



November 26, 2012
Agenda
5:00 P.M. Special 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:

November 7, 2012.....Business Meeting
November 14, 2012.....Public Hearing Meeting
November 16, 2012.....Special Meeting

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

PRESENTATION(S)

None

DISCUSSION (Non-Action) ITEM(S)

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

- 5) Consideration of the Indigent Report, 3 appeals and discussion to reduce Indigent Fund Balance. **Barbara Baker / Dan Zolnier**

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

ACTION ITEM(S)

- 6) Consideration for a request to amend the Zoning Map from RR-2 to C-2. **Simon & Catrina Montano / Jacobo Martinez**
- 7) Consideration for a request to amend the Zoning Map from P-D to I-3. **PNM / Jacobo Martinez**
- 8) Consideration to accept NMDOT 2012-2013 Highway Safety Grant in the amount of \$31,670.00. Funds are administered through (4) programs: (ODWI) Operation DWI \$24,500; (OBD) Operation Buckle Down & (CIOT) Click it or Ticket \$3,690.00 and 100 Days and Nights of Summer \$3, 480.00. **Sheriff Burkhard**
- 9) Consideration to accept street lights at Las Maravillas Unit 1. **Jon Clemmons / Kelly Bouska**
- 10) Consideration of Resolution 2012-_____ Supporting the 2012 Legislative Priorities of the New Mexico Association of Counties. **Bruce Swingle**
- 11) Consideration of Resolution 2012-_____ supporting a Budget Adjustment Request adding a DOT grant for the Fire Station Road in Valencia County to the FY12/13 Budget. **Nick Telles**
- 12) Consideration of a Mutual Aid Agreement with the Village of Los Lunas to utilize the Los Lunas Transportation Center for an Emergency Operations Center. **Glenda Chavez**

13) Consideration to accept State Homeland Security Grant in the amount of \$50,665.00 to further the preparedness efforts of Homeland Security through the Valencia County Office of Emergency Management. *Glenda Chavez*

14) Consideration to accept Hazard Mitigation Grant in the amount of \$36,000.00 for the preparation of a Multi-Jurisdictional Mitigation Plan. *Glenda Chavez*

FINANCIAL MATTERS:

15) Approval of Financial/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) (6) (7) & (8), the following matters may be discussed in closed session: a. personnel: b. pending or threatened litigation: c. **competitive sealed proposals: Solid Waste Procurement 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:

16) d. Award of Solid Waste RFP. *Mike Vinyard*

NEXT COMMISSION MEETING:

- ◆ **December 5, 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

BUSINESS MEETING

NOVEMBER 7, 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 Andersen moved for approval of the agenda. Seconded by Commissioner Romero. Motion carried unanimously.

4) Approval of Minutes: October 17, 2012 – Business Meeting

Commissioner Otero-Kirkham moved for approval of the October 17, 2012 Business Meeting. Seconded by Chairman Holliday. Motion carried unanimously.

PRESENTATIO(S):

5) Public Works Department Update – Kelly Bouska

Valencia County's new Public Works Director Kelly Bouska gave a brief update on the activities of their division. This included many of the challenges their department is facing. On a weekly basis she is setting aside time with each of the departments to assess the issues and priorities within each area which includes fleets, roads, buildings, parks and solid waste and has met with other departments as well to understand Public Works interactions with each of them, what their current levels of service and their levels of satisfaction. Ms. Bouska has found that there are substantial issues that Public Works must focus on in the short term to improve operations within the division. Long term they will develop an overall program to manage, maintain and replace assets in a logical systematic timely manner. Providing options will allow them to take into account various factors such as condition and age of the assets, repairs versus replacement costs and yes also the budget when making their decisions. Long term this is a challenge they will undertake again with the finance department as they develop these processes and formulate future budgets. For all these challenges there are short term solutions that they are already implementing that will improve their operations and their customer service. Their main goal will continue to be the overall improvements of their operations that will allow the Valencia County Public Works Division to provide better service to their internal customers and the residents of Valencia County.

6) County Manager Update – Bruce Swingle

County Manager Bruce Swingles congratulated County Clerk Sally Perea and the Bureau of Elections on a successful election.

Mr. Swingle also said the county employee morale is good, they want to be productive members of society and take pride in where they work. They have set up an internal audit system or compliant reporting system in which employees have the ability via email to submit issues to the managers attention that they normally wouldn't feel comfortable talking about to someone. At this point they have not received any responses.

Recently financial controls have been put in place to reduce spending, because of the county's budget shortfall problem. To date the county has about \$3.38 million dollars in the General Fund and the tax bills have gone out. The county is in good shape and they are about to release the strategies that have been put in place to reduce spending.

has reviewed those proposals and a recommendation will be presented to the commission at the next commission meeting. The procurement agent will have to draft a recommendation report and that will be forthcoming but they are ahead of schedule and it looks like they will definitely have something in place for 2012.

The auditors are on an ambitious schedule of completing the audit and getting a report to the State Auditors Office by November 15th.

DISCUSSION (Non-Action) ITEM(S)

Commissioner Andersen gave an update on the Association of Counties Legislative issues. The Assessors, Clerks, Treasurers and Commissioners Affiliate each have a resolution that they will present. They would like for each county board of commissioners to adopt a resolution in support of their priorities or for whatever priorities the commission chooses to support and would present it at the next meeting. There was also a lengthy presentation on issues and reforming capital outlay from Mr. Thomas Clifford, the Secretary of Department of Finance Administration,

ACTION ITEM(S)

7) Consideration of the Board of County Commission to Direct the County Clerk to Begin the Canvass of the 2012 election – Sally Perea

County Clerk Sally Perea stated Bureau of Elections will have to start the canvass which needs to be done within three days after the election and the final will have to be completed within ten days after that. Ms. Perea requested direction from the Board of County Commissioners.

Commissioner Otero-Kirkham motioned to direct County Clerk Sally Perea to start the 2012 General Election canvass. Seconded by Commissioner Gentry. Motion carried unanimously.

8) Consideration of the 2013 VFA Grant Award Governmental Services Agreement between State of New Mexico Governmental Energy, Minerals and Natural Resources Department and Valencia County for Part-Time Seasonal Employment of Wild-Land Fire Coordinator – Steven Gonzales.

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

9) Consideration of Resolution 2012-33 & Proclamation Calling for a Special Election on the Question of Whether the Area of Rio Communities Should Become an Incorporated Municipality- Mark Gwinn.

Commissioner Gentry moved for approval of the resolution and the request, understanding that they have met all the requirements involved and Rio Communities does have the money to pay for it and will pay for it. Seconded by Commissioner Romero. Motion carried unanimously. County Clerk Sally Perea announced Resolution 2012-33.

FINANCIAL MATTERS:

10) Approval of Payroll/Warrants – Nick Telles

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

PUBLIC COMMENT:

Those members of the public making comments at today's Business Meeting were Valencia County residents Daniel Marez, Bob Gostischa, Elizabeth DeCesare, Tom Mraz, Guy DeCesare and Sue Moran.

EXECUTIVE SESSION

EXECUTIVE SESSION- Pursuant to Section 10-15-1 (g) (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.

None.

NEXT COMMISSION MEETING

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

Minutes of November 7, 2012 Regular Business Meeting

11) Adjournment

Commissioner Otero-Kirkham moved for adjournment. Seconded by Commissioner Andersen. Motion carried unanimously. TIME: 10:27 A.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, November 7, 2012 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

DONALD E. HOLLIDAY, CHAIRMAN

GEORGIA OTERO-KIRKHAM, VICE-CHAIR

LAWRENCE R. ROMERO, MEMBER

RON GENTRY, MEMBER

MARY J. ANDERSEN, MEMBER

ATTEST:

SALLY PEREA, COUNTY CLERK

DATE

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VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING MEETING

NOVEMBER 14, 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 Andersen. Motion carried 4-0.

SWEARING IN OF PARTICIPANTS

County Clerk Sally Perea administered the oath those individuals wishing to give testimony at today's business meeting.

PUBLIC HEARING ITEMS(S)

4) Request for a Zone Change from Planned Development (P)-D) to Heavy Industrial (I-3) (PNM) Application #ZC12-306 – Jacobo Martinez.

Valencia County Community Developer Director Jacobo Martinez stated PNM is proposing a solar facility named the Manzano Solar Energy Center. The center will be an 8 megawatt solar electric generating facility on the east side of Valencia County near El Cerro Monterey Park. The total acreage of land is 59 acres. There is an existing electric distribution line nearby.

The current zone of the facility is Planned Development. The parcel of land is situated in a larger subdivision called Sierra Vista. In 1998 Sierra Vista went through a subdivision process with Valencia County to change the zoning from residential and outland to Master Plan Zoning. The Master Plan Zoning was then changed to Planned Development Zoning in 1999 when the new zoning ordinance was written.

According to the county zoned code, 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. Under permissive uses in I-3 include facilities for the processing or production of oil, natural gas, geothermal resources or other hydrocarbons.

The Planning and Zoning Board heard the request on October 24, 2012. There was no opposition made to the zone change by the public. The Planning and Zoning Commission was concerned of other permissive uses in the I-3 Zoning designation. After hearing testimony, the P & Z Commission voted 5-0 to recommend approval of the zone change on the condition that the site can only be utilized for a solar facility and that the applicant recognizes and agrees that if the use of the property as a solar facility ever shall cease, the property will automatically and without action by the County or applicant revert back to the previous zone.

Commissioner Otero-Kirkham asked "if that was okay with the applicant and is access to this property by paved road?" That was okay with the applicant and access to the property is by north Rio Del Oro, which is a paved road was Mr. Martinez's response.

Mr. Martinez also stated everyone that needed to be notified has been notified. PNM was given the restrictions on the heavy truck traffic for that road and have provided them with a permitting application process which they will go through and get a permit for the use of that road.

PNM Representative Lori Moya gave a short presentation on the proposed PNM Manzano Solar Energy Center. The 60-acre site is located opposite Valencia County High School

igniting to not disturb the night sky. The view will not be obstructed, will operate in silence, will emit no toxins into the ground or water and it will use no water to produce energy. Panels will be ground mounted and will rise to a height of approximately six feet. (SEE EXHIBIT A)

5) Request for a Zone Change from Rural Residential -2 (RR-2) to Community Commercial (C-2) (Simon & Catrina Montano) Application #ZC12-305 – Jacobo Martinez. Valencia County Community Developer Director Jacobo Martinez stated Mr. and Mrs. Montano are requesting a zone change to Community Commercial (C-2) on four contiguous lots. One of the lots is already zoned C-2 and the other lots are zoned RR-2. The surrounding parcels are a mixture of zones and land uses. To the south of the lot is zoned C-2 and there are such land uses as a propane distribution company and an automotive mechanic shop. To the north is a combination of residential and commercial, to the west is residential and to the east is agricultural.

The land use for request is to be used as Southwest Specialty Systems Company which will provide residential and commercial service of fire alarms, security systems, access control, video surveillance and fire extinguishers. The Planning and Zoning Board heard the request on October 24, 2012. There was no opposition made to the zone change by the public. After hearing testimony, the P & Z Commission voted 5-0 to recommend approval of the zone change. The proposed change is appropriate considering the surround land uses, the density and pattern of development in the area.

Commissioner Otero-Kirkham said her only concern is that if there are children waiting for their buses that you don't have large trucks coming out of this business.

Mr. Montano said they have installed two entrances, one on the south side and one right off of Hwy 47 just for that reason. All they will be using are service vans and trucks, small vehicles. (SEE EXHIBIT B)

PUBLIC COMMENT:

There were no public comments in favor or against the zone change requests.

A Special meeting will be held at the Valencia county Courthouse on November 16, 2012 at 5:00 P.M. for consideration of the 2012 General Election Canvass.

11) Adjournment

Commissioner Andersen moved for adjournment. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. TIME: 5:22 P.M.

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

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VALENCIA COUNTY BOARD OF COMMISSIONERS

**SPECIAL MEETING
(2012 GENERAL ELECTION CANVASS)**

NOVEMBER 16, 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. Seconded by Chairman Holliday. Motion carried unanimously.

Chairman Holliday thanked the current outgoing County Clerk Sally Perea for her many years of dedication and service to the county and the citizens of Valencia County.

ACTION ITEM(S)

4) Consideration of Approval of the 2012 general Election canvass – Sally Perea

Valencia County Clerk Sally Perea stated this is for consideration of the County Commission Board to approve and declare the results of the 2012 General Election. Ms. Perea thanked all the outgoing officials for their service to the county and congratulated all the incoming state and county candidates. Ms. Perea also acknowledged and thanked her entire staff, Theresa, Edwin, Carlos, Heidi, Gabe, Ricky, Debbie, Laura, Sheryl and Jessica for their dedication to their jobs. They worked tirelessly. Bureau of Election Director Peggy Carabajal had to take time off to work on her campaign, staff pulled together, came through and they were awesome. Ms. Perea also wanted everyone to know that elections are just as important to her as to the candidates but because of all of the innuendos and interruptions she made it clear that elections are not run by her rules but are run by following statutes and rules of the Secretary of State's Office.

