



October 3, 2012
Agenda
9:30 A.M. Business Meeting
Valencia County Commission
Chambers
444 Luna Avenue
Los Lunas, NM 87031

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

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes:
 1. September 10, 2012 (Special Meeting)
 2. September 12, 2012 (Public Hearing)
 3. September 19, 2012 (Business Meeting)

Approved:

A handwritten signature in black ink, reading "Donald E. Holliday".

• **Presentations:**

1. Wagner Farms / Chili Festival: ***Roxanne Wagner***

• **Discussion / Non-Action Items**

None

• **Action Items**

2. To accept the Finding of Facts and Conclusion of Law for an appeal on a site plan: ***Jacobo Martinez***
3. To accept the Findings of Facts and Conclusion of Law for a Zone Change for O-D to I-3: ***Jacobo Martinez***
4. Consideration of Resolution 2012-_____ for the Infrastructure Capital Improvement Plan: ***Jacobo Martinez***
5. Consideration to accept Street Lights at the Las Maravillas Subdivision Units 2 & 3: ***Jacobo Martinez***
6. Consideration of Resolution 2012-_____ to accept Calle Del Oro from NM Hwy 314 to the east side of the Railroad Right-of- Way.

• **Financial Matters**

7. Consideration of Payroll / Warrants: ***Nick Telles***

• **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) (5) (7) & (8), the following matters may be discussed in closed session: a. personnel: b. pending or threatened litigation: c. real property: d. other: **AFSCME Council 18, Local 2745 Bargaining** 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.

● **Executive Session Action Items**

8. Consideration of Collective Bargaining Agreement with AFSCME Council 18, Local 2745

● **Next Commission Meeting**

- ◆ **October 17, 2012 – Business Meeting @ 9:30 A.M.**
Valencia County Commission Board Room 444 Luna Ave. LL, NM

● **Adjourn**

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

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VALENCIA COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
SEPTEMBER 10, 2012

PRESENT	
Donald E. Holliday, Chairman	
Georgia Otero-Kirkham, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Mary J. Andersen Member	
Bruce Swingle, 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 10:00 A.M.
- 2) Chairman Holliday led the Pledge of Allegiance.
- 3) Approval of Agenda
Commissioner Otero-Kirkham moved for approval of the agenda as amended. Seconded by Commissioner Gentry. Motion carried unanimously.

ACTION ITEM(S)

- 4) Consideration of Approval of Census for Rio Communities Incorporation – Mark Gwinn
Mr. Gwinn said this is a request to allow them to begin the process with the county to move forward toward their incorporation. They have provided the petitions to be certified, the boundary map of the area to be incorporated and have also asked the commission to accept the 2010 census as it reflects the body of the incorporation. At this time they would like to start the process to allow them to have an election to be held in January.
Commissioner Romero motioned to accept and allow the petition for the Rio Communities Incorporation to be utilized, use the 2010 U.S. Census for incorporation and the census results accepted once they are dealt with the Board of County Commissioners. Seconded by Commissioner Gentry. Motion carried unanimously.

County Attorney Adren Nance said what the statute requires that generally they deposit money for the payment of the census and what we said here is that we are not going to pay for that census; we are going to utilize a different census. So that then means that at a later time they will file the results of that census with this board and then that will start a different process. We'll wait for that to happen at a different time once it's filed and the next step in the process will start. That's where we're at.

- 5) Resolution 2012-28, Adoption of 2012 Tax Rates – Viola Vallejos/ Orlando Montoya.
-

Mr. Montoya stated the County Treasurer has received the 2012 property tax rates mandated from the Department of Finance Administration and will need to get this imposed in order to get the tax bills out in November. Tax rates did see a modest decrease.

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

County Clerk Sally Perea announced Resolution 2012-28.

EXECUTIVE SESSION

EXECUTIVE SESSION- Pursuant to Section § 10-15-1, the following matters also appearing on the agenda will be discussed in closed session: a.) pending or threatened litigation (section 10-15-1 (h) (7) 1-“Withholding Miscalculations.”

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

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

County Attorney Adren Nance stated the matters that were discussed in Executive Session were limited to the items listed on the agenda and no final action was taken.

Commissioner Otero-Kirkham moved to approve the summary as stated by counsel. Seconded by Commissioner Romero. Roll call vote. Commissioner Andersen voted yes. Commissioner Gentry voted yes. Commissioner Otero-Kirkham voted yes. Commissioner Romero voted yes. Chairman Holliday voted yes. Motion carried 5-0.

EXECUTIVE SESSION ACTION ITEM(S)

6) Delegation of Authority to County Manager to Resolve Withholding Miscalculations.

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

The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on September 12, 2012 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

Commissioner Andersen moved for adjournment. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. **TIME: 11:03 A.M.**

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 10, 2012 Special 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

VALENCIA COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING MEETING
SEPTEMBER 12, 2012

PRESENT	
Donald E. Holliday, Chair	
Georgia Otero-Kirkham, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Mary J. Andersen Member	
Bruce Swingle, 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
Chief Deputy Clerk Theresa Sanchez administered the oath to those individuals wishing to give testimony at tonight’s Public Hearing.

PUBLIC HEARING ITEM(S)
4) Consideration of Transfer of Liquor License #0600 to Dennis V. Chavez LLC, 24 Dailes Rd., Los Lunas, NM 87031 from Golf Classic Resort LLC dba Tierra Del Sol Golf and Country Club, 100 Golf Course Rd., Belen, NM – Sally Perea.
Chief Deputy Clerk Theresa Sanchez stated as per Section 60-6B-4 NMSA of the Liquor Control Act, within 45 days after receipt of a notice from the Alcohol and Gaming Division, the governing body shall hold a public hearing in the question of whether the department should approve the proposed request, two weeks notice of the public hearing has been fulfilled and the applicant has been notified. The applicant has met all the requirements.

Joe Nestor Chavez, representing applicant Dennis Chavez, stated the process of purchasing this license began approximately eight months ago, longer than the normal hundred and twenty day because the license was in escrow and the attorney’s were in Chicago. The only concerns were from the neighborhood association who didn’t want to see package liquor on the premises. The reason for Mr. Chavez pursuing the license was to limit the amount of picnic licenses an individual would be able to purchase each year. Mr. Chavez’s Southwest Livestock uses quite a bit of permits because of the rodeo and the different functions they hold which have been authorized through Valencia County and the State of New Mexico. Commissioner Otero-Kirkham asked if here is a café or bar, she’s always thought it was a livestock sales barn.

The license was purchased primarily for special events and has been used about fifteen times a year. He does have a little café which holds about forty-five people but there's no intent to open a restaurant or liquor establishment there.

Commissioner Andersen stated the license allows for a package liquor store operation, what is Mr. Dennis Chavez's intention with that?

Mr. Joe Nestor Chavez said Mr. Dennis Chavez has no intention on opening a package liquor business. Commissioner Andersen said one of her concerns is that Highway 6 is not a good road, it's not properly marked, and there are not enough reflectors along the road indicating where the curves are and where the bridges are. This is her district and it concerns her to have someone that has been drinking drive on that road.

Chairman Holliday said he's going to purchase a license but has no intentions of using it. Mr. Joe Nester Chavez said what's he saying is Mr. Dennis Chavez is purchasing the license and has a few options and that may very well may be one of them. There are very few licenses in the area and there may be someone that would be willing to invest more than he paid for it and that is something that has been discussed. Mr. Chavez's intent is to use the license primarily for special events. These special events will be held at this location but he does have the opportunity to use it as a Picnic License on other premises or off site but this has become very difficult because of the liquor liability.

Valencia County residents expressing their opposition for the approval of the transfer of the liquor license to Dennis V. Chavez LLC, 24 Dailies Rd., Los Lunas NM 87031 were Kurtis Smith, Maxine Riley, Janice Clinger, Virginia Smith, Eleanor Young, Marvin Clinger, Sandra Postel and Lisa Walter.

5) Consideration of Application 824298 to Jonathan P. Chavez dba Camino Real Winery, Inc., 13 Tome Hill Rd., Hwy 47, Los Lunas, New Mexico for a Wine Grower Liquor License – Sally Perea.

