



April 4, 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

AMENDED April 2, 2012
8:05 a.m.

Donald Holliday

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes: March 7, 2012 Business Meeting; March 14, 2012 Public Hearing; March 21, 2012 Business Meeting

PRESENTATION(S)

- 5) Synergy Renewables – Theresa Cardenas

DISCUSSION (Non-Action) ITEM(S)

- 6) Department Reports – Juvenile Justice Board Progress Report – Cynthia Ferrari
- 7) Reports from Commissions, Boards & Committees

ACTION ITEM(S)

- 8) Child Abuse Prevention Month Proclamation – **Antoinette Torres**
- 9) Consideration of Lease Addendum between TNT Investments, LLC and Valencia County-13th Judicial District Attorney Office – **Ruben Chavez**
- 10) Consideration of Procedure for Accepting Donations of Real Property – **Ruben Chavez**

FINANCIAL MATTERS:

- 11) Consideration of Budget Resolution 2012-___: **Christina Card**
- 12) Consideration of Approval: Payroll / Warrants: **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: **County Manager contract, Public Works Director contract; Appointment of Interim County Manager** b. pending or

threatened litigation Manzano View Paving, Sand Hill Road; Job, LLC; Living Cross vs. Los Lunas 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.

ACTION ITEMS FROM EXECUTIVE SESSION:

- a) County Manager contract
- b) Public Works Director contract
- c) Appointment of Interim County Manager
- d) Delegation of Authority for Litigation Contract for Living Cross

NEXT COMMISSION MEETING:

- ◆ **April 11, 2012 – Public Hearing @ 5:00 P.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

MARCH 7, 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 Romero moved for approval of the agenda. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

4) Approval of Minutes; February 8, 2012 Public Hearing
February 15, 2012 Business Meeting
February 21, 2012 Special Meeting

Commissioner Andersen moved for approval of the Minutes of February 8, 15 and 21, 2012. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

PRESENTATION(S)

5) Rick Silva – Liberty National

Rick Silva agent for Liberty National Life Insurance presented the company's life insurance plan to the commission and requested approval to present Liberty Nationals Life Insurance plan to county staff. If this is something the commission is interested in, Mr. Pato recommends this be placed on a subsequent agenda, have it come back to the commission as an RFP and have all the life insurances companies notified and see what's the best option for the county.

6) Tom Gow – Bureau of Land Management

Rio Puerto Field Office Field Manager Tom Gow spoke on their Resource Management Plan which is their guiding doctrine on the management of the public lands and what that translates to is about one million acres of surface and not quite three million acres of sub-surface which is the mineral estate. His field office covers five counties administratively within the planning area boundary those being: Sandoval, Cibola, Valencia, Bernalillo and Torrance and in those five counties you're looking at an excess of ten million acres. Angel Martinez also of the Bureau of Land Management gave a power point presentation on the processes of Resource Management Plan. This covered the understanding of the Resource Management Plan, what the initiatives are as they relate to Valencia County, identifying issues within the region and what it takes to be an effective participant within this process.

DISCUSSION (Non-Action) ITEM(S)

7) Department Reports – Code Enforcement --Jacobco Martinez; County Manager Job Description _ Daniel Zolnier

County Planner Jacobco Martinez reported on a pilot cleanup sweep that Code Enforcement conducted on January 12, 2012. This sweep took place in Highland Meadows and forty properties were in violation and were red tagged. Code Enforcement goal is to plan to employ a more aggressive and diversified program in order to be more effective out in the field. Twenty five of those violations have been resolved and fifteen will be going through the court system. The following month Code Enforcement held a cleanup day in Highland Meadows by placing four forty yard trash containers at the Highland Meadows Fire Station and within four hours the containers were completely full. The plan is to conduct one sweep and one cleanup in each Commission District per year. The next one is scheduled for EI

Cerro Mission Monterey Park with the sweep at the end of March and the cleanup at the end of April.

Animal Control Director Ruben Chavez reported on the spay and neutering mobile clinic held on March 2-4 at the El Cerro Community Center. This was a low cost spay and neuter for qualifying low-income families. The cost was \$30 for cats and \$40 for dogs. One hundred and seven surgical procedures were done and during the down time a shot clinic was also held, with 105 dogs being vaccinated. The event was very successful, with another clinic scheduled for June 1st. The total cost for the clinic was \$6,600 but with the generous contributions from local businesses this event was made possible.

8) Reports from Manager, Commissions, Boards & Committees

County Manager Eric Zamora reported on pursuing recreational opportunities to enhance development and the community aspect of Valencia County along the Bosque corridor. There is a collaborative group being developed and would encourage the county to continue its participation and become a partner in this process. If any citizens are interested in becoming involved in the process, they may contact the county manager's office.

The Western Interstate Region Commerce will be held on May 16-17, as well as the Association Summer Conference on June 19-22. Those two dates are scheduled as commission meetings, but can be changed to the following week, May 16-23 and June 20-27 if the commission desires.

There have been a series of break-ins at the Conejos Transfer Station and about a 100 ft. of chain link fence was torn down. Mr. Zamora would like to recognize the crew, Mr. Snell and specifically Richard Shiptet who worked from 10:30 P.M. Sunday to 6:30 A.M. Monday to get the fence back up and secure the site.

Houston Arroyo Dam is a drainage dam that was licensed to the county many years ago. Apparently there was some correspondence sent to Valencia County in May 2005 requesting an emergency action plan. Mr. Zamora and Ms. Benavidez from the road department met with a gentlemen from the State Engineers Office who inspected the dam four weeks ago and deemed the dam in poor condition due to lack of maintenance, lack of vegetation control and lack of a spill way and needs to be addressed by the county. The Office of the State Engineer is requesting that emergency action plan. Mr. Zamora has forwarded this information to the county's flood plane manager Hoss Foster and will be developing a plan in accordance with the Office of the State Engineer's requirements.

The substantial lawsuit in regards to the county's PERA contributions has been resolved.

A draft resolution requiring that organizations receive prior approval from the Board of County Commissioners before the county will act as its fiscal agent for legislative appropriations will be presented at a future meeting.

Commissioner Gentry asked Mr. Zamora for an update of the usage of the Senior Centers. Mr. Zamora said the meeting with the Area Agency on Aging resulted in an agreement and an understanding for the use of the center. They provided a summary report and a letter of understanding which was signed and sent back for final approval by Triple A. Once he gets that letter back he has an idea in plan but it'll take him a few more days to get that put together. Commissioner Gentry was concerned that there were 4 or 5 centers that were built and are basically brand new but we haven't really sponsored the coordination and the use of them. He would like to start promoting them and made available to the people.

Commissioner Gentry asked what has been done about starting the budget for next year. Mr. Zamora said the first review of applications for finance director are next Wednesday March 14 and is hoping to have qualified candidates available for interviews prior to the end of this month. That puts them into April for starting the budget process. Ms. Card and Mr. Trussell are getting their numbers balanced and ready for presentation but it's going to take a strong financial person to bring that together.

Commissioner Otero-Kirkham asked Mr. Zamora what was the outcome in Santa Fe after the Governor signed bills.

Mr. Zamora said Valencia County was successful in receiving funding for a few road projects, from \$100,000 up to a \$150,000.00 for Meadow Lake Road, Gabaldon Road,

Minutes of March 7, 2012 Regular Business Meeting

Armijo Road and Fire Station Road. The county also received a \$150,000.00 for improvements for the new spay and neuter facility at Animal Control. This was the county's share which was better then expected.

ACTION ITEM(S)

9) Consideration of making Conejo Station Available for Acceptance of Household Refuse on the Last Two Saturdays of March, April and May 2012 – Chairman Holliday After discussion and for further consideration, Commissioner Andersen made a motion to table this item. Seconded by Chairman Holliday. Motion carried unanimously.

10) *Accept Findings of Fact and Conclusions of Law*

(1) Consideration to Adopt the Findings of Facts and Conclusion. It is therefore Ordered that the P&Z Commission's Decision to Deny Request for a Conditional Use within a Neighborhood Commercial Zone of a Proposed Auto Repair Facility for the Property Described as T6N, R2E, Section 15, Map 85; Tract 16-B1-A, Zoned C-1, Filed in Book 365 Page 2940 of the Office of the Valencia County Clerk; also Know as 2975 Highway 47, Los Lunas, NM is hereby Affirmed – Jacobo Martinez. Commissioner Andersen moved for approval. Seconded by Commissioner Romero. Motion carried 4-1. Commissioner Otero-Kirkham voted no. (See Exhibit A)

(2) Consideration Adopt the Findings of Facts and Conclusion of Law Regarding a Solar Facility in a Mineral Resource Zone. It is Therefore Ordered that the P&Z Commission's Decision to Approve a Request for a Conditional Use Within a Mineral Resource Zone of a Proposed Concentrated Photovoltaic (CPV) Solar Facility for the Property Described as 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 is Hereby Reversed- Jacobo Martinez. Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibit B)

11) Consideration of Resolution 2012-11 for 2012-2013 for County Road Improvement Program with the NMDOT Totalling \$503,627 for Cooperative State Funds (COOP), School Bus Route Funds (SB) and County Arterial Program Funds (CAP – Eric Zamora / Lina Benavidez.

Commissioner Andersen moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2012-11. (See Exhibit C)

12) Consideration of Solid Waste Plan for Valencia County – County Commission / Solid Waste Planning Committee.

Chairman Holliday presented Solid Waste Plan options A & B from the Planning Committee. Commissioner Otero-Kirkham thanked the committee that worked so diligently on this plan and took time from their personal schedules to meet with the public.

Commissioner Andersen said she sees a lot of similarities in the reports and the goals and the only conflict between the two reports is truly whether there is mandatory pickup or allow people to choose their own hauler. Commissioner Andersen suggested the commission accept both of these reports, then permit Mr. Vinyard to do his professional task of finding out the best way for Valencia County to accomplish the goals that both versions of this report point out.

Commissioner Andersen thanked the committee and made a motion that the commission accept both reports.

Commissioner Romero said it's his understanding that a professional is going to look at this and seconded the motion.