There were no problems with the equipment on Election Day but for some reason the challengers and watchers at the precinct seemed to intimidate some of the poll workers. The precinct results were in by 8:30 P.M. but the hand tallies took a while. Results should have been on the state website as soon as Bureau of Elections received them but like the last election it didn't happen. Thanks to IT Director Lawrence Esquibel who had the results up on the screen in the commission room. Ms. Perea asked if the commissioners wanted results by precinct or just total results. The consensus was just total results. Out of 42,858 registered voters, 27,873 voters voted, which was about 65%. Early voting total, Belen and Los Lunas, 9,185 votes were cast, absentee-in-person and mail was 5,348 and 13,260 votes were cast on Election Day. With that the clerk requested approval of the 2012 General Election results.

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

Chairman Holliday asked for comments from the public. Valencia County Lillie McNabb thanked Sally Perea and her staff for all their hard work. This staff wears many hats and is so dedicated to the work they do and this county is so lucky and blessed to have had Ms. Perea as our County Clerk. Also the county needs to get together with the Motor Vehicle Department and Human Services Department to make sure they are having residents fill out a voter registration when they are asked if they would like to be a registered voter. They're placing a check in this box and then they're not given the

held on November 26, 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: 10:14 A.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 16, 2012 Special Election Canvass 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

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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Dan Zolnier
Individual Making Request: Barbara Baker
Presentation at Meeting on: November 26, 2012
Date Submitted: November 16, 2012
Title of Request: Indigent Report/Appeals

Action Requested of Commission:

Consideration of the Indigent Report for November 26, 2012
Consideration of 3 Appeals for November 26, 2012
Discussion to Reduce Indigent Fund Balance

Information Background and Rationale

One Report with 73 claims (See attached)
Three Indigent Appeals (See attached)
Indigent Fund to Consider adding Dental and Increasing Income Guidelines

What is the Financial Impact of this Request?

\$67,934.07 recommended for approval of the Indigent Report
\$4,050.83 recommended for approval of the two Indigent Appeals

Legal:

The report and appeals are in order and are germane for the Board of County Commissioners.
AN

Finance:

There are sufficient funds in the Indigent Fund for the indigent report and the three appeals. The current balance in the Indigent Fund is \$2,792,008.09.

County Manager:



Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 · Los Lunas, New Mexico 87031

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

November 26, 2012

Dear Commissioners,

I would like to present the Indigent Claims from October 3, 2012 to November 9, 2012. The amount of claims submitted is \$562,383.36. I ask the Commission to approve \$67,934.07 and to deny \$494,449.29. There were 73 claims submitted, the breakdown is as follows;

- 25 - 34.25% - UNM Health Sciences Center
- 16 - 21.95% - Living Cross Ambulance
- 10 - 13.70% - Presbyterian Hospital
- 5 - 6.84% - Lovelace Medical Center
- 6 - 8.20% - Presbyterian Medical Group
- 5 - 6.84% - Radiology Associates
- 1 - 1.37% - UNM Medical Group
- 1 - 1.37% - American Medical Response
- 2 - 2.74% - Albuquerque New Mexico Physicians
- 1 - 1.37% - Albuquerque Ambulance
- 1 - 1.37% - Zia Diagnostic Imaging

The payment for approved claims is as follows;

- \$ 40,154.91 - UNM Health Sciences Center
- 3,392.00 - Living Cross Ambulance
- 12,820.21 - Presbyterian Hospital
- 10,084.93 - Lovelace Medical Center
- 146.52 - Presbyterian Medical Group
- 121.72 - Radiology Associates
- 89.73 - UNM Medical Group
- 400.00 - American Medical Response
- 243.10 - Albuquerque New Mexico Physicians
- 400.00 - Albuquerque Ambulance
- 80.95 - Zia Diagnostic Imaging

There are 11 applicant denials which are;

10982, 10995, 10996, 11009 and 11028 - Missed Appointment

10987 - Income

10989, 10991 and 11027 - No Response

11006 - Has Insurance

11022 - 90 Day Limit

The unpaid balance of the medical bills for the approved claims is \$457,504.80 and the unpaid balance of the ambulance bills for the approved claims is \$7,578.67.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara A. Baker".

Barbara A. Baker

VALENCIA COUNTY INDIGENT FUND CLAIMS LOG

November 26, 2012

D NO.	Birth Date	Sex	Provider Name	Date(s) of Service	Diagnosis	Billed	Paid	Reason for Denial
0978	08/13/50	F	Living Cross Ambulance	07/08/12	Fall - Head Injury	1,465.08	400.00	
0979	09/17/55	M	UNM Health Sciences Center	08/29-08/30/12	Toe Amputation	7,388.55	3,000.00	
0980	06/08/56	M	UNM Health Sciences Center	05/02-05/03/12	Prostate Infection	2,455.85	1,891.00	
0981	12/30/48	M	UNM Health Sciences Center	05/12-05/16/12	Chest Pain	1,156.00	890.12	
0982	05/13/92	F	Living Cross Ambulance	08/29/12	Body Pain	948.19	0.00	Missed Appointment
0983	02/20/89	M	UNM Health Sciences Center	08/29/12	Knee Surgery	4,264.00	3,000.00	
0984	12/04/79	M	Presbyterian Hospital	08/28/12	Broken Leg	1,493.00	500.00	
			Presbyterian Hospital	08/31-09/05/12	*	24,621.75	2,500.00	
0985	05/08/57	M	UNM Health Sciences Center	08/06/12	Saliva Gland Infection	290.95	224.03	
0986	10/16/80		Albuquerque Ambulance	09/14/12	Spider Bite	465.00	400.00	
			Presbyterian Hospital	09/05-09/14/12	*	53,289.60	2,250.00	
			Presbyterian Hospital	09/14-09/25/12	*	9,745.00	750.00	
0987	08/02/71	F	Living Cross Ambulance	08/29/12	Chest Pain	1,272.86	0.00	Income
0988	08/15/55	M	Living Cross Ambulance	08/10/12	Motor Vehicle Accident	103.38	96.00	
0989	02/22/84	M	UNM Health Sciences Center	06/07-06/08/12	Unknown	3,139.70	0.00	No Response
0990	01/15/51	F	UNM Health Sciences Center	09/01-09/03/12	Lung Disease	13,786.80	3,000.00	
0991	03/26/79	F	UNM Health Sciences Center	07/15-07/16/12	Depression	1,332.00	0.00	No Response
0992	01/21/62	F	UNM Health Sciences Center	08/28-08/29/12	Cancer	1,536.80	500.00	
			Living Cross Ambulance	08/28/12	*	1,003.11	400.00	
			UNM Health Sciences Center	10/02-10/03/12	*	30,039.80	2,500.00	
0993	08/25/66	M	UNM Health Sciences Center	09/07-10/04/12	Leg Amputation	148,211.72	3,000.00	
0994	08/06/59	M	UNM Health Sciences Center	09/26/12	Hernia Surgery	5,068.15	3,000.00	
0995	07/19/83	M	Living Cross Ambulance	07/25/12	Smoke Inhalation	1,190.48	0.00	Missed Appointment
0996	02/19/90	M	Living Cross Ambulance	07/19/12	Motor Vehicle Accident	103.38	0.00	Missed Appointment
0997	12/30/60	M	Living Cross Ambulance	07/05/12	Lupus	1,300.32	400.00	
			UNM Health Sciences Center	07/05/12	*	1,403.00	1,080.31	
0998	12/15/59	F	UNM Health Sciences Center	09/08/12	Abdominal Pain	1,338.00	1,000.00	
			UNM Health Sciences Center	09/14/12	*	4,272.05	2,000.00	
0999	05/25/81	M	Presbyterian Hospital	10/11/12	Kidney Stone	5,707.40	3,000.00	
1000	02/21/93	M	American Medical Response	08/07/12	Drug Abuse	1,167.23	400.00	

11001	09/04/65	F	Presbyterian Hospital	08/08/12	*	491.00	378.07
11002	08/26/61	M	Living Cross Ambulance	09/05/12	Depression	1,204.21	400.00
11003	08/27/93	F	UNM Health Sciences Center	08/12/12	Medication Reaction	1,410.16	400.00
11004	08/06/70	F	Living Cross Ambulance	08/13-08/15/12	*	17,060.35	3,000.00
11005	09/05/90	F	Presbyterian Hospital	09/21/12	Motor Vehicle Accident	1,030.57	400.00
11006	02/23/92	M	UNM Health Sciences Center	10/25-10/26/12	Gall Bladder Surgery	22,287.30	3,000.00
11007	12/17/87	M	Presbyterian Hospital	08/06-08/08/12	Gall Bladder Surgery	33,266.85	3,000.00
11008	03/04/92	M	Lovelace Medical Center	10/01/12	Appendectomy	3,229.26	0.00 Has Insurance
11009	03/05/89	F	Living Cross Ambulance	10/22-10/23/12	Abscess on Hip	23,565.00	3,000.00
11010	12/08/84	M	Radiology Associates	08/10/12	Motor Vehicle Accident	1,300.32	400.00
11011	12/18/61	M	Presbyterian Medical Group	08/11-08/14/12	*	16,845.30	3,000.00
11012	09/14/82	M	UNM Health Sciences Center	09/27/12	Drug Abuse	920.73	0.00 Missed Appointment
11013	01/22/77	M	Lovelace Medical Center	08/03/12	JAIL-Hand Fracture	30.00	15.46
11014	01/27/73	M	Lovelace Medical Center	09/25/12	JAIL-Hand Injury	107.00	25.77
1015	07/24/84	M	Albuq. New Mexico Physicians	10/04/12	*	378.00	291.06
1016	03/27/71	M	Presbyterian Medical Group	07/07/11	JAIL-Swallowed Batteries	14,983.00	2,000.00
1017	07/07/70	M	Radiology Associates	07/08/11	*	6,875.00	1,000.00
1018	10/31/73	M	Presbyterian Medical Group	10/17/12	JAIL-Hand Injury	107.00	24.15
1019	05/08/85	M	Radiology Associates	08/11-08/12/12	JAIL-Mental Status	17,634.00	3,000.00
1020	03/07/75	M	Lovelace Medical Center	08/11/12	*	1,443.00	121.55
1021	06/09/73	M	Albuq. New Mexico Physicians	08/11/08/12/12	*	184.00	80.95
1022	12/22/88	M	UNM Health Sciences Center	09/21/12	JAIL-Cut Wrists	1,217.94	400.00
1023	07/03/91	F	UNM Health Sciences Center	10/15/12	JAIL-Ankle Injury	107.00	24.15
1024	06/02/62	M	UNM Medical Group	08/30/12	JAIL-Groin Injury	465.00	84.09
				08/30/12	*	100.00	50.45
				09/24/12	JAIL-Hand Injury	107.00	24.15
				09/24/12	*	32.10	15.46
				09/24/12	JAIL-Hand Injury	107.00	24.15
				09/24/12	*	32.10	25.86
				09/06/12	JAIL-Hand Injury	107.00	24.15
				09/06/12	*	26.00	14.49
				08/12/12	JAIL-Diabetic	1,409.00	1,084.93
				08/12/12	*	720.00	121.55
				10/11/12	JAIL-Groin Injury	465.00	358.05
				06/12/12	JAIL-Orthopedic	65.00	0.00 90 Day Limit
				09/24-09/25/12	Abdominal Pain	1,642.00	1,264.34
				09/25/12	*	308.00	89.73
				07/23/12	Diabetic	1,966.30	1,514.05

11025	01/26/71	F	UNM Health Sciences Center	08/12-09/07/12	Kidney Disease	42,328.15	3,000.00
11026	09/02/65	F	Living Cross Ambulance	08/22/12	Panic Attack	103.38	96.00
11027	05/09/76	M	UNM Health Sciences Center	07/22/12	Unknown	1,596.30	0.00 No Response
			UNM Health Sciences Center	08/24/12	*	14,418.60	0.00 *
11028	06/10/73	F	Living Cross Ambulance	07/26/12	Seizures	1,149.29	0.00 Missed Appointment
			TOTAL			562,383.36	67,934.07

