



February 20, 2013
Agenda
3:00 P.M. Business Meeting
Valencia County Commission
Chambers
444 Luna Avenue
Los Lunas, NM 87031

Board of County Commissioners
Charles Eaton, Chair District IV
Alicia Aguilar, Vice-Chair District II
Mary Andersen District I
Lawrence R. Romero District III
Donald Holliday District V

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

January 18, 2013...Special Meeting
January 23, 2013...Business / Public Meeting
January 30, 2013...Special Meeting
February 4, 2013...Commissioner's Retreat

Two handwritten signatures in black ink, likely of the County Commissioners, are written over the agenda items.

PRESENTATION(S)

- 5) City of Belen – Hospital Presentation begins at 3pm.
- 6) Village of Los Lunas & Miller Architect – Hospital Presentation begins at 4pm.

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

- 7) Consideration of the Indigent Report, 2 appeals and discussion to reduce Indigent Fund Balance. **Barbara Baker / Dan Zolnier**

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

ACTION ITEM(S)

- 8) Consideration of Findings of Fact and Conclusions of Law denying Valencia County License Venture's application to transfer liquor license 0510/Application No. A-838648 from 2765 State Highway 47, Los Lunas, NM 87031 to proposed location of 3409 State Highway 47, Suite A, Los Lunas, NM 87031. **Peggy Carabajal**
- 9) Consideration to accept Resolution 2013-_____, Appointments Boards, Commissions & Committee's. **Bruce Swingle**
- 10) Consideration to approve Ordinance 2013-_____, adopting the 2006 edition of the International Fire Code. **Steven Gonzales**
- 11) Consideration to accept Resolution 2013-_____, CAP-13-14 (496), SB 7714(966) 14 & SP-3-14(976) **Lina Benavidez**
- 12) Consideration to accept Resolution 2013-_____ to apply for Financial Hardship with NMDOT to receive used equipment. **Lina Benavidez**
- 13) Consideration of Road Grading for Turbine Road in Valencia County. **John Olech, El Paso Natural Gas**
- 14) Consideration to accept Street Lights at the Las Maravillas Subdivision Unit 1. **Jay Vrooman**

15) Consideration to install additional street lights in Tome Vista subdivision. *Ron Pellegrino, VP Tome Vista Association*

FINANCIAL MATTERS:

16) Approval of Financial/Payroll warrants. *Nick Telles*

17) Consideration to accept Resolution 2013-_____ accepting Budget Revisions. *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.

NEXT COMMISSION MEETING:

♦ **March 3, 2013 – Business Meeting @ 5:00 P.M.**

Valencia County Commission Board Room 444 Luna Ave. LL, NM

ADJOURN:

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

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VALENCIA COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
(Canvass of Rio Communities Incorporation Election)

JANUARY 18, 2013

| PRESENT | ABSENT |
|---|--------------------|
| Charles Eaton, Chairman | |
| Alicia Aguilar, Vice-Chair | |
| Lawrence R. Romero, Member | |
| | Donald E. Holliday |
| | Mary J. Andersen |
| Bruce Swingle, County Manager | |
| Adren Nance & Dave Pato, County Attorneys | |
| Peggy Carabajal, County Clerk | |
| Press and Public | |

- 1) The meeting was called to order by Chairman Eaton at 10:01 A.M.
- 2) County Manager Bruce Swingle led the Pledge of Allegiance.
- 3) Approval of Agenda
Commissioner Aguilar motioned for approval. Seconded by Commissioner Romero. Motion carried unanimously.
- 4) Approval of Minutes
No minutes to approve

ACTION ITEM(S)

5) Consideration of Approval of the Canvass of the Rio Communities Incorporation Election – Peggy Carabajal
Valencia County Clerk Peggy Carabajal said that on Election Day there was one polling location which was held at the First Presbyterian Church in Rio Communities, there were four polling officials at that location that day, one called in sick that morning. Overall everything for the election went extremely well. There were 3,413 registered voters, 69 voted absentee-in-person. 50 voted for, 19 voted against. On Election day 622 voted for, 372 voted against. With a total of 672 for 391 against. Total number of votes for and against was 1,063.
Commissioner Romero motioned for approval of the canvass. Commissioner Aguilar seconded the motion. Motion carried unanimously.

Chairman Eaton asked for comments from the public:
Mark Gwinn stated how thankful he was to the Commissioners and the county for their support in this process. They held a meeting last Tuesday and the turnout was tremendous, there were anywhere from 125-140 people in attendance. Mr. Gwinn thinks that this turn out speaks volumes as to how the people are ready to start their own community. They are ready to get the ball rolling on their own Municipality Election. The area of the new municipality will include about 4,300 acres. The northern boundaries will be Sherrod Rd, past the elementary school and the two churches which connects to Military Rd will be the eastern boundary, the southern boundary will be Navajo Loop which runs into Rio Grande Stables which crosses to the river, Mike’s Burger off of Hwy 47 is the western boundary.
He stated that even some of the people that had voted against the incorporation are now ready to step up and be part of the committees and help in building the new government. He thanked all the Rio Communities residents for their support.
County Attorney Adren Nance stated that after the meeting he will sit down with Mr. Gwinn and the County Clerk to go over the dates and times to make sure everything is in order for the municipality election.
Commissioner Aguilar asked if the county needed to make any budget adjustments or plan for financial support with reimbursements back to the county from the new municipality. The County Manager stated that he and the Finance Director will meet with Mr. Gwinn and see what process needs to take place, also to determine what needs and resources the new municipality will need. After they have the meeting he will bring that information back before the Commissioners for a decision.

Minutes of January 18, 2013 Special Meeting

Commissioner Romero congratulated the citizens on becoming their own community and as their commissioner he is ready to start working together with them.

NEXT COMMISSION MEETING:

The next Business/Public Meeting of the Valencia County Board of County Commissioners will be held on January 23, 2013 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

Commissioner Romero moved for adjournment. Seconded by Commissioner Aguilar. Motion carried unanimously. TIME 10:18 A.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 18, 2013 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

- _____
CHARLES EATON, CHAIRMAN
- _____
ALICIA AGUILAR, VICE-CHAIR
- _____
LAWRENCE R. ROMERO, MEMBER
- _____
DONALD E. HOLLIDAY, MEMBER
- _____
MARY J. ANDERSEN, MEMBER

ATTEST:

PEGGY CARABAJAL, COUNTY CLERK

DATE

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VALENCIA COUNTY BOARD OF COMMISSIONERS

BUSINESS / PUBLIC MEETING

JANUARY 23, 2013

| PRESENT | ABSENT |
|---|-------------------------|
| Charles Eaton, Chairman | |
| Alicia Aguilar, Vice-Chair | |
| | Lawrence Romero, Member |
| Donald E. Holliday, Member | |
| Mary J. Andersen, Member | |
| Bruce Swingle, County Manager | |
| Adren Nance & Dave Pato, County Attorneys | |
| Peggy Carabajal, County Clerk | |
| Press and Public | |

1) The meeting was called to order by Chairman Eaton at 5:00 P.M.

2) Fire Chief Steven Gonzales led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Andersen moved for approval of the agenda. Seconded by Commissioner Aguilar. Motion carried unanimously.

4) Approval of Minutes: December 19, 2012 Business Meeting

Commissioner Holliday moved for approval of the minutes. Seconded by Commissioner Andersen. Motion carried unanimously.

January 2, 2013 Business Meeting

Commissioner Andersen stated that a correction needed to be made in the section of minutes regarding the Planning and Zoning Board appointments. Commissioner Andersen's and Commissioner Romero's appointees need to be reversed. The minutes should read Commissioner Andersen will retain Gregory Gaudette and Commissioner Romero will retain Joan Artiaga.

Commissioner Andersen moved for approval of the corrected minutes. Seconded by Commissioner Aguilar. Motion carried unanimously.

DISCUSSION (NON-ACTION) ITEM(S)

5) Reports from Commissions, Boards, and Committees.

Commissioner Andersen said there was an article published in the News-Bulletin last week while she was out of town; therefore she was not able to respond to the reporter. The article quoted the Planning Officer from the City of Belen as saying that she had personally given him permission to take whatever action they were reporting. Commissioner Andersen wants it recorded that she did not do such a thing. She "finds it incredible that Mr. Tomita would make such a statement, I am sure he is just as aware as I am that I have no such authority."

Commissioner Aguilar stated she had also read the article and thanked Commissioner Andersen for the clarification, knowing her as she does, Commissioner Aguilar did not think that the information regarding Commissioner Andersen was accurate.

Commissioner Aguilar stated that they had received letters from the Village of Los Lunas requesting to come before the County Commission at the meeting on February 20th, the village would like to present information on what they are doing in Los Lunas. Commissioner Aguilar asked that the Commissioners would allow this and look at it as a positive thing as there are two entities vying for a hospital and it is a good thing to listen to both and if the City of Belen would like to come forth and present information at the same meeting she said it would be great. The public has a lot of questions and they would appreciate the facts being presented to them.

Commissioner Aguilar stated that she had received numerous calls regarding the Solid Waste Contract, there were some questions that she was unable to answer; she would like time in today's meeting where some of these questions could be answered accurately so as to put a stop to some of the rumors and incorrect information. Commissioner Holliday asked if the Commission was prepared to answer the questions, do they have all the facts in front of them. County Attorney Nance stated he did not know the content of all of the questions that are going to be asked. Some of the questions directly regarding the

Minutes of January 23, 2013 Business/Public Meeting

protest, which is in Executive Session, possibly might not be answered until the protest is resolved. Other questions they may be able to discuss depending on the content and as to where they were at in the procurement process.

County Manager Bruce Swingle said he had a recent meeting with the Village of Los Lunas. Some of the Commissioners had expressed questions regarding the hospital, Los Lunas's role in the hospital and the GRT associated with the hospital administration. The Village of Los Lunas, made it very clear that they had sent a communication to the Miller Group to get a personal response from him. The first question asked was *Is it possible for Miller to move the proposed hospital from Los Lunas to any other site in Valencia County?* The answer was no, based on their research there is no other site which would accommodate a successful hospital.

The second question being *If the hospital remained in Los Lunas could they open an office in another jurisdiction outside of Los Lunas would they take the GRT with them?* The answer being, the hospital is designed with the administrative headquarters at the hospital, so where the hospital is built is where the GRT will rest.

Commissioner Holliday has a case in his district where there is a gentleman who had a fire on his property, this gentleman is ill and broke. He has been cited over and over again in regards to needing to have his yard cleaned up. The gentleman is unable to do this task himself. Commissioner Holliday spoke to Code Enforcement Officer Sonny Vega who assured him that the gentleman is indeed very ill and not able to personally clean the yard. Commissioner Holliday gets phone calls a few times a week from people wondering when this property will be cleaned up. He asked if the county has anything in place for hardship cases like this gentleman's. County Manager Swingle stated that we cannot as a governmental entity provide the service, but we do have outside resources that will be able to step in and provide the needed services. Mr. Swingle asked that he be provided with the gentleman's information and he will make arrangements for the matter to be taken care of. Chairman Eaton also stated that since there had been a fire on the property Chief Gonzales from the Fire Department might also be able to provide a helpful avenue with the Red Cross.

