commissioner Aguilar and the matter was discussed and has been resolved.

Commissioner Trujillo made a motion to accept these reports as presented to them in executive session. 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 asked Frank Holguin to lead the Pledge of Allegiance.

Approval of Agenda

Ms. Gallegos read the agenda for the May 6, 2003 Regular Meeting. Commissioner Padilla made a motion for approval of the agenda as read. Seconded by Commissioner Trujillo. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Motion carried. 4-0.

## **Approval of Minutes**

April 15, 2003 – Regular Meeting

Chairman Daves said he had one clarification on page three there are two short paragraphs and in one he suggested a change in terminology and so stated the correction. Commissioner Padilla made a motion for approval of the April 15, 2003 Regular Minutes with minor corrections as stated by Chairman Daves. 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.

## **Public Requests**

Clara Rehr from San Clemente said she would like to thank whomever was responsible that put the Commissioners names on the agenda as she had suggested.

Sessa Huerta said he resides in Las Maravillas and the subject that he is going to discuss is probably related but not the same as the last time. He is here representing the children of his area for their safety. There are two schools built right across from one another and Manzano crosses between them. Mr. Huerta said he has contacted several people per telephone and no one could really give him an answer as to who he could contact to solve this problem. Starting in September, Mr. Huerta said they will be crossing Manzano Express and we have had near misses reported to them by the children and by adults. Mr. Huerta said he has sent a letter to the school administrator and a copy to Mr. Fernandez related to this problem. This problem does exist and we want to resolve and get a solution to it as soon as possible. Mr. Huerta said to the Commission if they can tell him whom to contact to follow up on this situation. Commissioners discussed a possible resolution to Mr. Huerta on this matter.

## **ACTION ITEMS:**

### **GENERAL REQUESTS:**

#### **Informational Presentation-Dairy Farmers of New Mexico – Sharon L. Lombardi**

Sharon Lombardi, Executive Director of Dairy Producers of New Mexico said she wanted to take a minute to introduce the immediate past president, Valencia County's native son, who now farms in Veguita, Ken Miller. Ms. Lombardi gave a short industry overview and update presentation on the growth of the dairy farmer. Ms. Lombardi said that Valencia County is eighth in the state as far as dairy production. All the dairies in the state are family owned and operated and that is something that we need to stress. Ms. Lombardi said there has been some misinformation that has been sent out or discussed or individuals that do not understand what this organization is all about. Ms. Lombardi brought a consultant with her, Jay Lazarus to go over water utilization because this has been a concern for everybody. Mr. Lazarus said dairies get their ground water from the Rio Grande Basin alluvium. Ground water withdrawal from wells located near the Rio Grande does not generally cause long-term water-level declines. Based on statistics from the State Engineers Office the total ground water diversion in Valencia County was almost 19,000 acre feet with irrigation diversions accounting for 46% of the total diversion in the County. Based on the database from the New Mexico Environment Department Ground Water Bureau there are ten permitted dairies in Valencia County. The average dairy daily discharge ranges from less than 2000 gallons a day for small ones up to 80,000 gallons per day; the average permitted discharge per dairy is almost 16,000 gallons. For the non-irrigation portion of dairies in the County we are looking at about a tenth of an acre-ft. a day/per dairy. Mr. Lazarus said so dairies use a small percentage of total ground water diverted in Valencia County. The dairies work closely with New Mexico Environmental Department to ensure protection of ground water and surface water. Dairies are very important family owned and family operated contributors to economic development in the County.

#### **Power Point Presentation-County Extension Service Programs/Budget – Frank C. Holguin**

Mr. Holguin gave a power point presentation on the Extension Service Programs and the budget to the Commission, which pertains to sustainable agriculture, innovative pest management, urban horticulture, and livestock production. Mr. Holguin said Julie Hutchins and Carolyn Wilson will touch on some of these areas. We are a department of New Mexico State University and a department of this County. We started out with the urban horticulture program in the year 2000 and 78 individuals have competed in the program since then. They are put through a forty-hour minimum class on different subjects on local gardening. Mr. Holguin said they put on plant clinics to provide the public regarding gardening for this area. They also have a school program with the master gardeners going into the schools and do a gardening program for all the fourth graders throughout the County. Mr. Holguin said they do pruning demonstrations and they also do soil fertility testing. Sustainable agriculture is a big part of County Extension Service responsibility; one of the big things is alfalfa production. This County has approximately 12,000 acres in alfalfa. We provide continuing education on pest management that allows them to continue to certify the use of pesticides. Mr. Holguin said livestock production is another major area of responsibility. We also provide continuing education on disease and pest management of livestock production. We provide range-monitoring schools for public schools. Mr. Holguin discussed noxious weeds that have been identified as potential problems for this County.