VALENCIA COUNTY COMMISSION MEETING

Donald E. Holliday, Chair

Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen

Ron Gentry

Lawrence R. Romero

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

Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
Living Cross Ambulance	73099	10978	1,465.08	1,065.08	400.00
UNM Health Sciences Center	215262015	10979	7,388.55	4,388.55	3,000.00
UNM Health Sciences Center	211743877	10980	2,455.85	564.85	1,891.00
UNM Health Sciences Center	212039879	10981	1,156.00	265.88	890.12
Living Cross Ambulance	74014	10982	948.19	948.19	0.00
UNM Health Sciences Center	215104373	10983	4,264.00	1,264.00	3,000.00
Presbyterian Hospital	001144450-2241	10984	1,493.00	993.00	500.00
Presbyterian Hospital	001144450-2244	10984	24,621.75	22,121.75	2,500.00
UNM Health Sciences Center	214488553	10985	290.95	66.92	224.03
Albuquerque Ambulance	12074790	10986	465.00	65.00	400.00
Presbyterian Hospital	000455029-2249	10986	53,289.60	51,039.60	2,250.00
Presbyterian Hospital	000455029-2258	10986	9,745.00	8,995.00	750.00
Living Cross Ambulance	73949	10987	1,272.86	1,272.86	0.00
Living Cross Ambulance	74878	10988	103.38	7.38	96.00
UNM Health Sciences Center	212785349	10989	3,139.70	3,139.70	0.00
UNM Health Sciences Center	215357971	10990	13,786.80	10,786.80	3,000.00
UNM Health Sciences Center	213829187	10991	1,332.00	1,332.00	0.00
UNM Health Sciences Center	215227240	10992	1,536.80	1,036.80	500.00
TOTALS			128,754.51	109,353.36	19,401.15

VALENCIA COUNTY COMMISSION MEETING

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Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
Living Cross Ambulance	73954	10992	1,003.11	603.11	400.00
UNM Health Sciences Center	216030247	10992	30,039.80	27,539.80	2,500.00
UNM Health Sciences Center	215511312	10993	148,211.72	145,211.72	3,000.00
UNM Health Sciences Center	215990748	10994	5,068.15	2,068.15	3,000.00
Living Cross Ambulance	72876	10995	1,190.48	1,190.48	0.00
Living Cross Ambulance	72617	10996	103.38	103.38	0.00
Living Cross Ambulance	72196	10997	1,300.32	900.32	400.00
UNM Health Sciences Center	213554371	10997	1,403.00	322.69	1,080.31
UNM Health Sciences Center	215552407	10998	1,338.00	338.00	1,000.00
UNM Health Sciences Center	215753682	10998	4,272.05	2,272.05	2,000.00
Presbyterian Hospital	016035707-2285	10999	5,707.40	2,707.40	3,000.00
American Medical Response	001594165-0000	11000	1,167.23	767.23	400.00
Presbyterian Hospital	001124059-2221	11000	491.00	112.93	378.07
Living Cross Ambulance	74504	11001	1,204.21	804.21	400.00
Living Cross Ambulance	74153	11002	1,410.16	1,010.16	400.00
UNM Health Sciences Center	214682254	11002	17,060.35	14,060.35	3,000.00
Living Cross Ambulance	74828	11003	1,030.57	630.57	400.00
Presbyterian Hospital	020809067-2299	11004	22,287.30	19,287.30	3,000.00
TOTALS			244,288.23	219,929.85	24,358.38

VALENCIA COUNTY COMMISSION MEETING

Donald E. Holliday, Chair

Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen

Ron Gentry

Lawrence R. Romero

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

Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
UNM Health Sciences Center	214459796	11005	33,266.85	30,266.85	3,000.00
Presbyterian Hospital	020819853-2275	11006	3,229.26	3,229.26	0.00
Lovelace Medical Center	P12296 00572	11007	23,565.00	20,565.00	3,000.00
Living Cross Ambulance	73401	11008	1,300.32	900.32	400.00
UNM Health Sciences Center	214676074	11008	16,845.30	13,845.30	3,000.00
Living Cross Ambulance	74968	11009	920.73	920.73	0.00
Radiology Associates	15337843	11010	30.00	14.54	15.46
Presbyterian Medical Group	BL10075274970	11011	107.00	81.23	25.77
UNM Health Sciences Center	216406769	11011	378.00	86.94	291.06
Lovelace Medical Center	P11188 00739	11012	14,983.00	12,983.00	2,000.00
Lovelace Medical Center	P11189 00018	11012	6,875.00	5,875.00	1,000.00
Presbyterian Medical Group	BL10076517460	11013	107.00	82.85	24.15
Lovelace Medical Center	P122240 0282	11014	17,634.00	14,634.00	3,000.00
Alb. New Mexico Physicians	AN2 000179644	11014	1,443.00	1,321.45	121.55
Zia Diagnostic	258713-ZIAD	11014	184.00	103.05	80.95
Living Cross Ambulance	74826	11015	1,217.94	817.94	400.00
Presbyterian Medical Group	814528	11015	107.00	82.85	24.15
Presbyterian Hospital	000273722-2242	11016	465.00	380.91	84.09
TOTALS			122,658.40	106,191.22	16,467.18

VALENCIA COUNTY COMMISSION MEETING

Donald E. Holliday, Chair

Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen

Ron Gentry

Lawrence R. Romero

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

Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
Radiology Associates	15312599	11016	100.00	49.55	50.45
Presbyterian Medical Group	399423	11017	107.00	82.85	24.15
Radiology Associates	15364718	11017	32.10	16.64	15.46
Presbyterian Medical Group	844547	11018	107.00	82.85	24.15
Radiology Associates	15364719	11018	32.10	6.24	25.86
Presbyterian Medical Group	BL10074329250	11019	107.00	82.85	24.15
Radiology Associates	15345065	11019	26.00	11.51	14.49
Lovelace Medical Center	P12225-00028	11020	1,409.00	324.07	1,084.93
Alb. New Mexico Physicians	AN2 000151842	11020	720.00	598.45	121.55
Presbyterian Hospital	000718177-2283	11021	465.00	106.95	358.05
UNM Health Sciences Center	212841076	11022	65.00	65.00	0.00
UNM Health Sciences Center	216046243	11023	1,642.00	377.66	1,264.34
UNM Medical Group	4479689	11023	308.00	218.27	89.73
UNM Health Sciences Center	214067811	11024	1,966.30	452.25	1,514.05
UNM Health Sciences Center	214679821	11025	42,328.15	39,328.15	3,000.00
Living Cross Ambulance	73709	11026	103.38	7.38	96.00
UNM Health Sciences Center	214037038	11027	1,596.30	1,596.30	0.00
UNM Health Sciences Center	214647604	11027	14,418.60	14,418.60	0.00
TOTALS			65,532.93	57,825.57	7,707.36

VALENCIA COUNTY COMMISSION MEETING

Page 5 of 5

Donald E. Holliday, Chair

Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen

Ron Gentry

Lawrence R. Romero

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

Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
Living Cross Ambulance	72865	11028	1,149.29	1,149.29	0.00
Subtotal			1,149.29	1,149.29	0.00
Total			562,383.36	494,449.29	67,934.07
Valencia County Commissioners					
Donald E. Holliday, Chair					
Georgia Otero-Kirkham, Co-Chair					
Mary J. Andersen					
Ron Gentry					
Lawrence R. Romero					



Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 • Los Lunas, New Mexico 87031

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

Date: November 26, 2012

To: Valencia County Board of County Commissioners

From: Barbara A. Baker \ B A B

Subj: Kenneth Harding - Indigent Appeal

Kenneth Harding has requested an Indigent Appeal for the Indigent Denial of October 17, 2012 for his Living Cross Ambulance bill in the amount of \$1,286.59. Mr. Harding was denied as he missed an appointment. He responded to my denial letter and did a request for an appeal stating he was incarcerated at the time of the appointment and when the letter to reschedule was sent out. I did verify this with the Valencia County Detention Facility that Mr. Harding was incarcerated on those dates. Mr. Harding does meet all of the requirements.

I would like to recommend approval of the Living Cross Ambulance bill in the amount of \$1,286.59. If approved the amount being paid to Living Cross Ambulance would be \$400.00.

Approved by the Board of County Commissioners at the regular meeting of November 26, 2012.

Donald E. Holliday, Chair

Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen

Ron Gentry

Lawrence R. Romero

ATTESTED BY:

Sally Perea, Valencia County Clerk



Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 · Los Lunas, New Mexico 87031

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

Date: November 26, 2012

To: Valencia County Board of County Commissioners

From: Barbara A. Baker : *BAB*

Subj: Judy Lajuenesse - Indigent Appeal

Judy Lajuenesse has requested an Indigent Appeal for the Indigent Denial of September 19, 2012 for her Presbyterian Hospital bill. Ms. Lajuenesse was denied as she has Medicare coverage. There is a balance of \$1,106.00 on the Presbyterian Hospital bill. Ms. Lajuenesse has asked for an appeal due to her financial situation and she does meet all of the other requirements.

I would like to recommend approval of the Presbyterian Hospital bill in the amount of \$1,106.00. If approved the amount being paid to Presbyterian Hospital would be \$851.62.

Approved by the Board of County Commissioners at the regular meeting of November 26, 2012.

Donald E. Holliday, Chair

Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen

Ron Gentry

Lawrence R. Romero

ATTESTED BY: _____

Sally Perea, Valencia County Clerk



Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 · Los Lunas, New Mexico 87031

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

Date: November 26, 2012

To: Valencia County Board of County Commissioners

From: Barbara A. Baker 

Subj: James Woolbert - Indigent Inmate Appeal

Bruce Swingle has requested an Indigent Appeal for the Indigent Denial of October 17, 2012 of James Woolbert for his UNM Health Sciences Center bill in the amount of \$3,635.35. Mr. Woolbert was denied as the bill was received after the 90 day limit.

I would like to recommend approval of the UNM Health Sciences bill in the amount of \$3,635.35. If approved the amount being paid to UNM Health Sciences Center would be \$2,799.21.

Approved by the Board of County Commissioners at the regular meeting of November 26, 2012.

Donald E. Holliday, Chair

Georgia Otero-Kirkham, Co-Chair

Mary J. Andersen

Ron Gentry

Lawrence R. Romero

ATTESTED BY:

Sally Perea, Valencia County Clerk



Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 • Los Lunas, New Mexico 87031

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

November 26, 2012

RE: Indigent Fund Enhancement

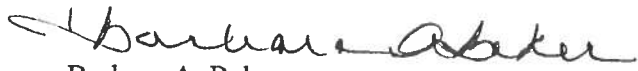
Dear Commissioners,

We have discussed several times the healthy Indigent Fund balance and what can be done to enhance the fund to benefit the Valencia County residents and reduce the balance of the fund. There are several things that can be done to reduce the Indigent balance. We have discussed in the past paying for bills from First Choice Clinic for Valencia County residents but in order to do this another person would have to be hired. Another discussion was funding an ambulance service in Valencia County but unfortunately Indigent money cannot pay for this. Yes, Indigent can pay for 2 transports in a 12 month period if the applicant qualifies, but not to fund an ambulance service. We have discussed increasing the money paid to providers, but this appeared to be a negative choice as most of the providers are located outside of Valencia County. I would like to let you know that UNM Health Sciences Center does help Valencia County residents, if they qualify, for services other than an emergency room, day surgery and/or an inpatient stay which are the services Valencia County Indigent would cover. If a person uses any of these services they can also apply for UNM Financial Assistance and may be eligible for clinics, radiology, etc. at a co-payment amount and if approved it may be for a 6 month period. We discussed dental and I was going to meet with Melissa Manlove of First Choice, but then I went on medical leave for 2 ½ months and had to play catch up as no one was doing the Indigent portion of my job. I have looked into paying the medical contract at the Valencia County Detention Facility but this cannot be done unless an inmate is billed individually and there is a procedure code on the bill. Valencia County Indigent currently pays for services for inmates which include ambulance bills, hospital bills and /or physician bills up to \$5,000 in a 12 month period. Valencia County Commissioners had approved mobile mammograms, two were done and 3 people applied and were approved.

I would like to increase the services Valencia County offers to Valencia County residents and at this time I would like to include dental to be a part of the program. We can go slowly at first as there is no way to foresee what the impact would be on the Indigent Fund. I think the best way to proceed is to put a cap on what is paid per individual in a 12 month period, perhaps \$500 or \$1,000, just as is done with the ambulance and medical services. I would also like to increase the Valencia County Income Guidelines, currently a person can earn 150% of the Federal Poverty Income Guidelines and I would like to increase this to 175%. That amount would be for either the gross amount of earned income and/or unearned income. Listed below are the Federal Poverty Income Guidelines showing the current 150% Valencia County bases their income guidelines on and an increase to 175%.

Hopefully this can be discussed and a decision be made at this commission meeting. I will then present a Resolution and if approved Valencia County can move forward to help the residents of Valencia County.

Thank you for your consideration.


Barbara A. Baker

FEDERAL POVERTY INCOME GUIDELINES
MONTHLY AMOUNTS

Family Size	150% Federal Poverty Guidelines	175% Federal Poverty Guidelines
1	\$ 1,362.00	\$ 1,589.00
2	1,839.00	2,146.00
3	2,317.00	2,703.00
4	2,794.00	3,260.00
5	3,272.00	3,817.00
6	3,749.00	4,374.00
7	4,227.00	4,931.00
8	4,704.00	5,488.00

For each additional person the amount would be \$558.00 per month.