Purchasing Agent Mike Vinyard said he appreciates the faith the commission has in him to take the two plans and deal with but would remind the commission that the job of procurement function is to take direction and convert it into action and make it happen. What we have here with these two plans is a fundamental difference between the approaches, one of which being go with what described as a zar of a single vendor who would then consolidate everything and take care of the entire package. The second a very different approach is to leave the task to be distributed out to individual vendors, as one of the plans says to maximize completion lower prices which certainly is a good thing to do, however they are radically different and fundamentally different. He asks that the commission make a decision on which approach they feel better with or which approach they would like to approve or see approved and pursued. Commissioner Otero-Kirkham said you're absolutely right; one of the first RFP's that was sent out didn't

have enough information so when they come back, all proposals had all of the things that they would do and the price difference for each proposals was certainly different. For the commission to select the lowest proposal, fee wise, the commission has to give specific direction as to what the commission wants back from these people. Option A is similar to what we have now and we do have to pick one, Commissioner Kirkham said.

Commissioner Andersen asked if the commission were to go through the request for information process and and take the ideas of the people who actually do that job and mesh them into a pact for us to follow, would that work? Mr. Vinyard said yes that would work. Commissioner Andersen amended her motion to accept both reports and give them to Mr. Vinyard to use to send out a request for information only. After Mr. Vinyard gets the information back to the commission and they will find out whether they have direction then. Commissioner Gentry seconded. Motion carried. 3-2. Chairman Holliday voted no. Commissioner Otero-Kirkham voted no. (See Exhibit D)

13) Law Enforcement Protection Fund Application; Sheriff Requests Commissioner's Approval to Submit Law Enforcement Protection Fund Application – Louis Burkhard
Chairman Holliday moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibit E)

14) Consideration to Hire Board of Elections (BOE) Employee – Sally Perea
Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

15) Consideration RFP for the Purpose of Valencia County Continuing the Older American Program for the Next Four Years – Ruben Chavez / Jose Campos
Commissioner Andersen moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit F)

FINANCIAL MATTERS:

16) Consideration of Budget Resolution 2012-12 - Eric Zamora / Christina Card
Commissioner Gentry moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.
County Clerk Sally Perea announced Resolution 2012-12. (See Exhibit G)

17) Consideration of Approval – Payroll / Warrants – Eric Zamora / Christina Card
Commissioner Otero-Kirkham moved for approval. Seconded By Commissioner Gentry. Motion carried unanimously. (See Exhibits H – K)

PUBLIC COMMENT:

Those members of the audience making public comments at today's Business Meeting were Valencia County residents Clara Rehrer, Sue Moran and James Fischer.

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 c.) Real Property d.) Other Specific Limited Topics that are Allowed or Authorized under the Stated Statute.

No executive session.

NEXT COMMISSION MEETING:

The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on March 14, 2012 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT:

Commissioner Otero-Kirkham moved for adjournment. Seconded by Commissioner Andersen. Motion carried unanimously. TIME; 12:02 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the March 7, 2012 Business Public Hearing 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 R. ROMERO, MEMBER

RON GENTRY, MEMBER

MARY J. ANDERSEN, MEMBER

ATTEST:

SALLY PEREA, COUNTY CLERK

DATE

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING MEETING

MARCH 14, 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 5:00 P.M.

2) Chairman Holliday led the Pledge of Allegiance.

3) Approval of Agenda

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

SWEARING IN OF PARTICIPANTS:

County Clerk Sally Perea administered the oath to those members of the audience wishing to give testimony.

Chairman Holliday recognized Los Lunas Superintendent of Schools Bernard Saiz, Assistant Superintendent Dana Sanders and Kelly Baca who were present for tonight's meeting.

PUBLIC HEARING ITEM(S):

4) Consideration of Ordinance 2012-__ Restricting Through Truck Traffic on South Rio Del Oro Road, East of Manzano Expressway to Valencia High School in Valencia County-Commissioner Gentry.

Commissioner Gentry said the issue of the heavy truck traffic was brought to the commission's attention by concerned residents of the Las Maravillas Subdivision. These people live in the back of the subdivision where there's a dirt road that goes to the ponding area right behind their properties and the residents brought in pictures and testified that the heavy truck traffic on this road were creating so much vibration that it was causing the tiles on the roof tops to break and creating a tremendous amount of dust. They've tried to work out a solution before but it wasn't honored by the company that was causing all of the truck traffic. The only thing the commission can do is to pass an ordinance that restricts the truck traffic along that area. They may have an alternative route so that they can go around which was agreed upon before and he would hope the commission would pass this with the caveat that the traffic would go around to the south and back. At the moment it's not a problem because the company that had leased the plant went out of business but eventually it will become a problem again, so the commission needs to move forward and address this problem. This is not a piece of property that the county can afford to pave at this time because it'll cost \$200,000.00 - \$300,000.00 to pave it. This will be the only alternative that we have to set some truck limits. If that happens we will be okay and the people on the south side will have some relief.

Commissioner Otero-Kirkham said another route to get out of the gravel pit is through La Entrada and out to Hwy 47.

Commissioner Gentry said there was a proposed and negotiated route a couple of years ago but it wasn't developed very well. It could be done to go around and come out at La Entrada to go south but that doesn't solve the problem for the trucks going to Los Lunas or Albuquerque but that'll be addressed in the next ordinance. On the original agreement the north side had time limits due to the school and bus traffic being considered.

5) Consideration of Ordinance 2012-___, Restricting Through Track Traffic on North Rio Del Oro

Commissioner Holliday was concerned as to what type of truck traffic Commissioner Gentry's ordinance is restricting. Is it semi trucks, pickup trucks or heavy equipment? What defines the size of the truck?

County Attorney Dave Pato said its five tons and it still doesn't restrict the traffic to residences in the area so if someone is having a delivery they can have deliveries to the area if they have residence there but otherwise it does restrict the traffic.

Commissioner Holliday's concern is if you place restrictions on south Rio Del Oro then it will divert all the traffic to North Rio Del Oro including the trucks from the gravel pit. The gravel pit is closed down but it may open back up some day. They had an agreement and they had the facts and findings when they agreed to open it up but because the facts and findings did not state that they had to use the alternative route, the route they said they were going to use when they got the okay to open the gravel pit. Planning and Zoning gave the okay for the permit for the gravel pit. Our legal council feels we can hold their feet to fire and get them to use the route they agreed to. When it reopens we'll have the same problem if we don't hold them to the facts and findings of 2008. Kids, cars and semi's are not going to work on north Rio Del Oro Loop and that would be his concern.

Mr. Nance said perhaps after the next meeting that matter can be discussed in executive session.

Valencia County resident Mike Wood commented that he was pleased to hear Chairman Holliday taking a different stand on this issue and hopes this issue is taken care of for the residents of Las Maravillas.

Los Lunas Superintendent of Schools Bernard Saiz expressed his appreciation to the commission for looking into this issue, as his main concern as superintendent of schools is for the safety of the kids. He recalls that there was an agreement that large trucks could not use that road that goes up to Valencia High School and understands that trucks are using the road after school hours. Kids, cars and big trucks are a scary thing. Whatever action the commission takes please keep in mind the kids, they're under eighteen, they're driving, they think they're invincible and it's just not a good mix. There have been several accidents, particularly at the intersection at Rio Del Oro and Manzano Expressway. The school district is trying to work with the commissioners to get some type of lights placed there.

Commissioner Otero-Kirkham asked county manager Mr. Zamora for an update on what .0is planned for that intersection.

Mr. Zamora said he met with the engineer to evaluate the study in preparation for the repaving and reconstruction of Manzano Expressway from Van Camp to south Rio Del Oro Loop. One of the elements of that design process was to include an intersection study at north Rio Del Oro and Manzano Expressway. The recommendation at this time, the traffic warrants were not met to install a four way stop and the round-about concept that they looked at was not recommended either because of lighting, speed and other factors. So, at this point the recommendation is to go back to the project that the DOT (Department of Transportation) considered two years ago in their design to add turn lanes at the intersections. The current estimate for that is at about \$165,000.00. The recommendation at this time would to install the turning lanes.

Valley Improvement Association President Paul Baca said VIA does own the property that houses the mine. They sold the lease to a company from Colorado which was a short lived contract that started in February 2011 and Valley Improvement took the mine back in December of 2011. They have received complaints from residents about the gravel trucks on the south loop. Mr. Baca's concern is there are still 77,000 lots that Valley Improvement represents and also 31,000 owners in the Rio Del Oro Subdivision. This may have an impact on any future development. They now have schools there and there are also twenty six large landowners with future intentions for commercial growth. If you limit heavy truck access it's going to hinder future development in that area. When VIA (Valley Improvement Association) operated the mine, the company was aware of the agreement and respected it but the Colorado Company did not. Maybe an option would be to look at stopping access on the south route to limit the dust in proximity to housing or possibly limiting the trucks hours of operation on the north loop between 9:00 A.M. and 2:00 P.M to coincide with the school schedule and restricting access the rest of time. The loop was intended to be the main artery to feed all the lots in the eastern part of the community. In order to have future development, you have to allow for access in those areas.

Minutes of March 14, 012 Public Hearing Meeting

Commissioner Gentry said the ordinance for the south loop was brought up in good faith because there were citizens who had a problem about a residential road and we were going to restrict it and get it back into a residential use because it was being misused. The second ordinance proposed by Commission Holliday was to shut off a main thoroughfare with the schools being the primary concern. Commissioner Gentry's ordinance is for a dirt residential road we want to restrict and Commissioner Holliday's ordinance is to shut off a main thoroughfare which could effectively shut off all the development on the east mesa. I'd hate to say we have to choose between schools or development but if we don't have development, we won't have schools. He thought the original agreement they had was to have a traffic schedule that didn't interfere with buses or student traffic times, which was the only alternative without shutting everything down.

Mr. Saiz said he recalls that there was an agreement not to use that road at specific times. As superintendent he has to make a very strong stand that he is against any large truck traffic on that particular paved road going to Valencia High School and he understands the commission has to make a decision. Mr. Saiz also understands the concerns for the development of that area but his concern is for the children of this district.

Commissioner Gentry asked Mr. Saiz if you were to increase development at the school facility and the commissioners were to close this down, how would you get those people in there to build it.

I would think the builder would have to get a permit from the county with stipulations indicating scheduled times for the trucks to be on the roads, accessible routes and what the length of the project would be but he also understands that to allow no trucks up there would limit the development. The permitting system might just solve the problem was Mr. Saiz's response.

