

February 15, 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

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes:

A handwritten signature in cursive script, likely belonging to Georgia Otero-Kirkham, the Vice-Chair of the Board of County Commissioners.

PRESENTATION(S)

- 5) Solid Waste Planning Committee Update

DISCUSSION (Non-Action) ITEM(S)

- 6) Director Report – Warden Joe Chavez
- 7) Reports from Manager, Commissions, Boards & Committees

ACTION ITEM(S)

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

- 8) Consideration of Indigent Report/ 2 Appeals.....Eric Zamora/Barbara Baker

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

- 9) Consideration to hear an appeal of a decision made by the Planning and Zoning Commission to deny a Conditional Use for an automotive repair garage in a Neighborhood Commercial (C-1) Zoning District: Jacobo Martinez
- 10) Consideration of funding to be received from the NM State Department of Homeland Security in the amount of \$69,353.00: Glenda Chavez

FINANCIAL MATTERS:

- 11) Consideration of Approval: Payroll / Warrants: Eric Zamora / 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 Finance Director ; Human Resources Director; b. pending or threatened litigation 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:

- ♦ **March 7, 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 COMMISSIONERS

BUSINESS MEETING

FEBRUARY 15, 2012

PRESENT	
Donald E. Holliday, Chairman	
Georgia Otero Kirkham, Vice-Chair	
Lawrence R. Romero, Member	:
Ron Gentry, Member	
Mary J. Andersen, Member	
Eric Zamora, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Sally Perea, County Clerk	
Press and Public	

- 1) The Meeting was called to Order by Chairman Holliday at 9:30 A.M.
- 2) Chairman Holliday led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Andersen moved for approval of the agenda with the removal of item (5) Solid Waste Planning Committee Update and including the minutes of January 24th and February 1st for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

**4) Approval of Minutes: January 24, 2012
February 1, 2012**

Commissioner Romero moved for approval of the minutes. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

PRESENTATION(S):

5) Solid Waste Planning Committee Update
Tabled.

6) Director Report – Warden Joe Chavez

Warden Joe Chavez presented his report on the Adult Detention Center which currently houses 172 inmates in Valencia County and due to mental health issues two inmates are being housed at the prison. Detention is currently in negotiations with AFNEE on the union contract suit which is at the give and take process stage. The Los Lunas Police Department will be offering defensive tactics training for the detention officers. When detention officers start they are given one week of OJT when they initially start and one week of classroom training. A new implementation that will begin when new officers are put on shifts is that they shadow a senior officer that has at least three years in the detention facility. Presently there are thirty-nine inmates that have been in the detention for over six months, sixteen inmates over a year, two inmates over three years and one inmate has been in the detention facility at least four years. Warden Chavez is currently working with the district attorney, judges and public defenders in order for these inmates not to slide through the cracks and hopefully will get some results.

7) Reports from Manager, Commissions, Boards & Committees

Chairman Holliday announced that County Manager Eric Zamora has taken a new position with the Middle Rio Grande Conservancy District in Belen and will be leaving the county on March 30th. Chairman Holliday and the Commissioners all thanked him for his service and wished him the best.

Commissioner Andersen asked that the county manager be given direction to start advertising for candidates in the paper as soon as possible; the county is in such a state of transition with so many jobs being changed that the county cannot afford to let this job sit empty for very long.

ACTION ITEM(S):

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

Commissioner Otero-Kirkham moved to convene as the Indigent Claims Board. Seconded by Commissioner Romero. Motion carried unanimously.

8) Consideration of Indigent Report – Eric Zamora / Barbara Baker

Ms. Barbara Baker presented the Indigent Claims from January 12, 2012 to February 2, 2012 and requested approval of \$45,170.77.

Commissioner Andersen moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. (See Exhibit A)

Ms. Baker presented two appeals. The first appeal was for inmate James Gordon and requested approval of \$232.81 to be paid to Albuquerque New Mexico Physicians and \$15.66 to Zia Diagnostic. The second appeal was for inmate Angela Romero and requested approval of \$626.01 to be paid to UNM Health Sciences Center.

Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibits B & C)

Commissioner Otero-Kirkham motioned to re-convene as the Board of County Commissioner. Seconded by Commissioner Andersen. Motion carried unanimously.

9) Consideration to Hear an Appeal of a Decision Made by the Planning and Zoning Commission to Deny a Conditional Use for an Automotive Repair Garage in a Neighborhood Commercial (C-1) Zoning District – Jacobo Martinez.

Commissioner Otero-Kirkham said this issue happens to be in her district which she was born and raised in so she absolutely knows everyone. If she was to recues herself every time an issue came up that involved someone she knew, she would be recuesing herself all the time, as with many of the commissioners that sit on the board now. Commissioner Otero-Kirkham moved to approve the appeal and grant the zoning, with conditions; that all the work performed on the cars is to be done inside the building, that all toxic material stored are to be removed from the property and not to be drained into the water aquifer in that area, reasonable working hours, not working at night and giving them a reasonable time to build a solid fence across the property. This is zoned commercial and something commercial is going to go there. This gives the commission an opportunity to place some conditions on the approval and to monitor that they adhere to the conditions. On the night of the Public Hearing the Garcia's testified and made reference that they would like to be good neighbors and Commissioner Otero-Kirkham feels that they are sincere and so with the conditions set, Commissioner Otero-Kirkham motioned for approval of the appeal and the zone change. Seconded by Commissioner Gentry.