Julie Hutchins touched on the 4-H program, which is a youth development program for youth ages five to nineteen years old and is serviced through the Cooperative Extension Service and land grant universities in every state in the United States. It is the largest youth development program in the nation with approximately seven million youth enrolled. There are two methods of education that we provide which one is the traditional 4-H club program that kids sign up in a program in a community club and take up 4-H projects and we have over 100 projects available and then they exhibit those projects in the County Fair. The other education method we have is for expanded or non-traditional

audiences for youth at risk. Those are mainly given through after school programs, special programs and school enrichment. Ms. Hutchins said all of these educational programs involve volunteers. We have approximately 170 enrolled volunteers that donate their time to the 4-H program.

Carolyn Wilson, Home Economist stated her involvement is with indoor projects within the 4-H program. We put on camps for photography, computer skills, sewing, and cooking. Ms. Wilson said we are involved with grants with regards to the substance abuse preventive classes. Ms. Wilson said we have received funding for a new program called mini society for entrepreneurial program where they promote their own currency, their own society, and they have to produce a product to sell on market day. Ms. Wilson explained the parenting programs they have available along with nutrition programs, meal planning and so forth.

Mr. Holguin said in closing that the budget County request for this year is \$73,408.00 including the office space. The total budget is made up of matching funds which is the 1/3 is matched by state funds. We do have a lot of volunteer time that is put in by members of the organization that helps tremendously with all of our projects.

#### **PLANNING AND ZONING MATTERS:**

##### **Request to Amend Zone Maps from C1 & R2 to PD-Senior Living Systems – Ruben Chavez**

Mr. Chavez requested to amend the zone map from commercial RR2 to Planned Development for the purpose of the expansion of Hwy 47 Senior Living Systems. The property is located at 3216 Hwy 47, 05 Thomas Road, and 3214 Hwy 47 with the total land containing 3.75 acres. Mr. Chavez said this request was heard on April 8, 2003 at the Planning and Zoning Commission meeting and the request was approved with the motion that carried 5-0. With this Mr. Chavez turned it over to Suzette Lindemuth, Director for the Senior Living Systems for her presentation of this project. Ms. Lindemuth explained the outline for the project. She explained that they will expand the existing residential program and build retail spaces that will include 6,000 square feet of residential space, 5,000 square feet of restaurant and greenhouse, 2,000 square feet of salon and exercise space, 3,000 square feet of spa, and 2,000 square feet of administrative office space. Ms. Lindemuth explained in working with the State Highway Department a turning lane was discussed due to the volume of traffic on Highway 47. Discussion ensued with Ms. Lindemuth presentation on the issues and continuing coordination of the project. Mr. Chavez gave support of this project conditioned on a traffic plan acceptable to the State Highway Dept. Commissioner Andersen made a motion for acceptance of the proposal based upon a resolution by the State Highway Department to amend the zone maps. Seconded by Commissioner Padilla. Discussion. Commissioner Aguilar voted no. Commissioner Trujillo voted no. Commissioner Padilla voted yes. Commissioner Andersen voted yes. Chairman Daves voted to break the tie and voted yes. Motion carried. 3-2.

##### **Findings of Fact regarding Leroy Aragon's Request to Amend Zone Maps – Ruben Chavez**

Mr. Garde presented to the Commission the proposed decision with regards to Leroy Aragon's application to amend the master plan on the status of two meetings ago by this Commission. It was determined that this property is in fact in the master plan open space by the Horizon Corporation and split in 1995 and approved by the County but the split pertained only to the land. This Commission determined that the land was zoned open space and the request by Mr. Aragon was denied. Commissioner Aguilar made a motion based on the attorney's recommendation moved 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.