The above amounts are rounded to the next highest dollar.

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VALENCIA COUNTY
Board of County Commissioners

AGENDA REQUEST FORM

Department Head: Jacobo Martinez

Individual Making Request: Simon and Catrina Montano

Presentation at Meeting on: November 26, 2012

Date Submitted: November 16, 2012

Title of Request: Title: Decision for a Request to amend the Zoning Map from RR-2 to C-2

Request:

Decision for a Request for a Zone Change from Rural Residential-2 (RR-2) to Community Commercial (C-2) (Simon and Catrina Montano) Application # ZC 12_305

Legal Description:

T6N, R2E, Section 3, Map 79; NMPM; Lands of Gabaldon Kids, LLC; Tracts 27-1, 27-C & Lot 17; Zoned RR-2; Filed in book 361, page 7151; of the office of the Valencia County Clerk; Also known as 3165 Highway 47, Los Lunas, NM.

Information Background and Rationale

Mr. and Mrs. Montano are requesting a zone change to Community Commercial (C-2) on four contiguous lots. One of the lots is already zoned C-2 and the other lots are zoned RR-2. The surrounding parcels are a mixture of zones and land uses. To the south of the lot is zoned C-2 and there are such land uses as a propane distribution company and an automobile mechanic shop. To the north is a combination of residential and commercial. To the west is residential and to the east is agricultural.

The land use for the request will be for a company named Southwest Specialty Systems. The company provides residential and commercial service of fire alarms, security systems, access control, video surveillance and fire extinguishers. It is not a store front for walk in the general public, there will be storage of vehicles and supplies.

The Planning and Zoning board heard the request in a public meeting on October 24, 2012. There was no opposition made to the zone change by the public. After hearing testimony, the Planning and Zoning Commission voted 5-0 to recommend approval of the zone change.

The Planning and Zoning Commission found:

- The proposed change is consistent with the goals, policies and any other applicable provisions of the comprehensive plan which include:
 - 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.
- The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area

The Valencia County Commission heard the case on November 14, 2012 at a Public Hearing. There was no opposition made by the public.

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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: November 26, 2012

Date Submitted: November 16, 2012

Title of Request: Title: Decision for a Request to amend the Zoning Map from P-D to I-3

Request:

Decision for a Request for a Zone Change from Planned Development (P-D) to Heavy Industrial (I-3) (PNM) Application # ZC 12_306

Legal Description:

T6N, R3E, Section 18; NMPM; Sierra Vista Subdivision; Filed in Cabinet J, Page 288-229; of the office of the Valencia County Clerk.

Information Background and Rationale

PNM is proposing a solar facility named the Manzano Solar Energy Center. The center will be an 8 megawatt solar electric generating facility on the east side of Valencia County near El Cerro Monterrey Park. The total acreage of land is 59 acres. There is an existing electric distribution line nearby.

The current zone of the facility is Planned Development. The parcel of land is situated in a larger subdivision called Sierra Vista. In 1998, Sierra Vista went through a subdivision process with Valencia County to change the zoning from residential and outland to Master Plan Zoning. The Master Plan Zoning was then changed to Planned Development Zoning in 1999 when the new zoning ordinance was written.

The Planning and Zoning board heard the request in a public meeting on October 24, 2012. There was no opposition made to the zone change by the public. The Planning and Zoning Commission was concerned of other permissive uses in the I-3 Zoning designation. After hearing testimony, the Planning and Zoning Commission voted 5-0 to recommend approval of the zone change on the condition that the site only be utilized for a solar facility and that applicant recognizes and agrees that if the use of the property as a Solar Facility ever shall cease, the property will automatically and without action by the County or applicant revert back to P-D by operation of law and/or the agreement of the parties.

The Planning and Zoning Commission found:

- The proposed change is consistent with the goals, policies and any other applicable provisions of the comprehensive plan which include:
 - 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.
- The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area

The Valencia County Commission heard the case on November 14, 2012 at a Public Hearing. There was no opposition made to the zone change by the public.

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VALENCIA COUNTY

Board of County Commissioners

Agenda Request Form

Department Head: Louis Burkhard

Individual Making Request: Louis Burkhard

Presentation at Meeting on: November 26, 2012

Date Submitted: November 5, 2012

Title of Request: Request to accept NMDOT 2012-2013 Highway Safety Grants

Action Requested of Commission:

The Sheriff's Department respectfully requests the commissions approval to accept a total of \$31,670.00 in grant funds from New Mexico Department of Transportation.

Information Background and Rationale:

Each year NM Department of Transportation awards law enforcement agencies with funds to reduce traffic-related injuries and deaths. The funds are administered through four (4) programs: Operation DWI (ODWI) \$24,500, Operation Buckle Down (OBD) & Click It or Ticket (CIOT) \$3,690, and 100 Days and Nights of Summer (100 Days) \$3,480. These award amounts are nearly identical to last year's award amounts.

What is the Financial Impact of this Request?

This grant reimburses for overtime expenses of deputies who participate in the Highway Safety Projects. Account codes are established and clearly indicated on payroll. Reports and reimbursement requests are submitted by the 6th of each month. Reimbursement is received in the form of a check approximately one month after the request is submitted.

Staff Comments:

Legal:

"The Highway Safety Projects Consolidated Project Agreement is in a standard grant format that is legally acceptable. If the Sheriff's Office has the resources and manpower to comply with the terms of the agreement then it should be considered for approval." AN

Finance:

These are reoccurring annual funds that are sent from the state and budgeted for the Sheriff's Office. NT

NEW MEXICO DEPARTMENT OF TRANSPORTATION

TRAFFIC SAFETY DIVISION

HIGHWAY SAFETY PROJECTS

CONSOLIDATED PROJECT AGREEMENT

GRANTEE: VALENCIA (COUNTY)

This Consolidated Project Agreement is entered into between the State of New Mexico, the New Mexico Department of Transportation, (Department) and VALENCIA (COUNTY), (Grantee).

In consideration of the covenants contained herein and pursuant to the Department's authority under the Traffic Safety Act, NMSA 1978, Sections 66-7-501 through 66-7-511, as amended, the parties agree as follows:

SECTION ONE – PURPOSE, MISSION AND GOALS

Purpose

The purpose of this Agreement is to provide funding to New Mexico law enforcement agencies or government agencies through four (4) state and federal programs to reduce traffic-related injuries, and deaths.

Mission

This mission, which is undertaken by the Department's Traffic Safety Division (TSD), is to provide a seamless transportation system that safely and efficiently moves people and supports a growing economy. The TSD is committed to preventing injuries and saving lives by eliminating crashes on New Mexico public roadways. *¡Sí Se Puede!*

Goals

The TSD's performance goals for the state are to:

1. Reduce the number of fatalities involving driver/motorcycle operators with a BAC of .08 or higher from 111 in CY2010 to 110 by the end of CY2012. (C-4; FARS Data)
2. Reduce the number of unrestrained occupant fatalities (all seat positions) from 120 in 2010 to 111 in 2012. (C-4; FARS Data)
3. Increase the observed seat belt use percentage from 90.5% in CY2011 to 91.5% in 2013. (B-1; NM Survey-Behavior Measure)
4. Reduce the number of speeding-related fatalities from 131 in 2010 to 129 by the end of CY 2012. (C-6; FARS Data).

SECTION TWO – PROJECT GRANTS AWARDED

The Grantee has been awarded funding under the programs as specifically marked below. Under each program that funding has been granted is listed the amount of funding, term of the project and a referral to an attachment that provides the scope of work, specific details and requirements for the program.

- √ Operation Driving While Intoxicated (ODWI)
Funding: \$24,500.00
Term: October 1, 2012- to September 30, 2013
Scope of Work/Requirements: Attachment A
- √ Operation Buckle Down (OBD)/ Click It or Ticket (CIOT)
Funding: \$3,690.00
Term: OBD: October 1, 2012- to September 30, 2013
Term: CIOT: May 20, 2013 to June 2, 2013
Scope of Work/Requirements: Attachment B
- √ 100 Days and Nights of Summer (100 Days)
Funding: \$3,480.00
Term: June 21, 2013 to September 30, 2013
Scope of Work/Requirements: Attachment D

SECTION THREE – THE GRANTEE SHALL COMPLY WITH:

1. All provisions and conditions of this Consolidated Agreement and the Scope of Work/Requirements for each program under which Grantee is awarded funding.
2. The Traffic Safety Division Project Management and Accounting Procedures Manual.
3. The State Procurement Code, NMSA 1978, Sections 13-1-28 to Sections 13-1-199.
4. The National Highway Traffic Safety Administration Grants Management Manual when the scope of work budget indicates federal funding.

SECTION FOUR – METHOD OF PAYMENT, REIMBURSEMENT

The Department shall reimburse Grantee upon receipt of invoices, with supporting documentation, showing that expenses have been paid. Requests must have designee's signature. Claims for reimbursement must be fully completed and submitted monthly with sufficient supporting documentation, as determined and/or approved by the Department. All documents must indicate that expenses have been paid, and must be submitted monthly throughout the grant period even if there is no activity claimed during the month. The Department reserves the right to withhold payment invoices that are incorrect and/or incomplete and must be submitted on the appropriate designated forms. A final reimbursement claim must be received by the Department no later than

30 days after the end date of this Agreement. The Department shall not reimburse Grantee for any costs incurred prior to the full execution of the Agreement, after the expiration of the Agreement, or in excess of the maximum dollar amount of the Agreement, unless the maximum dollar amount is duly amended prior to incurring cost for services or deliverables. Documentation as outlined in the TSD Project Management and Accounting Procedures Manual must be retained in the GRANTEE's files.

SECTION FIVE - ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS

There shall be strict accountability for all receipts and disbursements relating hereto. The Grantee shall maintain all books, documents, papers, accounting records, data and other documentation pertaining to costs incurred and to make such materials available at their respective offices at all reasonable times during the Agreement period for three (3) years from the date of final payment under the Agreement. The Grantee shall furnish the Department or State Auditor, upon demand, any and all such records relevant to this Agreement and allow them the right to audit all records, which support the terms of this Agreement. If an audit finding determines that specific funding use was inappropriate or not related to the project, the Grantee shall reimburse that portion to the Department within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expenses supported by such insufficient documentation shall be reimbursed to the Department within 30 days.

SECTION SIX - PROJECT RESPONSIBILITY

Completing the terms of this Project is the Grantee's sole responsibility and nothing herein is intended to give the Department any responsibility for the Project other than as set forth in this Agreement.

SECTION SEVEN - AUTHORIZATION OF EXPENDITURES

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Congress of the United States if federal funds are involved, or the State Legislature if State funds involved, for performance of this Agreement. If sufficient appropriations and authorizations are not made, this Agreement shall terminate upon written notice being given by the Department to the Grantee. The Department is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure by the Department. The Department's decision as to whether its funds are sufficient for fulfillment of the Agreement shall be final.

SECTION EIGHT - TERMS OF THE AGREEMENT

This Agreement constitutes the entire agreement between the parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document or its amendments, is not part of this Agreement and not enforceable pursuant to this Agreement. Performance of all duties and obligations herein shall conform with and shall not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

SECTION NINE – THIRD-PARTY BENEFICIARY CLAUSE

No provision of this Agreement creates in the public, or any member thereof, a third-party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit for wrongful death, bodily and/or personal injury to person, damage to property, and/or any other claim(s) whatsoever pursuant to the provision of this Agreement.

SECTION TEN - NEW MEXICO TORT CLAIMS ACT

No provision of this Agreement establishes any waiver of immunity from liability for alleged tortious conduct of any employee of the Department or the Grantee arising from the performance of this Agreement apart from that set forth in the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, et seq., as amended.

SECTION ELEVEN - SEVERABILITY

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable; the remainder of this Agreement shall remain in full force and effect.

SECTION TWELVE - TERM AND TERMINATION

- A. This Agreement becomes effective on upon signature of both parties. This agreement shall terminate September 30, 2013.
- B. This Agreement must be received by the Department within sixty (60) days of the department signature date in order to be valid. The Department may reject any agreement executed by the Grantee 60 days or more after the Deputy Secretary's signature.
- C. If the Grantee fails to support the Purpose, Mission and Goals of this Agreement or to comply with any provisions of this Agreement, the Department has the option to suspend or terminate this Agreement. By such termination, neither party may nullify obligations already incurred for performance of failure to perform prior to termination of the Agreement.

SECTION THIRTEEN - EQUAL OPPORTUNITY COMPLIANCE

The Grantee agrees to abide by all Federal and State Laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the Grantee agrees to assure that no person in the United States shall, on the grounds of race, religion, color, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If the Grantee is found to be not in compliance with these requirements during the life of this Agreement, the Grantee agrees to take appropriate steps to correct these deficiencies.