Commissioner Romero said this is not in his district but he has had a lot of calls on this issue from the neighborhood and he opposes this because of the neighbors. This zone was placed there for a reason and when you buy in this area you should know what the zone is and not get this far. If the commission starts repealing everything that they've zoned, they're not going to get anywhere. With that in mind and the safety issues Commissioner Romero voted no.

Commissioner Andersen said she has a real concern about any vote or conditional permitting of anything because the county does not enforce those conditions. It just doesn't work, we just don't do it right somehow or another and with that Commissioner Andersen voted no.

Chairman Holliday said he would have to agree with that and voted no.

Motion fails 3-2.

10) Consideration of Funding to be Received from the NM State Department of Homeland Security in the Amount of \$69,353.00 – Glenda Chavez.

Commissioner Romero moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibit D)

FINANCIAL MATTERS:

11) Consideration of Approval of Payroll / Warrants – Eric Zamora / Christina Card

Commissioner Gentry moved for approval. Seconded by Chairman Holliday. Motion carried unanimously. (See Exhibts E-G)

PUBLIC COMMENTS:

Those members of the audience making comments at today's Business Meeting were Valencia County resident Mike Wood. Charlotte Back and Marilyn Stoops.

County Manager Eric Zamora introduced the newly hired Human Resources Director Dan Zolnier who brings a wealth of knowledge in HR and has years of experience also working with unions and personnel matters. Mr. Zolnier has a Masters Degree in Industrial Labor Relations and extensive experience in Human Resources, negotiations, arbitration, primarily in industry and is looking forward to working for Valencia County.

Minutes of February 15, 2012 Business Meeting

EXECUTIVE SESSION:

Pursuant to Section 10-15 1 (H) (2) (7) & (8), the Following Matters may be Discussed in Closed Session; a.) Personnel Finance Director; Human Resources Director; b.) Pending or Threatened Litigation c.) Real Property; d.) Other Specific Limited Topics that are Allowed or Authorized under the Stated Statute.

Chairman Holliday motioned to go into Executive Session. Seconded By Commissioner Otero-Kirkham. Roll Call vote. Commissioner Romero voted yes, Commissioner Otero-Kirkham voted yes, Commissioner Gentry voted yes, Commissioner Andersen voted yes and Chairman Holliday voted yes. Motion carried 5-0.

Commissioner Otero Kirkham moved to go back into Regular Session. Seconded by Commissioner Romero. Motion carried unanimously.

County Attorney Adrian Nance stated items discussed in Executive Session were limited to personnel matters- Finance Director and Human Resources and no final action was taken. Commissioner Otero-Kirkham moved for approval. Seconded by Chairman Holliday. Roll call vote. Commissioner Romero voted yes, Commissioner Gentry voted yes, Commissioner Andersen voted yes, Commissioner Otero-Kirkham voted yes and Chairman Holliday voted yes. Motion carried 5-0.

NEXT COMMISSION MEETING:

A Special Meeting will be held on February 21, 2012 at 2:00 P.M. in the County Commission Room at the Valencia County Courthouse.

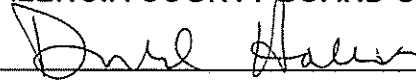
The next Regular Meeting of the Valencia County Board of County Commission will be held on March 7, 2012 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT:

Commissioner Andersen moved for adjournment. Seconded by Commissioner Gentry. Motion carried unanimously. **TIME: 10:37 A.M.**

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 15, 2012 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.