Chief Deputy Clerk Theresa Sanchez said the above item is for consideration to allow Jonathan Chavez to do business as Camino Real Winery. The applicant has met all the requirements and the deadlines have been met. Mr. Jonathan Chavez was present to answer any questions and informed the commission he will be growing the grapes and the wine will be bottled and sold at this location. He will start out by selling it at wine festivals and also will have wine tasting by appointment only. He is growing seven different types of grapes.

6) Request to Amend the Zoning Map for O-D to I-3 – Jacobo Martinez.

County Planner Jacobo Martinez stated PNM (Public Service Company of New Mexico) is proposing a natural gas fired electric generating station. According to PNM, the station is needed to provide electric power quality to support renewable energy resources to meet growing energy demand. PNM expects to use the power for multiple purposes such as meeting energy peak demands, supporting intermittent renewable resources, providing power quality support and supporting other networks. The selection of this site is due to the proximity of regional infrastructure. More specifically, this site was picked because of the access to the natural gas pipeline and existing PNM infrastructure on the Mesa as it is right now. The Planning & Zoning board heard the request in a public meeting on August 22, 2012. There was opposition made by the public with concern on water consumption by the development and placement of the project. After hearing testimony, the Planning and Zoning Commission voted 3-0 to recommend approval of the zone change.

Minutes of September 12, 2012 Public Hearing Meeting

The Planning and Zoning Commission found the proposed zone change is consistent with the goals, policies and other applicable provisions of the comprehensive which included:

- Regional infrastructure goal J: Steer urbanizing development to areas where adequate infrastructure, utilities and public services are available.
- Objective J-2: Provide development incentives for new development to incorporate centralized utilities and services or to locate near established infrastructure.
- Economic Development Goal P: Strengthen the economic base of the county, expand employment opportunities and improve local workforce skills and ability.
- Objective P-2: Provide location incentives for the development of business and industry in key areas that will provide long term tax benefits to the county.

PNM Agent for Wellhad Electric Laurie Moyer gave a PowerPoint presentation on the La Luz Energy Center in the county. The proposed La Luz Energy Center is a natural gas fired electric generation station. PNM expects to use the power generated in this station for multiple purposes, such as meeting energy peak demands, supporting intermittent renewable resources, providing power quality support and supporting other network electrical systems as requested. This site in Valencia County was selected because it's a perfect nexus of transmission lines and high capacity interstate reliable gas lines. The site is located southwest of the City of Belen, approximately two miles south of Camino Del Llano and Henderson Road intersection and west of the escarpment. This is a fifty acre parcel and requesting a zone change for the entire fifty acres. The La Luz Energy Center will rebuild in thirty of the fifty acres. The eastern portion is the escarpment and the rough terrain. The zone change from Outland District to I-3 is necessary because I-3 is the zone that is permissive for generating plants. The La Luz Energy zone change is consistent with the Valencia County comprehensive plan. It will comply with all current county codes and regulations. They have acquired some buffer to the north and to the west but the owner to the south did not want to sell. The generating station will provide support for more renewable energy development and the power generated on this site will stay in state.

Commissioner Otero-Kirkham said there's already established lines in that area, you're not going to put in anymore lines, is that correct?

Ms. Moyer said that's correct, they have existing transmission lines; they will have to run transmission lines from the plant to the PNM facility which would be several hundred feet. The reason they selected the site was because it is very cost effective, the natural gas and the transmission are on site and the power generated will stay in New Mexico.

Valencia County residents speaking in opposition of the consideration to amend the zoning map from O-D to I-3 were William Dean, Larry Fuller, Dr. Karen O'Kain, G.R. Bill Guernsey, Gloria Sanchez, Mary Holmes, Ernest Trujillo, Daniel Lopez, and Joe Meyer. Residents concerns were water usage, lighting, dust control, noise abatement, methane pollution, and risk to wildlife, access, landscaping and employment.

Valencia County residents that spoke in favor of amending the zoning map for O-D to I-3 were Neil Heist, Max Kiehne, Samantha Tate, Joan Artiaga, Pasqual Armijo, Jim Crawford, and Donna Crawford

Ernie Thorne stated his concerns but did not state if he was for or against.

7) Consideration to Hear an Appeal of a Decision made by Planning & Zoning Commission to Deny a Site Development Plan – Jacobo Martinez.

Planning and Zoning Director Jacobo Martinez said this is a consideration to hear an appeal of a decision made by the Planning and Zoning Commission to deny a development plan for the PNM site specifically which was just heard in the zone change request. The Planning and Zoning Board heard the request in a public meeting on August 22, 2012. After hearing testimony, the Planning and Zoning Commission voted 3-0 to recommend denial of the site development plan siting concerns of access from the site. Since then PNM has been working in revising the site development plan to the needs of the commission.

Ms. Moya stated this is a site development appeal. All the questions that were asked in the zone change request may also be answered in this particular presentation. The plant is being permitted to run a maximum of 5000 hours per year with two units in place. They appealed the P & Z decision because of the deliberations as Mr. Martinez indicated, focused on access and there is existing access on the property for others, which was recently granted by this commission when PNM build the Series Reactor Station and they put in a forty ft. access. That access has not been changed. They hope to start construction on the La Luz Energy Center with the first initial phase of forty megawatts to begin in 2014 and the plans are that the plant will be in service in 2016. Ms. Moya was asking to put a second unit which will be another forty megawatts for a total of eighty megawatts at this site.

They will have two paved regular parking spaces and one van accessible handicap parking space. For public safety and security concerns, the generating station will have an eight foot fence with one foot of barbed wire on top of it and will also be fencing with a six foot fence with one foot of barbed wire on top to keep people and animals out of the retention pond. There will be one septic field, they are working with the state engineer and are proposing one well site, with the possibility of one backup well under consideration. The La Luz Energy Center will have limited water use and will be compliant with all water use standards and regulations. They do have existing water rights from the Middle Rio Grande Basin and if the OSE approves it they will be transferring those rights to this well site. They have three operation ponds that are needed for the cast off water to be evaporated. The ponds are six feet from the top of the pond to the bottom of the pond. However, if the plant was ever to run 5000 hrs per year they are still anticipating the depth of the ponds would only be two to three feet. The water will be used to densify the air so that the turbines operate more efficiently and also to control emissions. They are asking for 5000 hours for two units which are 149.5 acre feet of water per year and are equal to a twenty acre farm in the valley. They will be compliant with the county's nuisance ordinance. They also commit to be compliant with the New Mexico Environment Department standards and regulations. They anticipate between 100-120 construction jobs when the plant is under construction but will have to bring in some craft specialists. They will use cost competitive local materials. Wellhead will commit to giving first choice to the local suppliers and if the prices are slightly off they will select the local suppliers and not go out.

PUBLIC COMMENT:

Valencia County residents making comments at tonight's Public Hearing meeting were Joan Artiaga, Neil Heist and Larry Fuller.

NEXT COMMISSION MEETING

Minutes of September 12, 2012 Public Hearing Meeting

The next Regular Meeting of the Valencia County Board of County Commission will be held on September 19, 2012 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

Commissioner Otero-Kirkham moved for adjournment. Seconded by Commissioner Andersen. Motion carried unanimously. **TIME: 8:09 P.M.**

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 12, 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

SEPTEMBER 19, 2012

PRESENT	
Donald E. Holliday, Chairman	
Georgia Otero-Kirkham, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Mary J. Andersen Member	
Bruce Swingle, 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 Otero-Kirkham moved for approval of the agenda. Seconded by Commissioner Andersen. Motion carried unanimously.

4) Approval of Minutes: September 5, 2012 – Business Meeting

Commissioner Andersen moved for approval of the September 5, 2012 Business Meeting. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

PRESENTATIONS:

None

DISCUSSION / NON-ACTION ITEM(S):

None

ACTION ITEM(S)

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD.

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

5) Consideration of Indigent Report and Appeals –Barbara Baker

Ms. Baker presented the Indigent Claims from August 2, 2012 – September 7, 2012 and requested approval of \$56,443.94.

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

Ms. Baker presented an Indigent Appeal for inmate Ruben Davis in the amount of \$2,315.00 and requested approval of \$1,000.00 to be paid to Lovelace Medical Center.