SECTION FOURTEEN - CIVIL RIGHTS LAWS AND REGULATIONS COMPLIANCE

The Department and Grantee shall comply with all federal, state, and local laws and ordinances applicable to the work called for herein. The Department and Grantee further agree to operate under and be controlled by Title VI, and Title VII of the Civil Rights Act of 1964, the Age Discrimination Employment Act, the Americans with Disabilities Act of 1990, the Environmental Justice Act of 1994, the Civil Rights Restoration Act of 1987, the New Mexico Human Rights act, and Executive Order No. 11246 entitled "Equal Employment Opportunity", as amended by Executive Order No. 11375, and as supplemented by the Department of Labor Regulations (41 CFR Part 60). Accordingly, 49 CFR 21 is applicable to this Agreement and is incorporated herein by reference.

SECTION FIFTEEN --- EQUIPMENT AND DISPOSITION OF PROPERTY

Equipment acquired under this agreement shall be retained and kept in operation for highway safety purposes. If upon termination of this Agreement, there remains any property, materials or equipment belonging to the Department, Grantee shall account for same and dispose of directed by the Department. When this AGREEMENT involves federal funds the GRANTEE shall comply with federal regulations and written prior approval by the department for the purchase of equipment exceeding more than five thousand dollars.

SECTION SIXTEEN -- OFFICIALS NOT TO BENEFIT

No member of the New Mexico Legislature nor any member of or delegate to Congress shall be admitted to any share or part of this Agreement or to any benefit that may arise there from. The provisions of this clause shall be extended to all public employees, officers, or tribal council members.

SECTION SEVENTEEN – JURISDICTION

This Agreement and all work hereunder shall be subject to the laws, rules, regulations and decrees of the State of New Mexico.

SECTION EIGHTEEN - CERTIFICATIONS AND ASSURANCES

Where this AGREEMENT involves federal funds the GRANTEE shall comply with all applicable Certifications and Assurances set forth in the current New Mexico Highway Safety Performance Plan.

SECTION NINETEEN - AMENDMENT

This AGREEMENT shall not be altered, modified, or amended except by an instrument in writing and executed by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

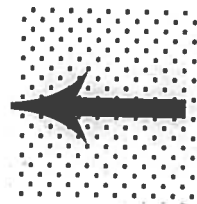
By: 
KATHRYN E. BENDER
DEPUTY CABINET SECRETARY

DATE: 10/26/12

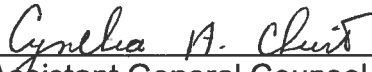
VALENCIA (COUNTY), GRANTEE

By: _____
DONALD E. HOLLIDAY
Title: CHAIRMAN

DATE: _____



Approved as to form and legal sufficiency by the legal counsel of the New Mexico Department of Transportation

BY: 
Assistant General Counsel

DATE: 10-23-12

ATTACHMENT A
OPERATION DRIVING WHILE IMPAIRED (ODWI)
SCOPE OF WORK

Project Number: 13-AL-64-109

Grantee: Valencia County Sheriff's Department

Term: October 1, 2012 to September 30, 2013 or as executed by both parties whichever is later.

SECTION ONE – PURPOSE OF ODWI:

The purpose of ODWI is to provide funding to New Mexico law enforcement agencies for Driving While Impaired (DWI) sobriety checkpoints, saturation patrols and other DWI related activities aimed at reducing alcohol-related crashes, injuries, and deaths.

SECTION TWO – PROJECT FUNDING:

1. The total estimated cost for ODWI is \$24,500.00. The Department has determined the funding source will be Federal Section 164 (Alcohol countermeasures), which is subject to change by the Department. Funding sources and CFDA numbers may change. The Grantee will be notified in writing and a written amendment will not be necessary.
(CFDA # 20.608)
2. The Grantee shall pay all ODWI Project costs that exceed \$24,500.00. The Project budget is itemized as follows:

Personal Services	\$16,400.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$8,100.00
TOTAL	\$24,500.00

The Grantee may transfer funds between budget categories with prior written approval from the TSD Director when the transfer of funds improves program effectiveness.

SECTION THREE – SCOPE OF WORK

The Grantee shall:

A. Project Services:

1. Conduct individual and joint police agency participation in statewide highly publicized sobriety checkpoints and saturation patrols that are conducted in accordance with state and federal court rulings, specifically *City of Las Cruces v. Betancourt* at 735 P.2nd 1161 (N.M.App., 1987), The Sobriety Checkpoint Manual, the TSD's Project Management and Procedures Manual, applicable Federal regulations, and the Grantee's internal policies and procedures.
2. Conduct a minimum of 4 checkpoint(s) and a minimum 4 saturation patrol(s) during the Superblitz periods, Mini Superblitz Periods, and the National DWI Mobilization period set by the TSD and complete required follow-up billing for these efforts.
3. Conduct a minimum of 5 checkpoint(s) and a minimum of 12 saturation patrol(s) during the expanded enforcement period and complete required follow-up billing.
4. Up to 10 percent of overtime funds may be used for administrative costs, which include overtime for officers or civilian employees who dispatch or process paperwork for the project. Prior written approval from the TSD is required for expenditures not described herein. Administrative costs claimed may not exceed 10 percent of the monthly claim. Complete appropriate section on Reimbursement Claim form.
5. The Department anticipates that it will cost \$900.00 per checkpoint with a minimum of 6 officers for a minimum of 5 hours, and will reimburse the agency at that rate.
6. The Department will use the rate of \$30.00 per hour in order to "estimate" the budget for salaries for checkpoints. The Grantee will be required to bill "actual hourly rate" for each officer participating and paid under this project agreement. Saturation Patrols will consist of a minimum of two officers working at the same time and in the same general area.
7. The Department agrees to reimburse the Grantee \$900.00 for each checkpoint.
8. Funds may be used to pay actual overtime expenses (hourly rate X 1.5) for officers to attend court hearings which result from an arrest while working the ODWI project.
9. Grantee shall pay officer(s) at a rate not to exceed the officer(s) actual overtime rate.
10. Grantee is responsible for submitting all DWI citations to the Motor Vehicle Division of the New Mexico Taxation & Revenue Department within 10 days of the issuance of the citation(s). Grantee is responsible for timely crash reports to be submitted to the Department according to NMSA 1978, Section 66-7-207. If citations are not submitted within 10 days, future funding could be affected.
11. No equipment will be allowed under this project agreement unless specified in the scope of work and a request and prior approval must be received by the

Department and an amendment will be necessary. Any excess funds must be approved by the Department prior to being utilized by the Grantee.

12. The GRANTEE shall comply with prior approval by the department if purchasing any equipment exceeding five thousand dollars.
13. The final reimbursement requests submitted after October 31, 2013 may not be reimbursed.
14. The agency is responsible for notifying the enforcement coordinator, the law enforcement liaison assigned to the agency, and the TSD program manager of any changes in project coordinators.

B. Activities:

1. The sobriety checkpoints and saturation patrols will be accompanied by public information, media, and education activities. Each program shall designate a coordinator to oversee publicity, media coordination, and enforcement activities.
2. **Scheduled Superblitz periods are:** (1) *Holiday Superblitz*, November 16, 2012 – January 6, 2013, (2) *St. Patrick's Day*, March 13, 2013 – March 18, 2013, (3) *May Mini Blitz, Cinco De Mayo*, May 1 2013 – May 6, 2013, and (4) *Labor Day*, August 16, 2013 – September 2, 2013.
3. Expanded Enforcement periods are considered anytime outside the Superblitz and National DWI Mobilization periods.

C. Training:

1. The Agency Coordinator or a representative will attend the Spring TSD Law Enforcement Coordinators Meeting.
2. The Project Management and Accounting Procedures financial training is mandatory for the agency coordinator and payroll administrator.
3. Participating enforcement officers must have and maintain law enforcement certifications in all areas necessary to conduct checkpoint and saturation patrol activities. **All** officers working checkpoints must be certified in Standardized Field Sobriety Testing (SFST). Individuals administering field sobriety testing shall be required to be certified in SFST training or have taken a SFST refresher course within the last 2 years or will take a refresher course in FY13. SFST training will be offered by the Traffic Safety Division upon request on a regional basis.

D. Evaluation:

1. Submit reports to the designated enforcement contractor within ten (10) days after the end of each month, Superblitz period, or special National Mobilization period, using TSD's Activity Report form. Reports must be submitted as required or funding may be withheld or discontinued.
2. Conduct the number of negotiated checkpoints and saturation patrols.

ATTACHMENT B
OPERATION BUCKLE DOWN (OBD)
&
CLICK IT OR TICKET (CIOT)
SCOPE OF WORK

Project Number: 13-OP-RF-109

Grantee: Valencia County Sheriff's Department

Term: OBD: October 1, 2012 to September 30, 2013

Term: CIOT: May 20, 2013 to June 2, 2013 or as executed by both parties whichever is later.

SECTION ONE – PURPOSE OF OBD AND CIOT

The purpose of OBD and CIOT programs are to provide funding to New Mexico law enforcement agencies to enforce seatbelt and child restraint laws, to participate in child restraint training and clinics. Agencies receiving OBD funds are required to participate in the CIOT national mobilization and conduct at the minimum one (1) nighttime seatbelt operation. Section Two contains funding and scope of work for OBD and CIOT.

SECTION TWO – OPERATION BUCKLE DOWN

A. Funding:

1. The total estimated cost for the Project is \$3,690.00. The Department has determined the funding source will be State Road Funds, which is subject to change by the Department. Funding sources and CFDA numbers may change. The Grantee will be notified in writing and a written amendment will not be necessary.
2. The Grantee shall pay all Project costs that exceed \$3,690.00. The Project budget is itemized as follows:

Personal Services	\$3,690.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$3,690.00

The Grantee may transfer funds between budget categories with prior written approval from the TSD Director when the transfer of funds improves program effectiveness.

B. Scope of Work

The Grantee Shall:

1. Project Services:

- a. Conduct individual and joint police agency participation in statewide highly publicized occupant protection activities including enforcement activities, nighttime enforcement activities, education programs, local media efforts, and other special awareness activities during the Superblitz periods, the Mini-Superblitz periods, and the National Occupant Protection Mobilization period.
- b. Participate in other scheduled Superblitz activities and National Occupant Protection mobilization periods as directed by the Traffic Safety Division.
- c. Conduct 80 hours of enforcement activities during the expanded enforcement periods. Expanded enforcement periods are defined as any time outside scheduled Superblitz periods.
- d. Conduct 0 hours of enforcement activities during Superblitz periods. Law enforcement agencies are encouraged to schedule enforcement activities in conjunction with special events or times when they will obtain the greatest effect from increased manpower.
- e. The Department will use the rate of \$30.00 dollars per hour in order to estimate the budget for overtime salaries. The Grantee will be required to bill "actual hourly rates" for each officer participating and paid under this project agreement. Any excess funds must be approved by the Department prior to being utilized by the Grantee.
- f. Funds may be expended for overtime and/or excess per diem for officers to attend Operation Safe Kids training, a 4-day NHTSA Standardized Child Passenger Safety training, assist at child safety seat clinics and/or assist at car seat fitting stations. Reimbursement for these activities should be requested on the OBD/ODWI claim form in the appropriate section and should be accompanied by the TSD's approved form. Prior written approval from the TSD is required for expenditures not described herein.
- g. Conduct individual and joint police agency participation in statewide, highly publicized occupant protection activities, including enforcement activities, nighttime seatbelt enforcement, teen seatbelt enforcement, prevention education programs, local media efforts, and other special awareness activities from May 20, 2013 through June 2, 2013 during the National Click It or Ticket Mobilization.
- h. Conduct 43 hours of enforcement activities during the two-week National Click it or Ticket Mobilization period.

- i. The Grantee shall notify the enforcement coordinator, the law enforcement liaison assigned to the agency by TSD, and the TSD district program manager of any changes in the agencies project coordinator(s).
2. Activities:
 - a. Designate a coordinator to oversee publicity, media coordination, and enforcement activities.
 - b. **Scheduled Superblitz periods are:** (1) *Holiday Superblitz*, November 16, 2012 – January 6, 2013, (2) *St. Patrick's Day*, March 13, 2013 – March 18, 2013, (3) *May Mini Blitz*, *Cinco De Mayo*, May 1, 2013 – May 6, 2013, and (4) *Labor Day*, August 16, 2013 – September 2, 2013.
 - c. Scheduled National Occupant Protection Mobilization Click It or Ticket period is: May 20, 2013 through June 2, 2013.
 - d. Expanded Enforcement periods are considered anytime outside the Superblitz and National Occupant Protection Mobilization periods.
3. Training:
 - a. Agency Coordinator or a representative shall attend the Spring TSD Law Enforcement Coordinators Meeting.
 - b. The Project Management and Accounting Procedures financial training is mandatory for the agency coordinator and payroll administrator.
4. Evaluation:
 - a. Submit reports to the designated enforcement contractor within three (3) days after the end of each Superblitz period, Mini-Superblitz Period, or special National mobilization period using TSD's Activity Report form. Reports must be submitted as required or funding may be withheld or discontinued. Submit the final reimbursement claim within thirty (30) days of the expiration of the Agreement.
 - b. Conduct the number of negotiated hours.