BOARD OF COUNTY COMMISSIONERS CONVENES AS PUBLIC HEARING BOARD

Commissioner Holliday motioned to convene as Public Hearing Board. Commissioner Andersen seconded the motion. Motion carried unanimously.

SWEARING IN OF PARTICIPANTS

County Clerk Peggy Carabajal administered the oath to those individuals wishing to give testimony at tonight's meeting.

PUBLIC HEARING ITEM(S)

6) Consideration of location transfer of the Liquor License 0510/Application No. A-838648 from 2765 St. Hwy 47, Los Lunas NM 87031 to proposed location of 3409 St. Hwy 47 Suite A, Los Lunas, NM 87031. (See Exhibit A)

Mark Rhodes accompanied by his business partner Mark Garcia spoke in regards to them wanting this transfer, not for opening a bar but for the purpose of opening a package liquor store.

Valencia County residents making public comments at today's meeting were Voil Lattin, Marjorie Wong, Glen Rael, Pastor Jim Montoya, and Daniel Aragon speaking on behalf of Patricia Garduno and Catherine Garduno,

These residents expressed their objection to the transfer of the liquor license. Some of the issues they brought up were that there are several churches in close proximity to the proposed location, too much traffic for such a small space, questionable characters loitering around and disturbing property, fear of theft or burglary by individuals trying to get money to buy the alcohol, having children from a nearby school exposed to the alcohol.

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

Commissioner Andersen motioned to re-convene as Board of County Commissioners. Seconded by Commissioner Aguilar. Motion carried unanimously.

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

Commissioner Andersen motioned to convene as Indigent Claims Board. Seconded by Commissioner Aguilar. Motion carried unanimously.

Minutes of January 23, 2013 Business/Public Meeting

7) Consideration of the Indigent Report 40 claims and 3 Indigent Appeals -Barbara Baker

County Manager Bruce Swingle represented Barbara Baker who was out sick. Mr. Swingle presented the Indigent Claims from December 6, 2012- January 3, 2013 and requested approval of \$39,901.36

Commissioner Holliday motioned for approval of the claims. Seconded by Commissioner Andersen. Motion carried unanimously.

Mr. Swingle presented an Indigent Appeal for Thomas Byrns in the amount of \$3,229.26 to be paid to Presbyterian Hospital.

Mr. Swingle presented an Indigent Appeal for Ivan Garcia in the amount of \$382.00 to be paid to Albuquerque Health Partners.

Mr Swingle presented an indigent Appeal for Jeanette Laurel in the amount of \$1156.00 to be paid to Lovelace Medical Center.

Commissioner Holliday motioned for approval of the three Indigent Appeals. Seconded by Commissioner Aguilar. Motion carried unanimously.

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

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

ACTION ITEM(S)

8) Consideration to accept Application No. A-838648 for location transfer of Liquor License 0510 from 2765 St. Hwy 47 Los Lunas, NM 87031 to proposed location of 3409 St. Hwy 47, Suite A, Los Lunas, NM 87031- Peggy Carabajal

Commissioner Holliday motioned to deny the application. Motion seconded by Commissioner Aguilar. Motion carried unanimously. (See Exhibit A)

9) Consideration to accept Resolution No. 2013-08, Public Notice describing Procedures to Inspect Public Records

Commissioner Andersen motion for approval of the resolution. Seconded by Commissioner Aguilar. Motion carried unanimously.

County Clerk Peggy Carabajal announced Resolution 2013-08. (See Exhibit B)

10) Consideration for a request to Publish Ordinance No. 2013-01, adopting the 2006 Edition of the International Fire Code - Steven Gonzales

Commissioner Andersen motioned for approval. Commissioner Aguilar seconded the motion. Motion carried unanimously.

County Clerk Peggy Carabajal announced Ordinance 2013-01. (See Exhibit C)

FINANCIAL MATTERS:

11) Approval of Financial/Payroll Warrants- Nick Telles

Accounts payable warrants in the amount of \$374,630.68. Payroll in the amount of \$413,782.29

Commissioner Andersen motioned for approval. Seconded by Commissioner Holliday. Motion carried unanimously. (See Exhibit D)

PUBLIC COMMENT:

Valencia County residents making public comments at today's meeting were Sharon Honeycutt, Jay Kortsch, Floyd Mullins, Ernie Byers, Judy Catuccio, Lee Davis, Karen Trujillo-Sutall, Dorothy Trujillo, Victor Sanchez

These residents expressed their opposition to the Solid Waste contract. Some of the concerns voiced by the residents included, a giant corporation like Waste Management will not care about the citizens, current WM customers are not satisfied with the company's customer service, having this contract will not solve the issue of illegal dumping of particular items, concerned about liens being placed on their property, not being able to afford the service, feeling like control is being taken away from the citizens by not having their own free will to choose whomever they want to pick up their trash, the contract may also put local trash haulers out of business.

Minutes of January 23, 2013 Business/Public Meeting

Frank Santiago with Waste Management stated that change is always a difficult thing and with change there will always be some dissatisfaction, but WM wants to satisfy their customers and by looking at the overall majority of WM customers they are highly satisfied with the company's service.

Chairman Eaton asked the County Manager to give a brief summary on as to how the RFP process originated to where we are today.

Charles Montoya from a trash hauling business stated that they did not place a bid because they looked at the RFP and they could not see it working in regards to how much delinquency they foresee from residents unwilling or not able to pay.

Randy Sanchez from a trash hauling business stated that he submitted a bid for the contract but he was not able to provide a bond that was required for the process, his bid was thrown out.

Commissioner Aguilar said she had received a phone call from Paul Alexander. Mr. Alexander was a member of the Solid Waste Committee, one of his comments was that the contract should have been a utility bid. He felt that the RFP was good, but was just the wrong item.

Commissioner Andersen stated that with her years of experience in purchasing she feels that Mr. Vinyard did everything correctly and fully believes that everything done was in accordance with the Procurement Code and the laws of New Mexico.

Chairman Eaton asked Purchasing Director Michael Vinyard if there was a scoring format that was established for the evaluation committee. Mr. Vinyard stated that yes there was one; it was built into the RFP. The format was stated right up front as to how the format was to work. It was specified clearly what areas were to be evaluated.

EXECUTIVE SESSION:

Pursuant to Section 10-15-1 (H) (2) (7) & (8) the following matters may be discussed in closed session; a) Personnel b) Pending or threatened litigation: **Solid Waste Protest; Barela vs. BOCC** c) real property d) other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Aguilar moved to go into Executive Session. Commissioner Andersen seconded the motion. Motion carried unanimously.

Commissioner Aguilar motioned to go back into Regular Session. Seconded by Commissioner Holliday. Motion carried unanimously.

County Attorney Adren Nance stated matters that were discussed in Executive Session were limited to the items listed on the agenda, which were consideration of Solid Waste Protest and Barela vs. BOCC.

Commissioner Aguilar motioned to approve the summary as stated by counsel. Seconded by Commissioner Andersen.

ACTION ITEMS:

12) Delegation Of Settlement Authority to County Manager for Barela vs. BOCC
Commissioner Holliday motioned for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

13) Instruct Purchasing Agent On Issuance of Protest Determination
According to County Attorney Pato the board will have the Purchasing Agent issue the determination as provided by the procurement code. No action by the board is required. Even though no voting action was required by the board, Commissioner Aguilar and Chairman Eaton stated that if action from them had been required they would have abstained from the vote because they have questions regarding this issue and weren't part of the RFP process that was taken before they came aboard.

NEXT COMMISSION MEETING:

The next Special Meeting of the Valencia County Board of County Commission will be held on January 30, 2013 at 9:00 A.M. in the County Commission Room at the Valencia County Courthouse.

Minutes of January 23, 2013 Business/Public Meeting

11) Adjournment

Commissioner Andersen moved for adjournment. Seconded by Commissioner Aguilar. Motion carried unanimously. TIME: 9:04 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 23, 2013 Business/Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

CHARLES EATON, CHAIR

ALICIA AGUILAR, VICE-CHAIR

LAWRENCE R. ROMERO, MEMBER

DONALD E. HOLLIDAY, MEMBER

MARY J. ANDERSEN, MEMBER

ATTEST:

PEGGY CARABAJAL, COUNTY CLERK

DATE

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VALENCIA COUNTY BOARD OF COMMISSIONERS

SPECIAL MEETING

JANUARY 30, 2013

| | |
|-------------------------------|--|
| PRESENT | |
| Charles Eaton, Chairman | |
| Alicia Aguilar, Vice-Chair | |
| Lawrence R. Romero, Member | |
| Donald E. Holliday, Member | |
| Mary J. Andersen, Member | |
| Bruce Swingle, County Manager | |
| Dave Pato, County Attorney | |
| Peggy Carabajal, County Clerk | |
| Press and Public | |

1) The meeting was called to order by Chairman Eaton at 9:01 A.M.

2) Valencia County Resident Mark Gwinn led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Holliday moved for approval of the agenda. Seconded by Commissioner Romero. Motion carried unanimously.

ACTION ITEM(S)

4) Approval of Rio Communities Incorporation Election Resolution for Municipal Offices. – Peggy Carabajal

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

County Clerk Peggy Carabajal announced Resolution 2013-09 (See Exhibit A)

NEXT COMMISSION MEETING:

The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on February 13, 2013 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 Romero. Motion carried unanimously. **TIME: 9:10 A.M.**

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 30, 2013 Special Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

CHARLES EATON, CHAIR

ALICIA AGUILAR, VICE-CHAIR

LAWRENCE R. ROMERO, MEMBER

DONALD E. HOLLIDAY, MEMBER

MARY J. ANDERSEN, MEMBER

ATTEST:

PEGGY CARABAJAL, COUNTY CLERK

DATE

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VALENCIA COUNTY BOARD OF COMMISSIONERS
MEETING

February 4, 2013

| PRESENT | Absent |
|-----------------------------------|----------------------------|
| Charles Eaton, Chairman | |
| Alicia Aguilar, Vice-Chair | |
| Mary J. Andersen, Member | |
| | Lawrence R. Romero, Member |
| Donald E. Holliday, Member | |
| Bruce Swingle, County Manager | |
| Dave Pato, County Attorneys | |
| Yvette Tabor, Executive Assistant | |
| | |

- 1) The meeting was called to order by Chairman Eaton at 10:15 A.M.
- 2) Chairman Eaton led the Pledge of Allegiance.
- 3) Approval of Agenda -
Chairman Eaton Approved the Discussion Items "County Initiatives for 2013"
- 4) Approval of Minutes:
No Minutes to approve.

DISCUSSION ITEM(S)

- 5) Tyler Conversion.
- 6) Jailhouse Expansion
- 7) Hospital Project
- 8) Solid Waste Program

NEXT COMMISSION MEETING:

The next Regular Meeting of the Valencia County Board of County Commission will be held on February 13, 2013 at 5:00 p.m./ Public Hearing in the County Commission Room at the Valencia County Courthouse.