##### **Request Permission to Publish Moratorium – Commissioner Paul Trujillo New Applications for Power Plants in Valencia County**

Commissioner Trujillo stated he hoped that every Commissioner had a chance to review the proposed moratorium. Chairman Daves asked Ms. Gallegos to read the proposed moratorium in its entirety. Commissioner Trujillo said this does not impact the provisions under which any prior applicant has already made application. This provides the Commission and Planning and Zoning with a chance to sit down and look at some issues that have arisen in conjunction with that type of a facility and provides us ample time to come through and make a reasonable decision as to the existing ordinance and perhaps modify it or clarify it. Commissioner Trujillo said it is important to do this in a timely manner but yet in a thorough fashion. Commissioner Aguilar had a question on the dates and the dates now reflect to correspond with the first meeting in June. Chairman Daves asked for comments from the public.

Joseph Rizzo read his prepared comments to the Commission, which in summary read, a moratorium will not be effective unless it also includes any application beyond light industries in the disputed industrial park. It would be wise to add all heavy industries to the moratorium, any where in the County to prevent the argument that an application now would require that the industry be accommodated somewhere in the County later. It would also be wise to add such heavy water use to the moratorium until we can get a water policy into our zoning.

Clara Rehr, from San Clemente commented on the 1987-zoning ordinance where past Commissioners stressed to maintain the green belt. They had no zoning for heavy industrial and she remembers they said they don't want to become like the East. Ms. Rehr said she feels that the I-3 was an error and later penciled in because we needed heavy industry.

Gil Gray stated just as a brief reminder that last year a packet of several hundred signatures objecting to a power plant in Valencia County was turned in. Mr. Gray said he wanted to remind this

Commission based on the two new Commissioners on board and just again reminder that those signatures, which were hundreds, did not want a power plant and wanted this Commission to weigh that on their mind.

John Kelly on behalf of People's Energy Resources Corporation stated he has reviewed the proposal and to his understanding it addresses proposed power plants that maybe built or proposed to be built at a future date. Mr. Kelly said as they reviewed the last whereas clause, it would have an effect of grandfathering the People's Energy Resources Corp. project. That position in Commissioner Trujillo's resolution is consistent with our understanding with what the law would say if this issue were to come up at a later date. Mr. Kelly said he did have a further request that Commissioner Trujillo that you consider taking that final paragraph and add the letter D to read and reconsider stating. So that the final paragraph would read projects that have received site plan review approval from the County prior to the effective date of this moratorium shall be hereafter governed by the provisions of the Valencia County Comprehensive Zoning Ordinance in effect on the date project approval was first received and are excluded from this moratorium. Mr. Kelly said then there would be no doubt as to the resolution portion is to say the whereas clauses and then that be stated on now therefore be it resolved portion. That would be the only request of addressing this matter from People's respective.

William Giron said he is a developer and there are some things that trouble him on this issue. This is on changing permitted uses and as a developer impact not only the property that's the subject of the zone change but it has adverse affect on all the owners of the property. Mr. Giron said he serves on several boards and at one of his meetings the moratorium issue was brought up and it was defeated. During the discussion, Commissioner Trujillo talked about the transmission lines that are close to this property and he has concerns about health hazards that they present to his family. Mr. Giron said it is difficult to have a fair and unbiased position when something affects us personally and he thinks all of the Commission represent people in your respective Districts and the County as a whole. Mr. Giron said he would suggest anyone and it has made a difference in the past when he brought this up before at a P & Z meeting because those of you that have conflicts of interest should recuse yourselves and not participate in the discussion or the voting when they have an obvious bias.

Commissioner Trujillo called point of order that this is not a forum for making those types of unfounded allegations. Chairman Daves said he will let Commissioner Trujillo continue. Commissioner Trujillo said this man is biased more so than he is. Chairman Daves said we need to offer Mr. Giron the opportunity to speak. Commissioner Trujillo said in speaking on the issue is one thing but accusing somebody of something else is different. Chairman Daves said he will comment and thinks that Mr. Giron's comments are off base, personally but he does think we have to allow Mr. Giron to continue but hope that we what we have before us is the moratorium. Commissioner Andersen asked for Mr. Giron to be allowed to finish his comments. Chairman Daves said he would but would like to comment that the moratorium specifically excludes the project that will in fact impact those cross lines that go across Commissioner Trujillo's property so he understands Commissioner Trujillo's concerns. Chairman Daves said we should not impute conflicts of interest and thinks it is up to the person that might have them to declare them and asked Mr. Giron to continue.