Commissioner Gentry said again the ordinance for the south loop was done in good faith because the citizens had a problem with a residential road and we were going to restrict it and get it back to residential use because it was being misused. When that came up all of a sudden there was another ordinance to shut down everything on the north side because of the schools being that it's the main thoroughfare. I wouldn't want to see a permitting system on the south side unless the county paves the road because it won't alleviate any of the problems.

Commissioner Gentry said I would rather pull my ordinance than make this into a truck route.

Chairman Holliday asked the county attorneys to prepare an amended ordinance for the April Public Hearing Meeting. Attorney Adren Nance said they would bring back a number of alternatives.

PUBLIC COMMENTS:

Those members of the audience making comments at tonight's meeting were Valencia County residents James Crawford, Mike Wood and James Fischer.

EXECUTIVE SESSION:

Pursuant to Section 10-15 1 (H) (2) (7) & (8), the following matters may be discussed in closed session; a.) personnel County Manager, Finance Director and Public Works 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 moved 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. Chairman Holliday voted yes. Motion 5-0.

Commissioner Romero moved to go back into regular session. Seconded by Commissioner Andersen. Roll call vote. Commissioner Romero voted yes. Commissioner Otero-Kirkham voted yes. Commissioner Gentry voted yes. Commissioner Andersen voted yes. Chairman Holliday voted yes. Motion carried 5-0

ACTION ITEMS FROM EXECUTIVE SESSION:

County Attorney Adren Nance stated items discussed in Executive Session were limited to personnel matters - County Manager, Finance Director and Public Works Director and no final action was taken.

Commissioner Andersen moved to approve the summary as stated by Council. Seconded by Chairman Holliday. Roll call vote. Commissioner Romero voted yes.

Minutes of March 14, 2012 Public Hearing Meeting

Commissioner Otero-Kirkham voted yes. Commissioner Gentry voted yes.
Commissioner Andersen voted yes and Chairman Holliday voted yes. Motion carried 5-0.

NEXT COMMISSION MEETING:

The next Regular Meeting of the Valencia County Board of County Commission will be held on March 21, 2012 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT:

Commissioner Andersen moved for adjournment. Seconded by Chairman Holliday. Motion carried unanimously. TIME: 7:02 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the March 14, 2012 Public Hearing 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 R. ROMERO, MEMBER

RON GENTRY, MEMBER

MARY J. ANDERSEN, MEMBER

ATTEST:

SALLY PEREA, COUNTY CLERK

DATE

VALENCIA COUNTY BOARD OF COMMISSIONERS

BUSINESS MEETING

MARCH 21, 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 Romero moved for approval of the agenda. Seconded by Chairman Holliday. Motion carried unanimously.

4) Approval of Minutes

None

PRESENTATION(S)

5) Quarterly Report – Extension Service – Kyle Tator

Mr. Tator reported on the activities of the last few months, which included the Master Gardener Program that started in January with eighteen new trainee's, in February a pruning seminar was held with over sixty individuals attending, a private pesticide applicator training in cooperation with the New Mexico Department of Agriculture, a First Detector Program which is geared towards educating gardeners on potential pest concerns, a Beef Reproduction School, a Fruit Growers Workshop and a Hoop House Pest Control Workshop were also held. Upcoming events include an Obnoxious Weed Workshop on March 30th, a Hoop House Demonstration on April 13th, a Chicken Tractor Demonstration on April 26th and a Regional Workshop May 15-16.

Valencia County Extension Service Home Economist Laura Bidner presented program highlights from January to present which consisted of the Foot in the-Door Program, the first meeting the of Food Safety Task Force was held, forty nine kindergarten through third grade students have participated in the Tops and Bottoms Program, classes on self-esteem and bullying at Valencia High School were held in February, in the past month thirty five youth identified as "at risk" have participated in teen building activities that were taught through cooking classes, the second annual Home and Garden Expo was hosted by Mr. Tator and Ms. Bidner and the I Can Program continues to be very successful. The upcoming programs include a New Mexico Cuisine Cooking Class on March 28, a Home and Garden Expo on March 31st in Albuquerque, I Can Classes are being offered April 2-6 and April 30th- May 4th at the Los Lunas Human Services Department and on May 14th – 18th at the Belen Community Center, a Kitchen Creations Diabetes Cooking School on Tuesdays for four weeks beginning April 10th and also a Financial Management Seminar for women April 27th. Anyone interested in these programs can call the Extension Office for further information.

Valencia County Extension 4-H Agent Vera Gibson stated a series of parenting classes were completed last week, the third Annual State 4-H Home Economics School will be held at Valencia High school. They are looking at doing emergency preparedness at the Belen Schools and the 4-H enrollment period just completed with 280 members. Ms. Gibson was recently selected to attend the Western 4-H Institute which was held in Albuquerque which enabled her to gain and bring back information to use in the daily performance of her job.

4) Finance

Valencia County Finance Director Christina Card presented a shining star award to Nanette Sanchez in appreciation for her abilities and dedication. Ms. Sanchez goes above and beyond any of the basic requirements of her job. On March 2nd Ms. Card asked employees to

develop a procedures manual of their job duties for cross training purposes and five days later Ms. Sanchez presented Ms. Card with the entire procedure manual which was very impressive. So on behalf of the entire Finance Department and Valencia County Ms. Card thanked Nanette. The manual was presented to the comission for review.

DISCUSSION (Non-Action) ITEMS

4) Reports from Manager, Commissions, Boards & Committees

County Manager Eric Zamora proposed that the commission change their commission meeting dates from May 16th to May 23rd and June 20th to June 27th to accommodate attendance to the Western Interstate Region conference in Santa Fe and the Association of Counties Conference.

The departmental review of the county budget will be completed by next Friday to present to the commission in preparation for the meeting with the departments and elected officials. Meetings should begin mid-April through mid-May.

Mr. Zamora thanked the commission, directors, staff and the community for giving him the opportunity to serve the county and hopes he was able to meet their expectations and hopefully exceed a few. He highlighted a list of items the commission and staff had accomplished in the last five years during his term as county manager.

The Commissioners thanked Mr. Zamora for the report and for his service to the county.

ACTION ITEM(S)

8) Pre / Post Prom Sober Activity – County Commission

Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

9) Consideration of Ordinance 2012 __, Restricting Through Truck Traffic on South Rio del Oro Road, East of Manzano Expressway to Valencia High School – Commissioner Ron Gentry.

Commissioner Gentry moved for approval of the ordinance. Seconded by Commissioner Romero. Motion failed 3-2.

10) Consideration of Resolution 2012-13, to Adopt 2012 Annual Certified Road Inventory – Eric Zamora.

Commissioner Andersen moved for approval. Seconded by Commissioner Romero. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2012-13.

11) Consideration of Public Railroad Crossing Construction and Maintenance Agreement for Calle de Oro – Eric Zamora.

Commissioner Andersen moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

12) Consideration to use the Name TOLER DR. Within Valencia County – Ruben Chavez

Chairman Holliday moved for approval. Seconded by Commissioner Otero-Kirkham.

Motion carried unanimously.

13) Consideration of an Amendment to the Grant Agreement for the Purpose of Increasing the Funding Contribution by AAA to the Older American Program – Contract #2011-12 60028 – Ruben Chavez

Commissioner Gentry moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

FINANCIAL MATTERS:

14) Consideration of Budget Resolution 2012-14 - Christina Card

Commissioner Gentry moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2012-14.

15) Consideration of Approval: Payroll / Warrants – Christina Card

Commissioner Gentry moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

PUBLIC COMMENTS:

Those members of the audience making comments at today's Business Meeting were Valencia County residents Clarke Metcalf, Mike Wood, Mary Wood, Sue Moran and Alice Torwrit.

Minutes of March 21, 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 County Manager; b.) Pending or Threatened Litigation FOP vs. Valencia County Arbitration c.) Real Property d.) Other Specific Limited Topics that are Allowed or Authorized under the Stated Statute.

Chairman Holliday moved to go into Executive Session. Seconded by Commission Otero-Kirkham. Roll call taken. Commissioner Romero voted yes. Commissioner Otero-Kirkham voted yes. Commissioner Andersen voted yes. Commissioner Gentry voted yes. Chairman Holliday voted yes. Motion carried 5-0.

Commissioner Otero-Kirkham moved to go back into regular session. Seconded by Commissioner Gentry. Motion carried unanimously.

County Attorney Adren Nance stated that the items that were discussed in Executive Session were limited to the former county manager position and the FOP vs. Valencia County Arbitration and no final action was taken.

Commissioner Otero-Kirkham moved for approval of the summary as stated by Attorney Nance. Commissioner Gentry seconded. Commissioner Romero voted yes. Commissioner Otero-Kirkham voted yes. Commissioner Andersen voted yes. Commissioner Gentry voted yes. Chairman Holliday voted yes. Motion carried. 5-0.

ACTION ITEMS FROM EXECUTIVE SESSION:**a) County Manager**

Commissioner Otero-Kirkham moved to approve the amendment to the county manager's contract as drafted by the attorney's. Seconded by Commissioner Gentry. Motion carried unanimously.

Commissioner Andersen made a motion that the County Commission instructs Mr. Zolnier to make an offer of employment to Bruce Swindle as the next county manager. Seconded by Commissioner Romero. Motion carried 4-1. Commissioner Otero-Kirkham voted no.

b) FOP vs. Valencia County Arbitration

No final action taken.

NEXT COMMISSION MEETING:

The next Regular Meeting of the Valencia County Board of County Commission will be held on April 4, 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.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the March 21, 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, CHAIR

GEORGIA OTERO-KIRKHAM, VICE-CHAIR

LAWRENCE R. ROMERO, MEMBER

RON GENTRY, MEMBER

MARY J. ANDERSEN, MEMBER

ATTEST: _____
SALLY PEREA, COUNTY CLERK

DATE: _____

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Synergy Renewables
Transforming Matters®



VIESTE, LLC

Prosser Hallock™

Harnessing Energy from Waste

Energy | Biofuels | Recycling



Transforming Matters

Synergy Renewables® is founded on the philosophy that solving the challenges of today takes an approach that is more than just technologically advanced or politically correct, it must have transformative effects. For us, meeting this philosophy means operating at the intersection of **community building, economic sustainability, and the pursuit of the balance between energy independence and clean stewardship of our resources**. It is not enough that our technology transforms matter; more importantly, it matters that we transform the means in which we produce and utilize energy. To make this happen, we employ a consensus driven process that integrates our technology to efficiently create energy while reducing those harmful imprints we leave on the earth.