11) Adjournment

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

CHARLES EATON, CHAIR

ALICIA AGUILAR, VICE-CHAIR

MARY J. ANDERSEN, MEMBER

LAWRENCE ROMERO, MEMBER

DONALD HOLLIDAY, MEMBER

ATTEST:

PEGGY CARABAJAL, 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: February 20, 2013
Date Submitted: February 8, 2013
Title of Request: Indigent Report/2 Appeals

Action Requested of Commission:

Consideration of the Indigent Report for February 20, 2013
Consideration of 2 Appeals for February 20, 2013

Information Background and Rationale

One Report with 110 claims (See attached)
Two Indigent Appeals (See attached)

What is the Financial Impact of this Request?

\$100,927.13 recommended for approval of the Indigent Report
\$51.90 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 appeals. The current balance in the Indigent Fund is \$2,914,548.36.

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

February 20, 2013

Dear Commissioners,

I would like to present the Indigent Claims from January 3, 2013 to February 8, 2013. The amount of claims submitted is \$1,077,067.67. I ask the Commission to approve \$100,927.13 and to deny \$976,140.54. There were 110 claims submitted, the breakdown is as follows;

- 41 - 37.28% - UNM Health Sciences Center
- 26 - 23.65% - Living Cross Ambulance
- 6 - 5.46% - Presbyterian Hospital
- 12 - 10.91% - Lovelace Medical Center
- 1 - .90% - Presbyterian Medical Group
- 7 - 6.37% - Radiology Associates
- 8 - 7.28% - UNM Medical Group
- 4 - 3.65% - Zia Diagnostic Imaging
- 1 - .90% - ABQ Health Partners
- 1 - .90% - UNM Dental Services
- 1 - .90% - Albuquerque Ambulance
- 2 - 1.80% - PHI Air Medical

The payment for approved claims is as follows;

- \$ 62,083.00 - UNM Health Sciences Center
- 8,992.00 - Living Cross Ambulance
- 11,900.02 - Presbyterian Hospital
- 15,294.56 - Lovelace Medical Center
- 82.46 - Presbyterian Medical Group
- 194.47 - Radiology Associates
- 1,113.51 - UNM Medical Group
- 243.98 - Zia Diagnostic Imaging
- 87.23 - ABQ Health Partners
- 135.90 - UNM Dental Services
- 400.00 - Albuquerque Ambulance
- 400.00 - PHI Air Ambulance

There are 15 applicant denials which are;

11113, 11131, 11132 and 11139 - Income

11106, 11107, 11108, 11109, 11143, 11144, 11145 and 11146 - No Response

11110 - Missed Appointment

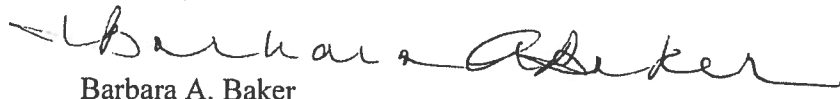
11117 - Has Insurance

11157 - 90 Day Limit

The unpaid balance of the medical bills for the approved claims is \$584,410.97 and the unpaid balance of the ambulance bills for the approved claims is \$41,203.97.

Thank you for your consideration.

Sincerely,

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

Barbara A. Baker

VALENCIA COUNTY COMMISSION MEETING

Charles D. Eaton, Chair Alicia Aguilar, Co-Chair

Mary J. Andersen Donald E. Holliday 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 | 217173830 | 11105 | 365.00 | 83.95 | 281.05 |
| UNM Health Sciences Center | 216967174 | 11106 | 3,126.70 | 3,126.70 | 0.00 |
| UNM Health Sciences Center | 215791708 | 11107 | 1,701.80 | 1,701.80 | 0.00 |
| UNM Health Sciences Center | 217703784 | 11108 | 1,072.40 | 1,072.40 | 0.00 |
| UNM Health Sciences Center | 217829019 | 11109 | 2,350.10 | 2,350.10 | 0.00 |
| Living Cross Ambulance | 75222 | 11110 | 1,217.94 | 1,217.94 | 0.00 |
| Living Cross Ambulance | 77732 | 11111 | 1,382.70 | 982.70 | 400.00 |
| Living Cross Ambulance | 77202 | 11112 | 1,135.56 | 735.56 | 400.00 |
| UNM Health Sciences Center | 218316073 | 11112 | 1,827.00 | 420.21 | 1,406.79 |
| PHI Air Ambulance | 64-12-21533A | 11113 | 32,302.00 | 32,302.00 | 0.00 |
| Lovelace Medical Center | P1234900876 | 11113 | 67,131.50 | 67,131.50 | 0.00 |
| Living Cross Ambulance | 77607 | 11114 | 1,085.49 | 685.49 | 400.00 |
| Presbyterian Hospital | 016028440-2354 | 11114 | 4,514.00 | 1,514.00 | 3,000.00 |
| Presbyterian Hospital | 020831739-2359 | 11115 | 18,471.00 | 15,471.00 | 3,000.00 |
| Presbyterian Hospital | 000304918-2311 | 11116 | 35,781.40 | 32,781.40 | 3,000.00 |
| UNM Health Sciences Center | 216855197 | 11117 | 500.00 | 500.00 | 0.00 |
| Albuquerque Ambulance | 12078910 | 11118 | 888.00 | 488.00 | 400.00 |
| UNM Health Sciences Center | 216255851 | 11118 | 4,237.60 | 1,237.60 | 3,000.00 |
| UNM Health Sciences Center | 218379410 | 11119 | 29,622.75 | 26,622.75 | 3,000.00 |
| UNM Health Sciences Center | 216643007 | 11120 | 6,441.90 | 3,441.90 | 3,000.00 |
| TOTALS | | | 215,154.84 | 193,867.00 | 21,287.84 |

VALENCIA COUNTY COMMISSION MEETING

Charles D. Eaton, Chair

Alicia Aguilar, Co-Chair

Mary J. Andersen

Donald E. Holliday

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 | 217067057 | 11121 | 2,460.75 | 1,460.75 | 1,000.00 |
| UNM Health Sciences Center | 217508761 | 11121 | 4,551.20 | 2,551.20 | 2,000.00 |
| Lovelace Medical Center | P1235500839 | 11122 | 5,156.00 | 3,156.00 | 2,000.00 |
| Lovelace Medical Center | P1235500915 | 11122 | 3,841.00 | 2,841.00 | 1,000.00 |
| Living Cross Ambulance | 76682 | 11123 | 1,217.94 | 817.94 | 400.00 |
| Living Cross Ambulance | 77848 | 11123 | 103.38 | 7.38 | 96.00 |
| UNM Health Sciences Center | 217950922 | 11123 | 1,173.00 | 673.00 | 500.00 |
| UNM Health Sciences Center | 217953132 | 11123 | 13,713.30 | 11,213.30 | 2,500.00 |
| Living Cross Ambulance | 76043 | 11124 | 1,286.59 | 886.59 | 400.00 |
| UNM Health Sciences Center | 217358134 | 11124 | 65,035.98 | 62,035.98 | 3,000.00 |
| UNM Health Sciences Center | 218120258 | 11125 | 14,051.05 | 11,051.05 | 3,000.00 |
| Living Cross Ambulance | 75790 | 11126 | 1,410.15 | 1,010.15 | 400.00 |
| UNM Health Sciences Center | 216978585 | 11126 | 1,404.80 | 323.11 | 1,081.69 |
| UNM Health Sciences Center | 218109007 | 11127 | 97,120.15 | 94,120.15 | 3,000.00 |
| Living Cross Ambulance | 76116 | 11128 | 103.38 | 7.38 | 96.00 |
| UNM Health Sciences Center | 218131787 | 11129 | 18,487.65 | 15,487.65 | 3,000.00 |
| Living Cross Ambulance | 75980 | 11130 | 1,423.89 | 1,023.89 | 400.00 |
| UNM Health Sciences Center | 217273655 | 11130 | 2,823.35 | 649.38 | 2,173.97 |
| UNM Health Sciences Center | 216353144 | 11131 | 16,128.00 | 16,128.00 | 0.00 |
| UNM Health Sciences Center | 216590703 | 11131 | 808.00 | 808.00 | 0.00 |
| TOTALS | | | 252,299.56 | 226,251.90 | 26,047.66 |

VALENCIA COUNTY COMMISSION MEETING

Charles D. Eaton, Chair Alicia Aguilar, Co-Chair

Mary J. Andersen Donald E. Holliday Lawrence R. Romero

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

| Provider | Provider Account | Indigent Number | Amount Billed | Amount Denied | Amount Paid |
|----------------------------|------------------|-----------------|---------------|---------------|-------------|
| Presbyterian Hospital | 000370721-2363 | 11132 | 34,936.10 | 34,936.10 | 0.00 |
| Lovelace Medical Center | P1230500721 | 11133 | 1,156.00 | 265.88 | 890.12 |
| Presbyterian Hospital | 020819853-2275 | 11134 | 3,229.26 | 742.73 | 2,486.53 |
| Living Cross Ambulance | 75522 | 11135 | 1,190.48 | 790.48 | 400.00 |
| UNM Health Sciences Center | 216738112 | 11135 | 34,753.85 | 31,753.85 | 3,000.00 |
| Living Cross Ambulance | 78023 | 11136 | 1,204.21 | 804.21 | 400.00 |
| UNM Health Sciences Center | 219370608 | 11136 | 1,259.75 | 289.75 | 970.00 |
| Living Cross Ambulance | 78015 | 11137 | 961.92 | 561.92 | 400.00 |
| UNM Health Sciences Center | 219369279 | 11137 | 17,982.15 | 14,982.15 | 3,000.00 |
| Living Cross Ambulance | 76965 | 11138 | 1,204.21 | 804.21 | 400.00 |
| UNM Health Sciences Center | 218290922 | 11138 | 38,428.15 | 35,428.15 | 3,000.00 |
| Living Cross Ambulance | 77329 | 11139 | 1,259.13 | 1,259.13 | 0.00 |
| Living Cross Ambulance | 78116 | 11140 | 1,382.70 | 982.70 | 400.00 |
| UNM Health Sciences Center | 219459229 | 11140 | 22,425.40 | 19,425.40 | 3,000.00 |
| Living Cross Ambulance | 77103 | 11141 | 1,231.67 | 831.67 | 400.00 |
| Living Cross Ambulance | 76144 | 11142 | 984.53 | 584.53 | 400.00 |
| PHI Air Ambulance | 64-12-21335A | 11142 | 23,267.00 | 22,867.00 | 400.00 |
| UNM Health Sciences Center | 217452937 | 11142 | 109,231.25 | 106,231.25 | 3,000.00 |
| UNM Health Sciences Center | 217107606 | 11143 | 5,348.00 | 5,348.00 | 0.00 |
| UNM Health Sciences Center | 218267045 | 11144 | 3,637.10 | 3,637.10 | 0.00 |
| TOTALS | | | 305,072.86 | 282,526.21 | 22,546.65 |