Mr. Giron said what this Commission is attempting to do he felt obligated to come and protest because it will affect his property. If this process moves on he feels his concerns in the future will be heard and will reserve the rest of his comments for then.

Commissioner Trujillo said he would like to respond to Mr. Giron's comments. As Chairman Daves rightfully observed this moratorium specifically excludes the project that would directly impact Commissioner Trujillo personally. Commissioner Trujillo said forgive him for being a little bit angry but he thinks there is a presumption here on Mr. Giron's part of something regarding his character and imputing or presuming that he does not have enough sense of ethics to make a decision in an unbiased fashion, he takes that as a personal insult, it is derogatory and it is defamation of character. Commissioner Trujillo said his personal preference would be is something not even at stake here but in drafting and proposing this moratorium he has attempted to be objective and fair to all parties based on what he saw before him in terms of evidence. Commissioner Trujillo said aside from this incident he is still going to support this moratorium and would like address concerns of individuals here regarding the language or the extent of this moratorium. However, the moratorium specifically addresses power plants, it also addresses the comprehensive review of the zoning ordinance.

Gloria Sanchez said she wants to state that the moratorium is a good idea and in really studying the issue of heavy industry and special consideration of the water and pollution problems. In the years to come this will be a big issue environmentally but when that industrial park was zoned, this was after 1987 the water issue wasn't a priority. Ms. Sanchez said she would like to make an observation that she has noticed at several meetings regarding the power plant, there is a significant contrast between the people that are promoting the plant and the citizens opposed to it. It is very obvious that the promoters are in it for personal profit and the ones opposing it are in it for the best interest of the County and its citizens. Ms. Sanchez said the oath that Commissioners take testifies to this.

Diana Chavez said she is against the moratorium and the reason why is we already have a step before it even reaches you the whole process goes through Planning and Zoning and there is that process to go through in order to get to this position. She is against it because it stops all kinds of people coming in and she disagrees with Ms. Sanchez and she also is for the people of this County.

Dana Lory said a year ago she and her husband had a petition that said the ordinances that were in place did not protect us environmentally or the land and natural resources. The ordinances need to

be changed. The response for us is to rewrite the ordinances and we couldn't do that because we needed help to do that. This moratorium gives us an opportunity to do what we want.

Commissioner Trujillo said he had an amendment to take the last whereas paragraph and to place that appropriately as paragraph D in the now therefore be it resolved section as well as the dates May 6, 2003 will be June 3, 2003 and May 5, 2004 will be changed to June 2, 2004 and this is in the form of a motion. 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.

Commissioner Trujillo made a motion to publish the moratorium or request for publication as amended. Seconded by Commissioner Padilla. Discussion. Commissioner Andersen said she agrees with Mr. Trujillo that we need to look very carefully at complete zoning but she thinks this is the wrong approach. We need to first look at development and finish and adopt the comprehensive zoning plan and then make sure our ordinances conform to that. She doesn't like the message that a moratorium has on anything that has do on industrial uses and it sends that message to people who would want to invest in this County. We need jobs in this County and she doesn't want to see anybody discouraged from coming here because they don't know how this Commission is going to respond. She doesn't disagree with the purpose but disagrees with the priorities and the actions. Commissioner Padilla said this issue has been so controversial and feels in stepping back we have studied and analyzed heavy industrial uses and doesn't want to go back without clarifying some points of issues in our zoning. Commissioner Aguilar said she feels Commissioner Trujillo is doing that is why we are going out for request for publication, if there are any concerns or any issues they can be addressed. This isn't an approval it is just going out to the public to say come forth and talk to us to see what we need. She is prepared to support the request for publication and doesn't think it is sending a message to anyone if anything she appreciates Mr. Kelly for clarifying that for her and gets this Commission to admit there are problems with the zoning ordinance. Chairman Daves called for the vote. Commissioner Aguilar voted yes. Commissioner Trujillo voted yes. Commissioner Padilla voted yes. Commissioner Andersen voted no. Motion carried. 3-1

Chairman Daves called for a break @ 1.00 PM.

Chairman Daves called meeting back to order @1.45 PM.