Powerful Leadership

From the beginning, we have been a group with strong leadership, financial resources and technological expertise.

Our leadership team is unrivaled and includes corporations and individuals that clearly understand the business of energy. Our leadership is a partnership between two corporations: Providence Energy Corporation and BP Capital.

Providence Energy Corporation

is led by Michael Allen, who is a recognized leader in harnessing our domestic natural gas resources.

BP Capital is led by T. Boone Pickens. Mr. Pickens is the preeminent advocate for a comprehensive national energy plan.

Providence Energy Corporation

has been a privately owned, active acquirer of oil and gas properties since 1993. Currently, Providence owns and manages over 2 million net mineral acres in 34 states with royalty or working interests in over 10,000 wells. Providence is a national leader in the domestic unconventional natural gas shales and was one of the first on the ground in the Marcellus Shale in Pennsylvania and West Virginia. The company's business model has been molded around the premise of buying oil and gas mineral rights across the country while partnering with well-known operators such as Chesapeake Energy, Chief Oil & Gas and Chevron to develop the resources. Providence has been involved in the Wind Energy business for two years and is currently expanding its alternative energy capacity.

BP Capital is a private investment firm focusing on investments in energy futures and stocks of public companies in various energy sectors and energy dependent industries. Founded and owned by T. Boone Pickens, BP Capital is active in oil, natural gas and alternative energy.

In 2007, T. Boone Pickens created a privately held company, **Mesa Power Group, LLC**, to develop and finance wind and other renewable energy power projects. Mesa's employees and consultants have a wide range of experience and expertise in wind, solar, and other alternative energy activities.

Mr. Pickens attracted national attention in July 2008 by launching the Pickens Plan, a grass-roots Internet, multi-media and personal appearance campaign seeking a comprehensive energy plan to lessen the U.S. dependence on foreign oil. He brings more than 50 years of experience in the oil and gas industry. For "his vision and leadership in moving the wind industry forward," the American Wind Energy Association named T. Boone Pickens its 2009 Industry Person of the Year.

Providence Energy
Corporation



Partners

Program Manager and Capital Provider

The Vieste Consortium brings together a unique, vertically integrated association of companies offering professional and capital resources to the Public Private Marketplace. The consortium is led by Vieste, LLC, a turnkey Public Private Partnership firm and Vieste Capital, LLC, an investment management firm, both headquartered in Chicago, Illinois.

VIESTE, LLC

Vieste, LLC is a capital program management and Public Private Partnership firm. The company offers management and technical services to public, quasi public and private clients engaged in major capital projects. VIESTE specializes in managing capital projects utilizing a public / private delivery model.

Our companies plan, design, engineer, build and manage various types of real estate and infrastructure assets that are essential to local, state and federal government agencies as well as corporations that operate healthcare or energy-related facilities to fund public private investments.

VIESTE CAPITAL, LLC

Vieste Capital, LLC is the financial services and investment arm of the consortium. Our professionals assist in transaction and capital structuring, financial modeling and capital formation. Our affiliate capital partners allow for a fully-integrated capital formation model including both debt and equity capital required to fund public private investments.

- VIESTE is proud to be affiliated with National Standard Finance, LLC who, with its managed entities, provides long-term, low cost, sale-leaseback and build-to-suit, lease-based real estate and infrastructure solutions.
- VIESTE'S affiliate company, Dudley Ventures, LLC is an industry leader in tax equity financing.

Development Services

Prosser Hallock™

Prosser Hallock specializes in developing solutions for its partners in four areas of practice: Community, Energy, Management and Relationships. For nearly three decades, we have been delivering our practice areas through our service sectors in engineering, planning, business development, project management, design and consensus-building. Specifically, we offer in-house expertise and lead teams comprised of professional land and regulatory planners, environmental scientists, corporate leaders and consultants, civil, electrical, chemical, process and transportation engineering, architects and construction management experts. We work throughout North America with a primary focus in the Southeast and Caribbean. The majority of our work is provided through our office headquarters in Jacksonville, Fla.



Noble Renewables Group

NRG is a newly formed, privately held Native American owned company. We are strategically positioned in several key areas with associated offices in Dallas, New Mexico, Michigan and soon in Puerto Rico. Our group is comprised of several experienced and highly qualified principals of Spyglass Equities, a Dallas based Real-estate firm with a successful track record in over 9 Billion in completed transactions. Our group, led by David Cardenas, has set an objective to adapt, deploy and focus our development skill set in a collective effort with a Nobel purpose to support Synergy for future renewable solutions.

Leadership

Through the experience and financial strength of our partners, Synergy Renewables® has the personal depth to develop multiple sites.

- **Michael Childers** is the president, Synergy Renewables, LLC. In this capacity, Childers is responsible for global business development and project management. He brings over 25 years of broad and deep industry experience and has completed \$9 billion in project financings, created \$14 billion in value from acquisitions representing 18,700 megawatts and taken 5,000 megawatts of projects from development to construction. Most of Mr. Childers's two decades in the energy industry have focused on development, finance, and mergers and acquisitions in the electric industry. Prior to coming to Synergy Renewables®, Mr. Childers served as President and CEO of TXU Development and was part of the senior leadership team at TXU Corporation. Prior to TXU Development he was Executive Vice President at The Shaw Group in charge of engineering, construction and merger and acquisition activity globally as well as President of Shaw Group's subsidiary Stone & Webster. Mr. Childers also provided expertise in international energy markets at Entergy Corporation and Edison Mission Energy. Educated in finance, Mr. Childers obtained his degree at the University of San Diego.



- **Mark Ward** is a Mesa Power executive with more than 25 years experience and reports to Mr. T. Boone Pickens. He has been with the company since its formation in 2007. He is responsible for developing and managing Mesa Power and its renewable energy businesses. Mesa Power owns more than 600 MW of wind projects in later stages of development throughout North America and is a member of the Synergy Renewables® joint venture that develops waste-to-energy projects. Prior to Mesa Power, Mr. Ward served in senior management positions for several regulated and unregulated utilities and engineering and construction firms that included business and project development, asset management, regulatory affairs, and resource planning. Entergy Ward graduated from the University of Alabama with a Bachelors degree in Mechanical Engineering.

- **Michael A. Comparato, Sr.** is Chairman and Chief Executive Officer of VIESTE, LLC., and has served public and private sector clients as owner's representative/program manager on several major projects. The aggregate value of these capital projects exceeds \$5 billion. Mr. Comparato has extensive experience in corporate mergers, acquisitions and asset management. In addition, Mr. Comparato has planned, financed, developed and managed over \$500 million of real estate nationally utilizing a variety of debt/equity vehicles. Prior to forming VIESTE, LLC in 2005, Mr. Comparato was a Vice President with AECOM Technology Corporation, where he was responsible for Capital Program Management services. Additionally, he has extensive Fortune 500 experience, having worked for ARAMARK and Beverly Enterprises. Mr. Comparato is a graduate of the Krannert School of Management, Purdue University, where he majored in Finance and Marketing.

- **Rhett Phillips** has extensive experience and proven success in management, project development, and mergers and acquisitions. Prior to joining Synergy Renewables's project development team, he excelled in several large publicly traded companies including: Continental Airlines, Entergy Corporation, and The Shaw Group. Mr. Phillips has lead negotiations, obtained project and corporate financing, guided teams and provided creative solutions to the most complex transactions in energy and business development. Beyond his experience, his educational background is equally robust with a Bachelor of Arts degree from Nicholls State University, a Masters of Science in Environmental Management from the University of Houston and a MBA from the prestigious A.B. Freeman School of Business at Tulane University.

- > **Will Allen** is Vice President of Business Development with Providence Energy Corp. and has been with the company since 2006. He began as a landman for the Pennsylvania Mineral group and was eventually responsible for managing land teams that acquired over 500,000 acres of natural gas rights in the Marcellus Shale in Pennsylvania and West Virginia. Mr. Allen has distinct experience in renewable energy, most notably his work on one of the largest wind energy projects in the United States. Located in Wyoming, this project, which is currently in development, is comprised of over 400,000 acres. He has been with Synergy Renewables® since its inception and has been involved at every level from general business development, technology research, site selection, and project development. Mr. Allen received his degree from Westmont College in Santa Barbara.

THROUGH OUR TECHNOLOGY



..1 Garbage truck
delivering garbage
every day for 1 year



..powers **350** homes

- > **Cole Robertson**, a Mesa Power executive, joined the company in June of 2008. He is responsible for overseeing the company's financing, analytical, accounting, financial reporting and tax activities. Mr. Robertson has a background in United States GAAP with specific expertise in investment company accounting procedures. His duties include arranging project financing structures, fundamental analysis of the power markets, operational management of the accounting and tax processes, corporate governance, and compliance. He graduated from Texas A&M University with a bachelor's degree in Business Administration in accounting and a Master's of Science degree in finance. Additionally, he is a CPA licensed in the state of Texas. Prior to joining Mesa Power Group, Mr. Robertson worked for Ernst & Young in their Assurance and Advisory Business Services' asset management practice.
- > **Alex Szewczyk** is a research analyst for BP Capital and a member of the firm's investment committee and has been with the Equity Fund since its inception. He monitors developments within the energy and energy dependent sectors as well as identifying investment opportunities for BP Capital. Mr. Szewczyk received an M.B.A. in Finance from the Cox School of Business at Southern Methodist University in Dallas, Texas and graduated from Hartwick College in Oneonta, New York with a B.A. in Economics. Prior to attending business school, he was employed by Lehman Brothers and Southwest Securities.
- > **Sandy Campbell** serves as in-house counsel for BP Capital and its affiliated companies. He has over 25 years of legal experience, first as a partner with Thompson & Knight in Dallas, Texas, and later as founding partner of Stieber Campbell PC. He joined BP Capital in 2004 where his responsibilities include evaluating private investments, structuring transactions, assisting in due diligence and drafting and negotiating legal documents. He graduated from the University of Texas with a bachelor's degree in History and received his Juris Doctorate from Southern Methodist University School of Law.