VALENCIA COUNTY COMMISSION MEETING

Charles D. Eaton, Chair Alicia Aguilar, Co-Chair

Mary J. Andersen Donald E. Holliday 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 | 217177062 | 11145 | 113,815.25 | 113,815.25 | 0.00 |
| UNM Health Sciences Center | 218357473 | 11146 | 825.00 | 825.00 | 0.00 |
| Living Cross Ambulance | 77543 | 11147 | 1,217.94 | 817.94 | 400.00 |
| UNM Health Sciences Center | 500371729 | 11147 | 18,950.60 | 15,950.60 | 3,000.00 |
| Living Cross Ambulance | 76443 | 11148 | 1,126.68 | 726.68 | 400.00 |
| UNM Health Sciences Center | 217804277 | 11148 | 1,096.75 | 252.36 | 844.39 |
| Living Cross Ambulance | 76488 | 11149 | 948.19 | 548.19 | 400.00 |
| Presbyterian Hospital | 020826270-2319 | 11149 | 537.00 | 123.51 | 413.49 |
| Living Cross Ambulance | 77638 | 11150 | 1,408.79 | 1,008.79 | 400.00 |
| Living Cross Ambulance | 78096 | 11151 | 1,204.21 | 804.21 | 400.00 |
| Living Cross Ambulance | 76856 | 11151 | 1,204.21 | 804.21 | 400.00 |
| Lovelace Medical Center | P1232800027 | 11151 | 2,665.00 | 1,665.00 | 1,000.00 |
| Lovelace Medical Center | P1232900051 | 11151 | 6,857.00 | 3,857.00 | 3,000.00 |
| Radiology Associates | 15426888 | 11152 | 30.00 | 4.07 | 25.93 |
| UNM Health Sciences Center | 216417725 | 11153 | 6,832.45 | 3,300.28 | 3,532.17 |
| UNM Medical Group | 17855249 | 11153 | 810.00 | 223.49 | 586.51 |
| UNM Medical Group | 17817509 | 11153 | 1,450.00 | 1,035.41 | 414.59 |
| UNM Medical Group | 17817510 | 11153 | 43.00 | 34.96 | 8.04 |
| UNM Medical Group | 17850024 | 11153 | 18.00 | 11.72 | 6.28 |
| UNM Medical Group | 18001648 | 11153 | 23.00 | 14.64 | 8.36 |
| TOTALS | | | 161,063.07 | 145,823.31 | 15,239.76 |

VALENCIA COUNTY COMMISSION MEETING

Charles D. Eaton, Chair Alicia Aguilar, Co-Chair

Mary J. Andersen Donald E. Holliday Lawrence R. Romero

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

| Provider | Provider Account | Indigent Number | Amount Billed | Amount Denied | Amount Paid |
|----------------------------|------------------|-----------------|---------------|---------------|-------------|
| ABQ Health Partners | 235158 | 11154 | 382.00 | 294.77 | 87.23 |
| Radiology Associates | 15405469 | 11155 | 30.00 | 4.07 | 25.93 |
| Living Cross Ambulance | 77318 | 11156 | 1,204.21 | 804.21 | 400.00 |
| Lovelace Medical Center | P1234200867 | 11156 | 26,662.50 | 23,662.50 | 3,000.00 |
| Zia Diagnostic Imaging | 269214 | 11156 | 46.00 | 25.04 | 20.96 |
| Zia Diagnostic Imaging | 269214 | 11156 | 390.00 | 243.71 | 146.29 |
| Zia Diagnostic Imaging | 269214 | 11156 | 21.00 | 5.34 | 15.66 |
| UNM Health Sciences Center | 210955167 | 11157 | 8,406.65 | 8,406.65 | 0.00 |
| UNM Medical Group | I17857275 | 11157 | 4,816.00 | 4,816.00 | 0.00 |
| UNM Medical Group | I17192679 | 11157 | 1,080.00 | 1,080.00 | 0.00 |
| Living Cross Ambulance | 78220 | 11158 | 1,217.94 | 817.94 | 400.00 |
| UNM Health Sciences Center | 219527447 | 11158 | 19,084.55 | 16,084.55 | 3,000.00 |
| Radiology Associates | 15426892 | 11159 | 28.89 | 9.40 | 19.49 |
| UNM Medical Group | 4146617 | 11159 | 308.00 | 218.27 | 89.73 |
| Lovelace Medical Center | P1233800442 | 11159 | 3,911.00 | 2,911.00 | 1,000.00 |
| Zia Diagnostic Imaging | 268761ZIAD | 11159 | 145.00 | 83.93 | 61.07 |
| UNM Health Sciences Center | 218415453 | 11159 | 7,448.75 | 5,448.75 | 2,000.00 |
| Lovelace Medical Center | Q1234100680 | 11159 | 321.00 | 73.83 | 247.17 |
| Lovelace Medical Center | P1300800655 | 11160 | 1,454.00 | 334.42 | 1,119.58 |
| Radiology Associates | 15422716 | 11161 | 30.00 | 4.07 | 25.93 |
| TOTALS | | | 76,987.49 | 65,328.45 | 11,659.04 |

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

| Provider | Provider Account | Indigent Number | Amount Billed | Amount Denied | Amount Paid |
|---------------------------------|------------------|-----------------|---------------|---------------|-------------|
| Radiology Associates | 1018579 | 11162 | 33.00 | 7.07 | 25.93 |
| UNM Dental | 660 | 11163 | 198.00 | 62.10 | 135.90 |
| UNM Health Sciences Center | 217535426 | 11164 | 65.00 | 14.95 | 50.05 |
| Radiology Associates | 15470152 | 11164 | 32.00 | 12.51 | 19.49 |
| Lovelace Medical Center | P1300700991 | 11164 | 3,881.00 | 3,381.00 | 500.00 |
| UNM Health Sciences Center | 219433166 | 11164 | 59,129.85 | 57,840.49 | 1,289.36 |
| Presbyterian Medical Group | 40907931 | 11165 | 465.00 | 382.54 | 82.46 |
| Radiology Associates | 15448655 | 11165 | 100.00 | 48.23 | 51.77 |
| UNM Health Sciences Center | 219109055 | 11166 | 589.00 | 135.47 | 453.53 |
| Lovelace Medical Center | Q1300300919 | 11167 | 1,997.00 | 459.31 | 1,537.69 |
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| | | | | | |
| Subtotal Total | | | 66,489.85 | 62,343.67 | 4,146.18 |
| | | | 1,077,067.67 | 976,140.54 | 100,927.13 |
| Valencia County Commissioners | | | | | |
| Charles D. Eaton, Chair | | | | | |
| Alicia Aguilar, Co-Chair | | | | | |
| Mary J. Andersen | | | | | |
| Donald E. Holliday | | | | | |
| Lawrence R. Romero | | | | | |

VALENCIA COUNTY INDIGENT FUND CLAIMS LOG

February 20, 2013

| ID NO. | Birth | | Sex | Provider Name | Date(s) of | | Diagnosis | Billed | Paid | Reason for | |
|--------|----------|---|----------------------------|----------------|------------------------|--|-----------|----------|--------------------|------------|--------|
| | Date | | | | Service | | | | | Denial | Denial |
| 11105 | 10/07/63 | M | UNM Health Sciences Center | 10/25/12 | Back Pain | | 365.00 | 281.05 | | | |
| 11106 | 06/08/56 | M | UNM Health Sciences Center | 10/19-10/20/12 | Unknown | | 3,126.70 | 0.00 | No Response | | |
| 11107 | 03/11/64 | M | UNM Health Sciences Center | 09/12/12 | Behavioral | | 1,701.80 | 0.00 | No Response | | |
| 11108 | 09/18/76 | M | UNM Health Sciences Center | 01/00/00 | Rash | | 1,072.40 | 0.00 | No Response | | |
| 11109 | 04/04/50 | F | UNM Health Sciences Center | 11/14/12 | Stomach Pain | | 2,350.10 | 0.00 | No Response | | |
| 11110 | 11/16/80 | M | Living Cross Ambulance | 10/02/12 | Rapid Heart Beat | | 1,217.94 | 0.00 | Missed Appointment | | |
| 11111 | 03/02/52 | M | Living Cross Ambulance | 12/22/12 | Blood Clot | | 1,382.70 | 400.00 | | | |
| 11112 | 10/24/63 | F | Living Cross Ambulance | 11/29/12 | Blurred Vision - Dizzy | | 1,135.56 | 400.00 | | | |
| * | | | UNM Health Sciences Center | 11/30/12 | * | | 1,827.00 | 1,406.79 | | | |
| 11113 | 11/16/48 | M | PHI Air Medical | 12/14/12 | Heart Attack | | 32,302.00 | 0.00 | Income | | |
| * | | | Lovelace Medical Center | 12/14-12/17/12 | * | | 67,131.50 | 0.00 | * | | |
| 11114 | 06/25/90 | F | Living Cross Ambulance | 12/19/12 | Seizure | | 1,085.49 | 400.00 | | | |
| * | | | Presbyterian Hospital | 12/19/12 | * | | 4,514.00 | 3,000.00 | | | |
| 11115 | 12/05/84 | F | Presbyterian Hospital | 12/24-12/30/12 | Liver Disease | | 18,471.00 | 3,000.00 | | | |
| 11116 | 08/14/68 | M | Presbyterian Hospital | 11/06-11/09/12 | Drive by Shooting | | 35,781.40 | 3,000.00 | | | |
| 11117 | 03/02/47 | F | UNM Health Sciences Center | 11/05-11/12/12 | Tumor on Liver | | 500.00 | 0.00 | Has Insurance | | |
| 11118 | 02/24/54 | F | Albuquerque Ambulance | 09/29/12 | Dehydration - Tremors | | 888.00 | 400.00 | | | |
| * | | | UNM Health Sciences Center | 09/29/12 | * | | 4,237.60 | 3,000.00 | | | |
| 11119 | 05/12/57 | F | UNM Health Sciences Center | 12/12-12/13/12 | Brain Tumor | | 29,622.75 | 3,000.00 | | | |
| 11120 | 02/14/64 | M | UNM Health Sciences Center | 10/11/12 | Spot on Lung | | 6,441.90 | 3,000.00 | | | |
| 11121 | 03/22/81 | M | UNM Health Sciences Center | 10/23-10/24/12 | Gastro Issues | | 2,460.75 | 1,000.00 | | | |
| * | | | UNM Health Sciences Center | 11/16/12 | * | | 4,551.20 | 2,000.00 | | | |
| 11122 | 02/05/62 | F | Lovelace Medical Center | 12/20/12 | Anxiety | | 5,156.00 | 2,000.00 | | | |
| * | | | Lovelace Medical Center | 12/21-12/24/12 | * | | 3,841.00 | 1,000.00 | | | |
| 11123 | 09/26/82 | M | Living Cross Ambulance | 11/17/12 | Behavioral | | 1,217.94 | 400.00 | | | |
| * | | | Living Cross Ambulance | 12/26/12 | * | | 103.38 | 96.00 | | | |
| * | | | UNM Health Sciences Center | 11/17/12 | * | | 1,173.00 | 500.00 | | | |
| * | | | UNM Health Sciences Center | 11/18-11/26/12 | * | | 13,713.30 | 2,500.00 | | | |
| 11124 | 09/27/60 | M | Living Cross Ambulance | 10/31/12 | Kidney Disease | | 1,286.59 | 400.00 | | | |
| * | | | UNM Health Sciences Center | 10/31-11/02/12 | * | | 65,035.98 | 3,000.00 | | | |