ATTACHMENT D

100 DAYS AND NIGHTS OF SUMMER (100 D/N)

SCOPE OF WORK

Project Number: 13-EE-DS-109

Grantee: Valencia County Sheriff's Department

Term: June 21, 2013 to September 30, 2013 or as executed by both parties whichever is later.

SECTION ONE – PURPOSE

The purpose of the 100 Days and Nights of Summer project is to provide funding to New Mexico law enforcement agencies for activities aimed at reducing traffic-related injuries and fatalities.

SECTION TWO – PROJECT FUNDING:

1. The total estimated cost for the Project is \$3,480.00. The Department has determined the funding source will be State Education and Enforcement funds. For the purpose of this program, the funds can be used for traffic-safety related enforcement overtime which is subject to change by the Department.
2. The Grantee shall pay all Project costs that exceed \$3,480.00. The Project budget is itemized as follows:

Personal Services	\$3,480.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$3,480.00

The Grantee may transfer funds between budget categories with prior written approval from the TSD Director when the transfer of funds improves program effectiveness.

SECTION THREE – SCOPE OF WORK

The Grantee Shall:

A. Program Services:

This program allows for the cost of traffic safety-related enforcement overtime conducted in high crash locations, identified through use of local data. The TSD will pay actual hourly time-and-one-half for overtime enforcement in targeted locations from June 21, 2013 through September 30, 2013 at the participating officers' actual overtime rate. Reimbursement to the agency will be based solely on actual overtime rates of the officer conducting the operation.

B. ACTIVITIES:

1. Conduct high visibility patrols while enforcing traffic laws such as speeding, passing in school zones, construction zones and failing to stop for pedestrians and any violations of traffic laws identified in the New Mexico Criminal and Traffic Law Manual.
2. Pay all Project costs that exceed \$3,480.00.

C. Training:

1. Officers who request or are assigned to conduct S.T.E.P. operations should attend or must have attended a basic S.T.E.P. eight-hour course, or other specialized traffic safety-related training accredited by the New Mexico Department of Public Safety Training Center.
2. Officers conducting speed enforcement shall be radar certified.
3. Officers conducting or participating in DWI enforcement activities shall have and maintain law enforcement certifications in all areas necessary to conduct alcohol-related stops including all protocols set forth by the State of New Mexico Criminal and Traffic Law Manual.

D. Evaluation:

1. The Grantee will submit an activity report with each claim that includes the following information:
 - A. Type of law enforcement activity
 - B. Dates Worked
 - C. Total Hours Worked
 - D. Number of Officers Participating
 - E. Type Citations Issued
3. The Grantee will submit the final reimbursement claim and final report by October 31, 2013 which shall detail whether or not performance goals were met including a summary assessment of the project activities. The Final Report will include an analysis of the data reported from this Project Agreement and an analysis of the accomplishments of the project.

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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Kelly Bouska

Individual Making Request: Jon Clemons

Presentation at Meeting on: November 26, 2012

Date Submitted: October 24, 2012

Title of Request: County Excepting Las Maravillas Unit 1 street lights

Action Requested of Commission:

Consider excepting the streets lights at Las Maravillas Unit 1.

Information Background and Rationale

VIA has stated they will no longer be able to subsidize the excess cost of maintaining unit one in 2013. September 2011 a large portion of assessments that subsidized Las Maravillas street lights no longer exists. *See attached page for continuation.

What is the Financial Impact of this Request?

Unit 1 cost would be approximately the same as the cost for Las Maravillas Units 2 & 3 combined. Each group has 300 homes which is the total of 600 homes in Las Maravillas.

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:

Finance will have to adjust the budget through resolution to accommodate the unbudgeted expense. N.T

Based on actual 2011 bill amounts provided by PNM for the street light costs at Las Maravillas, the estimated annual electrical costs for the street lights in Unit 1 is \$8900. This cost does not include any maintenance costs. K.B.

County Manager:

No Comment B.S

CONTINUATION SHEET

Las Maravillas street lights

In 2006 our Homeowners Association (VIA) started a process of informing the residents of Las Maravillas that in the future there would be a drastic cut in financial support to Las Maravillas. This process should have been finalized in September 2011 when a large number of property assessments expired. A portion of those assessments supplemented the cost of maintaining Las Maravillas. The options were to rewrite the covenants or form a new HOA. September 2011 came and went and unit one was unable to do either option. The structure of our covenants does not allow us to raise assessments to meet the need for increased cost of maintaining of our community.

We have a deficit in our budget of \$14,000 per year that our assessments in 2013 will not cover. One of the items that may be cut is street lights. This is the same problem that unit two and unit three of Las Maravillas encountered when they became separate from VIA. Unit one total of 300 homes and unit two and unit three combined is 300 homes.

The lights must stay on as a public safety issue. We cannot wait for the lights to be out for a couple months before this is brought to the county commissioner's attention. There are children outside near the street at dark and residents walking their dogs along the road. Without lights they will be at risk. We have home break in and cars stolen even with the lights on. We cannot wait to see how much crime increases or someone is hurt when the lights go out.

The street light at the entrance to unit one was turned off for repair once and this caused a danger for traffic slowing down on the Manzano Expressway to look for the entrance in the dark. Darkness encourages more drugs trafficking at the entrance to the Marigold Park. At this time they have to park near a street light to do business.

The residents of Unit one of Las Maravillas respectfully request that the county assume responsibility for maintenance and electricity cost of our street lights as it has for Unit two and Unit three of Las Maravillas.

End of continuation of rationale

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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head:

Individual Making Request:

Presentation at Meeting on: November 21, 2012

Date Submitted: November 16, 2012

Title of Request: Resolution Supporting the 2012 Legislative Priorities of the New Mexico Association of Counties

Action Requested of Commission:

Consideration of a Resolution Supporting the 2012 Legislative Priorities of the New Mexico Association of Counties

Information Background and Rationale

The Board of Directors of the New Mexico Association of Counties approved six legislative priorities for consideration by the New Mexico Legislature at its 2012 Regular legislative session and has requested the Board of County Commissioners in each of the state's 33 counties adopt a resolution supporting the Association's legislative priorities.

What is the Financial Impact of this Request?

No Comment. NT

Legal:

This is a non-binding resolution in support of the Association of Counties legislative priorities. If the Commissioners agree with the priorities, the adoption of the resolution should be considered. AN

Finance:

No Comment. NT

County Manager:

No Comment. BS



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

**A RESOLUTION SUPPORTING THE 2012 LEGISLATIVE PRIORITIES OF THE
NEW MEXICO ASSOCIATION OF COUNTIES**

WHEREAS, in August 2012, the Board of Directors of the New Mexico Association of Counties approved six legislative priorities for consideration by the New Mexico Legislature at its 2012 Regular legislative session; and,

WHEREAS, the Association has requested the Board of County Commissioners in each of the state's 33 counties adopt a resolution supporting the Association's legislative priorities; and,

WHEREAS, this is an important step in assuring maximum understanding of, and support for, the Association's legislative priorities at the county level; and,

WHEREAS, the adoption of such resolutions will enable the Association to demonstrate to the state legislature local and statewide support of the Association's legislative priorities; and,

WHEREAS, the legislative priorities adopted by the Association's Board of Directors include support for legislation on the following six issues:

- A. Disclosure of sales data for all real property;
- B. Authorizing local government royalties for database access;
- C. Decriminalization of minor traffic offenses;
- D. Funding for rural emergency medical systems;
- E. Mandating sales of delinquent properties;
- F. Expanding the list of fireworks restricted by local governments

NOW, THEREFORE, BE IT RESOLVED that the Valencia County Board of County Commissioners does hereby support the legislative priorities of the New Mexico Association of Counties as set forth above, and urges that legislation incorporating these priorities be enacted by the state legislature during its 2012 Regular legislative session.

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

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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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Nick Telles

Individual Making Request: Nick Telles

Presentation at Meeting on: October 21, 2012

Date Submitted: November 16, 2012

Title of Request: Consideration of Budget Adjustment Request (BAR) for FY12/13 and Request for Resolution.

Action Requested of Commission:

Consideration of Resolution to provide for a Budget Adjustment Request placing in the FY12/13 budget a DOT grant related to Fire Station Road in Valencia County.

Information Background and Rationale

On September 5, 2012 the Commission approved 2012 legislative appropriation agreement to rehabilitate Fire Station Road in the amount of \$100,000.

What is the Financial Impact of this Request?

The \$100,000 will be reimbursed to the County as soon as the project is complete.

Legal:

Approval of the Budget Adjustment request is necessary to adjust the FY12/13 budget to reflect the DOT grant for improvements to Fire Station Road. D.P.

Finance:

The BAR will allow funds to be received and expensed by Valencia County.

County Manager:

(Date)

**A Budget Adjustment Resolution Placing in FY12/13 DOT Grant Funds for
Fire Station Road**

Resolution No. _____

WHEREAS, the Board of County Commissioners of Valencia County, meeting in regular public session November 26, 2012, deems it necessary to place in the Fiscal Year 2012-13 Budget DOT Grant Funds related to Fire Station Road ; and,

WHEREAS, on September 5, 2012, the Commission approved the 2012 Legislative Appropriation Agreement to rehabilitate Fire Station Road in the amount of \$100,000.00; and

WHEREAS, to expend such DOT Grant Funding, the 2012-13 Budget needs to be adjusted to reflect the Legislative Appropriation to rehabilitate Fire Station Road.

NOW, THEREFORE, BE IT RESOLVED, that the Valencia County Board of County Commissioners that the 2012-13 Budget is adjusted to reflect the \$100,000.00 Legislative Appropriation to rehabilitate Fire Station Road.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF NOVEMBER, 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

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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Bruce Swingle

Individual Making Request: Glenda Chavez

Presentation at Meeting on: 11.26.12

Date Submitted: 11.15.12

Title of Request: Consideration to approve Mutual Aid Agreement – Village of Los Lunas Transportation Center.

Action Requested of Commission:

Requesting consideration to approve the Mutual Aid Agreement with the Village of Los Lunas for the use of the Los Lunas Transportation Center for an Emergency Operations Center.

Information Background and Rationale

The County does not have infrastructure available to support an Emergency Operations Center during a disaster, request for services, or a large scale emergency. The Village of Los Lunas has infrastructure that supports the use of an Emergency Operations Center at the Los Lunas Transportation Center. The Building has rooms that support land-line telephones, computer use, amateur radio capabilities and aid dispatch. The Village of Los Lunas has graciously offered the use of their resources to support the effort of emergency management.

What is the Financial Impact of this Request?

The only financial impact will be the resources that the County Office of Emergency Management places to support the continued efforts of the Emergency Operations Center. The funds will be sought through grants. If the County wishes to contribute additional funds to improve the location the County is free to assist. As noted in the MOA, there is no request for funds from the Village of Los Lunas.

Legal:

"This MOA provides a legal framework for the use of Los Lunas Emergency Operation Center. The form of the MOA is legally sufficient." AD

Finance:

Costs are nominal. Only cost would be for staff at the time of an emergency. NT

County Manager:

No Comment. BS

MUTUAL AID AGREEMENT FOR EMERGENCY OPERATION CENTER USE

This Mutual Aid (hereinafter referred to as "Agreement") is entered into by and between Valencia County ("County"), New Mexico, and the Village of Los Lunas ("Village"), collectively referred to as "the Parties" and is effective upon the approval of each respective entities.

PREAMBLE

WHEREAS the County of Valencia (hereinafter "County") is a New Mexico County established by NMSA 1978 Section 4-32-1 (1852); and,

WHEREAS, the Village of Los Lunas (hereinafter "Village") an entity incorporated in 1928, located within the boundaries of the County; and,

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to "protect generally the property of its municipality and its inhabitants" and to "preserve peace and order"; and,

WHEREAS, the Village maintains a site to operate an Emergency Operations Center (EOC) management capable of providing multi-agency coordination (MAC) and for single incidents for incident management; and,

WHEREAS, the parties agree that the community would best be served if they were able to utilize the Emergency Operations Centers of the Village.

THEREFORE, the parties mutually agree as follows:

1. This Agreement is activated when the EOC is required to be activated in order to provide an effective response and recovery to protect human life, property or natural resources.
 2. The County shall request activation and use of the other's EOC by communicating with the Village's emergency operations director or his/her designee
 3. Upon such a request, the Village will provide its EOC including equipment and personnel to the County.
 4. During all responses, both parties will follow the National Incident Management System. Each party will follow the requesting party's written procedures to ensure that a chain-of-evidence is maintained.
 5. Neither party to this Agreement shall be entitled to any reimbursement or compensation for all or any part of the costs incurred by such party in furnishing either Mutual Aid in emergency responses and preserving life and property, except as negotiated by the parties for particular assignments or courses in advance of the performance of such services, and which shall be submitted by addendum in accordance with paragraph 10. This does not include cost recovery, as allowed by law, available by the responding organization from a responsible third party.
 6. Any service performed in accordance with this Agreement by any officer, employee, or volunteer of the County or Village shall constitute service rendered in the line of duty in such office, employment or volunteer service.
 7. The Parties each agree to use its best efforts to protect the other's equipment and personnel, furnished pursuant to this Agreement, during periods of civil disturbance. In the event such
- Mutual Aid Agreement – Emergency Operations Center

protection is deemed inadequate either party may refuse to provide EOC equipment and personnel until the situation is remedied, even though said equipment and personnel may have been previously committed.