VALENCIA COUNTY BOARD OF COMMISSIONERS

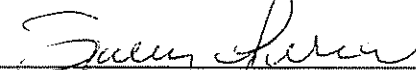

DONALD E. HOLLIDAY, CHAIRMAN


GEORGIA OTERO-KIRKHAM, VICE-CHAIR


LAWRENCE B. ROMERO, MEMBER


RON GENTRY, MEMBER


MARY J. ANDERSEN, MEMBER

ATTEST: 
SALLY PEREA, COUNTY CLERK

3 7-2012
DATE

VALENCIA COUNTY COMMISSION MEETING

Donald E. Holliday, Chair

Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen

Ron Gentry

Lawrence R. Romero

P.O. Box 1119 * * * Los Lunas, New Mexico 87031

Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
UNM Health Sciences Center	206090490	10616	337.00	187.00	150.00
UNM Health Sciences Center	207852963	10616	46,570.36	43,720.36	2,850.00
Living Cross Ambulance	62459	10617	934.46	934.46	0.00
Presbyterian Hospital	001268477-1333	10617	1,190.00	1,190.00	0.00
UNM Health Sciences Center	207994997	10618	738.00	738.00	0.00
UNM Health Sciences Center	205232689	10619	19,941.55	16,941.55	3,000.00
Living Cross Ambulance	61650	10620	1,396.43	996.43	400.00
UNM Health Sciences Center	206776692	10620	1,133.35	260.68	872.67
Living Cross Ambulance	64573	10621	1,365.24	965.24	400.00
UNM Health Sciences Center	208586230	10621	11,671.50	8,671.50	3,000.00
Living Cross Ambulance	64247	10622	1,044.30	644.30	400.00
UNM Health Sciences Center	207522418	10623	1,168.90	1,168.90	0.00
UNM Health Sciences Center	206565541	10624	6,720.55	6,720.55	0.00
UNM Health Sciences Center	207052382	10625	1,579.70	1,579.70	0.00
UNM Health Sciences Center	206333148	10626	2,465.65	2,465.65	0.00
UNM Health Sciences Center	206854846	10627	1,121.65	1,121.65	0.00
Living Cross Ambulance	60861	10628	1,355.24	1,355.24	0.00
Living Cross Ambulance	61304	10628	103.38	103.38	0.00
TOTALS			100,837.26	89,764.59	11,072.67

(EXHIBIT A)

VALENCIA COUNTY COMMISSION MEETING

Donald E. Holliday, Chair Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen Ron Gentry Lawrence R. Romero

P.O. Box 1119 * * * Los Lunas, New Mexico 87031

Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
Presbyterian Medical Group	BL10062419860	10629	214.00	188.07	25.93
Radiology Associates	15053295	10629	60.00	8.14	51.86
Presbyterian Medical Group	BL10062345100	10630	107.00	73.84	33.16
Radiology Associates	15053294	10630	34.00	11.31	22.69
Presbyterian Medical Group	BL10062290970	10631	107.00	81.03	25.97
Radiology Associates	14839552	10631	28.00	10.75	17.25
Presbyterian Medical Group	BL10062487640	10631	107.00	81.03	25.97
Radiology Associates	14839552	10631	28.00	10.75	17.25
Presbyterian Medical Group	BL10062419380	10632	214.00	161.88	52.12
Radiology Associates	15053296	10632	68.00	24.23	43.77
Presbyterian Medical Group	BL10062690090	10633	107.00	81.07	25.93
Radiology Associates	15011991	10634	28.00	8.51	19.49
Living Cross Ambulance	64080	10635	961.92	561.92	400.00
UNM Health Sciences Center	208249532	10635	1,558.05	358.35	1,199.70
Living Cross Ambulance	62218	10636	1,382.70	982.70	400.00
UNM Health Sciences Center	207179748	10636	198,321.97	195,571.97	2,750.00
UNM Health Sciences Center	207890161	10636	2,997.00	2,747.00	250.00
Living Cross Ambulance	63767	10637	1,341.51	941.51	400.00
TOTALS			207,665.15	201,904.06	5,761.09

Georgia Otero-Kirkham, Co-Chair

Lawrence R. Romero

P.O. Box 1119 * * * Los Lunas, New Mexico 87031

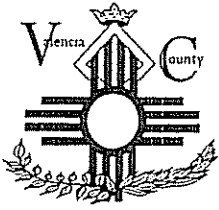
Valencia County Commissioners

Lawrence R. Romero

4,652.77

45.170.77

PAGE 665



Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 · Los Lunas, New Mexico 87031

Phone : (505) 866-2020 · Fax: (505) 866-3366

Date: February 15, 2012

To: Valencia County Board of County Commissioners

From: Barbara A. Baker *BA*

Subj: James Gordon – Inmate Indigent Appeal

Eric Zamora has requested an Indigent Appeal for the Indigent Denial of January 25, 2012 for James Gordon. Mr. Gordon was denied as the bills from Albuquerque New Mexico Physicians and Zia Diagnostic Imaging were received after the 90 day limit.

I would like to recommend approval of the Albuquerque New Mexico Physicians and Zia Diagnostic Imaging bills. If approved the amount being paid to Albuquerque New Mexico Physicians would be \$232.81 and the amount being paid to Zia Diagnostic Imaging would be \$15.66.

Approved by the Board of County Commissioners at the regular meeting of February 15, 2012.

Donald E. Holliday, Chair

Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen

Ron Gentry

Lawrence R. Romero

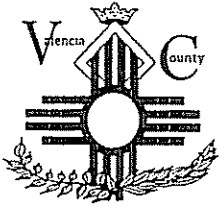
ATTESTED BY:

Sally Perea, Valencia County Clerk

BOOK 72

PAGE 666

(EXHIBIT B)



Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 · Los Lunas, New Mexico 87031

Phone : (505) 866-2020 · Fax: (505) 866-3366

Date: February 15, 2012

To: Valencia County Board of County Commissioners

From: Barbara A. Baker *BAOB*

Subj: Angela Romero – Inmate Indigent Appeal

Eric Zamora has requested an Indigent Appeal for the Indigent Denial of January 25, 2012 for Angela Romero. Ms. Romero was denied as the 2 bills from UNM Health Sciences Center were received after the 90 day limit.