| | | | | | | | |
|-------|----------|---|----------------------------|----------------|------------------------|------------|------------------|
| 11125 | 04/25/61 | M | UNM Health Sciences Center | 12/05/12 | Hernia Surgery | 14,051.05 | 3,000.00 |
| 11126 | 12/03/62 | F | Living Cross Ambulance | 10/20/12 | Gall Bladder Pain | 1,410.15 | 400.00 |
| * | | | UNM Health Sciences Center | 10/21/12 | * | 1,404.80 | 1,081.69 |
| 11127 | 10/09/53 | M | UNM Health Sciences Center | 11/23-12/21/12 | Back Surgery | 97,120.15 | 3,000.00 |
| 11128 | 10/03/67 | M | Living Cross Ambulance | 11/01/12 | Motor Vehicle Accident | 103.38 | 96.00 |
| 11129 | 04/12/63 | M | UNM Health Sciences Center | 12/04-12/06/12 | Oral Tumor | 18,487.65 | 3,000.00 |
| 11130 | 04/10/91 | F | Living Cross Ambulance | 10/26/12 | Seizures | 1,423.89 | 400.00 |
| * | | | UNM Health Sciences Center | 10/29/12 | * | 2,823.35 | 2,173.97 |
| 11131 | 05/11/93 | M | UNM Health Sciences Center | 10/02/12 | ATV Accident | 16,128.00 | 0.00 Income |
| * | | | UNM Health Sciences Center | 10/09/12 | * | 808.00 | 0.00 * |
| 11132 | 12/29/76 | M | Presbyterian Hospital | 12/28-01/02/13 | Gall Bladder Surgery | 34,936.10 | 0.00 Income |
| 11133 | 06/02/51 | F | Lovelace Medical Center | 10/31-11/06/12 | Back Pain | 1,156.00 | 890.12 |
| 11134 | 02/23/92 | M | Presbyterian Hospital | 10/01/12 | Appendectomy | 3,229.26 | 2,486.53 |
| 11135 | 09/10/50 | F | Living Cross Ambulance | 10/15/12 | Asthma | 1,190.48 | 400.00 |
| * | | | UNM Health Sciences Center | 10/15-10/21/12 | * | 34,753.85 | 3,000.00 |
| 11136 | 07/09/73 | M | Living Cross Ambulance | 01/04/13 | Abdominal Pain | 1,204.21 | 400.00 |
| * | | | UNM Health Sciences Center | 01/04/13 | * | 1,259.75 | 970.00 |
| 11137 | 06/10/78 | M | Living Cross Ambulance | 01/04/13 | Appendectomy | 961.92 | 400.00 |
| * | | | UNM Health Sciences Center | 01/04-01/05/13 | * | 17,982.15 | 3,000.00 |
| 11138 | 02/07/55 | M | Living Cross Ambulance | 11/29/12 | Heart Attack | 1,204.21 | 400.00 |
| * | | | UNM Health Sciences Center | 11/29-12/06/12 | * | 38,428.15 | 3,000.00 |
| 11139 | 08/27/57 | M | Living Cross Ambulance | 12/08/12 | Heart Problems | 1,259.13 | 0.00 Income |
| 11140 | 05/25/61 | F | Living Cross Ambulance | 01/08/13 | GI Bleed | 1,382.70 | 400.00 |
| * | | | UNM Health Sciences Center | 01/18-01/11/13 | * | 22,425.40 | 3,000.00 |
| 11141 | 02/02/55 | F | Living Cross Ambulance | 12/02/12 | Severe Head Pain | 1,231.67 | 400.00 |
| 11142 | 01/06/68 | M | Living Cross Ambulance | 11/03/12 | ATM Accident | 984.53 | 400.00 |
| * | | | PHI Air Medical | 11/03/62 | * | 23,267.00 | 400.00 |
| * | | | UNM Health Sciences Center | 11/13-11/16/12 | * | 109,231.25 | 3,000.00 |
| 11143 | 08/04/83 | M | UNM Health Sciences Center | 10/24/12 | Cancer | 5,348.00 | 0.00 No Response |
| 11144 | 04/27/84 | F | UNM Health Sciences Center | 12/03/12 | Unknown | 3,637.10 | 0.00 No Response |
| 11145 | 06/01/85 | M | UNM Health Sciences Center | 10/25-11/22/12 | Broken Ribs & Pelvis | 113,815.25 | 0.00 No Response |
| 11146 | 07/12/71 | F | UNM Health Sciences Center | 12/04/12 | Assault | 825.00 | 0.00 No Response |
| 11147 | 08/17/68 | M | Living Cross Ambulance | 12/16/12 | Seizure | 1,217.94 | 400.00 |
| * | | | UNM Health Sciences Center | 12/16/12/23/12 | * | 18,950.60 | 3,000.00 |
| 11148 | 09/24/76 | F | Living Cross Ambulance | 01/13/13 | Alcohol Abuse | 1,126.68 | 400.00 |
| * | | | UNM Health Sciences Center | 01/13/13 | * | 1,096.75 | 844.39 |
| 11149 | 01/23/79 | M | Living Cross Ambulance | 11/14/12 | Asthma | 948.19 | 400.00 |
| * | | | Presbyterian Hospital | 11/14/12 | * | 537.00 | 413.49 |

| | | | | | | | |
|-------|----------|---|----------------------------|----------------|-----------------------------|-----------|-------------------|
| 11150 | 07/11/56 | M | Living Cross Ambulance | 12/11/12 | Cancer | 1,408.79 | 400.00 |
| 11151 | 08/04/76 | F | Living Cross Ambulance | 11/23/12 | JAIL - Low Blood Sugar | 1,204.21 | 400.00 |
| * | | | Living Cross Ambulance | 11/24/12 | * | 1,204.21 | 400.00 |
| * | | | Lovelace Medical Center | 11/23/12 | * | 2,665.00 | 1,000.00 |
| * | | | Lovelace Medical Center | 11/24/12 | * | 6,857.00 | 3,000.00 |
| 11152 | 11/27/81 | M | Radiology Associates | 11/27/12 | JAIL - Hand Injury | 30.00 | 25.93 |
| 11153 | 12/18/61 | M | UNM Health Sciences Center | 10/09/12 | JAIL - Hand Injury | 6,832.45 | 3,532.17 |
| * | | | UNM Medical Group | 10/09/12 | * | 810.00 | 586.51 |
| * | | | UNM Medical Group | 10/09/12 | * | 1,450.00 | 414.59 |
| * | | | UNM Medical Group | 10/09/12 | * | 43.00 | 8.04 |
| * | | | UNM Medical Group | 10/25/12 | * | 18.00 | 6.28 |
| * | | | UNM Medical Group | 12/06/12 | * | 23.00 | 8.36 |
| 11154 | 01/27/73 | M | ABQ Health Partners | 08/12/12 | JAIL - Behavioral | 382.00 | 87.23 |
| 11155 | 07/24/84 | M | Radiology Associates | 10/15/12 | JAIL - Ankle Injury | 30.00 | 25.93 |
| 11156 | 01/23/67 | F | Living Cross Ambulance | 12/07/12 | JAIL - Pneumonia | 1,204.21 | 400.00 |
| * | | | Lovelace Medical Center | 12/08-12/10/12 | * | 26,662.50 | 3,000.00 |
| * | | | Zia Diagnostic Imaging | 12/07/12 | * | 46.00 | 20.96 |
| * | | | Zia Diagnostic Imaging | 12/07/12 | * | 390.00 | 146.29 |
| * | | | Zia Diagnostic Imaging | 12/08/12 | * | 21.00 | 15.66 |
| 11157 | 05/22/83 | M | UNM Health Sciences Center | 04/13/12 | JAIL - Hand Injury | 8,406.65 | 0.00 90 Day Limit |
| * | | | UNM Medical Group | 04/13/12 | * | 4,816.00 | 0.00 * |
| * | | | UNM Medical Group | 04/13/12 | * | 1,080.00 | 0.00 * |
| 11158 | 12/16/71 | M | Living Cross Ambulance | 01/09/13 | JAIL - Self Inflicted Wound | 1,217.94 | 400.00 |
| * | | | UNM Health Sciences Center | 01/09-01/10/13 | * | 19,084.55 | 3,000.00 |
| 11159 | 01/23/82 | M | Radiology Associates | 11/30/12 | JAIL - Abscess on Arm | 28.89 | 19.49 |
| * | | | UNM Medical Group | 12/03/12 | * | 308.00 | 89.73 |
| * | | | Lovelace Medical Center | 12/03/12 | * | 3,911.00 | 1,000.00 |
| * | | | Zia Diagnostic Imaging | 12/03/12 | * | 145.00 | 61.07 |
| * | | | UNM Health Sciences Center | 12/04/12 | * | 7,448.75 | 2,000.00 |
| * | | | Lovelace Medical Center | 12/07/12 | * | 321.00 | 247.17 |
| 11160 | 03/17/84 | M | Lovelace Medical Center | 01/08/13 | JAIL - Difficulty Breathing | 1,454.00 | 1,119.58 |
| 11161 | 05/09/77 | M | Radiology Associates | 11/19/12 | JAIL - Hand Injury | 30.00 | 25.93 |
| 11162 | 10/02/63 | F | Radiology Associates | 11/14/12 | JAIL - Foot Injury | 33.00 | 25.93 |
| 11163 | 11/11/86 | M | UNM Dental | 01/17/13 | JAIL - Tooth Abscess | 198.00 | 135.90 |
| 11164 | 12/21/88 | M | UNM Health Sciences Center | 11/06/12 | JAIL - Leg Infection | 65.00 | 50.05 |
| * | | | Radiology Associates | 01/07/13 | * | 32.00 | 19.49 |
| * | | | Lovelace Medical Center | 01/07/13 | * | 3,881.00 | 500.00 |
| * | | | UNM Health Sciences Center | 01/08-01/14/13 | * | 59,129.85 | 1,289.36 |

| | | | | | | | |
|-------|----------|---|----------------------------|----------|--------------------------|---------------------|-------------------|
| 11165 | 08/11/61 | M | Presbyterian Medical | 01/09/13 | JAIL - Genital Infection | 465.00 | 82.46 |
| * | | | Radiology Associates | 01/09/13 | * | 100.00 | 51.77 |
| 11166 | 07/16/50 | F | UNM Health Sciences Center | 12/26/12 | Enlarged Liver | 589.00 | 453.53 |
| 11167 | 11/27/85 | F | Lovelace Medical Center | 01/03/13 | Chest Pain | 1,997.00 | 1,537.69 |
| | | | TOTAL | | | 1,077,067.67 | 100,927.13 |



Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 · Los Lunas, New Mexico 87031

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

Date: February 20, 2013

To: Valencia County Board of County Commissioners

From: Barbara A. Baker *BAB*

Subj: Indigent Appeal – Salvador Perez - Inmate

Bruce Swingle has requested an appeal for the Indigent Denial of inmate Salvador Perez on January 23, 2013. Mr. Perez was denied as the bill from Radiology Associates in the amount of \$28.00 was received over the 90 day limit.