Ms. Baker presented an Indigent Appeal for William Johnston in the amount of \$11,595.31 and requested approval of \$3,000.00 to be paid to UNM Health Sciences Center. Commissioner Otero-Kirkham moved for approval of the two Indigent Appeals. Seconded by Chairman Holliday. Motion carried unanimously.

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

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

6) **Consideration of Approval to Enter into an MOU with the American Society for Prevention of Cruelty to Animals (ASPCA) – Eric Tanner.**
Commissioner Otero-Kirkham moved for approval. Seconded by Andersen. Motion carried unanimously.

7) **Consideration of Application 824298 to Jonathan P. Chavez DBA Camino Real Winery, Inc. 13 Tome Hill Rd. Hwy 47, Los Lunas, New Mexico for a Wine Grower Liquor License – Sally Perea.**
Commissioner Romero moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

8) **Consideration of Transfer of Liquor License No. 0600 to Dennis V. Chavez LLC, 24 Dailes Rd., Los Lunas New Mexico 87031 from Golf Classic Resort LLC DBA Tierra Del Sol Golf and Country Club, 1000 Golf Course Rd., Belen, NM – Sally Perea**
Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Romero. Motion carried 4-1. Commissioner Andersen voted no.

9) **Consideration for Approval to Amend the Zoning Map from O-D tol-3 – Jacobo Martinez**
Commissioner Romero moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

10) **Consideration to approve an appeal of a Decision Made by Planning & Zoning Commission to Deny a Site Development Plan-Jacobo Martinez.**
Commissioner Otero-Kirkham motioned for approval of the appeal. Seconded by Chairman Holliday. Motion carried unanimously.

11) **Consideration of Approval of the Agreement for Inmate Confinement between San Miguel and Valencia County – Joe Chavez / Bruce Swingle**
Chairman Holliday moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

12) **Consideration to Approve Solid Waste RFP (Request for Proposal) VCR-FY13-05. Authorization to Initiate Formal Procurement- Mike Vinyard-**
On September 14, 2012 Mr. Vinyard had provided the commission a revised version of the RFP in draft form for solid waste services for Valencia County. He had discussions with a number of commissioners to gather input as to proposed changes to the RFP. He presented the above RFP for comment and discussion. The options at this point are to release the RFP in accordance with the advertising or if there are significant issues they can delay the procurement but the advertising has been placed. One of the main changes made to the RFP was the inclusion of several check points. Anything that occurs during

Minutes of September 19, 2012 Regular Business Meeting

the official procurement period between the release of the RFP and the award of the contract is subject to confidentiality per state statute, so they would go into executive session to advise the commission as to what is going on. Mr. Vineyard asked for approval of the RFP as was presented or the commission's direction for any changes to be made to the RFP and authorization to proceed with the procurement by releasing the official version of the RFP to the public this Friday morning.

Chairman Holliday asked Mr. Vinyard if there was anything wrong with the draft they were given on September 7th.

Mr. Vinyard said the term "wrong" is very subjective; there were differences of opinion from various commissioners as to what should go on the draft and how the procurement should be conducted, as to what was important and what was not important. So was there anything "wrong" with either of the drafts, yes and no. We'll never get to perfect, we just try to gain as much middle ground as we can and move on. He couldn't agree more with Commissioner Otero-Kirkham in that we need to get something out but it is absolutely critical that we get a reasonably high quality RFP out there. The September 7th version or the revised version is reasonable.

Chairman Holliday moved to approve the draft of September 7, 2012 Solid Waste Services for Valencia County. Seconded by Commissioner Otero-Kirkham.

Commissioner Gentry asked if Chairman Holliday's motion is to approve the draft before the commission today. Chairman Holliday said no, the one that was before the commission on September 7, 2012. Commissioner Gentry said he believes it would be inappropriate since the county has advertised and this is the one that has been published for review at this meeting.

Mr. Vinyard said there will need to be some minor changes made to that RFP in that it contains a schedule that is now unachievable because it contains date for events that have already passed.

Chairman Holliday said with those changes considered in making those changes ASAP he makes a motion to approve the September 7th draft for Solid Waste Services. Seconded by Commissioner Otero Kirkham. Commissioner Gentry said he objects on the point of order that this is not the item before the commission to be voted on and that the commission is voting on something that was not published to the public; you're voting on something different than was placed on the website. We're voting on something that is not before this body to be voted on and he objects to this procedure.

Mr. Vinyard said both versions have been provided to the public via the website. Both versions are marked as draft, neither one was indicated as the final version to be voted on necessarily by this commission.

Commissioner Gentry asked Mr. Vinyard which version has been presented on this agenda to be considered by this body. Mr. Vinyard said the later version, sir.

Commissioner Gentry said that's my point, that is the version that has been publicly advertised to take action on in this meeting, not another version.

Commissioner Otero-Kirkham asked counsel for advice on this.

Mr. Pato stated Item 12 on the agenda provides for consideration to approve Solid Waste RFP VCR-FY 13-005 authorization to initiate formal procurement identified by which particular draft form is subject to approval. Certainly the commission is free to make modifications or revisions on the draft form that is being presented today and can override any part of that prior draft form. At the end of the day the public was provided adequate notice that this item was going to be discussed today. All interested parties had

the option to come to speak to the commission today, express their concerns and be here to attend and listen to the deliberation from this body. Again the commission is certainly at liberty to make modifications to the form of the draft that is presented here today and believes it's done by referring back to undoing the changes that were made to the draft of September 7th.

Chairman Holliday said the motion carries 3-2 to accept the September 7th Solid Waste draft. Commissioners Gentry and Commissioner Romero voted no.

13) Consideration of Approval of a Joint Powers Agreement (JPA) with the City of Belen for the Creation of a Valencia County Hospital Commissioner Donald Holliday.

Chairman Holliday moved to enter into a Joint Powers Agreement with the City of Belen for the creation of a Valencia County Hospital and accept the site designated as Belen's feasibility study. Seconded by Commissioner Otero-Kirkham.

Commissioner Gentry asked if the commissioners received their letters from the City of Los Lunas asking that the commission consider the hospital and the proposal that's on board right now. The county is financially in dire straits, we don't have the cash flow to go forward, we just took \$1.5 million out of the county's investment account and we seem to have all kinds of financial problems and given the fact once this JPA is developed, this county procures the financing and development of this hospital on a Belen site. He believes the big fight is the Mill Levy. There is a hospital that the City of Los Lunas has been working with and is almost at the construction stage. It doesn't matter whether it's in Rio Communities, Belen or Los Lunas, we need a hospital. He's not opposed to Belen but they've got to have the right plan, put it together and he can support that. The construction start for the hospital in Los Lunas was in today's paper and all of sudden this commission jumps up and is going to do something different, pull the mill levy away and hopefully that won't kill or dissuade this hospital. Commissioner Gentry has an amendment which he hopes the commission goes along with to make sure the people of Los Lunas, Bosque Farms, Peralta, Meadow Lake and Valencia have a voice in how their tax money is spent on a hospital in their neighborhood that's only a month or so away and has been done in a fine format and on private money and that this county is not financing. Taxpayer's dollars won't build it. Commissioner Gentry would like to introduce a motion that just adds to the Belen JPA and leaves them with exactly what they have to go and produce their hospital. With one paragraph added to it says the County, Belen and the contractor, that Belen is going to give the \$20 million dollars to, understand and agrees that the Board of County Commissioners shall in equal proportions divide the county mill levy funds between the contractor and other legally qualified hospital – 24 hr. emergency healthcare facilities located in Valencia County. This doesn't alter or change Belen's plan, it doesn't say we don't support Belen. Belen has the right to go all the way forward and produce the hospital. It also gives Valencia County's northern municipalities the same amount of opportunities when their hospital is opened in Los Lunas to participate in the use of their tax money. He predicts that the hospital that the City of Los Lunas is working on will be open and functioning before the other one even has the plan put together.

Commissioner Gentry would support voting the JPA as it stands, he doesn't say that it will work, he thinks it has some problem but he would support it and asks the commissioners to at least give the Los Lunas and the northern taxpayers the same opportunity to access the mill levy as Belen, in equal proportions, only when a qualified facility is open and if it doesn't work in Belen, he would love to have it in Los Lunas and if it doesn't work in Los Lunas, he wouldn't want to deprive Belen of the opportunity of moving forward either. He

would urge one of the commissioner's from the northern part of the county to at least support using that tax money in the northern part or making it available and motions to introduce this one paragraph amendment and then he will vote for the JPA and let Belen go forward.