I would like to recommend approval of the 2 bills from UNM Health Sciences Center. If approved the amount being paid to UNM Health Sciences Center would be \$351.89 and \$274.12, a total of \$626.01.

Approved by the Board of County Commissioners at the regular meeting of February 15, 2012.

Donald E. Holliday
Donald E. Holliday, Chair

Georgia Otero-Kirkham
Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen
Mary J. Andersen

Ron Gentry
Ron Gentry

Lawrence R. Romero
Lawrence R. Romero

ATTESTED BY:

Sally Perea
Sally Perea, Valencia County Clerk

(EXHIBIT C)



**NEW MEXICO DEPARTMENT OF HOMELAND SECURITY
& EMERGENCY MANAGEMENT
Sub-Grant Agreement**

2011 State Homeland Security Grant Program
2011 Federal Grant No. EMW-2011-SS-00094-S01 CFDA No. 97.067

1. Sub-Grant No. EMW-2011-SS-00094-S01- Valencia County	2. Recipient Valencia County	3. FIDUCIARY Valencia County	4. DFA VENDOR NUMBER/DUNS NUMBER 54407
5. Recipient Address Valencia County P.O. Box 1119 Los Lunas, NM 87301		6. Issuing Office and Address New Mexico Department of Homeland Security & Emergency Management P. O. Box 27111 Santa Fe, NM 87502	
7. Effective Date of This Action January 1, 2012	8. DHSEM Grant Specialist: Brian Chavez		Phone: 505-476-9614 Fax: 505-476-9695 Email: brianl.chavez@state.nm.us
9. Termination Date December 31, 2012			
10. Funding: Total Awarded Amount: \$69,353.00			
11. Grant Requirements, Assurances and Agreements: <i>(see attached Grant Requirements, Assurances and Agreements)</i> <i>The acceptance of a grant from the United States creates a legal duty on the part of the grantee to use the funds or property made available in accordance with the conditions of the grant through the State.</i>			
12. Special Conditions: Grant funds cannot be expended until these conditions have been met. <ul style="list-style-type: none">a. Project Budget Details are funding allocations, and are not to be construed as expenditure authorizations or approvals. Grant program guidelines and Federal, State, and local contracting and procurement compliance requirements apply. Items procured with SHSGP grant funds will be considered a state resource in times of need.b. BSIR submission is due in July and January of each open grant year – DHS will determine the dates. Quarterly reports are due on 1/30, 4/30, 7/30, and 10/30.c. Pre-approval is required for all equipment, training, planning, and exercise obligations, and all equipment must be purchased and deployed in accordance with the jurisdictions 2011 SHSGP application.d. Request for reimbursement will not be processed if quarterly financial and programmatic reports are delinquent.e. Generators purchased must be mobile only.f. Public Warning Systems: Funds awarded are to purchase warning sirens only.g. Communication Equipment: If, a revision of scope is requested it must be approved by SICWG, DHSM grant staff as well as program staff before the jurisdiction can proceed.h. Procurement from Minority Owned and Women Owned Business is encouraged.i. Emergency Operations Plans must satisfactorily address the plan requirements, as determined by the DHSEM reviewer, outlined in the DHSEM Local Emergency Operations Plan Review crosswalk before payment.j. <u>NEPA/EHP Compliance: The recipient must provide information to NMDHSEM to assist with the legally-required environmental planning and historic preservation (EHP) review and to ensure compliance with the applicable EHP laws and Executive Orders (EO). These EHP requirements include but are not limited to National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, E 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice. The recipient must comply with all Federal, State and Local EHP requirements and obtain applicable permits and clearances.</u>			

(EXHIBIT D)

13. Recipient is required to sign and return the original of this document, as well as the signed and accepted grant requirements, assurances and agreements to the Issuing Address in block 6, within 30 days from the date in block 17.	
14. Signature of Jurisdiction Grant Specialist/Program Manager	Date: _____ Phone: _____ Fax: _____ Email: _____
Printed Name: _____	
15. Signature of Jurisdiction Chief Financial Officer	Date: _____ Phone: _____ Fax: _____ Email: _____
Printed Name: <u>Donna Holiday</u>	
16. Signature of Jurisdiction Signatory Official	Date: _____ Phone: _____ Fax: _____ Email: _____
Printed Name and Title: _____	
17. DHSEM Signatory Official (Name and Title)	Date: _____

Grant Terms and Conditions (continued from Section 10 of Award)

VALENCIA COUNTY has been awarded \$69,353.00 shall be used to support activities essential to the ability of states, territories, and urban areas to prepare for, prevent, and respond to terrorist attacks and other all-hazards events.

The scope of work is as follows:

Project 1: Countywide Communications--\$54,019.20: Purchase mobile hand-held radios and conduct a tabletop communications based exercise.

Project 2: Maintained Operations--\$7,333.80: Move toward additional resources for communications such as redundancy, CAD, cyber security, alert systems, Emergency Operations Center, and public awareness.