I would like to recommend approval of the Radiology Associates bill. If approved the amount being paid to Radiology Associates would be \$25.97.

Approved by the Board of County Commissioners at the regular meeting of February 20, 2013.

Charles D. Eaton, Chair

Alicia Aguilar, Co-Chair

Mary J. Andersen

Donald E. Holliday

Lawrence R. Romero

ATTESTED BY: _____
Peggy Carabajal, 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: February 20, 2013

To: Valencia County Board of County Commissioners

From: Barbara A. Baker *BAB*

Subj: Indigent Appeal – Paul Silva - Inmate

Bruce Swingle has requested an appeal for the Indigent Denial of inmate Paul Silva on January 23, 2013. Mr. Silva was denied as the bill from Radiology Associates in the amount of \$30.00 was received over the 90 day limit.

I would like to recommend approval of the Radiology Associates bill. If approved the amount being paid to Radiology Associates would be \$25.93.

Approved by the Board of County Commissioners at the regular meeting of February 20, 2013.

Charles D. Eaton, Chair

Alicia Aguilar, Co-Chair

Mary J. Andersen

Donald E. Holliday

Lawrence R. Romero

ATTESTED BY: _____
Peggy Carabajal, Valencia County Clerk

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF VALENCIA COUNTY

In re Consideration of Location Transfer
of Liquor License 0510/Application No.
A-838648 from 2765 State Highway 47,
Los Lunas, NM 87031 to proposed location
of 3409 State Highway 47, Suite A, Los
Lunas, NM 87031.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

THIS MATTER came before the Board of County Commissioners of Valencia County (“the Board”) on January 23, 2013, and was held pursuant to the Valencia County License Venture's application to transfer liquor license 0510/Application No. A-838648 from 2765 State Highway 47, Los Lunas, NM 87031 to proposed location of 3409 State Highway 47, Suite A, Los Lunas, NM 87031.

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

Findings of Fact

1. Notice of the regularly scheduled meeting of the Board of Commissioners of Valencia County, New Mexico (the “Board”) on January 23, 2013, at which was had the public hearing of the application to transfer liquor license was published as required by NMSA 1978, Section 60-6B-4 (1981).
2. Valencia County License Venture’s request is for a transfer of a dispenser liquor license with package sales, license no. 0510/Application No. A-838648 from 2765 State Highway 47, Los Lunas, NM 87031 to a proposed location of 3409 State Highway 47, Suite A, Los Lunas, NM 87031.
3. Approval of the application will result in allowing for a package grocery on the subject property.
4. Numerous residents appeared to express particularized and specific concerns regarding the proximity of the proposed location to several churches, concerns regarding the proposed location's proximity to residences, and to further express traffic concerns implicated by placing a package grocery on the proposed site.
5. Local resident, Voil Lattin, who lives directly behind the property to which Applicant is proposing to transfer the liquor license, testified that there are two churches within close proximity to the site to which the transfer of the liquor license is proposed, one of which is as close as one hundred seventy feet from the location.
6. Mr. Lattin further testified that there is too much traffic at the proposed location, recognizing that the road is a feeder line to the Valencia Elementary school, the frequency within which drunk drivers have driven through his fence, and the close proximity of the proposed location to residences.
7. Ms. Marjorie Wong, whose residence is situated directly behind the proposed location, expressed concern for her safety, as she anticipates the increase of questionable characters near her property.
8. Ms. Wong's concerns are not merely speculative, as she testified that she has previously had to clean up bottles, trash etc. from the vacant lot to which the applicants propose to transfer the liquor license.
9. Ms. Wong additionally expressed her concerns about her experience regarding people continuing to urinate on her fence, and continuing to throw beer and wine bottles over her fence, which she reasonably anticipates would be exacerbated by approving the transfer of the liquor license.
10. Ms. Wong explained that having a package liquor store directly behind her home would additionally aggravate her dogs, and further noted that there are presently a Smiths, Albertsons, and a 2 Minute Warning nearby to purchase liquor, and an additional package grocery is not needed in the area.

11. Mr. Glen Rael, a local resident, additionally expressed concerns regarding the placement of a package liquor store directly behind residences, and expressed concerns about a corresponding increase in vagrants in a residential community by virtue of placing a package liquor store directly behind residences.
12. Pastor Jim Montoya, a pastor at a local church, testified that there are five churches and one elementary school within a half mile of location.
13. Pastor Montoya further testified that he had spoken with at least one of the pastors from one of the churches in the proximity of the proposed location, and that they were not aware of the pending transfer.
14. Local resident Daniel Aragon expressed concern regarding traffic issues implicated by locating the package grocery at the proposed location, and expressed further concerns regarding the potential for people to steal from the adjacent residences to get money to buy the alcohol.
15. Mr. Aragon further expressed concern regarding exposing local children to people purchasing and walking around with packaged liquor, given the proximity of the proposed location to local elementary schools.
16. The Board of County Commissioners held a Public Hearing on this request on January 23, 2013. After hearing testimony from the applicant and taking public comments on the matter, the Board of County Commissioners unanimously voted to deny this request on January 23, 2013.
17. The findings made by the Board are each independent reasons for the decision of the Board in denying the transfer of the liquor license to the proposed location.

Conclusions of Law

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

A. The Board of County Commissioners may only disapprove the transfer of a liquor license if: (1) the proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico; (2) the issuance or transfer would be in violation of a zoning or other ordinance of the governing body; or (3) the issuance or transfer would be detrimental to the public health, safety or morals of the residents of the local option district. NMSA 1978, § 60-6B-4 (1981)

B. The director is statutorily prohibited from issuing a license for a premises where alcoholic beverages were not sold prior to July 1, 1981 that is within three hundred feet of any church or school.

C. The New Mexico Supreme Court applies a functional test to decide whether property located within 300 feet of a proposed licensed premises is or is not a church or school. *See Regents of Univ. of New Mexico v. Hughes*, 114 N.M. 304, 312, 838 P.2d 458, 466 (1992)

D. The denial of a transfer of a liquor license must be based on a finding of health, safety, or moral hazards at the particular location. Section 60-6B-4(F); *In re N.M. Liquor License No. 4035*, 118 N.M. at 546, 883 P.2d at 132.

E. Once preliminary approval of a license has been granted by the Division, the burden to establish the requisite detrimental effect is on the governing authority. *Dick v. City of Portales*, 118 N.M. 541, 544, 883 P.2d 127, 130 (1994).

F. A lay witness's opinion about safety issues must be based on knowledge of the facts supporting the opinion, and there must be "a rational connection between the observations made and the opinion formed;" otherwise the opinion is speculative and irrelevant. *Dick*, 118 N.M. at 544, 883 P.2d at 130 (quoting *State v. Luna*, 92 N.M. 680, 684, 594 P.2d 340, 344 (Ct.App.1979)).

G. The church located within 170 feet of the proposed location to which the Applicants seek to transfer the liquor license is a functional church, applying the Court's functional approach outlined in *Regents of Univ. of New Mexico v. Hughes*.

H. The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico, as it is located within 300 feet of a church, in contravention of NMSA 1978, Section 60-6B-10 (1997). See NMSA 1978, § 60-6B-4 (F)(1) ("The governing body may disapprove the issuance or transfer of the license if. . . (1) the proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico[.]").

I. The testimony of Voil Lattin, Marjorie Wong, Glen Rael, Daniel Aragon, and Pastor Montoya regarding their testimony regarding traffic and safety concerns are supported by their personal observations, are particular and specific to the proposed site, and there is a rational connection between the observations made by the lay witnesses and the opinions they have formed.

J. The traffic and safety concerns near the proposed establishment and specific to the proposed location negatively impact the public health, safety and welfare of the residents.

K. The proposed site is much closer to a residential area than the present location, and the late night use of the parking lot would result in late night disturbances near the residential area, will conflict with the residents peaceable enjoyment of their property, and negatively impact the health, safety, welfare of the community.

L. Provided that the proposed site is situated on one tenth of an acre, the overflow parking is likely to result in yet additional disturbances the nearby residential neighborhood.

M. The noise and litter from the operation of the proposed package grocery will additionally disturb the residential area, further conflicting with the residents peaceable enjoyment of their property and the health, safety, and welfare of the community.

N. In addition to the safety concerns articulated herein, it is inappropriate to increase the visual and physical exposure of elementary school-age children to the proposed package liquor location, which is proposed to be located within a half-mile of the proposed location.

Decision

IT IS, THEREFORE, ORDERED that Valencia County License Venture's Application to transfer liquor license 0510/Application No. A-838648 from 2765 State Highway 47, Los Lunas, NM 87031 to proposed location of 3409 State Highway 47, Suite A, Los Lunas, NM 87031 is hereby denied on the basis of the proximity between the proposed location and the church, and on the basis of authentic facts related to the negative impact on the public health and safety of the residents due to the specific location of the establishment.

BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY
P.O. Box 1119 / 444 Luna Ave
Los Lunas, NM 87031

Charles D. Easton
Chair, District IV

Alicia Aguilar
Vice-Chair, District II

Mary J. Andersen
Commissioner, District I

Lawrence R. Romero
Commissioner, District III

Donald E. Holliday
Commissioner, District V

Attest:

Peggy Carabajal, County Clerk

Date: _____

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Valencia County -- Board of County Commissioners
2013 List of Appointments -- Boards, Committees, Commissions & Other Positions

Revised: 02/14/2013

Board, Commission or Committee **District**

Commission
2012 Appointment

Board of County Commissioners

District IV
District II

Charles Eaton, Chair
Alicia Aguilar, Vice-Chair

(A 1 year term unless established otherwise by ordinance)

Planning & Zoning Commission
(Standing Commission)

District I
District II
District III
District IV
District V

Gregory Gaudette
Mike Miliam
Joan Artiaga-Armijo
Brando Jaramillo
Dennis "DJ" Baca

Emergency Medical Services Board

(Standing Board -- for Rescue Districts)

Jason Gonzales, Rio Grande Estates #1
Nicholas Moya, VC Emergency Services
Keith Gentry, Bosque Farms #5

Chair
Vice-Chair
Secretary

Ordinance #99-05

| | |
|--|-----------|
| Monica Gonzales, Rio Grande Estates #1 | Alternate |
| Shana Duran, Tome/Adelino #2 | Alternate |
| Frances Ohler, Valencia/El Cerro #3 | Primary |
| Sylvia Stubben, Valencia El Cerro #3 | Member |
| Tony Villalovos, Meadow Lake #4 | Member |
| Mike Wessles, Meadow Lake #4 | Alternate |
| Justin Reser, Bosque Farms #5 | Member |
| John Gabaldon, Los Lunas #6 | Primary |
| Carlos Miera, Los Lunas #6 | Alternate |
| Jeremy Fiedler, Los Chavez #7 | Primary |
| Mike Brophy, Los Chavez #7 | Alternate |
| Manny Garcia, Belen #8 | Primary |
| Kathy Peoples, Belen #8 | Alternate |
| Andrew Molina, Jarales #9 | Primary |
| Carlos Chavez, Jarales #9 | Alternate |
| Marie Brandt, Manzano Vista #10 | Primary |
| Isaac Abeyta, Manzano Vista #10 | Alternate |

Notes:

[1] Standing Board, Commission, or Committee -- A policy- making board, etc. established by County ordinance, more permanent in nature.