Commissioner Romero seconded the motion but asked Commissioner Gentry if this was going to be fifty percent for the north and fifty percent for the south that is going to be cut for each hospital if there are two hospitals? Commissioner Gentry said it takes the \$22 million dollars and it says that the Mill Levy will not be committed to one facility only. It says that it will be split equally amongst either the one in Los Lunas or the one in Belen. Those are the only two on board and if both of them proceed, it will give each one of them \$12 million dollars of tax money to help open, operate and maintain as it gets started. If one or the other fails then it will be up to this commission to allocate it later on when one of them is open. If both of them fail, it stays within the control of the commission. Motion fails 2-3. Commissioners Otero-Kirkham, Holliday and Andersen voted no.

Chairman Holliday said there was a previous motion made and seconded to approve consideration of approval of a Joint Powers Agreement with the City of Belen at the approved site for the creation a Valencia County Hospital. Motion carried 3-2. Commissioner Gentry & Commissioner Romero voted no.

FINANCIAL MATTERS

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

The consideration was for accounts payable and warrants. Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

15) Consideration to Approve Resolution 2012-29, for Revisions to FY13 Budget – Nick Telles.

Valencia County Finance Director Nick Telles said this request was for consideration of a resolution for revisions to the FY13 budget. The issue goes back two weeks ago when he and the county manager met with members of the Department of Finance local government to discuss getting Valencia County's budget that was previously submitted for fiscal year 13 into a position that DFA would accept. Up to this point, it has not been accepted. They have made some changes and adjustments. Also to be considered is a cash flow issue for the county at this time regarding property tax collections. Property taxes are not coming in to meet expenditures. In the county budget, funds have been budgeted for each department however, that doesn't mean that there's actually money in the bank. At this point in the county general fund there is about 2.5 million dollars. That would carry the county as far as payroll to the end of November. They met with each of the county departments and were able to locate about one million dollars in budget savings, which is in the new budget request.

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

County Clerk Sally Perea announced Resolution 2012-29.

PUBLIC COMMENT

Those individuals making comments at today's Business Meeting were Valencia County residents Mike Wood, Clarke Metcalf, Curtis Smith, Bob Gostischa, Alice Torwirt and John Lopez.

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 *Barela v. BOCC c.)* Real Property d.) Other-*AFSCME Council 18 Local 2745 Bargaining* specific limited topics that are allowed or authorized under the stated statute.

Commissioner Otero-Kirkham moved to go into Executive 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.

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

County Attorney Adren Nance stated the matters that were discussed in Executive Session were limited to those specified on the agenda for closure which were Barela v. BOCC and AFSCME Council 18 Local 2745 Bargaining and no final action was taken.

Commissioner Otero-Kirkham moved to approve the summary stated by counsel. Seconded by Chairman Holliday. 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.

Executive Session Action Items

16) Delegation of Settlement Authority to Manager for Barela vs. BOCC.

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

17) Consideration of Collective Bargaining Agreement with AFSCME Council 18, Local 2745.

Commissioner Otero-Kirkham moved to table Consideration of Collective Bargaining Agreement with AFSCME Council 18, Local 2745 until the actual agreement has been reviewed by the commission. Seconded by Chairman Holliday. Motion carried unanimously.

The next Regular Meeting of the Valencia County Board of County Commission will be held on October 3, 2012 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.

Adjournment

Commissioner Otero-Kirkham moved for adjournment. Seconded by Commissioner Romero. Motion carried unanimously. **TIME: 10:41 A.M.**

<p>NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, September 19, 2012 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>

VALENCIA COUNTY BOARD OF COMMISSIONERS

Minutes of September 19, 2012 Regular Business Meeting

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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VALENCIA COUNTY
Board of County Commissioners

AGENDA REQUEST FORM

Presenter: Jacobo Martinez

Individual Making Request: PNM

Presentation at Meeting on: September 24, 2012

Date Submitted: October 3, 2012

Title of Request: Title: FOF/COL for an appeal on a site plan

Request:

Consideration of the Findings of Facts and Conclusion of Law for an appeal on a site plan

Legal Description:

T5N, R1E, Section 35; NMPM; Land of toby & Maryann Cordova; Tract E-5-A; Zoned O-D;
Filed in book 364, page 748; of the office of the Valencia County Clerk.

Information Background and Rationale

Decision

IT IS, THEREFORE, ORDERED that the Planning and Zoning Commission's Denial of the Site Development Plan to allow for the Operation of a natural gas-fired energy facility for the property described as T5N, R1E, Section 35; NMPM; Land of Toby & Maryann Cordova; Tract E-5-A; Zoned O-D; Filed in book 364, page 748; of the office of the Valencia County Clerk is hereby reversed.

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF VALENCIA COUNTY

In the matter of PNM's Appeal of Planning
& Zoning Commission's Denial of a
Request for Site Plan Approval, Valencia
County, New Mexico

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

THIS MATTER came before the Board of County Commissioners of Valencia County ("the Board") on September 19, 2012, and was held pursuant to PNM's Appeal of the Planning & Zoning (P&Z) Commission's Denial of a request for Site Plan Approval to allow for the Operation of a natural gas-fired electric generating station on the property commonly described as T5N, R1E, Section 35; NMPM; Land of Toby & Maryann Cordova; Tract E-5-A; Zoned O-D; Filed in book 364, page 748; of the office of the Valencia County Clerk.

The Board, having considered the documents in the record before it, testimony of staff, applicants and members of the public, and argument by the parties and/or their legal representatives, **FINDS:**

Findings of Fact

1. Notice of the regularly scheduled meeting of the Board of Commissioners of Valencia County, New Mexico (the "Board") on September 12, 2012, at which the final hearing of the Appeal of the P&Z Commission Decision was published according to New Mexico Statutes and the Valencia County Interim Comprehensive Zoning Ordinance, Ordinance 2004-05, as amended ("Zoning Ordinance").
2. PNM appeals the P&Z Commission's denial of a request for Site Plan approval to allow for the Operation of a natural gas-fired electric generating station on the property commonly described as T5N, R1E, Section 35; NMPM; Land of Toby & Maryann Cordova; Tract E-5-A; Zoned O-D; Filed in book 364, page 748; of the office of the Valencia County Clerk.
3. PNM's original application was a request for approval of a Site Development Plan to allow for the Operation of a natural gas-fired electric generation facility.
4. The Planning and Zoning Commission held a public hearing on the Site Development Plan Application on August 22, 2012, and voted 3-0 to deny the site plan.
5. PNM submitted the appeal to the Planning Department on August 25, 2012.
6. Appellant PNM provided testimony at the Planning and Zoning public hearing.
7. The appellant, PNM, contended:
 - a. There will be public road access to the site and the surrounding community.
 - b. There will not be a negative impact to the road from traffic.
 - c. The existing access easement allows for 40-foot wide public access.

Conclusions of Law

The following conclusions of law are cumulative, but are severable and independent of each other.

- A. The County is a zoning authority with the power to regulate and restrict use of land. NMSA 1978, § 3-21-1 (1995).
- B. The Board of County Commissioners is the body that exercises the powers of a county as a body politic and corporate. NMSA 1978, § 4-38-1 (1876).
- C. The Board takes notice that the Zoning Ordinance was adopted according to New Mexico statutory authority and duly recorded in the records of the Clerk of Valencia County.
- D. The Board has discretion in making zoning decisions. *See Singleterry v. City of Albuquerque*, 96 N.M. 468, 471, 632 P2d 345, 348 (1981).

E. Section 154.062(C)(1)(c) of the Valencia County Zoning Ordinance details the requirements for standing, which is required to appeal a decision of the Planning and Zoning Commission.

F. Section 154.062(C)(1)(c) requires that the appellant be “entitled by this chapter to notice of hearing prior to decision appealed; or is aggrieved or has interests adversely affected by the decision.”