Project 3: Awareness--\$7,000.00: Advance the Awareness of terrorism but specifically survival of terrorism, identification of terrorism, livestock emergencies, and the importance of community readiness.

Project 4: Public Awareness Advertisement and Publications--\$1,000.00:

The performance period of this grant award is January 1, 2012 through December 31, 2012. VALENCIA COUNTY cannot sub-grant all or any part of this award to any other entity or organization. All awards require confirmation within the first reporting quarter that expenditures in the budget category toward projects will be made, or DHSEM will execute de-obligation of the funds.

(A) **Changes to Award:** All change requests must be submitted in writing, or electronically to the DHSEM grant specialist, accompanied by a justification narrative and budget/spending plan, for review and approval. Changes must be consistent with the scope of the project and grant guidelines. Requests for changes will be considered only if the reporting requirements are current, and if terms and conditions have been met at the time the request. Changes in the programmatic activities, or purpose of the project, changes in key persons specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions will result in an amendment to this award.

(B) **NEPA/EHP Compliance:** The recipient must provide information to NMDHSEM to assist with the legally-required environmental planning and historic preservation (EHP) review and to ensure compliance with the applicable EHP laws and Executive Orders (EO). These EHP requirements include but are not limited to National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, E 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice. The recipient must comply with all Federal, State and Local EHP requirements and obtain applicable permits and clearances.

Recipients shall not undertake any activity from the project that would result in ground disturbance, facility modification, or relates to the use of sonar equipment without the prior approval of FEMA. These include but are not limited to communications towers, physical security enhancements involving ground disturbance, new construction, and modifications to buildings that are 50 years old or older. Recipient must comply with all mitigation or treatment measures required for the project as the result of FEMA's EHP review.

Any change to an approved project description will require re-evaluation for compliance with EHP requirements before the project can proceed. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Initiation of these activities prior to completion of FEMA's EHP review will result in a non-compliance finding and may not be eligible for grant funding.

(C) **Reporting Requirements:** VALENCIA COUNTY shall submit timely quarterly *Financial Progress Reports* to the Grant specialist at DHSEM. For grant awards, the sub-recipient is required to submit a quarterly Performance Report to the Program Specialist within the Preparedness Bureau. Instructions and blank forms are attached and are located electronically at www.nmdhsem.org, and may be reproduced. Jurisdictions must check the web site quarterly for most current forms. **Use of outdated forms will not be accepted.** Quarterly reports are due: in January 30, April 30, July 30, and October 30 for each calendar year the grant is open. The final report is due the following quarter after all funds have been reimbursed to the jurisdiction. *Financial Progress Reports* shall describe the status of the funds, show encumbrances, and receipts of program income, cash or in-kind contributions to the project, whether or not a local match is required. The *Final Narrative Report* is a summary report, evaluating project activities and measuring performance against project goals and objectives for the entire performance period, and is required *in addition* to the last quarterly report.

(D) Additional Reporting Requirements: The applicant must immediately report in writing to the DHSEM Grant Specialist any alleged acts or allegations of fraud or misappropriation of funds for work authorized under this Sub-Grant Agreement. This extends to reporting any legal action, lawsuit, bankruptcy, or other action that may jeopardize the successful completion of any authorized project.

(E) Reimbursements: Submission of a request for reimbursement must be accompanied by a financial report form. Reimbursement shall be based upon authorized and allowable expenditures consistent with project narrative and grant guidelines, and submission of timely *Financial Progress Reports*. Payments may be withheld pending correction of deficiencies. Reimbursement of expenditures may be requested at any time within the performance period. Expenditures must be supported with source documentation (e.g. copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.). Grant staff will not process reimbursement, until performance/fiscal quarterly reports are submitted.

- **Personnel Costs:** **FOR EMPG GRANTS ONLY - Payroll reports signed and certified by the chief financial officer that capture the employee name, position, coded allocation to the project, amount paid, are acceptable. Staff may not self-certify their own time and wages. VALENCIA COUNTY shall retain all supporting payroll records, including time and attendance records signed by the employee and supervisor and copies of warrants as per the recordkeeping requirements.**
- **Contracts:** All sole-source procurements, single vendor response to a competitive bid, and contracts over \$100,000 require DHSEM pre-approval prior to implementation. Requests for reimbursement for contractual services must be accompanied by the relevant contract.
- **Local Match:** Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.
- **Equipment:** Allowable equipment categories are listed on the web-based Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB) at www.rkb.mipt.org. Documentation required per instructions attached to DHSEM quarterly reports.
- **Travel:** **All reimbursable travel must be pre-approved by DHSEM 30 days prior to travel date.**
- **Per Diem:** Reimbursements for local jurisdictions cannot exceed the rates of the New Mexico Mileage and Per Diem Act.
- **Training:** Requires DHSEM pre-approval 30 days prior to registering or participating in training opportunities.
- **Exercise:** Requires submission of an After-Action Report/Improvement Plan within 30 days after conduct of the exercise.
- **Food and Beverages:** Per National Preparedness Directorate (NPD) allowances, food and/or beverage expenses provided by recipients are allowable costs if:
 - (1) The food and/or beverages are provided to participants at training sessions, meetings, or conferences that are allowable activities under the NPD program guidelines; and
 - (2) Expenses incurred for food and/or beverages, and provided at training sessions, meetings, or conferences, satisfy the following tests:
 - (a) The cost of the food and/or beverages provided is considered to be reasonable;
 - (b) The food and/or beverages provided are subject of a work-related event and work continues after meals are served;
 - (c) Participation by all participants is mandatory; and
 - (d) The food and/or beverages provided are not related directly to amusement and/or social event. **(Any event where alcohol is being served is considered a social event; therefore, costs associated with the event are not allowed).**