8. As between the parties, each party will be solely responsible for liability arising from personnel injury or damage to person's property occasioned by its employees or agents. The liability of the Counties shall be subject in all cases to the immunities and limitations of the Tort Claims Act, Section 41-4-1 et seq., NMSA 1978, and any amendments thereto.
9. Neither party's employees will be considered employees of the other party for any purpose, including, but not limited to, worker's compensation, insurance, nor any other benefits afforded to employees of the other party. Personnel will not receive any compensation from the other for their participation under this Agreement. Neither party has any express or implied authority to assume or create any obligation or responsibility on behalf of or in the name of the other party.
10. This Agreement is effective upon the date of signing of the last party hereto and shall continue in force unless terminated by either party upon thirty (30) days prior written notice to the other.
11. This Agreement supersedes all previous contracts between the parties for Mutual Aid use of EOCs and may not be amended except by a written instrument executed by the parties hereto.
12. Either party may terminate the agreement for any reason upon giving the other party ninety (90) days written notice.

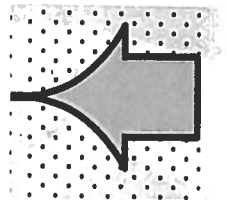
IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates below.

COUNTY OF VALENCIA: APPROVED, ADOPTED, AND PASSED on this ____ day of _____ 2012.

BOARD OF COUNTY COMMISSIONERS

DONALD HOLLIDAY, CHAIR
DISTRICT V

MARY ANDERSON , COMMISSIONER
DISTRICT I



GEORGIA OTERO-KIRKHAM COMMISSIONER
DISTRICT II

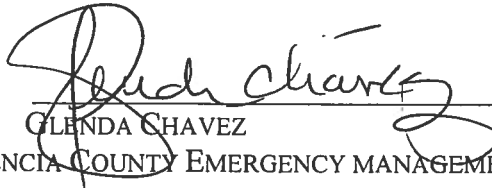
LAWRENCE ROMERO, COMMISSIONER
DISTRICT III

RON GENTRY , COMMISSIONER
DISTRICT IV

ATTEST BY:

SALLY PEREA, COUNTY CLERK
Mutual Aid Agreement – Emergency Operations Center

RECOMMENDED:



GLENDA CHAVEZ
VALENCIA COUNTY EMERGENCY MANAGEMENT COORDINATOR

VILLAGE OF LOS LUNAS:

APPROVED on this _____ day of _____, 2012.

ROBERT VIALPANDO, MAYOR

GREGORY D. MARTIN, ADMINISTRATOR

RECOMMENDED:

MARTIN CALLAHAN, COMPUTER SPECIALIST, COMMUNITY DEVELOPMENT

ATILANO CHAVEZ, FIRE CHIEF

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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Bruce Swingle

Individual Making Request: Glenda Chavez

Presentation at Meeting on: 11.26.12

Date Submitted: 11.15.12

Title of Request: Consideration to approve State Homeland Security Grant - 2012

Action Requested of Commission:

Consideration to approve the grant funds in the amount of 50,665.00 to further the preparedness efforts of homeland security through Valencia County Office of Emergency Management.

Information Background and Rationale

The State of NM Department of Homeland Security and Emergency Management offer funds to each county that applies for funding. The funds are to be applied toward emergency management preparedness functions.

What is the Financial Impact of this Request?

None, there is no match requested. The human capital involved with purchasing, conducting meetings and to carry out grant stipulations. Need to create of a line item for auditing purposes.

Legal:

"The New Mexico Department of Homeland Security sub-grant agreement is a standard State of New Mexico format setting forth the obligations of the parties and the terms and conditions of the grant. The format is legally acceptable to the County." AD

Finance:

This will need a Budget Adjustment Resolution to meet DFA guidelines. NT

County Manager:

This grant will enhance the area's emergency communication abilities. BS



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

2012 State Homeland Security Grant Program
2012 Federal Grant No. EMW-2012-SS-00097-S01 CFDA No. 97.067

1. Sub-Grant No. EMW-2012-SS-00097-S01- VALENCIA COUNTY	2. Recipient VALENCIA COUNTY	3. FIDUCIARY VALENCIA COUNTY	4. DFA VENDOR NUMBER/DUNS NUMBER 54407/ 040706756
5. Recipient Address Valencia County P. O. Box 1119 Los Lunas, NM 87301		6. Issuing Office and Address New Mexico Department of Homeland Security & Emergency Management P. O. Box 27111 Santa Fe, NM 87502	
7. Effective Date of This Action October 15, 2012		8. DHSEM Grant Specialist: Brian Chavez	Phone: 505-476- 9614 Fax: 505-476-9695 Email: BrianL.Chavez@state.nm.us
9. Termination Date October 14, 2013			
10. Funding: Total Awarded Amount: \$ 50,665.00			
11. Grant Requirements, Assurances and Agreements: <i>(see attached Grant Requirements, Assurances and Agreements)</i> The acceptance of a grant from the United States creates a legal duty on the part of the grantee to use the funds or property made available in accordance with the conditions of the grant through the State.			
12. Special Conditions: Grant funds cannot be expended until these conditions have been met. <ul style="list-style-type: none">a. Project Budget Details are funding allocations, and are not to be construed as expenditure authorizations or approvals. Grant program guidelines and Federal, State, and local contracting and procurement compliance requirements apply. Items procured with SHSGP grant funds will be considered a state resource in times of need.b. Quarterly financial and progress reports are due on 1/30, 4/30, 7/30, and 10/30.c. DHSEM Programmatic and Grant pre-approvals are required for all equipment, training, planning, and exercise obligations regardless of any application review. And all equipment must be purchased and deployed in accordance with the jurisdictions 2012 SHSGP application.d. Request for reimbursement will not be processed if quarterly financial and programmatic reports are delinquent.e. Generators purchased must be mobile unless they are part of an approved tower project.f. Communication Equipment: If a revision of scope of work is requested it must be approved by SICWG, DHSEM grant staff as well as program staff before the jurisdiction can proceed.g. Procurement from Minority Owned and Women Owned Business is encouraged, and must be tracked and reported to DHSEM on the quarterly reports.h. Emergency Operations Plans must satisfactorily address the plan requirements outlined in the DHSEM Local Emergency Operations Plan Review crosswalk before payment.i. NEPA/EHP Compliance; The recipient must provide information to DHSEM to assist with the legally required environmental planning and historic preservation (EHP) review and to ensure compliance with the applicable EHP laws and Executive Orders (EO). These EHP requirements include but are not limited to National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, E 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice. The recipient must comply with all Federal, State and Local EHP requirements and obtain applicable permits and clearances during the performance periodj. All SHSGP sub-grantees must be NIMS compliant and must undergo a yearly NIMSCAST site visit and complete their jurisdictions NIMSCAST assessment on or before September 30.k. Resource typing database must be updated quarterly in E-Team.l. Budget or Program changes must be approved by Program and Grant Staff.m. Annual external audit reports must be submitted to DHSEM within 30 days of receipt by sub-recipientsn. Contracts must be pre-approved by DHSEM prior to obtaining vendor and sub-recipient signatures.o. The accounting system and financial capability questionnaire must be completed by the sub-recipient and DHSEM grant staff within 60 days of the sub-grant dissemination and prior to funds being released.p. Each jurisdiction is required to conduct one operations-based exercise to test the field capabilities of equipment purchased with past or current federal preparedness grant within the performance period. The operations-based exercise must be a Homeland Security Exercise and Evaluation Program (HSEEP) compliant exercise. The exercise must be entered into the National Exercise Schedule (NEXS) in the Homeland Security Exercise and Evaluation Program (HSEEP) Toolkit. Additionally, documents must be entered into NEXS to include the After-Action Report/Improvement Plan (AAR/IP) within 60 days following the end of the exercise.q. Every effort must be made to expend funds within the initial performance period. Extension requests will be considered and approved on a limited basis. Remaining balances will be reviewed and may be re-allocated to other jurisdictions.			

13. Recipient is required to sign and return the original of this document, as well as the signed and accepted grant requirements, assurances and agreements to the Issuing Address in block within 30 days from the date in block	
14. Signature of Jurisdiction Grant Specialist/Program Manager	Date: 1/16/12 Phone: 505 866 7043 Fax: Email: lenda.chavez@co.valen
Printed Name: LENDA CHAVEZ	
15. Signature of Jurisdiction Chief Financial Officer	Date: Phone: Fax: Email:
Printed Name:	
16. Signature of Jurisdiction Signatory Official	Date: Phone: Fax: Email:
Printed Name and Title:	
17. DHSEM Signatory Official (Name and Title)	Date:

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

The VALENCIA has been awarded \$50,665.00 shall be used to support activities **essential** to the ability of states, territories, and areas to prepare for, prevent, and respond to terrorist attacks and other all-hazards **events**.

The scope of work is as follows:

Project 1: LETPA: 28,685.00 TOUGHBOOKS CAD/COMMUNICATIONS

Project 2: SUSTAINMENT: (SEE PROJECT 1)

Project 3: TRAINING & EXERCISE: 5,607.00 MULTI AGENCY COORDINATION

Project 4: ADDITIONAL PROJECT #1: 15,000.00 COMMUNICATIONS TO **EXPAND** CAPABILITIES

Project 5: ADDITIONAL PROJECT #2: 1,373.00 RADIO CHARGERS

The performance period of this grant award is October 15, 2012 through October 14, 2013. VALENCIA cannot sub-grant all or any of this award to any other entity or organization. All awards require confirmation **within** the first reporting quarter that expenditures in the budget category toward projects will be made, or DHSEM will execute de-obligation of the funds.

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

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

Recipients shall not undertake any activity from the project that would result in **ground disturbance**, facility modification, or relates the use of sonar equipment without the prior approval of FEMA. These include but are **not limited** to communications towers, physical security enhancements involving ground disturbance, new construction, and **modifications** to buildings that are 50 years old or older. Recipient must comply with all mitigation or treatment measures required for the **project** as the result of FEMA's EHP review. Any change to an approved project description will require re-evaluation for **compliance** with EHP requirements before the project can proceed. If ground disturbing activities occur during project implementation, the recipient must ensure **monitoring** of ground disturbance and if any potential archeological resources are discovered, the recipient **will immediately** cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. **Initiation** of these activities prior to completion of FEMA's EHP review will result in a non-compliance finding and may not be eligible for **grant funding**.

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

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

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

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

(F) Non-reimbursable Expenses:

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

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

(H) Procurement: Procurement shall comply with local procurement policies and procedures, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of *28 CFR Parts 66 and 70, and 2 CFR Part 215 "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments."* Contractors that develop or draft specifications, requirements, Statements of Work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted

to provide maximum open and free competition. **Each sole-source procurement, single vendor response to a competitive bid, and all purchases require prior approval of DHSEM.** DHSEM has provided a summary of documentation required for levels of procurement and attached it to the instructions on the quarterly *Financial Progress Reports*.

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

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

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

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

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

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

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

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

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

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

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

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

- a. If a project cannot be operational within the first reporting quarter of the approved award date, the sub-grantee must submit a written statement signed by the signatory officials to DHSEM, justifying the implementation delay, expected starting date, and a formal request to extend the project start date past the first reporting quarter. At the discretion of DHSEM, the grant award is subject to cancellation and funds may be de-obligated and reallocated to other projects.

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

(A) The performance period for this grant award is **October 15, 2012 through October 14, 2013**. Monies may not be obligated outside of this time period. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period when the **Final Progress Reports** are due.

(B) The sub-recipient shall comply with the requirements and restrictions of the FY2012 State Homeland Security Grant Guidance, State Guidelines, and the State Homeland Security Strategy. By signing this obligating award document, the sub-recipient certifies it has read, understood and accepted these documents as binding.

(C) The signature of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. The sub-recipient shall follow the financial management requirements imposed on them by DHSEM, which includes the requirements of U.S. Department of Homeland Security.

(D) The signature of the signatory officials on this award attests to **VALENCIA** understanding, acceptance, and compliance with **Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications**. Federal funds will not be used to supplant State or local funds. Federal funds must be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose. Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit.

(E) The VALENCIA shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.