G. Appellant PNM has standing to appeal the decision of the Planning and Zoning Commission as the appellant meets the criteria detailed in Section 154.062(C)(1)(c).

H. Pursuant to Section 154.036(A), a site development plan must be based upon consideration of the following: (1) Characteristics of adjoining and surrounding uses; (2) Economic factors relating to the proposed use; (3) Traffic safety, internal circulation and parking; (4) Provisions for adequate noise and/or visual buffering from non-compatible uses; (5) Retention on-site existing natural features in any residential development; and (6) Problems that may arise due to development within potential hazard areas.

I. The Planning and Zoning Commission denied PNM's site development plan because of confusion relating to access to the facility.

J. PNM has provided clarification with respect to the access concerns raised by the Planning and Zoning Commission, which formed the basis for the Planning and Zoning Commission's denial of the site development plan.

K. The clarification provided by PNM makes clear that there will be public road access to the site and the surrounding community; there will not be a negative impact to the road from traffic; and that the existing access easement allows for 40-foot wide public access.

Decision

IT IS, THEREFORE, ORDERED that the Planning and Zoning Commission's Denial of the Site Development Plan to allow for the Operation of a natural gas-fired energy facility for the property described as T5N, R1E, Section 35; NMPM; Land of Toby & Maryann Cordova; Tract E-5-A; Zoned O-D; Filed in book 364, page 748; of the office of the Valencia County Clerk is hereby reversed.

BOARD OF COUNTY COMMISSIONERS

Donald Holliday, Chair
District V

Georgia Otero-Kirkham, Vice-Chair
District II

Pedro G. Rael, Commissioner
District I

David R. Medina, Commissioner
District III

Ron Gentry, Commissioner
District IV

Attest:

Sally Perea, County Clerk

Date _____

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VALENCIA COUNTY
Board of County Commissioners

AGENDA REQUEST FORM

Department Head: Jacobo Martinez

Individual Making Request: PNM

Presentation at Meeting on: September 24, 2012

Date Submitted: October 3, 2012

Title of Request: Title: FOF/COL for a Zone Change for O-D to I-3

Request:

Request for a Findings of Facts and Conclusion of Law

Legal Description:

T5N, R1E, Section 35; NMPM; Land of toby & Maryann Cordova; Tract E-5-A; Zoned O-D;
Filed in book 364, page 748; of the office of the Valencia County Clerk.

Information Background and Rationale

Decision

IT IS, THEREFORE, ORDERED that PNM's application to Amend the Zoning Map from an O-D zoning designation to an I-3 zoning designation for the property described as T5N, R1E, Section 35; NMPM; Land of Toby & Maryann Cordova; Tract E-5-A; Zoned O-D; Filed in book 364, page 748; of the office of the Valencia County Clerk is hereby granted.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF VALENCIA COUNTY

In the matter of PNM's Application to
Amend the Zone Map from OD to I-3,
Valencia County, New Mexico

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

THIS MATTER came before the Board of County Commissioners of Valencia County ("the Board") on September 19th, 2012, and was held pursuant to the applicant PNM's application to Amend the Zoning Map from a Outland District (OD) zoning designation to a Heavy Industrial (I-3) zoning designation on the lot commonly described as: T5N, R1E, Section 35; NMPM; Land of Toby & Maryann Cordova; Tract E-5-A; Zoned O-D; Filed in book 364, page 748; of the office of the Valencia County Clerk.

The Board, having considered the documents in the record before it, testimony of staff, applicants and members of the public, and argument by the parties and/or their legal representatives, **FINDS:**

Findings of Fact

1. Notice of the regularly scheduled meeting of the Board of Commissioners of Valencia County, New Mexico (the "Board") on September 12, 2012, at which was had the public hearing of the Application to Amend Zoning Maps, was published according to New Mexico Statutes and the Valencia County Interim Comprehensive Zoning Ordinance, Ordinance 2004-05, as amended ("Zoning Ordinance").
2. The applicant's request is for an amendment to the Zoning Map from a Outland District (OD) zoning designation to a Heavy Industrial (I-3) zoning designation on the property commonly described as: T5N, R1E, Section 35; NMPM; Land of Toby & Maryann Cordova; Tract E-5-A; Zoned O-D; Filed in book 364, page 748; of the office of the Valencia County Clerk.
3. Approval of the application will result in allowing for the development of natural gas-fired energy generation station on the subject property.
4. The property for which the zone change is requested has an Outland District (OD) zoning designation.
5. The purpose of the Outland District is to accommodate large areas which are mostly vacant, unplatted or minimally platted and predominately undeveloped.
6. The proposed use is not permitted in the OD Districts.
7. The purpose of the I-3 District is to provide for industrial uses with high nuisance characteristics that are incompatible with adjacent urban residential uses or for industrial uses where space or performance characteristics demand a specialized locale. The proposed use is for a natural gas-fired energy generation station.
8. The proposed use is a Permitted Use in the Heavy Industrial (I-3) zoning district.
9. The Planning and Zoning Commission heard this request at the monthly P&Z hearing on August 22, 2012. After hearing testimony from the applicant and taking public comments on the matter, the P&Z Commission voted 3-0 to recommend approval of the zone change.
10. The Planning and Zoning Commission Found:
 - a. The development as described by the applicant (natural gas-fired energy generation station) is appropriate considering the surrounding land use and pattern development in the area.
 - b. The development as described by the applicant (natural gas-fired energy generation station) enhances the County's protection of public health, safety and welfare.
 - c. The development as described by the applicant (natural gas-fired energy generation station) provides quality public utility that will steer urbanizing development to areas with adequate infrastructure and utility.

- d. The development as described by the applicant (natural gas-fired energy generation station) strengthens the economic base of the County.
11. The Board finds the findings of the Planning and Zoning Commission well taken, and adopts the findings of the Planning and Zoning Commission.
 12. The Board of County Commissioners held a Public Hearing on this request on September 12, 2012. After hearing testimony from the applicant and taking public comments on the matter, the Board of County Commissioners voted 5-0 to approve this request on September 19, 2010.
 13. The findings made by the Board are each independent reasons for the decision of the Board in conditionally approving the zone change.

Conclusions of Law

The following conclusions of law are cumulative, but are severable and independent of each other.

A. The County is a zoning authority with the power to regulate and restrict use of land. NMSA 1978, § 3-21-1 (1995).

B. The Board of County Commissioners is the body that exercises the powers of a county as a body politic and corporate. NMSA 1978, § 4-38-1 (1876).

C. The Board takes notice that the Zoning Ordinance was adopted according to New Mexico statutory authority and duly recorded in the records of the Clerk of Valencia County.

D. The Board has discretion in making zoning decisions. *See Singleterry v. City of Albuquerque*, 96 N.M. 468, 471, 632 P2d 345, 348 (1981).

E. The Board has authority and jurisdiction over the Petition for Zone Change filed by PNM.

F. All parties entitled to notice were afforded notice in accordance with the applicable Valencia County Ordinances, New Mexico State Statutes, and common law.

G. The applicant and the public were afforded due process pursuant to the United States Constitution, the New Mexico Constitution, and in accordance with the applicable Valencia County Ordinances.

H. The Board takes notice that §154.061 of the Valencia County Zoning Code provides that the proposed zone change should be consistent with the goals, policies and any other applicable provisions of the Comprehensive Plan. As further delineated below, the Board's decision herein is consistent with the Comprehensive Plan.

I. The Board takes notice that the Valencia County Comprehensive Land Use Plan of October 7, 2005, ("Comprehensive Plan") is the comprehensive plan applicable to this matter, and was properly adopted according to New Mexico statutory authority.

J. Land Use and Housing Development Goal A of the Comprehensive Plan encourages the County to "guide development in a manner that balances the patterns of urban development with the rural character and natural resources of the County."

K. Regional Infrastructure Goal K of the Comprehensive Plan encourages the County to "Promote regional facilities and services that meet health and safety needs of the County."

L. Economic Development Goal P of the Comprehensive Plan encourages the County to "Strengthen the economic base of the County, expand employment opportunities, and improve local workforce skills and abilities."

M. Section 154.061 (C) (2) of the Zoning Ordinance provides that "The proposed change [be] appropriate considering...the surrounding land uses, density and pattern of development in the area..." The future land use intended by the Applicant is consistent with the Zoning Ordinance.