#### **DEPARTMENT REQUESTS:**

##### **Resolution Seeking Financial Hardship Waiver-Local Governments Road Fund – Helen Cole**

Mr. Fernandez on behalf of Ms. Cole said the item before you is a Resolution being brought forth by the Road Department asking that the County be granted a waiver of hardship. What this would do is allow the County to acquire surplus equipment from the Highway Department to become available at a reduced price. Commissioner Andersen made a motion for approval of **Resolution 2003-18**. 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.

#### **Request For Travel**

##### **Las Cruces, May 14-17 Annual Animal Control Training Conference – Anne Aragon Washington, DC, National Police Week 2003, May 12-16 – Sheriff Richard Perea**

Ms. Aragon said the New Mexico Animal Control Association is hosting the 2003 Annual Training Conference in Las Cruces on May 14-17. Ms. Aragon said she is requesting approval to allow two of her full-time animal control officers to attend. The officers will be staying in Las Cruces all week and Ms. Aragon said she is requesting a county vehicle for travel. Mr. Fernandez recommended approval of this request. Commissioner Padilla made a motion for approval. 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. Perea requested travel to Washington, DC for approval for out of state travel. It is sponsored by the Concerns of Police Survivors in memory of officers slain. They are honoring one of our officers, Damacio Montano who was slain in October 2002. Mark Lujan will be representing the family at this ceremony. This will come out of the Law Enforcement Protection Fund. Commissioner Aguilar said based on the Sheriff's recommendation she will move 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.

#### ***Board of Commissioners convene as the Indigent Board***

##### **Indigent Appeal – Barbara Baker**

##### **Indigent Report/Claims – Barbara Baker**

##### **Public Hearing on Resolution/Consideration – Barbara Baker**

##### **Amending the Valencia County Indigent Hospital Claims Program**

##### ***Board Re-convenes as the Board of Commissioners***

Commissioner Padilla made a motion to convene as the Indigent Board. 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.

Ms. Baker presented the indigent appeal on Damian Gallegos. He was denied on March 5, 2003 because additional information needed was not received but since then have obtained the information needed. Ms. Baker said if the denial is approved we would pay \$445.43 to Living Cross Ambulance. Ms. Baker said her recommendation is Mr. Gallegos missed several appointments and

now it is up to the Commissioners. Commissioner Aguilar 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.

Ms. Baker presented the amendment to the Valencia County Indigent Hospital Claims Program, 99-50 for possible consideration on the following:

Reduce the amount being paid to hospitals and medical providers for an indigent patient from \$7,000 to \$4,000 in a twelve-month period.

Reduce the amount being paid to ambulance providers for an indigent patient from \$450.00 to \$425.00 in a twelve-month period.

Reduce the maximum number of ambulance transports for an indigent person from three transports in a twelve-month period to two transports in a twelve-month period.

Ms. Baker said this amendment went before the Program Committee and four of five members were present and all of the four members agreed to the above changes due to the increase of indigent applicants. The purpose of this amendment is to decrease the amount being paid to providers for the approved applicants due to the increase of applicants applying for indigent assistance. Chairman Daves asked for public input. There were none. Commissioner Padilla made a motion for approval of Ms. Baker's request for **Resolution 2003-19**. 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.

Ms. Baker presented the indigent claims report from March 18, 2003 to April 23, 2003. The total claims submitted were \$312,116.41 and of that amount Ms. Baker said she is asking the Commission to approve \$31,561.09. There were 67 claims submitted and there were 26 applicant denials. 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.

Commissioner Trujillo made a motion to reconvene as Board of County Commissioners. 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.

#### **FINANCIAL BUSINESS MATTERS:**

##### **Resolutions-Revisions to the 2002-2003 Budget – James Fernandez**

###### **Intra Budget Transfers**

###### **Inter Budget Transfers**

###### **Permanent Cash Transfers and Budget Increase**

###### **Budget Increase (Revenue)**

###### **Budget Increase Older American's Program**

###### **Permanent Cash Transfer and Budget Increase-Jarales/Bosque/Pueblitos Fire Dept.**

Mr. Fernandez said the first resolution is a four-page document referred to as intra-budget transfers and this is the movement of monies from one line item to another for each specific department to meet the anticipated expenditure within that line item for this fiscal year. Commissioner Aguilar made a motion for approval of **Resolution 2003-20**. 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 second resolution is an inter-budget transfer and this would be the movement of monies from one department to another and this is an anticipated expenditure for the fiscal year. Commissioner Aguilar made a motion for approval of **Resolution 2003-21**. 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 item is the revision to the 2002-2003-budget increase. This is in reference to the transfer station. Commissioner Padilla made a motion for approval of **Resolution 2003-22**. 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.