(F) Non-reimbursable Expenses:

- Transfer of funds between any programs (SHSP, LETPP, CCP, MMRS)
- Contracts, single vendor response to a competitive bid, and procurements > \$100,000 not pre-approved by DHSEM
- Sole source contracts and procurements not pre-approved by DHSEM
- Training and related travel costs not pre-approved by DHSEM
- Construction and renovation
- Indirect costs (p. 5, Financial Progress Report)
- Supplanting (using federal funds to purchase items previously budgeted for with state or local funds)
- Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of an exercise.
- Hiring of sworn public safety officers to fill traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Weapons and ammunition
- Entertainment and sporting events
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel, personal phone calls
- Travel insurance, visa, and passport charges
- Lodging costs in excess of Federal or State per diem, as appropriate
- Lunch when travel is wholly within a single day
- Stand-alone working meals
- Bar charges, alcoholic beverages
- Finance, late fees, or interest charges
- Lobbying, political contributions, legislative liaison activities
- Organized fund-raising, including salaries of persons while engaged in these activities
- Land acquisition
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.

(G) Property and Equipment Management: The sub-recipient shall maintain an effective property management system; safeguards to prevent loss, damage or theft; maintenance procedures to keep equipment in good condition; and disposition procedures. A *Property Inventory Report* is available at www.nmdhsem.org and shall be submitted to DHSEM annually each **January 30** with the *Financial Progress Report* during the performance period, and continued submission is required annually until final disposition of the equipment. The sub-recipient shall, when practical, prominently display the following on any equipment purchased with award funds: ***Purchased with funds provided by the U.S. Department of Homeland Security.*** No equipment purchased with these grant funds may be assigned to other entities or organizations without the expressed approval in writing from DHSEM, prior to the jurisdiction's encumbrance or expenditure for that equipment.

(H) Procurement: Procurement shall comply with local procurement policies and procedures, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of *28 CFR Parts 66 and 70, and 2 CFR Part 215 "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments."* Contractors that develop or draft specifications, requirements, Statements of Work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the

award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition. **Each sole-source procurement, single vendor response to a competitive bid, and all purchases require prior approval of DHSEM.** DHSEM has provided a summary of documentation required for levels of procurement and attached it to the instructions on the quarterly *Financial Progress Reports*.

(I) Contracts: Any contract entered into during this grant period shall comply with local, State and Federal government contracting regulations. Contracts for professional and consultant services must include local, State and Federal government required contract language, a project budget, and require pre-approval by DHSEM prior to implementation. Contract deliverables must meet the intent of the grant application and grant requirements. Justification is required for compensation for individual consultant services, which must be reasonable and consistent with the amount paid for similar services in the market place. Detailed invoices, and time and effort reports are required for consultants. A summary of documentation required for levels of contracting is attached to the instructions on the quarterly *Financial Progress Reports*.

(J) Publications: Publications created with funding under this grant shall prominently contain the following statement: *This Document was prepared under a sub-grant from the U.S. Department of Homeland Security, and the New Mexico Department of Homeland Security and Emergency Management. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security or the State of New Mexico.*

(K) Audit Requirements: As the Federal grant recipient, the State of New Mexico requires a sub-recipient expending \$500,000 or more in Federal funds in the organization's fiscal year to conduct an organization-wide audit in accordance with *OMB Circular A-133*. VALENCIA COUNTY will permit the State of New Mexico Grant and Program officials and auditors to have access to the sub-recipient's and third-party contractors' records and financial statements as necessary for the State of New Mexico to comply with *OMB Circular A-133*. Copies of audit findings must be submitted to DHSEM within 30 days after VALENCIA COUNTY receives its audit report, or within a 9-month period of the grant closeout date, whichever is earlier, in accordance with *2 AAC 45.010*. Include the Federal agency name, program, grant number, and year; the CFDA title and number; and the name of the pass-through agency.

(L) Recordkeeping Requirements: Grant financial and administrative records shall be maintained for a period of three (3) years following the date of the closure of the grant award, or audit if required. Time and effort, personnel and payroll records for all individuals reimbursed under the award must be maintained. Property and equipment records shall be maintained for a period of three (3) years following the final disposition, replacement or transfer of the property and equipment.