N. PNM's development of natural gas-fired energy generation station on the subject property advances the goals as stated above, as it strikes a balance between the patterns of urban development with the rural character and natural resources of the County, the generation of power enhances the health and safety needs of the County, the development of the site increases employment opportunities and strengthens the economic base of the County, and is appropriate considering the surrounding land uses, density, and patterns of development in the area.

Decision

IT IS, THEREFORE, ORDERED that PNM's application to Amend the Zoning Map from an O-D zoning designation to an I-3 zoning designation for the property described as T5N, R1E, Section 35; NMPM; Land of Toby & Maryann Cordova; Tract E-5-A; Zoned O-D; Filed in book 364, page 748; of the office of the Valencia County Clerk is hereby granted.

Reference to Document: (ZC12_004) Zone Change of PNM.

Approved and passed 3rd of October 2012, by the Board of County Commissioners of Valencia County.

BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY

P.O. Box 1119 / 444 Luna Ave

Los Lunas, NM 87031

Donald E. Holliday, Chair

Georgia Otero-Kirkham, Vice-Chair

Mary J. Andersen, Commissioner

Lawrence R. Romero, Commissioner

Ron Gentry, Commissioner

ATTEST BY:

Sally Perea, County Clerk

Date: _____

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VALENCIA COUNTY
Board of County Commissioners

AGENDA REQUEST FORM

Department Head: Jacobo Martinez
Individual Making Request: Jacobo Martinez
Presentation at Meeting on: October 3, 2012
Date Submitted: September 21, 2012
Title of Request: ICIP Resolution

Request:

Consideration of resolution for the ICIP.

Information Background and Rationale

To submit an ICIP request, a signed resolution is required. A local infrastructure Capital Improvement Plan (ICIP) is a plan that establishes planning priorities for anticipated capital projects.

Financial Impacts

State money for needed infrastructure development projects.

Legal

The draft resolution is acceptable as to form, and serves as the Commission's formal action in adopting the County's local infrastructure capital improvement plan, which establishes planning priorities for anticipated capital projects. D.P.

Finance

County Manager

Staff reviewed the list of projects and prioritized the projects based on County needs.

VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION 2012-_____

A RESOLUTION
Adopting a Multi-Year Infrastructure Capital Improvements
Plan for 2014 to 2018

WHEREAS, Valencia County recognizes that the financing of Public Capital Projects has become a major concern in the County, the State of New Mexico and nationally;

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing limited resources;

WHEREAS, systematic Capital Improvement planning is an effective tool for governmental entities and their communities to define their development needs, establish priorities and pursue positive actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to both local and regional efforts in project identification and selection in short and long-range capital planning efforts.

NOW THEREFORE, BE IT RESOLVED, by the Valencia County Board of County Commissioners that:

1. The County adopts the attached Infrastructure Capital Improvements Plan;
2. The Plan is intended to be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for the County's infrastructure and capital needs; and
3. This Resolution supersedes ***Resolution 2010-43***, and any other resolutions relating to the Infrastructure Capital Improvements Plan and which are also in conflict with the above provisions of this Resolution.

PASSED, APPROVED, AND ADOPTED on this 19th day of **September, 2012**.

Donald E. Holliday, Chairman
District V

Georgia Otero-Kirkham, Vice-Chair
District II

Mary J. Andersen, Commissioner
District I

Lawrence R. Romero, Commissioner
District III

Ron Gentry, Commissioner
District IV

Attest:

Sally Perea, County Clerk

Infrastructure Capital Improvement Plan FY 2014-2018

Valencia County
Project Summary

ID	Rank	Project Title	Top 5 Rank	Category	Funding Sources	Funded to date	2014	2015	2016	2017	2018	Total Project	Mos to compl
22236	2014-01	County-Wide Road Improvements	1	Hiways/Roads/Streets/Bridges	LGRANT SGRANT LFUNDS	0	2,000,000	2,205,000	2,310,000	2,450,000	5,575,000	14,540,000	0
22237	2014-02	EMS Transport Building/Equipment	2	Health-Related Cap Infra	LGRANT LBONDS LFUNDS	0	2,600,000	0	0	0	0	2,600,000	0
20138	2014-03	New Valencia County Administration Complex	3	Adm/Service Facilities (local)	LGRANT LBONDS LFUNDS	0	6,000,000	0	0	0	0	6,000,000	0
18231	2014-04	Illegal Dumping Abatement Equipment	4	Public Safety Equipment/Bldgs	LGRANT LFUNDS FLOAN FGRANT SGRANT	0	0	200,000	200,000	100,000	0	500,000	0
14071	2014-05	Road Department Heavy Equipment Purchase	5	Hiways/Roads/Streets/Bridges	LGRANT LFUNDS	0	300,000	305,000	275,000	0	0	880,000	0
18222	2014-06	Construct Valencia County Railroad Overpasses		Hiways/Roads/Streets/Bridges	FGRANT LGRANT OTHER	0	6,300,000	0	0	0	0	6,300,000	0
11299	2014-07	Jarales Fire Department Renovations		Fire	LGRANT SGRANT FGRANT LFUNDS	0	450,000	80,000	250,000	150,000	350,000	1,280,000	0
18241	2014-08	New Hospital Planning Funds		Health-Related Cap Infra	LBONDS LGRANT LFUNDS	0	1,500,000	0	0	0	0	1,500,000	0
20156	2014-09	Senior Service Facilities Renovations/Equipment		Senior Facilities	LGRANT SGRANT LFUNDS	0	667,300	0	0	0	0	667,300	0
9977	2014-10	Conejos Transfer Station Building Improvements		Solid Waste	LGRANT SGRANT OTHER	0	200,000	0	0	0	0	200,000	0
9829	2014-11	Land Fill Closure/Conejos Clean-up		Solid Waste	LGRANT FLOAN LFUNDS	0	315,000	0	0	0	0	315,000	0
22243	2014-12	Upgrade County IT Software		Adm/Service Facilities (local)	LGRANT LFUNDS OTHER	0	1,000,000	0	0	0	0	1,000,000	0
9827	2014-13	Solid Waste Transfer Equipment		Solid Waste	LGRANT LFUNDS	0	180,000	130,000	67,000	67,000	125,000	569,000	0

Infrastructure Capital Improvement Plan FY 2014-2018

10529	2014-14	Rio Grande Estates Fire District Equipment	Fire	LGRANT FGRANT LFUNDS	0	165,000	110,000	110,000	400,000	300,000	1,085,000	0
18257	2014-15	Tome-Adelino Fire District Remodel/Equipment	Fire	LFUNDS LGRANT	0	450,000	100,000	350,000	350,000	350,000	1,600,000	0
11298	2014-16	Valencia El Cerro Fire District Equip/Renovations	Fire	LGRANT SGRANT FGRANT LFUNDS	0	250,000	150,000	450,000	350,000	150,000	1,350,000	0
18225	2014-17	Meadowlake Fire District Equipment	Fire	LGRANT FLOAN SGRANT LFUNDS	0	310,000	230,000	150,000	150,000	150,000	990,000	0
18256	2014-18	Los Chavez Fire District Equip/Renovations	Fire	LFUNDS LGRANT	0	60,000	100,000	125,000	350,000	350,000	985,000	0
11296	2014-19	Manzano Vista Fire District Equipment	Fire	LGRANT SGRANT FGRANT LFUNDS	0	150,000	150,000	35,000	150,000	350,000	835,000	0
11290	2014-20	Highland Meadows Fire District Equipment	Fire	LGRANT FGRANT LFUNDS	0	60,000	200,000	250,000	150,000	500,000	1,160,000	0
18253	2014-21	New Road Department Substation	Adm/Service Facilities (local)	LFUNDS LGRANT	0	270,000	0	0	0	0	270,000	0
18252	2014-22	Hwy 116 & Castillo Traffic Light	Hiways/Roads/Streets/Bridges	LGRANT LFUNDS	0	275,000	0	0	0	0	275,000	0
18255	2014-23	Meadowlake Road Improvements	Hiways/Roads/Streets/Bridges	LFUNDS LGRANT	0	105,000	1,528,000	1,550,000	0	0	3,183,000	0
20035	2014-24	Meadowlake Community Center Improvements	Adm/Service Facilities (local)	LGRANT LFUNDS	0	276,000	330,000	0	0	0	606,000	0
20151	2014-25	El Cerro Community Center Renovations	Adm/Service Facilities (local)	LGRANT LFUNDS	0	315,000	0	0	0	0	315,000	0
14079	2014-26	Monterey Blvd Road Improvements	Hiways/Roads/Streets/Bridges	LGRANT LFUNDS	0	50,000	407,700	0	0	0	457,700	0
18220	2014-27	Van Camp Blvd Paving/Expansion	Hiways/Roads/Streets/Bridges	LGRANT LFUNDS	0	272,000	0	0	0	0	272,000	0
11306	2014-28	New Countywide Fire Districts Improvements	Fire	FGRANT LGRANT SGRANT	0	413,000	100,000	600,000	750,000	500,000	2,363,000	0