[2] Special Board, Commission, or Committee -- An advisory board, etc. established by BoCC resolution or motion, anticipated to terminate upon completion of its assigned task(s).

[3] NMAC Board of Directors representative elected among Valencia County elected officials annually in the Spring.

R = Representative; A= Alternate

Valencia County -- Board of County Commissioners
2013 List of Appointments – Boards, Committees, Commissions & Other Positions

Revised: 02/14/2013

| <u>Board, Commission or Committee</u> | <u>District</u> | <u>Commission 2012 Appointment</u> | <u>Alternate</u> |
|--|-----------------|--|-----------------------------------|
| Regional Dispatch Board | | Louis Burkhard, Sheriff Bruce Swingle | |
| County Board of Registration Section 1-4-35 NMSA 1978 | | Lillie McNabb Amelia Baca Bill Pratt | Alternate Primary Alternate |
| Workforce Investment Board CEO Board | R | Georgia Otero-Kirkham | |
| Mid-West CAP Board | R | Donald E. Holliday | |
| Mid-Region Council of Governments Board of Directors (2 County members) | R | Mary J. Andersen Lawrence R. Romero | |
| Executive Board | R | Mary J. Andersen | |
| Water Resources Board | R A | Jacobo Martinez Donald E. Holliday | |
| Regional Planning Authority (RPO): | R A | Eric Zamora Donald E. Holliday | |
| VC Transportation Steering Committee | R A | Eric Zamora Donald E. Holliday | |
| Regional Transit District Board | R | Mary Andersen | |

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Valencia County -- Board of County Commissioners
2013 List of Appointments – Boards, Committees, Commissions & Other Positions

Revised: 02/14/2013

Board, Commission or Committee District

Commission
2012 Appointment

New Mexico Association of Counties

Board of Directors [3]

R

Mary Andersen

Older American Advisory Council

(Special Council)

(BoCC approves appointment)

| | |
|---------------------------------------|-------------------------|
| Wayne Gallegos | City of Belen |
| Thomas Curley | Belen Senior Center |
| Not filled (<i>Alternate</i>) | Belen Senior Center |
| Michael Jaramillo | Village of Los Lunas |
| Claudia Sanchez | Fred Luna Senior Center |
| Not Filled (<i>Alternate</i>) | Fred Luna Senior Center |
| Linda Havery | Del Rio Senior Center |
| Lois Bulkley (<i>Alternate</i>) | Del Rio Senior Center |
| Lillie McNabb | Bosque Farms |
| Dorothy Vaughn | Bosque Farms |
| Frank Cox (<i>Alternate</i>) | Bosque Farms |
| Judith White | Meadow Lake |
| Theresa Miraz (<i>Alternate</i>) | Meadow Lake |
| Lucy Romero | Town of Peralta |
| Eileen Stone (<i>Alternate</i>) | Town of Peralta |
| Charles Eaton | Valencia County |
| Wayne Gallegos | City of Belen |
| Michael Jaramillo | Village of Los Lunas |

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[2] Special Board, Commission, or Committee – An advisory board, etc. established by BoCC resolution or motion, anticipated to terminate upon completion of its assigned task(s).

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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Fire Chief Steven Gonzales

Individual Making Request: Fire Chief Steven Gonzales

Presentation at Meeting on: February 20, 2013

Date Submitted: February 14, 2012

Title of Request: Request To Approve Ordinance 2013-_____ Adopting the 2006 Edition of the International Fire Code

Action Requested of Commission:

The Board of County Commissioners requested, pursuant to NMSA 1978, Section 4-37-7 (1981) to publish for public notice an Ordinance Adopting the 2006 Edition of the International Fire Code to consider adopting the ordinance after a public hearing is held.

Information Background and Rationale

The County's last adopted fire code was approved in 1990 and is out of date and inconsistent with general practice. Adopting the 2006 Edition of the International Fire Code will provide the County Fire Department with legal framework to regulate, govern and safe-guard the life and property of the Citizens of the County from the unsafe storage, handing and use of hazardous substances, materials and devices and from conditions hazardous to the lives or property in the occupancy of building and premises in the County of Valencia. The Ordinance will also provide for the issuance of permits and the collections of fees therefore.

What is the Financial Impact of this Request?

Legal:

NMSA 1978, Section 4-37-7 (1981) requires that in order for an ordinance to be considered for passage a majority of the members of the Commission must vote to direct that the title and a general summary of the proposed ordinances be published one time in a newspaper of general circulation within the county at least two weeks prior to the meeting of the board at which the ordinance is proposed for final passage. If the Board of County Commissioners would like for this ordinance to be considered it must first be published according to Section 4-37-1.

Approving this request does not "pass" the ordinance but instead allows it to move forward in the legal process. The Commission may still approve, modify & approve or disapprove the ordinance at a subsequent meeting.

Finance:

VALENCIA COUNTY
BOARD OF COMMISSIONERS
ORDINANCE NO. 2013-__

1 **AN ORDINANCE ADOPTING THE 2006 EDITION OF THE INTERNATIONAL**
2 **FIRE CODE, REGULATING AND GOVERNING THE SAFE-GUARDING OF**
3 **LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING**
4 **FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS**
5 **SUBSTANCES, MATERIALS, AND DEVICES, AND FROM CONDITIONS**
6 **HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF**
7 **BUILDINGS AND PREMISES IN THE COUNTY OF VALENCIA; PROVIDING**
8 **FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES**
9 **THEREFOR.**

10
11 **Section 1. Short Title: Adoption of the International Fire Code**

12
13 **Section 2. Purpose.**

14
15 The purpose is to adopt the 2006 edition of the International Fire Code regulating and
16 governing the safe-guarding of life and property from fire and explosion hazards arising
17 from the storage, handling and use of hazardous substances materials and devices, and
18 from conditions hazardous to life or property in the occupancy of buildings in the County
19 of Valencia; providing for the issuance of permits and collection of fees therefore.

20 **Section 2.1. Scope.**

21 This code establishes regulations affecting or relating to structures, processes, premises,
22 and safeguards regarding:

- 23 1. Hazards of fire and explosions arising from the storages, handling or use of
24 structures, materials or devices;
- 25 2. Conditions hazardous to life, property, or public welfare in the occupancy of
26 structures;
- 27 3. Fire hazards in the structure on the premises from occupancy or operation;

1 4. Matters related to the construction, extension, repair, alteration or removal of
2 fire suppression or alarm systems.

3 **Section 3. Definitions.**

4 A. Valencia County adopts the definitions as defined in the 2006 edition of the
5 International Fire Code hereinafter “Fire code,” with the following exceptions:

6 1) “County Fire Chief” is the single and sole administrative and command
7 authority for the Valencia County Emergency Services.

8 2) “Chief Engineer,” “Chief” or “Chief of the Fire Department” where used
9 in the Fire Code shall mean “County Fire Chief” as defined in Section 3(A) above or the Chief’s
10 authorized representative.

11 3) “Fire Code Official” were used in the Fire Code shall mean the Valencia
12 County Fire Marshal, or his/her dully authorized representative, who has the authority to
13 interpret and enforce the Fire Code and this Ordinance.

14 4) “Executive Body” is the Valencia County Board of County
15 Commissioners.

16 5) “Fire Department” is the Valencia County Emergency Services.

17 6) “Firework and “Special Firework” shall have the same meaning as defined
18 in the New Mexico Fireworks Licensing and Safety Act, 60-2C-1 et. Seq. N.M.S.A. (1978).

19 7) “Fire Code” is the fire code and standards adopted by Valencia County
20 Ordinance as amended.

21 8) “Building code” is the building code and standards adopted by Valencia
22 County Ordinance as amended.

1 9) “Electrical Code” is the electrical code and standards adopted by Valencia
2 County Ordinance as amended.

3 10) “Jurisdiction” is Valencia County, which has adopted the International
4 Fire Code for use in its jurisdictional area.

5 11) “Jurisdictional Area” is the unincorporated portions of Valencia County or
6 other areas as designated by joint powers agreement, memorandum of understanding, and mutual
7 aid.

8 B. All the definitions contained in NMSA 60-2C-2 of the New Mexico Fireworks
9 Licensing and Safety Act, 60-2C-1, et seq. N.M.S.A. 1978 is adopted for the purposes of this
10 ordinance and the International Fire Code.

11 **Section 4. Adoption of the International Fire Code**

12 The 2006 edition of the International Fire Code, including appendices B, C and D
13 published by the International Fire Code Institute, being particularly the 2006 Edition is hereby
14 adopted, saves and except such portions as are deleted, modified or amended by this ordinance.

15 All Fire Codes, Standards and Supplements, as published by the National Fire Protection
16 Association (NFPA)

17 All current Codes and Standards of the International Plumbing, Mechanical and Electrical
18 Codes as published by the International Code Council (ICC).

19 For the purpose of prescribing minimum regulations governing conditions hazardous to
20 life and property from fire, hazardous materials, or explosion within the County of Valencia,
21 New Mexico, the following is adopted.

22 The following documents are hereby adopted as the Valencia County Fire Code, and
23 from the date on which this ordinance takes effect shall be controlling within the boundaries of

County of Valencia, New Mexico:

Section 5. Duties for Fire Prevention.

This ordinance, The Fire Code shall be enforced by the Valencia County Emergency Services, which is established pursuant to Valencia County Ordinance.

Section 6. Amendments to the Fire Code.

The Fire Code is amended and changed in the following respects:

International Fire Code, Chapter 1 Section 102.3 entitled “ Administration; Applicability; Change of use or occupancy” is hereby amended to read the following:

No changes shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code, the International Building Code, and section 903.6 of the Fire Code, for existing buildings. Subject to approval of the fire code official, the use of occupancy of an existing structure shall be permitted to be changed and the structure is allowed to be occupied for the purposes in other groups without conforming to all the requirements of this code and the International Building code for those groups provided the specific requirements of the fire Code, Section 903.6, are applied and the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

International Fire Code, Chapter 1 Section 102.4 entitled “Administration;

Applicability; Application of building code” is hereby amended to read as follows:

1 *102.4 Application of building code.* The design and construction of new structures shall
2 comply with the International Building Code. Repairs, alterations, additions, changes in
3 use or changes in structures required by this code which are within the scope of the
4 International building Code, shall be made in accordance therewith.