(M) Performance Measures: Quarterly *Progress Reports* shall demonstrate performance and progress relative to: Acceptable performance on applicable critical tasks in Exercises using approved scenarios

1. Progress in achieving project timelines and milestones
2. Percent measurable progress toward completion of project
3. How funds have been expended during reporting period, and explains expenditures related to the project

(N) Sub-recipient Monitoring Policy: Periodic monitoring is required to ensure that program goals, objectives, timelines, budgets and other related program criteria are being met. DHSEM reserves the right to periodically monitor, review and conduct analysis of the financial, programmatic and administrative policies and procedures such as, accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting and procurement policies and records, payroll records and means of allocating staff costs, property/equipment management system(s), progress of project activities, etc. This may include desk and field audits. Technical assistance is available from DHSEM staff.

(O) Penalty for Non-Compliance: For the reasons listed below, special conditions may be imposed, reimbursements may be partially or wholly withheld, the award may be wholly or partly suspended or terminated, or future awards, reimbursements and award modifications may be withheld. DHSEM may institute the following, but is not limited to, withholding authority to proceed to the next phase of a project, requiring additional or more detailed financial reports, additional project monitoring, and/or establish additional prior approvals. DHSEM shall notify the sub-recipient of its decision in writing stating the nature and the reason for imposing the conditions/restrictions, the corrective action required and timeline to remove them, and the method of requesting reconsideration of the imposed conditions/restrictions. The sub-recipient must respond within 5 days of receipt of notification.

- a. Unwillingness or inability to attain project goals
- b. Unwillingness or inability to adhere to Special Conditions listed in Block 12
- c. Failure or inability to adhere to grant guidelines and federal compliance requirements
- d. Improper procedures regarding contracts and procurements
- e. Inability to submit reliable and/or timely reports
- f. Management systems which do not meet federal required management standards

(P) Termination for Cause: If performance is not occurring as agreed, the award may be reduced or terminated without compensation for reduction or termination costs. DHSEM will provide 5 days notice to the sub-recipient stating the reasons for the action, steps taken to correct the problems, and the commencement date of the reduction or termination. DHSEM will reimburse the sub-recipient only for acceptable work or deliverables, necessary and allowable costs incurred through the date of reduction or termination. Final payment may be withheld at the discretion of DHSEM until completion of a final DHSEM review. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

(Q) Termination for Convenience: Any project may be terminated upon convenience, in whole or in part, for the convenience of the Government. The U.S. Department of Homeland Security (USDHS) and the DHSEM, by written notice, may terminate this grant, in whole or in part, when it is in the Government's interest. Allowable costs obligated and/or incurred through the date of termination shall be reimbursed. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

(R) Project Implementation: Due to the competitiveness of the Homeland Security grant program, approved projects shall be ready-to-go. Project implementation shall begin within the first reporting quarter.

- a. If a project cannot be operational within the first reporting quarter of the approved award date, the sub-grantee must submit a written statement signed by the signatory officials to DHSEM, justifying the implementation delay, expected starting date, and a formal request to

extend the project start date past the first reporting quarter. At the discretion of DHSEM, the grant award is subject to cancellation and funds may be de-obligated and reallocated to other projects.

Grant Requirements, Assurances and Agreements (continued from Section 11 of the Award)

- (A) The performance period for this grant award is **JANUARY 1, 2012 through December 31, 2012**. Monies may not be obligated outside of this time period. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period when the *Final Progress Reports* are due.
- (B) The sub-recipient shall comply with the requirements and restrictions of the FY2010 State Homeland Security Grant Guidance, State Guidelines, and the State Homeland Security Strategy. By signing this obligating award document, the sub-recipient certifies it has read, understood and accepted these documents as binding.
- (C) The signature of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. The sub-recipient shall follow the financial management requirements imposed on them by DHSEM, which includes the requirements of U.S. Department of Homeland Security.
- (D) The signature of the signatory officials on this award attests to **VALENCIA COUNTY** understanding, acceptance, and compliance with **Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest; and Non-Supplanting certifications**. Federal funds will not be used to supplant State or local funds. Federal funds must be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose.
Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit.
- (E) VALENCIA COUNTY shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.
- (F) VALENCIA COUNTY shall comply with Federal Civil Rights Laws and Regulations: *Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Americans with Disabilities Act of 1991*. BERNALILLO COUNTY will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. *Executive Order 13347 Individuals with Disabilities in Emergency Preparedness* requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism.
- (G) VALENCIA COUNTY certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (for USDHS/DOJ grants). An EEOP is not required for recipients of less than \$25,000.00 or fewer than 50 employees.
- (H) VALENCIA COUNTY certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.
- (I) It is the responsibility of VALENCIA COUNTY as the recipient of these federal funds to fully understand and comply with the requirements of:
- 2CFR Part 215, *Grants and Cooperative Agreements with State and Local Governments* at www.whitehouse.gov/omb/circulars/a102/a102.html.
 - 2 CFR Part 225 *Cost Principles for State, Local and Indian Tribal Governments* at www.whitehouse.gov/omb/circulars/index.html.
 - 2 CFR Part 215 *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
 - 2 CFR Part 220 *Cost Principles for Educational Institutions* at www.whitehouse.gov/omb/circulars/index.html
 - 2 CFR Part 230 *Cost Principles for Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
 - OMB Circular A-133 *Audits of States, Local Governments and Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
 - CFR Title 48 Federal Acquisition Regulations Systems Chapter 1 Part 31 *Contract Cost Principles and Procedures*
 - Common Rule: *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*. Incorporated into individual Federal agency's *Code of Federal Regulations*.
 - OGO *Financial Guide* www.dhs.gov/dhspublic/interweb/assetlibrary/Grants_FinancialManagementGuide.pdf
 - New Mexico State Procurement Code <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>
 - New Mexico Administrative Code Title 2 – Public Finance <http://www.nmcpr.state.nm.us/NMAC/ title02/title02.htm>