Infrastructure Capital Improvement Plan FY 2014-2018

13412	2014-29	Road Department Building Remodel	Adm/Service Facilities (local)	LGRANT SGRANT FGRANT LFUNDS	0	210,000	0	0	0	0	210,000	0
18229	2014-30	Solid Waste/County Wide Convenience Centers	Solid Waste	LGRANT FGRANT LFUNDS	0	750,000	0	0	0	0	750,000	0
11860	2015-01	New Highland Meadows Community Center	Adm/Service Facilities (local)	LGRANT SGRANT FGRANT LFUNDS	0	0	242,000	0	0	0	242,000	0
14937	2015-02	Manzano Expressway Road Improvements	Hiways/Roads/Streets/Bridges	LGRANT SGRANT LFUNDS	0	0	3,142,000	0	0	0	3,142,000	0
20142	2015-03	Highland Meadows Road Improvements	Hiways/Roads/Streets/Bridges	LGRANT LFUNDS	0	0	55,000	140,000	154,000	154,000	503,000	0
Grand Totals			Funded to date:	Year 1:	Year 2:	Year 3:	Year 4:	Year 5: Total Project Cost:				
			0	25,893,300	9,764,700	6,862,000	5,571,000	8,854,000	56,945,000			

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VALENCIA COUNTY

Board of County Commissioners

Agenda Request Form

Presenter: Jacobo Martinez

Individual Making Request: Jacobo Martinez

Presentation at Meeting on: October 3, 2012

Date Submitted: September 24, 2012

Title of Request: Consideration of accepting responsibility of Street Light at Las Maravillas

Action Requested of Commission:

Consideration to accept Street Lights at Las Maravillas Subdivision Units 2 & 3

Information Background and Rationale:

This request was initiated by community members that reside in Las Maravillas Subdivision Units 2 & 3 requesting the County to take responsibly of the Street Lights located within their area. The streetlights were previously maintained by the Valley Improvement Association. There are approximately 25 Street lights located within this subdivision.

What is the Financial Impact of this Request?

The County would be charged a fee by PNM which would include

Staff Comments

Legal:

There is no provision in the County Ordinances relating to the County's acceptance of street lights for maintenance. Nor is there a statutory provision relating to the County's acceptance of street lights for maintenance, as compared with NMSA 1978, § 47-6-5 (1996), which provides a statutory process for consideration of whether to accept roads within a subdivision for maintenance. Consequently, the decision whether to accept the street lights for maintenance rests within the discretion of the Commission. D.P.

Finance:

Manager:

The County didn't budget associated electrical or maintenance costs for this project. The County doesn't have the equipment or expertise for this project, and would have to contract maintenance, repairs and replacement services out.

PNM 2012

Invoice												
Date	Utility	Account #	Meter #	Location	Jan	Feb	March	April	May	June	July	Total
#REF!												
LM II												
12/28/11	PNM	0550371-1	0709937	0 Artissma at Apache Plume, LL	52.60	52.73	47.28	44.74				197.35
12/28/11	PNM	0554611-0	0440852	33 Cliffrose Trl., LL	53.21	67.38	60.35	58.16				239.10
12/28/11	PNM	0555443-4	0466016	14 Cliffrose Trl., LL	68.10	69.32	73.44	46.80				257.66
12/28/11	PNM	0555488-7	0500356	3 Dogwood Ln., LL	103.61	108.20	95.73	96.34				403.88
12/28/11	PNM	0555926-4	0451521	21 Buckbrush, LL	28.61	29.46	25.35	25.71				109.13
12/28/11	PNM	0556900-1	0462512	19 Dogwood Ln., LL	32.24	31.39	28.50	27.77				119.90
					1,327.02							
LM III												
12/28/11	PNM	0557378-6	Unmetered	0 Las Maravillas III, STLTS 7, LL	136.36	136.36	136.36	136.36	104.64			650.08
12/22/11	PNM	1262305-0	0672627	1 Camino La Canada, LL	133.54	134.39	117.43	111.84	107.83	81.74	45.56	732.33
12/22/11	PNM	0557136-3	0483690	0 Flores Bonitas @ Lirio, LL	9.23	9.23	9.23	9.23	9.23		121.54	167.69
					1,550.10							
#REF!												

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VALENCIA COUNTY

Board of County Commissioners

Agenda Request Form

Department Head: Jacobo Martinez

Individual Making Request: Jacobo Martinez

Presentation at Meeting on: August 1, 2012

Date Submitted: July 23, 2012

Title of Request: Consideration of Resolution 2012-_____ to accept Calle De Oro as a County Maintained Rd

Action Requested of Commission:

Consideration Resolution to accept Calle Del Oro from NM Hwy 314 to the east side of the Railroad Right Way

Information Background and Rationale:

The Board approved an agreement with NMDOT Rail section in March 2012 which turns Calle De Oro from a private crossing to a public crossing. In order to complete the process properly the County needs to have a resolution of acceptance for County maintenance. Public Works has obtained a petition from the residents off Calle De Oro along with analysis from Public Works, Fire Administration and Rural Addressing.

What is the Financial Impact of this Request?

According to the agreement the County will need to bring the Railroad crossing upto certain standard, however once the county has accepted Calle De Oro this road will qualify for funding through NMDOT Rail section.

Staff Comments:

Legal:

The NMDOT Rail Section determined that the Calle de Oro crossing was unlicensed and therefore eligible for closure, according to State regulations. By entering into the March 2012 agreement and providing minor upgrades to the road surface, the County intended to ensure that the residents in the area would be insured of ingress/egress. Additionally, by virtue of that contract, the NMDOT Rail Section committed to working with the County to obtain Section 130 monies to provide for upgrades to the crossing arms and crossing "pads." As performing surface improvements to a private road would violate the New Mexico Anti-Donation Clause, acceptance of the road for maintenance is a pre-requisite to performing the work.

By accepting Calle del Oro road for maintenance, the County will be granting a waiver as provided in Section 94.066 of the County's Ordinance, and detailed in the acceptance resolution, as Calle del Oro road was not constructed in conformance with county standards and specifications.

Additionally, the County Ordinance requires that roads that are not within the boundaries of an approved subdivision must have right-of-way transferred to the county through a warranty deed, or other type of document acceptable to the County Attorney. The Railroad will not issue a warranty deed, though the County has been granted a license from the NMDOT to enter upon and use that portion of the railroad right of way as necessary to construct the crossing, and to use the crossing and maintain the roadway approaches as provided in the March 2012 agreement. This license is certainly not ideal, as would be a warranty deed transferring the right of way to the county, and certainly falls short of proof of clear title, as the Agreement expressly disclaims any warranty of title of any kind. That said, it is unlikely that the NMDOT will bring an inverse condemnation claim against the County, which is the basis for the requirement that a warranty deed be issued as a precondition to acceptance, provided that the NMDOT has already granted the County a license to enter upon and use that portion of the railroad right of way as necessary to construct the crossing, and to use the crossing and maintain the roadway approaches as provided in the March 2012 agreement.

Once accepted, the County will have a continuing obligation to maintain the road, and will be permitted to submit this road on its road maintenance reports as provided by NMSA 1978, Section 66-6-23.1(2003). D.P.