Overview

The **technology** we use is comprised of four major steps: waste receiving and conditioning, syngas creation, gas preparation and power production. The first step, waste receiving and conditioning, entails the acceptance of the raw waste stream in an enclosed facility. The waste is then prepared through a shredding, separation and moisture adjustment process. Once the waste (referred to as feedstock) is processed, it is transformed into a usable, clean gas (syngas) in a gasifier that uses pyrolysis to create the conversion. The pyrolysis process focuses on maximizing the extraction of carbon and other elements in the absence of oxygen. The nonexistence of oxygen supports clean and efficient gas production. The third stage of the process entails gas clean up, cooling and heat recovery. During this phase, the gas is prepared for the electrical production process as well as the diversion of process energy to produce a self-sustaining power plant. Finally, the clean syngas is conveyed to a reciprocating gas engines where it is utilized to generate electrical power.

Our Process

Synergy Renewables® offers a turnkey waste-to-energy solution capable of disposing of a wide range of solid wastes. Our technology and process is innovative and comprehensive by providing a solution that is environmentally friendly, economically viable and the most efficient method for transforming waste into energy. We are acutely aware of the rapidly increasing challenges associated with land-filling and disposing of municipal waste coupled with the need to create more diversified and renewable sources of energy. We meet this challenge by utilizing the best technology in the world to convert waste into clean renewable energy. This process decreases our dependence on foreign fossil fuels and reduces greenhouse gas emissions. **Synergy Renewables® is fully capitalized and currently has two plants under contract with plans to develop multiple waste-to-energy plants throughout North America and the Caribbean.**

Synergy Renewables® finances, designs, permits, constructs and operates its projects facilities utilizing solid waste generated by municipalities and disposed of by local governments. The standard deal points are predicated on successful negotiation of a long-term Waste Supply Agreement, a Power Purchase Agreement and a Ground Lease. Synergy Renewables® pay all improvements and operational expenses.

THROUGH OUR TECHNOLOGY



...the Waste Footprint
of a family of four
provides **1/2**
of their annual
electricity consumption



Typical Milestones

- Waste contract signed, PPA signed
- EPC Selection
- Design and Permitting Complete
- Financial Close
- Construction Begins
- Final Commissioning Date

Benefits

Our approach, technology and process yields many benefits. These include advantages related to economic development, environmental sensitivity and local government expenditures. From an economic development perspective, the primary advantages Synergy Renewables® provides are the creation of permanent “green jobs,” a solid community investment and the benefits of new industrial-based property tax revenue. Secondly, we have found that reducing government expenditure of public money is a key provision to our relationship with local governments. In that realm, an example of what we offer is a potential reduction of funds required to handle and dispose of waste. Additionally, we often recommend the establishment of a predetermined and controlled cost for waste disposal for the life of the project. Lastly, it is our intent to implement an environmentally beneficial waste deposition and power generating facility in our partnership communities. To meet that goal, we use a technology that reduces greenhouse gases, provides renewable base-load power and enhances recycling.

Moving Forward

In order to assess the potential savings Synergy Renewables® can bring to a local government, we will first need some detailed information:

- Breakdown of the current waste volume being disposed of including total tonnage, composition and types of municipal solid waste
- Costs associated with landfill and/or transfer station operations and associated hauling
- Location of the waste handling and disposal facilities
- Specific site information and availability
- Proximity to electric transmission

Our preliminary calculations will identify requirements for tipping fees and a Power Purchase Agreement for electricity generation including escalators. The combined tipping fees and power revenues, together with the specific waste streams, will determine a financially feasible project.

Alternatively, if it proves to be more beneficial to local governments with an investment grade rating or equivalent, we can provide an option where the local government would supply its backup credit. We may be able to either lower the local government's expenses or provide a payment to the local government as a “host fee” that can be used for general fund purposes. The host fee payment will effectively lower the local government's expenses and would allow the local government to use the payment in the general fund or any programs it chooses. Many public entities like this approach as it provides greater flexibility in appropriating revenues as opposed to only incurring savings.

THROUGH OUR TECHNOLOGY

At our typical facility



we recycle enough
metal each year...



...to build **8** cars

Engineering, Procurement, and Construction (EPC)

Synergy Renewables® has developed relationships with major U.S. based EPC contractors with international experience. The EPC contractor will be fully responsible for providing the team of vendors and the contractors (both local and national) necessary to provide a quality and efficient product. Synergy Renewables® manages the EPC contractor to ensure our projects are delivered on time and within budget.

Community Benefits

Reduction of Solid Waste Disposal Costs. Depending upon the situation, Synergy Renewables® provides opportunities for local governments to reduce their waste disposal costs and to fix those costs over a 20-30 year period.

- **Savings in Tipping Fees and/or Operating Costs.** By diverting all or a portion of the waste bound for the landfill disposal to our waste-to-energy facility, local government can realize a significant annual savings in escalating operating cost. Over the contract period, the savings can equate to millions of dollars per year.

This savings can be through elimination of tipping fees paid to an outside landfill operator by diverting the waste to our facility. Alternatively, if the landfill is government owned, savings are captured by reducing costs associated with spreading, compacting, daily cover, new cell construction and permit compliance.

- **Increase Landfill Life Cycle and Services.**

If the local government owns the landfill, the reduction of waste processed into its landfill extends the life of the landfill. This delays costs associated with opening new cells, closeout or permitting and building new landfills. The permitting and construction new land fills is getting more difficult and expensive.

In some areas, new landfills are no longer feasible.

- **Reduced Hauling Expenses.**

There is also an opportunity to reduce costs associated with the hauling of waste to the ultimate disposal site by locating our waste-to-energy facility near transfer stations or closer to the collection areas. The local government can realize savings related to rising fuel and maintenance expenses.

THROUGH OUR TECHNOLOGY



..1 Garbage truck
delivering garbage
every day for 1 year



..captures the CO₂e
equivalent of
20,000 trees

No Development Cost to Local Government or

Taxpayers. Synergy Renewables® is responsible for all monies necessary for the design, permitting, construction and operation of the waste-to-energy facility including the long-term permanent project financing.

New Property Tax Revenue. Depending on the final plant cost and the community, it is expected that our waste-to-energy facilities will generate hundreds of thousands of dollars in new property and other taxes for the local government. This will equate to millions of dollars of new revenue over the life of the facility.

New Employment and Capital Investment. Depending on the size of the facility, the project will positively affect the local economy by creating approximately 100 construction jobs and over 15 permanent "green jobs." Synergy Renewables® will provide job training and the facility will require an on-going capital investment in green technology and renewable energy operations that will prove to be beneficial for the local economy.

Safe, Clean and Expandable Technology. Synergy Renewables® waste-to-energy technology has clean emissions and operates safely, creating locally produced renewable energy. The technology is modular allowing expansion to accept more waste, thus providing additional disposal options to the local government as the waste volume increases in the future.

Compatible with Existing Waste Collection Program. Our technology can be designed to cause little or no change to existing collection routes and contracts and the development schedule can be customize to accommodate existing contracts for waste disposal.

Environmental Benefits

Reduction of Greenhouse Gases. Synergy Renewables® waste-to-energy facility will significantly reduce the amount of greenhouse gas emissions to the atmosphere. For every ton of MSW we process, we reduce greenhouse emissions by approximately one (1) ton of CO₂e.

Generation of Locally Produced Renewable Energy. The project produces a reliable local source of base load renewable electricity.

Recycling. Our technology increases the recycling of metals which typically end up in landfills. Even the ash produced may be used as construction aggregate material.

Non-incineration Technology. The conversion of waste into a syngas fuel entails an oxygen free process with no burning or combustion. Our emissions require less pollution control than incineration plants. In 2008, the EPA concluded that gasification and incineration are two distinctively different processes.

Clean, Safe and Compatible. Our waste-to-energy facilities generate emissions complying with all U.S. EPA and E.U. standards. The conversion of the waste into electricity is within an enclosed building similar to an industrial warehouse with no adverse odors or noise and compatible with most surrounding land uses.

Environmental Appropriateness. Diversion of waste to our waste-to-energy facility is an environmentally appropriate, efficient and a sustainable method of waste disposal.

Assist in Relevant Standards and Goals.

Depending on the location, our waste-to-energy technology can help communities meet mandated renewable energy production and recycling goals.

Transformative Facts

Waste Processed: 100,000 tons/year
Waste Types: MSW, tires, biomass and sludge

Facility Rating 15 MW

Locally Produced Renewable Energy 108,000,000 kWh

Locally Produced Electricity Powering Over 9,000 Homes

Estimated Annual Economic Impact \$3 Million

Permanent Employment 15-20 Jobs

Savings in Waste Disposal Costs for the Community \$Millions

Cleaner Air:

Reduction of Greenhouse Gases (GHG)

Net Reduction of GHG Emissions

95,000 tons/year (CO₂e)
(Net emissions after energy production)

Equivalent to the CO₂e Capture of: 500,000 Trees

Equivalent to Eliminating CO₂e Emissions from: 14,000 Automobiles

When comparing to an equal amount of electricity produced using fossil fuels such as coal:

Reduction of GHG Emissions 215,000 tons/year CO₂e

Equivalent to the CO₂e Capture of: 1.1 Million Trees

Equivalent to Eliminating CO₂e Emissions from: Over 33,000 Automobiles



Waste-to-Energy Technology

Synergy Renewables® performed an extensive search of the prevailing waste-to-energy technologies that are commercially available in the world's marketplace. We have aligned ourselves with a number of gasification technologies that fit our business model. Generally stated, Synergy Renewables® preferred technology is a non-incineration based gasification system, which provides a greater potential power output and less environmental concerns. These systems create a synthetic gas that can be converted to electricity in modified natural gas engines, combusted in a boiler to create steam or co-fired with traditional fossil fuels.



Currently, we are deploying an advanced and proven technology manufactured by a leading British company. This technology is highly efficient and meets our stringent environmental and financial performance standards. The operational plants include installations on British Naval ships and land applications by the U.S Army. The technology has been successfully in operation for nearly a decade in Britain.

