



January 25, 2012
Agenda
9:30 A.M. Business Meeting
Valencia County Commission Chambers
444 Luna Avenue
Los Lunas, NM 87031

Board of County Commissioners
Donald E Holliday, Chair District V
Georgia Otero-Kirkham, Vice-Chair District II
Mary Andersen District I
Lawrence R. Romero District III
Ron Gentry District IV

A*M*E*N*D*E*D
1-23-2012 8 AM

Donald Holliday

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes: January 4, 2012 Business Meeting; January 11, 2012 Public Hearing

PRESENTATION(S)

- 5) Los Lunas Schools Bond election – Bernard Saiz, Superintendent, Los Lunas Schools
- 6) Employee Recognition: Kenneth Griego; Lawrence Esquibel

DISCUSSION (Non-Action) ITEM(S)

- 7) Department Reports – IT – Tyler Update
- 8) Reports from Manager, Commissions, Boards & Committees

ACTION ITEM(S)

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

- 9) Consideration of Indigent Report/Appeal.....**Kenny Griego/Barbara Baker**
BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

- 10) Consideration of appeal for a Conditional Use for a solar facility in a Mineral Resource Zone. T6N, R2&3E, Section 1&6; NMPM, Lands of Orona Investments; Tract 1; Zoned M-R; Filed in Book 341, Page 8242, of the office of the Valencia County Clerk: **Eric Zamora / Jacobo Martinez**

ACTION ITEM(S)

BOARD OF COUNTY COMMISSIONERS CONVENES AS VALENCIA COUNTY BOARD OF FINANCE

- 11) Establish Depositories (tabled from January 4, 2012 Business Meeting).....**County Commission / County Treasurer**
BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

FINANCIAL MATTERS:

- 12) Consideration of Budget Resolution 2012-___: **Kenny Griego / Christina Card**
- 13) Consideration of Approval: Payroll / Warrants: **Kenny Griego / Christina Card**

PUBLIC COMMENT:

Please sign up on the sheet located just outside the Commission chambers. The Board will allow each member of the public wishing to address the Board a full and complete opportunity to address the Commission

EXECUTIVE SESSION:

Pursuant to Section 10-15-1 (H) (2) (7) & (8), the following matters may be discussed in closed session: a. personnel: b. pending or threatened litigation *Brownell v. Montoya, Et Al.; Corker v. Joe Chavez Warden, Et Al.; Living Cross Ambulance Service, Inc. v. Valencia County Regional Emergency Communications Center, Et Al.; Patterson v. Duran, Et Al; Santiago .v Chavez, Et Al; Wilson, Sr. v. Montano, Et Al.; Dustin Sarrett v, Valencia County Et Al; Ortiz v. Officer Martin Benavidez, Et Al;* c. real property: d. other specific limited topics that are allowed or authorized under the stated statute.

- ◆ Motion and roll call vote to go into Executive Session for the stated reasons
- ◆ Board meets in closed session
- ◆ Motion and vote to go back into regular session
- ◆ Summary of items discussed in closed session
- ◆ Motion and roll call vote that matters discussed in closed session were limited to those specified in motion for closure, and that no final action was taken, pursuant to the authority in §10-15-1 NMSA 1978.

NEXT COMMISSION MEETING:

- ◆ **February 1, 2012 – Business Meeting @ 9:30 A.M.**
Valencia County Commission Board Room 444 Luna Ave. LL, NM

ADJOURN:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Manager's Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2014 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.



VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Kenneth Griego
Individual Making Request: Barbara Baker
Presentation at Meeting on: January 25, 2012
Date Submitted: January 13, 2012
Title of Request: Indigent Report and One Appeal

Action Requested of Commission:

Consideration of the Indigent Report for January 25, 2012
Consideration of one Indigent Appeal for January 25, 2012

Information Background and Rationale

Indigent Report with 99 Claims (See Attached)
One Indigent Appeal (See Attached)

What is the Financial Impact of this Request?

\$70,703.50 recommended for approval for the Indigent Report
\$3,000.00 recommended for approval of one Indigent Appeal

Staff Comments:

Legal: The report and one appeal are in order and are germane for the Board of County Commissioners. AN

Finance: Sufficient funds in fund for indigent claims and one appeal. The current balance of the Indigent Fund is \$2,411,528.81. KG

Business Manager: The indigent report and one appeal must be given to the Board of County Commissioners for approval. The indigent report and one appeal are complete and concise. KG



VALENCIA COUNTY
Board of County Commissioners

AGENDA REQUEST FORM

Department Head: Eric Zamora/Jacobo Martinez

Individual Making Request: Robert Porter

Presentation at Meeting on: January 25, 2012

Date Submitted: January 17, 2012

Title of Request: Appeal Request

Request:

Consideration to hear an appeal of a decision made by the Planning and Zoning Commission to approve a Conditional Use for a solar facility in a Mineral Resource Zone.

Legal Description:

T6N, R2&3E, Section 1&6; NMPM, Lands of Orona Investments; Tract 1; Zoned M-R; Filed in Book 341, Page 8242, of the office of the Valencia County Clerk.

Information Background and Rationale

The applicants are in front of the board for an appeal decision made by the Planning and Zoning Commission to approve a Conditional Use for a solar facility in a Mineral Resource Zone.

On November 17, 2011, the Planning and Zoning board heard the Conditional Use for the development of a Solar Farm within in M-R zoning district. After hearing testimony, the Planning and Zoning commission **voted to approve the request for a CONDITIONAL USE** to all allow for the installation and operation of concentrated photovoltaic (CPV) Solar power facility. The Conditions of Approval are as follows: 1) The set back of any solar panel infrastructure shall be at least 185 feet from the property defined as: T6N, R2E, Section 1: NMPM, Lands of Ernest and Mary Sanchez: Map 78; Zoned M-R; Also known as 27 El Cerro Mission Rd, Los Lunas, NM 87031.

The Planning and Zoning Department found:

- The proposed project meets the definition as a similar use in scale and size to "...[e]nergy extraction and development of oil, natural gas and geothermal resources."
- The proposed use is compatible with the surrounding gravel pit.
- The proposed project will not have negative impact to noise, odors, traffic or air and water quality.
- Potential tax on the site will have a benefit to the County
- The use is consistent with the goals of Valencia County's Comprehensive Plan:

- **Regional Infrastructure**

- **Goal J: Steer urbanizing development to areas where adequate infrastructure, utilities, and public services are available.**
 - Objective J-2: Provide development incentives for new development to incorporate centralized utilities and services, or to locate near established infrastructure. (See Exhibit A for PNM electrical utility infrastructure).
- The proposed solar project is the highest and best use for the land.

An appeal was made on November 21, 2011 by citizens with standing. The appeal outlines issues that they feel the Planning and Zoning board failed to address including:

- Courtesy map sent out by the Planning and Zoning office was inconsistent with site plan of the proposed project.
- There will be a negative impact on the water table as Amonix would use a lot of water in order to clean their PV system
- There will be a negative impact to the quality of life for humans and livestock because the increase of ponding areas will increase the mosquito population
- There will be a negative impact on the natural vegetation, specifically, natural cottonwood trees could be negatively impacted
- There will be a negative impact to habitat, specifically, the Great Horned Owl that resides in the cottonwoods could be negatively impacted

On January 11, 2012, the Appeal was heard at a public hearing held in the Valencia County Chambers. The community and Amonix both provided evidence in front of the County Commission during the de novo public hearing.