(F) The VALENCIA shall comply with Federal Civil Rights Laws and Regulations: *Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Americans with Disabilities Act of 1991*. VALENCIA will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. *Executive Order 13347 Individuals with Disabilities in Emergency Preparedness* requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism.

(G) The VALENCIA certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (for USDHS/DOJ grants). An EEOP is not required for recipients of less than \$25,000.00 or fewer than 50 employees.

(H) The VALENCIA certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.

- (I) It is the responsibility of VALENCIA as the recipient of these federal funds to fully understand and comply with the requirements of:
- 2CFRPart 215, *Grants and Cooperative Agreements with State and Local Governments* at www.whitehouse.gov/omb/circulars/a102/a102.html.
 - 2 CFR Part 225 *Cost Principles for State, Local and Indian Tribal Governments* at www.whitehouse.gov/omb/circulars/index.html.
 - 2 CFR Part 215 *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
 - 2 CFR Part 220 *Cost Principles for Educational Institutions* at www.whitehouse.gov/omb/circulars/index.html
 - 2 CFR Part 230 *Cost Principles for Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
 - OMB Circular A-133 *Audits of States, Local Governments and Non-Profit Organizations* at www.whitehouse.gov/omb/circulars/index.html
 - CFR Title 48 Federal Acquisition Regulations Systems Chapter 1 Part 31 *Contract Cost Principles and Procedures*
 - Common Rule: *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*. Incorporated into individual Federal agency's *Code of Federal Regulations*.
 - OGO *Financial Guide* www.dhs.gov/dhspublic/interweb/assetlibrary/Grants_FinancialManagementGuide.pdf
 - New Mexico State Procurement Code <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>
 - New Mexico Administrative Code Title 2 – Public Finance <http://www.nmcpr.state.nm.us/NMAC/ title02/title02.htm>

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



Grant Specialist's/Program Manager's Signature

Chief Financial Officer's Signature

Signatory Official's Signature



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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Bruce Swingle

Individual Making Request: Glenda Chavez

Presentation at Meeting on: 11.26.12

Date Submitted: 11.15.12

Title of Request: Consideration to approve Hazard Mitigation Grant - DHSEM

Action Requested of Commission:

Consideration to approve the grant funds in the amount of \$36,000.00 for the preparation of a Multi-Jurisdictional Hazard Mitigation Plan.

Information Background and Rationale

The current Hazard Mitigation Plan has expired and there are many requests for additional information from FEMA. The Hazard Mitigation Plan allows follow-up requests for funds to be requested (via grant) on the mitigation actions identified by the entities identified. The funds may be requested for infrastructure projects to help mitigate against the hazards identified. The plan addresses hazards through historical documents, population data, housing data, insurance data and geographic settings.

What is the Financial Impact of this Request?

There is a cost match of \$12,000.00 – The City of Belen, the Village of Los Lunas, the Village of Bosque Farms and the Town of Peralta in conjunction with Valencia County have pledged in-kind services to equal the \$12,000.00 match.

Legal:

“The grant agreement is in a standard State of New Mexico format setting forth the obligations of the parties and the terms and conditions of the grant. The format is legally acceptable to the County.” AD

Finance:

This will need a Budget Adjustment Resolution to meet DFA guidelines. NT

County Manager:

If approved, this grant will enhance the areas emergency planning. BS



**NEW MEXICO DEPARTMENT OF HOMELAND SECURITY
& EMERGENCY MANAGEMENT**
Obligating Award Document for
Federal Grant No. PDMC-PL-06-NM-2012-001 CFDA No. 97.047

1. Sub-Grant No. PDMC-PL-06-NM-2012-001-VALENCIA COUNTY	2. Recipient Valencia County	3. DUNS Number 040706756	4. Vendor Number 54407
5. Recipient Address <p style="text-align: center;">Valencia County P.O. Box 1119 Los Lunas, NM 87301</p>		6. Issuing Office and Address <p style="text-align: center;">New Mexico Department of Homeland Security & Emergency Management PO Box 27111 Santa Fe, NM 87502</p>	
7. Effective Date of This Action <p style="text-align: center;">September 10, 2012</p>		8. DHSEM Grant Specialist: <p style="text-align: center;">Brian Chavez</p>	
9. Termination Date: <p style="text-align: center;">September 9, 2013</p>		Phone: 505-476-9614 Fax: 505-476-9695 Email: brianl.chavez@state.nm.us	
10. Grant Award and Terms and Conditions: (see attached Grant Terms and Conditions) <p style="text-align: center;">Total Awarded Amount: \$48,000.00 FEDERAL SHARE: \$36,000.00 LOCAL SHARE: \$12,000.00</p> <p><i>Project Budget Details are funding allocations, and are not to be construed as expenditure authorizations or approvals. Grant program guidelines and Federal, State, and local contracting and procurement compliance requirements apply.</i></p>			
11. Grant Requirements, Assurances and Agreements: (see Grant Requirements, Assurances and Agreements) <p><i>The acceptance of a grant from the United States creates a legal duty on the part of the sub-recipient to use the funds or property made available in accordance with the conditions of the grant through the State.</i></p>			
12. Special Conditions: All payments shall be made upon an actual cost reimbursement basis. <ul style="list-style-type: none"> • All contracts must be pre-approved by DHSEM program and grant staff and meet all state and federal requirements. • The Sub-recipient shall submit a Request for Payment along with all appropriate supporting financial and programmatic reporting documentation. RFA forms are not required. • Reimbursements can be requested on a quarterly basis or as needed. • Reimbursement requests will be held pending evaluation of performance and financial documentation. • Final payment of 15% will not be made until FEMA issues official approval letter. • Quarterly financial reports are due to the Grant Manager on 4/30, 7/30, 10/30, and 1/30 for each year the sub-award is open. • Quarterly progress reports are due to the Program Manager on 4/15, 7/15, 10/15, and 1/15 for each year the sub-award is open. • Request for reimbursement will not be processed if quarterly financial and programmatic reports are delinquent. 			
13. Recipient is required to sign and return the original of this document as a whole and return to the issuing agency within 30 days of receipt.			
14. Signature of Jurisdiction Grant Specialist Printed Name:		Date: _____ Phone: _____ Fax: _____ Email: _____	
15. Signature of Jurisdiction Chief Financial Officer Printed Name:		Date: _____ Phone: _____ Fax: _____ Email: _____	
16. Signature of Jurisdiction Signatory Official Printed Name and Title:		Date: _____ Phone: _____ Fax: _____ Email: _____	
17. DHSEM Signatory Official (Name and Title)		Date	

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

(A) Scope of Work: Valencia County has been awarded funds in order to update the Valencia County Mitigation Plan. Funds shall be utilized as outlined within the approved budget as awarded by FEMA.

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

(C) Reporting Requirements: Valencia County shall submit timely quarterly *Narrative* and *Financial Progress Reports* to the Grant specialist as well as the program specialist at DHSEM. Instructions and blank forms are attached and are located electronically at <http://www.nmdhsem.org>, and may be reproduced. Jurisdictions must check the web site quarterly for most current forms. Use of outdated forms will not be accepted. Quarterly reports are due: 4/30, 7/30, 10/30, and 1/30 for each year the sub-award is open.

Narrative Progress Reports shall describe the status of the project, compare actual accomplishments to the objectives established for the reporting period in the project timeline, report reasons for deviation and justification for timeline adjustment requests, and must support the *Financial Progress Reports*. Include any significant events or activities. Progress must be reported relative to the project timeline and milestones stated in the jurisdiction's application. *Financial Progress Reports* shall describe the status of the funds, show encumbrances, and receipts of program income, cash or in-kind contributions to the project, whether or not a local match is required. The *Final Progress Report* is a summary report, evaluating project activities and measuring performance against project goals and objectives for the entire performance period, and is required *in addition* to the final financial report.

(D) Reimbursements: Submit a *Request for Reimbursement* along with the *Financial Progress Report* form. Reimbursement shall be based upon authorized and allowable expenditures consistent with project narrative and grant guidelines, and submission of timely quarterly *Narrative* and *Financial Progress Reports*. Payments may be withheld pending correction of deficiencies. Reimbursement of expenditures may be requested at any time within the performance period so long as reports are current. Expenditures must be supported with source documentation (e.g. copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.).

- **Personnel Costs:** Payroll reports signed and certified by the chief financial officer that capture the employee name, position, coded allocation to the project, amount paid, are acceptable. Staff may not self-certify their own time and wages. **Valencia County** shall retain all supporting payroll records, including time and attendance records signed by the employee and supervisor and copies of warrants as per the recordkeeping requirements in Section 1.J.
- **Contracts:** All sole-source procurements, single vendor response to a competitive bid, and contracts require DHSEM pre-approval prior to implementation. Copies of all contracts required for submission to DHSEM with the request for reimbursement.
- **Local Match:** Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.

(E) Non-reimbursable Expenses:

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

(F) Procurement: Procurement shall comply with local procurement policies and procedures, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of 28 CFR Parts 66 and 70, and OMB Circular A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments." Contractors that develop or draft specifications, requirements, Statements of Work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition. **Each sole-source procurement, single vendor response to a competitive bid, and all purchases require prior**

approval of DHSEM. DHSEM has provided a summary of documentation required for levels of procurement and attached it to the instructions on the quarterly *Financial Progress Reports*.

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

(H) Publications: Publications created with funding under this grant shall prominently contain the following statement: ***This Document was prepared under a sub-grant from the FEDERAL EMERGENCY MANAGEMENT AGENCY, and the NEW MEXICO DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the Federal Emergency Management Agency of New Mexico Department of Homeland Security and Emergency Management.***

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

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

(K) Performance Measures: Quarterly Performance and Financial Reports shall demonstrate performance and progress relative to:

1. Acceptable performance on applicable critical tasks in Exercises using approved scenarios
2. Progress in achieving project timelines and milestones
3. Percent measurable progress toward completion of project
4. How funds have been expended during reporting period, and explains expenditures related to the project

Reports are due on 10/30, 1/30, 4/30, and 7/30 for each calendar year the award is open.

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

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

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

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

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

(P) Project Implementation: Project implementation shall begin within the first reporting quarter.

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

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

(A) **The performance period for this grant award is September 10, 2012 through September 9, 2013. Monies may not be obligated outside of this time period. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period when the Final Progress Reports are due.**

(B) The signature of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. **Valencia County** shall follow the financial management requirements imposed on them by DHSEM, which includes the requirements of federal Emergency Management Agency.

(C) **The signature of the signatory officials on this award attests to Valencia County understanding, acceptance, and compliance with Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications. Federal funds will not be used to supplant State or local funds. Federal funds must be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose.**

Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit.

(D) **Valencia County** shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.

(E) **Valencia County** shall comply with Federal Civil Rights Laws and Regulations: *Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Americans with Disabilities Act of 1991.* **Valencia County** will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. *Executive Order 13347 Individuals with Disabilities in Emergency Preparedness* requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism.

(F) **Valencia County** certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (for USDHS/DOJ grants). An EEO is not required for recipients of less than \$25,000.00 or fewer than 50 employees.

(G) **Valencia County** certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.

(H) It is the responsibility of **Valencia County** as the recipient of these federal funds to fully understand and comply with the requirements of:

- a. Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121-5207, and Related Authorities, http://www.fema.gov/pdf/about/stafford_act.pdf
- b. 44 CFR: Emergency Management and Assistance, http://www.access.gpo.gov/nara/cfr/waisidx_00/44cfrv1_00.html
- c. OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments at www.whitehouse.gov/omb/circulars/a102/a102.html.
- d. 2 CFR 225 Cost Principles for State, Local and Indian Tribal Governments at www.whitehouse.gov/omb/circulars/index.html.
- e. OMB Circular A-110 Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations at www.whitehouse.gov/omb/circulars/index.html
- f. OMB Circular A-21 Cost Principles for Educational Institutions at www.whitehouse.gov/omb/circulars/index.html
- g. OMB Circular A-122 Cost Principles for Non-Profit Organizations at www.whitehouse.gov/omb/circulars/index.html
- h. OMB Circular A-133 Audits of States, Local Governments and Non-Profit Organizations at www.whitehouse.gov/omb/circulars/index.html
- i. CFR Title 48 Federal Acquisition Regulations Systems Chapter 1 Part 31 Contract Cost Principles and Procedures
- j. OMB Common Rule: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Incorporated into individual Federal agency's Code of Federal Regulations.
- k. OGO Financial Guide www.dhs.gov/dhspublic/interweb/assetlibrary/Grants_FinancialManagementGuide.pdf
- l. New Mexico State Procurement Code <http://www.conwaygreene.com/nmsu/lpext.dll?templates&fn=main-h.htm&2.0>
- m. New Mexico Administrative Code Title 2 - Public Finance <http://www.nmcpr.state.nm.us/NMAC/title02/title02.htm>

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


Jurisdiction Grant Specialist's Signature

Jurisdiction Chief Financial Officer's Signature

Jurisdiction Signatory Official's Signature

END

OF

AGENDA