Finance:

I checked with public works and this money will come out of the commissioner's road funds available for this specific district. There is money budgeted for this type of project. NT



VALENCIA COUNTY
PUBLIC WORKS DIVISION
1209 HWY 314 ♦ P.O. Box 1119 ♦
LOS LUNAS, NEW MEXICO 87031
PHONE 505.866.2475 ♦ FAX: 505.866.3388

June 20, 2012

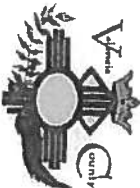
RE: Calle De Oro

Calle De Oro is a Local (residential) roadway located in Los Chavez area of Valencia County. Currently Calle De Oro is defined as a private easement and is not maintained by Valencia County. Within Calle De Oro there is a self-storage unit and approximately 5 residential homes. This road serves as the only ingress, egress for these residents. Along the Calle de Oro exists a railroad crossing that is also defined as a private crossing through NM Department of Transportation Rail Section. Therefore, it is the responsibility of the property owners to maintain the railroad crossing. The Board of County Commission at its regular business meeting March 21, 2012 agreed to accept Calle De Oro as a County Maintained road. In order for the County to accept a road for maintenance must do so in form of a resolution as well as obtaining right-of way.

Current Condition of Roadway & Railroad Crossing:

Calle de Oro is dirt road is approximately 20' wide; the width of the crossing (narrow one lane) Crossing surface is rough; there is 90 degree approach on the east side. Intersection to highway is approximately 75' from crossing. There is sufficient storing place for one vehicle between highway and crossing, possibly two vehicles. The highway intersection is right in and right out only, thus preventing vehicles from waiting to making a left hand turn and minimizing the possibility of vehicles stacking up at the intersection over the track. While there is not a decal and accel lane from crossing, there is a shoulder of some width to allow vehicles to pull to the right while turning off the highway or to hold on the shoulder while entering the highway northbound. Crossing is equipped with lights and gates to remedy the approach sight distance issue.

In order for the County to bring Calle De Oro to county standards, the county would construct 2" of asphalt at a 32' with an estimated cost of \$ 9,000



VALENCIA COUNTY ROAD DEDICATION PETITION

DATE: May-12

DISTRICT: 5

RECEIVED MAY 24 2012
Atty. @ Road Dept

WE, THE UNDERSIGNED, RESIDENTS OF VALENCIA COUNTY, RESIDING ON CALLE DE ORO DO HEREBY PETITION THE VALENCIA COUNTY BOARD OF COMMISSIONERS TO ACCEPT SAID ROAD FOR MAINTENANCE. We, the residents request the County to assume responsibility of an existing private road known as Calle De Oro from the point of intersection with NM 314, east over an existing railroad crossing across the NMDOT-owned railroad track to the eastern boundary of the NMDOT railroad right-of-way, and from the easterly NMDOT railroad right-of-way to the east.

NAME (PLEASE PRINT)	ADDRESS	PHONE	SIGNATURE
<u>Ernest V Saiz</u>	<u>16 Calle de Oro</u>	<u>866-1161</u>	<u>[Signature]</u>
<u>KATHLEEN SAIZ</u>	<u>16 CALLE DE ORO</u>	<u>805-866-1161</u>	<u>[Signature]</u>
<u>ERNEST SAIZ</u>	<u>5000 Hwy 314</u>	<u>866-5452</u>	<u>Ernest Saiz</u>
<u>Vanquie R SAIZ</u>	<u>5000 Hwy 314</u>	<u>866-5452</u>	<u>Vanquie R. Saiz</u>
<u>Estrella Teran</u>	<u>201 Calle de Oro</u>	<u>732-4704</u>	<u>Estrella Teran</u>
<u>Mic Hael Minerva</u>	<u>500 Box 325 Highway 314 Highway 314</u>	<u>505-728-9478</u>	<u>[Signature]</u>
<u>Paula Chillog</u>	<u>4978 Highway 314</u>		<u>[Signature]</u>
<u>Ernest Saiz III</u>	<u>14 Calle de Oro</u>	<u>859-5369</u>	<u>[Signature]</u>
<u>Alison Saiz</u>	<u>16 Calle de Oro</u>	<u>804-6836</u>	<u>Alison Saiz</u>

Acceptance of Maintenance Responsibilities for Calle De Oro

Resolution No. _____

WHEREAS, Commissioner Andersen has requested that the Board of County Commissioners of the County of Valencia consider the acceptance of Calle De Oro, because Calle De Oro serves as the only egress and ingress to approximately 11 parcels.

WHEREAS, the Board of County Commissioners has adopted a procedure by which roads may be accepted for maintenance in the County; and

WHEREAS, among the various requirements for acceptance of a road for maintenance, (1) the road must be dedicated to the County; (2) the road must meet the minimum standards for county roads together with the needs, if applicable, of necessary construction to bring the road up to standards with particular attention to the soil content, or, in the alternative, the Public Works Director shall provide a cost estimate to bring the road up to county specifications; (3) the Director and the Code Enforcement Department together with the Rural Addresser shall review the proposed road and provide a written analysis of the impact of the road on adjoining county roads together with related concerns of the departments. Such report shall reflect approval of affected utility easement holders; (4) the Fire Chief shall review the proposed road for safety concerns involving ingress and egress and other related concerns in a written analysis; (5) that, upon substantial completion by the owner(s) of the conditions addressed by the various county departments or if the road meets the specified health, safety and welfare requirements set forth in this section, the Director shall submit the petition and agency comments to the County Manager for presentation to the Board of County Commissioners (Board), provided that the Board may, in its discretion in extraordinary circumstances, grant a full or partial waiver in order to accept roads for maintenance that do not otherwise meet the above road standards if the acceptance of the road is essential to the protection of the public health, safety and welfare, with the understanding that county maintenance of accepted roads will be undertaken with available funding and pursuant to priorities for road maintenance county-wide; and,

WHEREAS, in making a determination as whether to grant a full or partial waiver of these requirements, the Board of County Commissioners must consider (a) the number of occupied dwellings on the road; (b) whether the road is a collector or local access road; (c) whether the road is an established school bus route; (d) whether mail deliveries are made on the road; (e) accessibility to dwellings of emergency service, medical and fire protection due to inclement weather; and (f) the adequacy of driving space and water runoff; and,

WHEREAS, acceptance of dedication is reserved for the Board who has the option to accept the dedication, to not accept the dedication, or to accept the dedication contingent upon roads being constructed in conformance with county standards and specifications; and,

WHEREAS, NMSA 1978, § 66-6-23.1 (D) (2003) requires that "[t]he board of county commissioners of each of the respective counties shall, by April 1 of every year, certify reports to the secretary of transportation of the total mileage of public roads maintained by each county as of April 1 of every year; provided that in their reports, the boards of county commissioners shall identify each of the public roads maintained by them by name, route and location"; and

WHEREAS, accepting maintenance of said road would afford the County of Valencia the opportunity to include such roads on the road list submitted to the Secretary of Transportation so that the County may be reimbursed for its maintenance costs; and

WHEREAS, having considered the a) the number of occupied dwellings on the road; (b) whether the road is a collector or local access road; (c) whether the road is an established school bus route; (d) whether mail deliveries are made on the road; (e) accessibility to dwellings of emergency service, medical and fire protection due to inclement weather; and (f) the adequacy of driving space and water runoff; the Board of County Commissioners has determined that a waiver of the requirements set forth in Section 94.066 is appropriate; and,

WHEREAS, the Board of County Commissioners has been presented with the reports required by Section 94.066(C);

WHEREAS, acceptance of maintenance of said road would promote the health, welfare, and safety of the residents of Valencia County; and

NOW, THEREFORE, BE IT RESOLVED, that the Valencia County Board of County Commissioners, in regular session on October 3, 2012, does hereby accept the road shown on the accompanying map.

PASSED, APPROVED, AND ADOPTED THIS 3rd DAY OF OCTOBER, 2012.

BOARD OF COMMISSIONERS OF VALENCIA COUNTY

Donald E. Holliday
Chair, District V

Georgia Otero Kirkham
Vice-Chair, District II

Mary J. Andersen
Commissioner, District I

Lawrence R. Romero
Commissioner, District III

Ron Gentry
Commissioner, District IV

Attest:

Sally Perea, County Clerk

END

OF

AGENDA