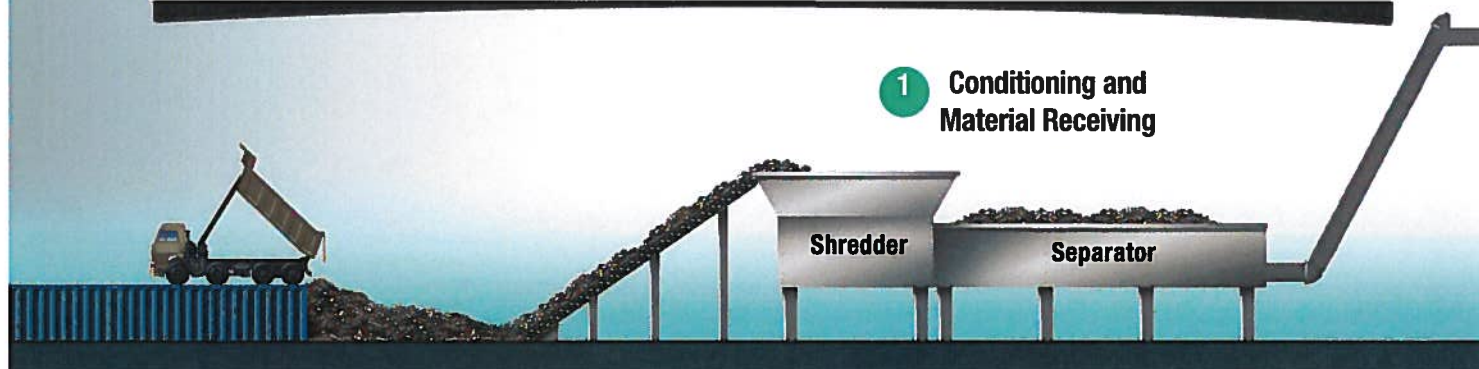
Process Details

Our waste-to-energy technology consists of four primary stages:

1 Waste Receiving and Conditioning. Arriving trucks are weighed and directed to an enclosed building where the refuse is discharged onto a tipping floor. Following initial inspections, the waste is processed through a fully automated pre-conditioning system where the waste is shredded, recyclables such as metals are removed and the moisture content adjusted.

2 Pyrolysis and Gasification. The conditioned waste (referred to as feedstock) is then delivered by conveyor to the feed hoppers for storage. The feedstock is discharged from the feed hoppers into a compaction auger continuously feeding pyrolyser tubes where the feedstock is heated. This is where the conversion of the carbonaceous feedstock into a useful syngas takes place, in the absence of oxygen. This oxygen starved environment does not allow for combustion to occur. In other words, our process does not burn waste.

Next, the syngas and its carbon residues interface with air and steam (water/gas shift) in a separate gasification chamber to produce a hydrogen rich syngas. The remaining inert solids of around 5-10 percent are discharged from the base of the gasifiers and conveyed to storage containers for disposal off-site. The inert solids are deposited in a landfill or are used as a construction aggregate material.



1 Conditioning and Material Receiving

Shredder

Separator

3

Syngas Preparation. The hydrogen rich syngas passes through a multi-staged gas clean up and cooling process to be readied for the gas engines. Also, it is important to note that our process is self-sustaining because we divert a portion of the syngas we produce and use it as the heating fuel to maintain the reaction temperature in the pyrolysis process.

4

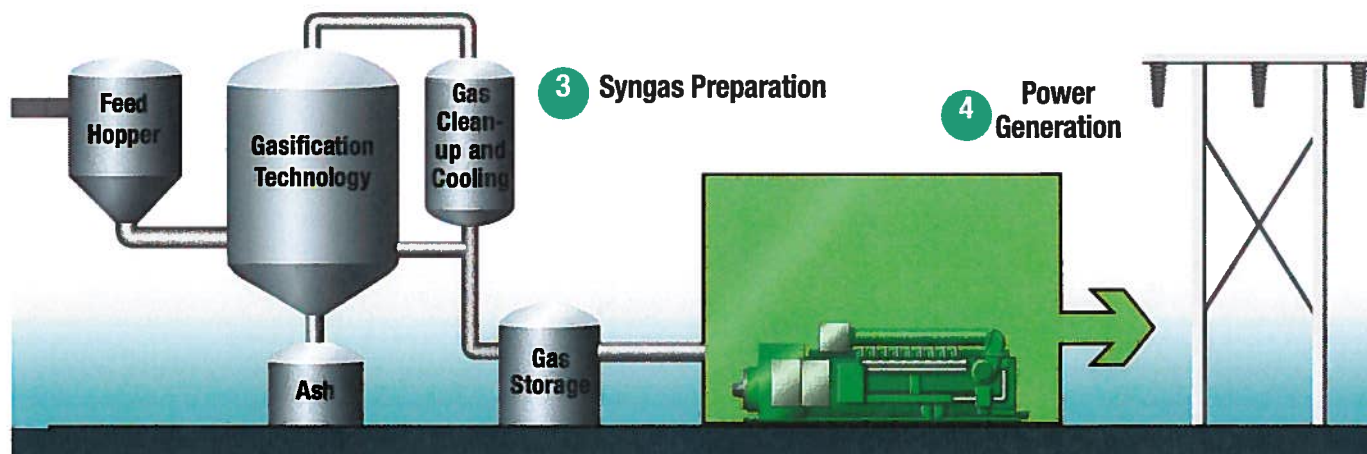
Power Generation. The clean syngas is used in conventional reciprocating gas engines to generate electricity. Alternatively, the gas can be combusted in a boiler to create steam or the gas can be co-fired with traditional fossil fuels.



Major Technology Points

- The modular design accommodates various waste quantities with seamless expansion capabilities
- No oxygen = no combustion = no incineration
- The process is within an enclosed building
- Clean emissions complying with all EPA and EU standards
- Operates at low pressures
- Accepts a variety of waste including MSW, yard debris, tires and sludge

2 Pyrolysis and Gasification





Synergy Renewables
Transforming Matters®

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904.739.3655*

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VALENCIA COUNTY JUVENILE JUSTICE BOARD PROGRESS REPORT 4/4/12

The Valencia County Juvenile Justice Board is a community based board with over 90 members. These include many diverse government, private, county, faith based organizations, and business entities. The co-chairs of the board are District Judge John W, Pope, and Magistrate Judge Tina Gallegos. There are 11 executive board members, all of whom hold voting privileges.

The board held its' initial planning and organization retreat in August, 2010. At that time, the Mission and Vision statements were created, along with the initial plans and goals for the board. At the retreat, five subcommittees were created, and the members of these subcommittees chose their chairs. Additionally, the executive board members were selected, representing a diverse section of Valencia county agencies, schools, law enforcement and faith based organizations.

The general board meets on the fourth Thursday of each month. Participation at these meetings continues to be strong with an average attendance of 30 members. The five subcommittees have been condensed into 4 subcommittees. These subcommittees meet on a regular monthly basis. Additionally, there have been special work groups which have met to address specific project planning. The executive board meets monthly prior to the general meeting.

The board has accomplished the following since April, 2011:

1. Completed the Valencia County Site Assessment. **This was funded through a JJAC grant.**
2. Completed a comprehensive Strategic Plan. **This was funded through a JJAC grant.**
3. Implemented a RAC which is now located in Los Lunas 3 days per week, and in Belen 2 days per week. **This is funded through a JJAC grant.**
4. Implemented a Mentor Program. The initial funds for a mentor dinner to kick-start the program were obtained from a grant through OptumHealth. Currently partnering with Big Brothers, Big Sisters (BBBS) with the mentoring program. BBBS is providing the training, background checks, interviewing and matching of mentors to youths for the mentor program. The 2nd mentor dinner is scheduled for April 30, 2012. **Big Brothers Big Sisters has committed to provide a .3 FTE to Valencia County at a value of \$10,000. Additionally, they have committed to provide \$1,500 of supplies and printing to Valencia County for the mentor program projects.**
5. Implemented a Teen Court which was initially non-funded and dependent on volunteer efforts solely. The Teen Court meets monthly. **Teen Court is now funded with a Juvenile Justice Funds grant in addition to volunteer support. The site for the Teen Court is being provided by District Court.**
6. The board has established a webpage on Valencia County's website. This website provides information on the board and its' programs, program reports, calendar of events, Site Assessment and Strategic Plan, and links to other resources.
7. Obtained experiential wilderness services for Valencia County youth at no cost from the Santa Fe Mountain Center (SFMC). SFMC has committed to 6 days of activities for the youth. The Santa Fe Mountain Center provided its first session of 3 groups for at risk youth in Valencia County. **There was no charge for the activities. Century High School provided the gym and a security**

officer for the first 2 activities, and the 3rd activity was a rappelling event in Socorro. Valencia County Juvenile Probation Office provided supervision for all 3 activities.

8. Partnering with ScOutreach to provide programming for youth. **This program is paid for through a federal grant.** Programming has expanded to the extent that another location may be required.
9. Implemented a Girl's Circle for probation referred girls. **This program is provided by Valencia County Juvenile Probation Office at no cost to the county. Juvenile Probation does not have the needed materials for the group and has requested that the Juvenile Justice Board pay for these materials in the amount of approximately \$800.**
10. The board is in the process of setting up the contract with Veritrax for GPS units to allow appropriate youth to not remain in detention, but, rather returned to the community under strict monitoring conditions. **This program should save the county money by keeping more detention beds empty.**
11. Established strong partnership with local schools and law enforcement. Both schools and local law enforcement are actively engaged in the Juvenile Justice Board.
12. In the initial stages of creating a DMC (Disproportionate Minority Contact) report and plan. This is required for the upcoming RFP.
13. Researching grant and other funding opportunities. **The board is in the process of applying for a grant for the mentor program.**
14. Continued collaboration and involvement with community.
15. The Adult Detention Center is providing jail tours to Valencia County youth and parents.
16. Joe Chavez has been added to the executive board to fill Kenneth Griego's vacancy.
17. **Funding for the Juvenile Justice Board will be extended by JJAC through December 31, 2012. An RFP will be issued this summer, which the board coordinator will respond to.**

The Board's Mission is to serve the youth and families in Valencia County by providing comprehensive services for the purpose of empowering families to be successful, productive citizens.

The Vision of the board is to engage our community to collaborate by fostering innovation, networking, education, and prevention through the development and sustainment of youth- centered, family focused services. Our goal is to strengthen families and promote self-sufficiency for the youth in Valencia County.