Mr. Fernandez said the next item is the revisions to 2002-2003 budget on one of the audit findings specifically 2002-9 gross receipts tax intercept be recorded in the fund they originally were designated. Commissioner Aguilar made a motion for approval of **Resolution 2003-23**. 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 the revisions to the 2002-2003-budget increase for the Older American Program, which recognizes the additional revenue that the program has received as well as the expenditures that they anticipate due to this additional revenue that they received. Commissioner Padilla made a motion for approval of **Resolution 2003-24**. 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.

Mr. Fernandez said the last item is the revisions to the 2002-2003 budget, permanent cash transfer and budget increase. This would be for moving from the current cash reserves to the county fire protection fund. Commissioner Padilla made a motion for approval of **Resolution 2003-25**. 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.

**Presentation of the 2001-2002 Fiscal Year Audit Report – James Fernandez**

Mr. Fernandez said this item was brought before the Board at the last County Commission meeting and due to the late hour is being brought before you again for public record and has been given to the County Clerk for public record. The letter that we received from the State Auditor's Office dated March 19, 2003 talks about the audit findings that can be found on page 131 through 141 of the audit. Commissioner Aguilar said her understanding is that administration's goal is to identify and correct those findings and then you will report back to this Commission. Mr. Fernandez said that is correct and in conversation with Mr. Archuleta is that one of our goals is to deal with all of these audit findings and not to have any audit findings when we are audited this coming year. We have already worked towards working with the Road Department with the purchase of their gasoline and so forth in terms of compliancy. Commissioner Andersen made a motion for approval. 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 Aguilar said she would like to welcome our Business Manager, Edward Archuleta and she is pleased that he accepted the position contrary to what the newspapers are printing because she thinks he is qualified and will do the County a good job.

**Presentation of the Proposed 2003-2004 Regional Juvenile Detention Budget – James Fernandez**

Mr. Fernandez said this item also was brought before the Board at the last County Commission meeting and presented a program worksheet for the Commission's review. Discussion on the budget proposal and the monitors of the Detention Center.

**Request Permission To Go Out To Bid For Office Space – James Fernandez**

Mr. Fernandez said this item is a request to go out to bid for office space. Commissioner Andersen made a motion for approval to go out for bid if needed. 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.

**Presentation/Approval of Payroll & Warrants – James Fernandez**

Mr. Fernandez presented the computer printout list of all the checks issued by the Manager's Office on April 18, 2003 covering payroll processed on that date. Payroll check #57218 thru Payroll check #57387 inclusive. Deduction check #72234 thru Deduction check #72264 inclusive for a listing total of \$177,926.67 and of that amount \$111,951.48 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 presented the computer printout list of all the checks issued by the Manager's Office on May 2, 2003 covering payroll processed on that date. Payroll check #57388 thru Payroll check #57555 inclusive. Deduction check #72265 thru #72295 inclusive for a listing total of \$178,013.51 and of that amount \$110,706.92 is from the General Fund. Commissioner Aguilar 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.

Mr. Fernandez presented the computer printout list of all the checks issued by the Manager's Office on May 2, 2003 covering vendor bills processed on that date. Check #72296 thru Check #72412 inclusive for a total of \$138,156.78 and of that amount \$36,559.22 is from the General Fund. 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.

Mr. Fernandez reported the available cash balance as of today is \$1,428,183.91.

**County Manager's Report**

**Jail Monitor's Report – Informational – James Fernandez**

Mr. Fernandez reported for the period of April 11, 2003 to April 30, 2003 the average prisoner count was 146 inmates and of that amount 122 were male and 24 were female.

The next Regular Meeting of the Valencia County Board of County Commission will be held on May 20, 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 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. Time being 2:45 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/  
GARY DAVES, CHAIRMAN**

**ss/  
PAUL EDWARD TRUJILLO, VICE-CHAIRMAN**

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

**ss/  
ALICIA AGUILAR, MEMBER**

**MARY J. ANDERSEN, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: June 17, 2003**