We certify we have read, understood, and accept the Grant Terms and Conditions, the Grant Requirements, and Assurances and Agreements, in accordance with this Award.

Grant Specialist's/Program Manager's Signature

Chief Financial Officer's Signature



Signatory Official's Signature

VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION

Sally Perea

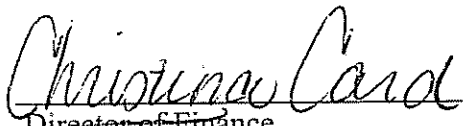
The attached computer printout lists all the checks issued by the Manager's Office on February 1, 2012 covering vendor bills processed on the above date.
Check # 111915 through 111993 inclusive, for the total of \$188,586.77.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

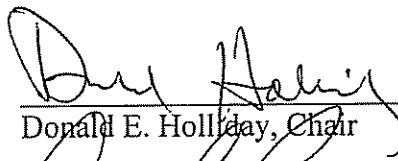
Recommended:

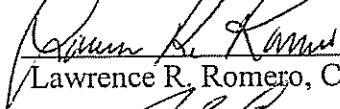



Director of Finance
Finance Administrator

Done this 15th day of February, 2012.

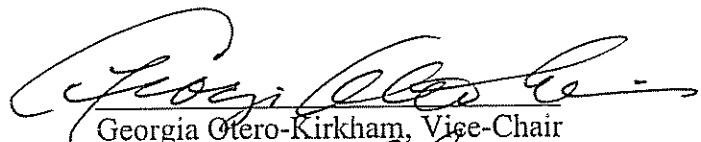
VALENCIA COUNTY BOARD OF COMMISSIONERS

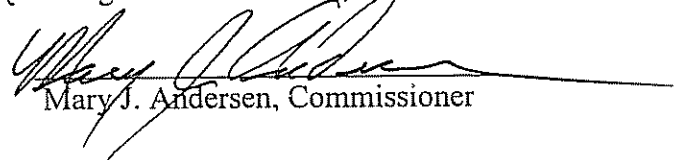


Donald E. Holladay, Chair


Lawrence R. Romero, Commissioner


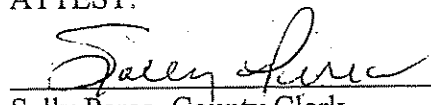
Ron Gentry, Commissioner



Georgia Otero-Kirkham, Vice-Chair


Mary J. Andersen, Commissioner

ATTEST:



Sally Perea, County Clerk

(EXHIBIT E)

VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION

Sally Perea

The attached computer printout lists all the checks issued by the Manager's Office on February 7, 2012 covering vendor bills processed on the above date.
Check # 111994 through 112080 inclusive, for the total of \$163,360.05.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

Recommended:

Christina Carver

Director of Finance

Done this 15th day of February, 2012.

VALENCIA COUNTY BOARD OF COMMISSIONERS

Donald E. Holliday

Donald E. Holliday, Chair

Lawrence R. Romero

Lawrence R. Romero, Commissioner

Ron Gentry

Ron Gentry, Commissioner

Georgia Otero-Kirkham

Georgia Otero-Kirkham, Vice-Chair

Mary J. Andersen

Mary J. Andersen, Commissioner

ATTEST:

Sally Perea

Sally Perea, County Clerk

(EXHIBIT F)

VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION

Sally Perea

The attached computer printout lists all the checks issued by the Manager's Office on February 9, 2012 covering vendor bills processed on the above date.
Check # 112081, for the total of \$10,000.00.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

Recommended:

Christina Card
Director of Finance

Done this 15th day of February, 2012.

VALENCIA COUNTY BOARD OF COMMISSIONERS

Donald E. Holliday
Donald E. Holliday, Chair

Lawrence R. Romero
Lawrence R. Romero, Commissioner

Ron Gentry
Ron Gentry, Commissioner

Georgia Otero-Kirkham
Georgia Otero-Kirkham, Vice-Chair

Mary J. Andersen
Mary J. Andersen, Commissioner

ATTEST:

Sally Perea (EXHIBIT G)
Sally Perea, County Clerk