Progress Report: February 2012
Valencia RAC
General Funds and Formula Federal Grants Funds
Bernalillo Reception and Assessment Center - Alternative to Detention Program

Performance Measure	Number	Description
Amount of grant funds allocated for this program this quarter	\$7,000	Total includes additional funds allocated to the Bernalillo RAC program.
The number of new program youth served this time period	17	Youth who have <u>not</u> had prior RAC involvement during the current fiscal year.
The number of re-referred program youth served this time period	1	Youth who have had prior RAC involvement during the current fiscal year.
The total number of youth served this time period	18	Total new and re-referred youth served this time period.
The number of new & re-referred youth served by gender	Female Male	4 13
The number of new & re-referred youth served by ethnicity	African American Hispanic Native American White Unknown	 14 1 2
The number of new & re-referred youth served by grade level this time period	3rd 5th 6th 7th 8th 9th 10th 11th 12th	 1 1 7 6 2
The number of new & re-referred youth served by age this time period	GED	
	N/A	
	Unknown	
	9	
	11	
	12	1

Progress Report: February 2012
Valencia RAC
General Funds and Formula Federal Grants Funds
Bernalillo Reception and Assessment Center - Alternative to Detention Program

Performance Measure	Number			Description
Family Status at Intake of new & re-referred youth served this time period	13	1		
	14	2		
	15	3		
	16	5	1	
	17	5		
	18			
	Group Home			
	Living with Friends			
Location of Offense of new & re-referred youth served this time period	Living with Parents	16	1	
	Living with Relatives	1		
	Foster Home			
	Released frm Dhome			
	Unknown			
	BHS	1		
	DFE	1		
	LLHS	5		
Offense at Intake for new & re-referred youth served this time period	INHS	1		Several clients had more than one offence
	VHS	3	1	
	CHS	5		
	LLMS	1		
	Defiance	3		
	Battery	1		
	Classroom disruption	2		
	Gang related activity	1		
	Possession of controlled substance	1	1	
	Tampering	1		
	No charges	3		
	Suspected marijuana use	1		
	Telephone harassment	1		
	Possession of Paraphernalia	3		
	Larceny	1		

Progress Report: February 2012
Valencia RAC
General Funds and Formula Federal Grants Funds
Bernalillo Reception and Assessment Center - Alternative to Detention Program

Performance Measure	Number			Description
Referral Source	Use of Inhalants			
	Truancy	1		
	Under the influence of Alcohol			
	Counselor	4		
	SRO	11	1	
The number of new & re-referred youth diverted to other services	Principal	1		
	Truancy officer	1		
	Jail Tour	6		
	Transportation	1		
	Drug Court	3		
	Therapy	5		
	Partners in wellness	5		
	Shelter	2		
	Scout Outreach	2		
	Counseling	3		
	Neuro Psych	1		
	Boxing	1		
	4H	1		
	Team builders	1		
	Parents reaching out	1		
Average Time Spent By Law Enforcement in the Facility	Tutoring	1		10-15 min
	Community services	1		
	Teen court	1		
	DV intervention	1		
	Hogares	1		
The average number of days from intake to receipt of case plan	1			

Progress Report: February 2012
Valencia RAC
General Funds and Formula Federal Grants Funds
Bernalillo Reception and Assessment Center - Alternative to Detention Program

Performance Measure	Number		Description
The number and percent of new & re-referred program youth given an assessment this time period.	18	100.00%	100% of youth given and completing an assessment.
Estimated savings to the county that can be attributed to the programs (new, re-referred, & carryover) this quarter	\$5,040.00		18 Youth x \$280 x 1 day

JJAC Progress Report Form for February, 2012

Valencia County

General Funds and Formula Federal Grants Funds

(Bolded Performance Measures are DCTAT, Federally required data reporting information.)

Boy Scout Diversion Program – Continuum Program		
Performance Measure	Number	Description
Amount of grant funds allocated for this program.	0	
The number of new program youth served this month	12	12 new students were referred in February
The number of carryover youth served this month	47	47 students, who were active in January, continued the program in February.
The total number of youth served this month	59	
The number of total youth served by gender	Male =29 Female =30	
The number of total youth served ethnicity	Caucasian =9 Hispanic =37 Native American =1 African American =0 Unknown =11 Hispanic/Caucasian =1	
The number of total youth served by age	12 yr. old= 5 13 yr. old= 7 14 yr. old = 16 15 yr. old = 21 16 yr. old = 10	
The number and percent of program youth completing program requirements successfully	<u>41 successful grads</u> 69 past participants	59% of the students who are accepted into ScOutreach graduate.
Average length of stay of clients completing program	4 months	
Number of clients discharged/released from program this month (Reason in Description)	7	4 students graduated in February and 3 students were terminated from programming due to moves or lack of participation.
Average length of stay of clients not completing program	Less than a month.	Participants not completing the program requirements

requirements		usually have transportation issues and exit the program early on. Occasionally a participant exits the program early due to a move or by committing another offense while in programming.
The number of community service hours completed		A total of 228 hours of community service were completed in Valencia County by ScOutreach participants in February.
Number and percent of youth referred to juvenile probation/parole while in program	0	
Number and percent of youth referred to juvenile probation/parole within 90 days of completing program	4.8%	2 out of 41 graduates reoffended in the first 90 days
Number and percent of youth referred to juvenile probation/parole within 1 year of completing program	12%	5 out of 41 graduates reoffended in the first year
Number and percent of youth reporting satisfaction with program if group ended this month	100%	
Number and percent of families reporting satisfaction with program if group ended this month	100%	
A cost analysis of savings to the county that can be attributed to the programs.	\$5.58 for every \$1 in program costs.	

February 2012

Valencia County ScOutreach Diversion Program moved their meetings to the Center for Recovery and Wellness at the beginning of February. It is a beautiful building, near the District Court House. February was also the start of dividing our ScOutreach meetings by age. The older group meets Tuesdays and the younger group meets Thursdays. The participants still complete community service events together. February's lessons included Job Applications and Anger and Stress Management. During the Job Application lesson, students learned the correct way to fill out a job application, how to tie a tie, and how to act on a job interview. Every student had the opportunity to practice their interview skills during a mock job interview. During the Anger and Stress Management lesson, students played a game where they had to manage two tasks at once. This game is a fun way to introduce the idea that we are often trying to do two or more things at the same time and this can be stressful. For example, keep up with our school work, do our house chores, and spend time with friends. The program specialists went over some simple exercises to help participants de-stress and calm

down. Students were also asked to write about a time when they were angry and some ideas on how to handle the situation productively.

ScOutreach had many community service opportunities in February. At the beginning of the month the students worked at the Belen Community Garden pulling weeds and spreading mulch. They also volunteered twice at the Belen Food Pantry, dividing and distributing groceries to local families. The participants pulled weeds, picked up trash, and did general beautification at the Los Lunas Baptist Church on El Cerro Mission Blvd. Our final service activity of the month was at the *One Million Bones* studio in Albuquerque. “*One Million Bones* is a social arts practice working to raise awareness about the atrocities happening today in Sudan, Burma and Congo” (www.onemillionbones.org). The project plans to take 1,000,000 handmade bones and lay them on the National Mall in Washington, D.C. ScOutreach participants made nearly 600 clay bones, which raised about \$600 for families in the areas of interest.



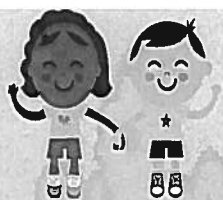
BOY SCOUTS OF AMERICA

Scout Reach Diversion Program Monthly Report Month of February, 2012

Please submit the completed form to:

CYFD
Federal Grants Unit
Room 209
P.O. Drawer 5160
Santa Fe, NM 87502

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PROCLAMATION

"Child Abuse Prevention"

WHEREAS, children are the link to the future and our hope for a better tomorrow. Today's children will guide our nation through future challenges with vision, strength, creativity, and leadership. In order to grow into healthy, happy adults and responsible citizens, we must provide our children the love, nurturing, and protection they need and deserve; and

WHEREAS, every child deserves to live within a safe, permanent, and caring family. Regrettably, abuse and neglect continue to threaten the well being of many young Americans. Many children are not safe, even in their own homes. The statistics are staggering. Every year, there are thousands of reported incidents of child abuse; and even more disturbing, hundreds of these incidents result in a child's death. Whether suffering neglect, harsh physical punishment, sexual abuse, or psychological trauma, the children who survive will carry the scars of their abuse for the rest of their lives. We can, and must, do more to fight these tragedies and to protect our children from harm; and

WHEREAS, child abuse prevention requires partnerships among Federal, State, and local governments, faith-based and community-based organizations, schools, law enforcement, and social service agencies. These organizations must work together with parents to protect children and help build healthy families and communities so children can reach their potential; and

WHEREAS, every April, communities across the country join to raise public awareness about child abuse, to provide information about how to prevent it, and to assist families in need of support, recovery, and encouragement. During National Child Abuse Prevention Month, and throughout the year, Americans are encouraged to find ways to cherish our children, and strengthen our families.

NOW THEREFORE BE IT RESOLVED that the Valencia County Commission does hereby proclaim the month of April 2012 as:

"CHILD ABUSE PREVENTION MONTH"

In Valencia County

DONE, this 4th day of April 2012, in Valencia County, State of New Mexico.

BOARD OF COMMISSIONERS

Donald E Holliday, Chair, District V

Georgia Otero-Kirkham, Vice Chair, District II

Mary Andersen, Commissioner, District I

Lawrence R Romero, Commissioner, District III

Ron Gentry, Commissioner, District IV

Attest: Sally Perea, County Clerk

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TNT INVESTMENTS, LLC

P.O. Box 398
Belen, NM 87002

March 8, 2012

Donald Holliday, Chairman
Mary Anderson, Vice-Chairwoman
Georgia Otero-Kirkham- Commissioner
Ron Gentry- Commissioner
Lawrence Romero- Commissioner
Valencia County Commission
444 Luna Ave
Los Lunas, NM 87031

RE: Lease between TNT Investments, LLC and Valencia County -13th Judicial District Attorneys Office located at 101 South Main Street-Second Floor, Belen, New Mexico

Dear Chairman Holliday, Vice-Chairwoman Anderson , Commissioner Otero-Kirkham, Commissioner Gentry and Commissioner Romero,

My partner Richie Tabet and I, are writing to you in order to be put on the upcoming agenda for the Valencia County Commission pertaining to the lease between TNT Investments, LLC and Valencia County 13th Judicial District Attorneys Office.

At this time the rent will need to increase two percent (2%) from the previous year making the rent \$13,363.22 per month commencing May 1, 2012. The 2nd Floor consists of 11,760 sq. ft. making the rent \$13.63 per sq. ft. with all utilities being paid by TNT Investments, LLC.

As you are aware TNT Investments, LLC offer many incentives that include the following:

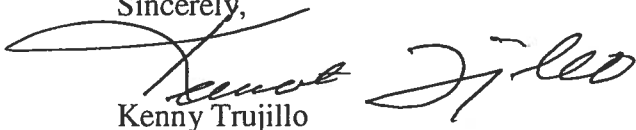
- Large Employee Break Room on Fourth Floor
- Large Training/Meeting room on Fourth Floor
- Exercise Room , Showers and lockers on Third Floor
- Plenty of Exterior Windows
- Beautiful views of offices to east and west
- Trellis covered deck and balcony on Fourth Floor

- Convenient banking services located on First Floor
- Private restrooms for employees (handicap accessible)
- Public restrooms for clients (handicap accessible)
- Furniture was provided at no additional cost including desks, chairs and conference tables
- Landscaping
- On-Site Building Manager
- On-Site Maintenance
- Great Central Location
- 24 hour access
- Secure access from exterior of building as well as the DA's access on 2nd floor
- Ample Parking

We have enjoyed having The District Attorneys office as tenants. All the employees have been a great benefit to Belen in stimulating the community in a time that we all know is greatly needed. We look forward to a continued relationship with the 13th Judicial District Attorney's Office.

Enclosed please find the Lease Addendum beginning May 1, 2012. If you should have any questions please feel free to contact me @ 440.1180. Also if you can please advise me as to when we can look forward to being on the agenda for the Valencia County Commission, I would greatly appreciate it.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny Trujillo", written over a horizontal line.

Kenny Trujillo

cc. Valencia County Manager, Eric Zamora

LEASE ADDENDUM

WHEREAS, a lease agreement was entered into as of the 21st day March, 2007 by and between TNT Investments LLC, a New Mexico Limited Liability Company, as “LESSOR” and , Valencia County Commission, District Attorney 13th Judicial District as “LESSEE”, for office space in located at 101 South Main Street, Belen New Mexico 87002; and

WHEREAS, the term of this lease agreement was for 12 months, commencing May 1, 2011, and terminating April 30, 2012;

NOW THEREFORE, the parties agree to extend and amend the lease as follows:

1. The term of said lease shall be extended to April 30, 2013, Commencement date is May 1, 2012.
2. The rent shall be as follows commencing May 1, 2012

\$13,363.32 per month with an annual rent of \$160,359.84

3. The remainder of this lease agreement is hereby affirmed in all other aspects.

DATED and executed in duplicate originals this ____ day of _____, 2012.

LESSOR:

TNT INVESTMENTS, LLC,
a New Mexico limited liability company

By: KENNETH TRUJILLO

Its: MEMBER

Signed: [Signature]

LESSEE:

VALENCIA COUNTY COMMISSION
District Attorney 13th Judicial District

By: _____
Donald Holliday, Chairman
Its: _____

Signed: _____

By: _____
Georgia Otero-Kirkham, Commissioner
Its: _____

Signed: _____

By: _____
Lawrence Romero, Commissioner
Its: _____

Signed: _____

By: _____
Mary Anderson, Vice-Chairwoman
Its: _____

Signed: _____

By: _____
Ron Gentry, Commissioner
Its: _____

Signed: _____

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VALENCIA COUNTY

Board of County Commissioners

Agenda Request Form

Department Head: Ruben Chavez

Individual Making Request: Jacobo Martinez

Presentation at Meeting on: April 4, 2012

Date Submitted: March 27, 2012

Title of Request: Procedure Accepting Donations of Real Property

Action Requested of Commission:

Consideration of Resolution to accept donations of Real Property

Information Background and Rationale:

The agenda request in front of you is a resolution in order to consider accepting title to real property as a gift if the donated real property can be sold to realize its cash value for the County or if the property is located in an area where the real property may be used to meet the operational needs of County Government. The resolution outlines a process by which the County can accept real property. The process is built in order to safeguard the County against accepting gifts of property that are difficult to sell or are encumbered with defects that could put the County at risk once it is the chain of title. Final acceptance of real property will be voted on by the County Commissioners.

What is the Financial Impact of this Request?

Staff Comments:

Legal:

This sets forth a procedure to accept donation of real property. A.N.

Finance:

Associated costs have not been discussed. CC



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2012-__**

PROCEDURE FOR ACCEPTING DONATIONS OF REAL PROPERTY

RECITALS

WHEREAS, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and,

WHEREAS, NMSA 1978, Section 4-38-13 (1953) provides that board of county commissioners shall have power at any session to make such orders concerning the property belonging to the county as they may deem expedient; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the ownership of real property and the management of such real property has the potential of imposing unacceptable risks and liabilities on the County of Valencia if the property is remote, contains environmental hazards or has a clouded chain of title.

WHEREAS, the Board of County Commissioners of Valencia County is interested in adopting a resolution that embodies the policies and procedures to be employed by the County regarding the acceptance of gifts of real property in order to safeguard the County against accepting gifts of real property that are difficult to sell or are encumbered with defects that could put the County at risk once it is in the chain of title.

SECTION I. GENERAL.

Valencia County shall consider accepting title to real property as a gift if the donated real property can be sold to realize its cash value for the County or if the property is located in an area where the real property may be used to meet the operational needs of County Government.

SECTION II. PROCEDURE TO ACCEPT REAL PROPERTY.

(A) Step 1. Establishing County Interest:

The process of establishing Valencia County interest in accepting a gift of real estate shall begin once the following information is provided to the Valencia County Manager:

1. The name, address, telephone number and e-mail address of the proposed donor.
2. A statement of the reasons for the donor's desire to make the gift.
3. A general description of the property including the exact location, any structures (above and below ground), past uses of the property, location characteristics and pictures.
4. Proof of donor's ownership of the property in the form of a copy of the donor's deed to the real property.
5. A statement as to whether the contribution is of the donor's complete or partial interest in the property. Valencia County will not accept as a gift a partial, fractional or minority interest in real property.
6. A list of any personal property to be included with the gift.
7. Copies of current real estate tax bills and special assessment bills.

(B) Step 2. Obtaining Further Details

If based on the information obtained in Step 1 it is determined by the County Manager that the County will not benefit from the real property the County Manager shall inform the donor, in writing, that the County rejects the donation. If the County Manager determines, based on the information obtained in Step 1., that the County may potentially benefit from this donation of real property, the following additional documents shall be obtained by the County Manager before the donation is presented to the Board of County Commissioners:

1. A recent legal description and survey, if necessary, of the property showing any easements and right-of-ways.
2. A ten year tax search.
3. An up to date appraisal report performed by either an independent, professional real estate appraiser or by the County Assessor's Office listing property market value and marketability.

4. A chain of title report as to the ownership of the real property by the County Assessor – if there appears to be any inconsistencies in the chain of title the County will require that the donor provide a title abstract.

5. If after the County Administration reviews the real property and there appears to be any potential environmental hazards the donor will provide at his/her expense a Phase I Environmental Assessment of the property in a form and content which would be satisfactory to an institutional lender, together with a report of the physical condition of the property.

6. If the County Manager determines after review of the additional information that accepting the property will not be in the County's best interest the County Manager shall inform the donor, in writing, that the County rejects the donation.

(C) Step 3. Recommendation

If after review, the County Manager finds that accepting the property would be in the County's best interest, the County Manager shall present a report to the Board of County Commissioners at a regular County Commission meeting detailing why accepting the property would be in the County's best interest. The County Manager's report shall explain why the real property will either be beneficial for County Government use or why the real property can easily be sold for its cash value as well as a plan for the real property.

SECTION III. FINAL ACCEPTANCE

After receiving the County Manager's recommendation to accept the real property the Board of County Commissioners may, at its sole discretion, vote to accept the real property. If the Board votes to accept the property the donor must transfer the real property, by Warranty Deed, to the County of Valencia within 30 days of the vote or the acceptance will be considered null and void. If the Board votes not to accept the donation the County Manager shall inform the donor, in writing, that the County rejects the donation.

SECTION IV. APPEAL

The upon the receipt of a letter of denial a potential donor may request the denial to be reconsidered at a regular meeting of the Board of County Commissioners.

APPROVED, ADOPTED, AND PASSED on this ____ day of April, 2012.



Resolution 2012-____

Procedure for Accepting Donations of Real Property

BOARD OF COUNTY COMMISSIONERS

Donald E. Holliday,
Chairman, District V

Georgia Otero-Kirkham,
Vice-Chair, District II

Mary J. Andersen
Commissioner, District I

Ron Gentry
Commissioner, District IV

Lawrence R. Romero
Commissioner, District III

Attest:

Sally Perea, County Clerk

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Department of Finance and Administration
Local Government Division
Financial Management Bureau
SCHEDULE OF BUDGET ADJUSTMENTS

REVISED 12/08/06

ENTITY NAME: _____
FISCAL YEAR: _____
DFA Resolution Number: _____

For Local Government Division use only:

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
	401-07-2028	Capital Outlay	\$24,000.00	(\$2,273)	\$21,727	
	401-07-2004	Temporary Salaries	\$10,240.00	(\$4,000)	\$6,240	
	401-07-2056	Supplies	\$7,290.00	\$6,273	\$13,563	
	401-01-2200	Construction Project	\$350,000.00	(\$50,000)	\$300,000	
		CDBG Cash Match	\$0.00	\$50,000	\$50,000	
	420-33-2176	Appraisal Increment	\$2,200.00	-\$960.00	\$1,240	
	420-33-2002	Full Time Salaries	\$202,578.00	960	\$203,538	
	446-39-2028	Capital Outlay	\$69,129.00	-\$804.00	\$68,325	
	446-39-2100	Professional Services	\$386,312.00	-\$6,500.00	\$381,812	
	446-39-2056	Supplies	\$10,000.00	\$7,153.00	\$17,153	
	446-39-2177	Training	\$500.00	\$151.00	\$651	
	426-00-1410	Valencia County EMS	\$368,750.00	-\$65,000.00	\$303,750	
	426-52-2058	EMS- Equipment	\$0.00	\$65,000.00	\$65,000	
	416-27-1014	Jarales-State Fire Protection	\$50,332.00	-\$20,000.00	\$30,332	
	416-27-2058	Equipment	\$3,200.00	\$20,000.00	\$23,200	
	497	Cash in Lieu	67709	\$14,026.00	\$81,735	Additional funds granted to Valencia County for older American Program
	497-84-2093	Cash in Lieu	63695	\$14,026.00	\$77,721	
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ATTEST: _____ Title _____ (Date) _____
Mayor/Board Chairman