5 **International Fire Code, Chapter 1 Section 102.5 entitled Administration;**
6 **Applicability; Historic Buildings” is hereby amended to read as follows:**

7
8 *102.5 Historic Building.* The provisions of this relating to the construction, alteration,
9 Repair, enlargement, restoration, relocation or moving of buildings or structures shall not
10 be mandatory for existing buildings or structures identified and classified by the state or
11 local jurisdiction as historic buildings when such buildings or structures do not constitute
12 a district hazard to life or property. Fire protection in designated historic building and
13 structures shall be provided in accordance with an approved fire protection plan
14 developed in accordance with the provisions of NFPA 909.
15
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22

23 **International Fire Code, Chapter 1 Section 102.6 entitled Administration;**
24 **Applicability; Referenced codes and standards” is hereby amended to read as follows:**

25 *102.6 Referenced Codes and Standards.* The codes and standards referenced in this code
26 Shall be the most currently published edition of those that are listed in Chapter 45 and
27 Such codes and standards shall be considered part of the requirements of this code to the
28 Prescribed extent of each such reference. Where differences occur between the provisions
29 of this code and the referenced standards, the provisions of this code shall apply.
30
31
32
33
34
35

36 **International Fire Code, Chapter 1 Section 102.9 entitled Administration;**

1 **Applicability; Conflicting Provision” is hereby amended to read as follows:**

2
3 *102.9 Conflicting provisions.* Where there is conflict between a general requirement and
4 a specific requirement, the specific requirement shall be applicable. Where there is a conflict
5 between this Code, and another Code, rule, or regulation of the County, the more stringent
6 shall apply.

7 **International Fire Code, Chapter 1 Section 104.3 entitled Administration; General**
8 **Authority and Responsibilities: Right to Entry” is hereby amended to add the following**
9 **at the end of the section:**

10
11 *104.3 Right of Entry.* In the event entry is denied to a building or premise which is
12 commercial in nature and the International Fire Code requires such to have a permit, the
13 Chief may order the permit revoked; provided, however, that the request to enter must
14 have been during reasonable hours and, upon denial of entry, a warning of the possible
15 revocation must have been given.

16
17
18
19 **International Fire Code, chapter 1 section 104.5 is amended to add the following at**
20 **the end of the section:**

21 1.) The permit tee has caused a release of hazardous materials into the environment.

22
23 **International Fire Code, Chapter 1 Section 104.10 entitled Administration; General**

1 **Authority and Responsibilities: Fire Investigations” is hereby amended to read as**
2 **follows:**

3 *104.10 Fire Investigation.* The Chief is authorized to make investigations deemed
4 necessary of any fire or explosion in Valencia County, and to require reports from his/her
5 officers concerning all fires and explosions in the jurisdictional area. For the purpose of
6 such investigation, the Chief is authorized to conduct hearings, subpoena witnesses, take
7 testimony, and enter and examine any building, premises or vehicle where any fire or
8 explosion or attempt to cause a fire or explosion has occurred or which at the time may
9 be burning. The Chief has the power to cause to be produced before him/her such
10 evidence as he/she may require in making such examination. In addition, the Chief may,
11 in the exercise of his/her discretion, take temporary control and custody of building,
12 premises. Vehicles, items, devices, and things placing such persons in charge thereof as
13 he/she deems proper, until examination, investigation, prosecution, and /or lawful
14 destruction is completed.

15
16
17 **International Fire Code, Chapter 1 Section 105.4 entitled “Administration; Permits;**
18 **Construction Documents” is hereby amended by adding a new subsection 105.1.1**
19 **entitled “Plan review fee” thereto, read as follows:**

20 *105.4.1.1 Plan review fee.* Plan review and inspections fees are required for fire
21 protection systems as determined by the County. The fee entitles the submitter to an
22 initial plan review and one re-submittal to correct errors or omission. A fee equal to the
23 submittal fee shall be charged for each re-submittal beginning with the second re-

1 submittal if the same corrections must again be noted. This fee shall not be refunded once
2 a plan check has begun. The required inspections shall be included in the fee.

3
4 **International Fire Code, Chapter 1 Section 105.6.30 entitled “Administration; Permits;
5 Open Burning” is hereby amended by deleting the exception.**

6
7
8 **International Fire Code, Chapter 1 Section 105.7 entitled “Administration; Permits;
9 Required Construction Permits” is hereby amended to read as follows:**

10
11 *105.7 Required Construction Permits.* The fire code official is authorized to issue
12 construction permits for work as set forth in Sections 105.7.1 through 105.7.14.

13
14 **International Fire Code, Chapter 1 Section 105.7 entitled “Administration; Permits;
15 Required construction permits” is hereby amended by adding a new subsection
16 105.7.14 thereto entitled “Fire apparatus and personnel access” to read as follows:**

17 *105.7.14 Fire apparatus and personnel access.* A construction permit is required for the
18 following:

- 19 1. To install or modify any access control device across a fire apparatus road.
20 2. To modify or encroach on any fire apparatus access road.
21 3. To modify any personnel access point into buildings or facilities.

International Fire Code, chapter 1 section 108.1 entitled “Administration; Board of Appeals; Board of appeals established” is hereby amended to the following:

108.1 Board of appeals established. In order to hear and decide appeal of order, decision or determinations made by the fire code official relative to the application and interpretation of this code, there shall and hereby is created a Board of Appeals, herein after “The Board” consisting of five (5) members who are qualified by experience and training to pass upon pertinent matters. The Board of County Commissioners with overlapping terms shall appoint the Board. The board shall adopt reasonable rules and regulations for conducting its business and investigations and shall render all decisions and findings in writing to the Chief, with a duplicate copy to the Appellant and County Clerk, and may recommend to the executive body such new legislation as in consistent therewith.

- a) Any party aggrieved by an order or decision of any official of the Fire Department under the International Fire Code may appeal said order or decision to the Board, provided such party has first applied to the Chief in writing for reconsideration of the issue and the Chief has denied all or part of such party’s request. Appeals shall be allowed from an adverse decision of the Chief.
- b) Written notice of such an appeal must be given to the Chief within ten (10) calendar days after the date of the order. Said notice shall contain an enumeration of the specific order or decision complained of, the date of issuance thereof, person issuing such order or decision, and a brief statement of the reasons why such an order or decision is impractical, unwarranted, or creates an unnecessary

1 hardship. Said ten (10) day period is jurisdictional and shall not be waived.

2 c) Hearing on appeals shall be held within fifteen (15) calendar days after notice of
3 appeal is received, unless otherwise agreed by both parties. Stay of the appealed
4 order or time limits may be granted by the Board pending decision from the
5 Board, unless the violation constitutes an immediate hazardous to life or to
6 property.

7 d) For the purposes of hearing appeals, the Board shall have the power to issue
8 subpoenas, serve warrants, processes, make inspections, and require submission
9 of plans and specifications or, submission of such other evidence as is deemed
10 necessary.

11 e) Reasonable written notice of the time, place, and nature of the hearing shall be
12 given to all parties. In conducting a hearing, the Board shall give all parties an
13 opportunity for a full and fair hearing, including the right to counsel and the right
14 to call and examine witnesses to testify. The hearing shall be conducted in an
15 orderly manner, and the Chairperson shall exclude all irrelevant, immaterial and
16 unduly repetitious evidence.

17 f) On hearing of an appeal, the Board shall have the power to reverse, affirm, or
18 amend the orders' time limit or decision of the Chief, or to grant an alternative
19 method from the provisions of the International Fire Code and this ordinance;
20 provided that before reversing or amending such order or decision, or authorizing
21 such variance, the Board shall first find that in each instance, strict enforcement of
22 the order's time limit or decision is impractical, unwarranted, or creates an
23 unnecessary hardship. Such reversals, or amendments, or variances must be in

1 conformance with the spirit and intent of the International Fire Code and must
2 reasonable secure the public safety.

3 g) In every appeal, the Board shall issue its written decision within seven (7)
4 calendar days after such hearing. Each decision shall include the Board's findings
5 and conclusions, shall be signed by each member of the Board. The decision may
6 reverse, affirm, amend, or grant variance as to each order or decision listed by the
7 aggrieved party in their notice of appeal under Sub-Section (C) of 108.1. Every
8 decision or opinion of the Board shall be made part of the official records of the
9 Valencia County Fire Department. A copy of the board's decision or opinion shall
10 be given to the aggrieved party and shall be filed in the office of the County
11 Clerk.

12 h) The decision of the Board shall be final and exhausts all administrative remedies.

13 i) The Board shall maintain, for at least one (1) year, a list of appeals heard before it
14 and the order or decisions rendered by the Board.

15
16 **International Fire Code, Chapter 1 Section 109.3 entitled "Administration; Violations;**
17 **Violation penalties" is hereby amended to the following:**

18 *Section 109.3 Violation penalties.* Persons who shall violate a provision of this
19 code or shall fail to comply with any of the requirements thereof or who shall
20 erect, install, alter, repair, or do work in violation of the approved construction
21 documents or directives of the fire code official, or of a permit used under the
22 provision of this code, shall be guilty of a misdemeanor, punishable by a fine or
23 up to \$300.00, or by imprisonment not exceeding 90 days, or both such fine and

1 imprisonment. Each day that a violation continues after due notice has been
2 served shall be deemed a separate offence.

3
4 **International Fire Code, Chapter 1 Section 109.3 entitled “Administration; Violations;**
5 **” is hereby amended by adding a new subsection 109.3.2 entitled “Abatement of**
6 **Environmental, Health, Fire or Life Safety Hazards by Fire Marshal” to read as**
7 **follows.**

8 **109.3.2** *Abatement of Environmental, Health, Fire or Life Safety Hazards by fire*
9 *Code Official.* If any person fails to comply with the order of the Fire Code
10 Official, or if the Fire Code Official is unable to locate the owner, operator,
11 occupant, or other person responsible within a reasonable amount of time, the Fire
12 Code Official or any authorized representative may take such steps as are
13 necessary to abate the hazard for the protection and safety of the public. Notice is
14 not necessary before abatement, when the hazard is a clear and present danger to
15 the public welfare. All costs and attorneys fees related to such abatement shall
16 become a lien on the subject property.

17
18 **International Fire Code, Chapter 1 Section 111.4 entitled “Administration; Stop work**
19 **Order; Failure to comply” is hereby amended to read as follows:**

20 *111.4 Failure to Comply.* Any person who shall continue any work after having
21 been served with a stop work order, except such work as that person is directed to
22 perform to remove a violation or unsafe condition, shall be guilty of a
23 misdemeanor, punishable by a fine of up to \$300.00 or by imprisonment not

1 exceeding 90 days or both such fine and imprisonment.

2
3
4 **International Fire Code, Chapter 2 entitled "Definitions;" is amended to add the**
5 **following:**

6 All the definitions contained in Section 60-2C-2 of the New Mexico Fireworks Licensing
7 and Safety Act, 60-2C-1 et seq., NMSA 1978 are adopted for the purposes of this
8 article and the Fire Code.

9
10 **International Fire Code, Chapter 2 Section 202 entitled "Definitions; General**
11 **Definitions; Occupancy Classification; [B] Institutional group I; Group I-1" is hereby**
12 **amended to read as follows:**

13 *Group I-1.* This occupancy shall include buildings, structures or parts thereof housing
14 more than 10 persons, on 24- hour basis, who because of age, mental disability or other
15 reason, live in a residential environment that provide supervisory care service. The
16 occupants are capable of responding to an emergency situation without physical
17 assistance from staff. This group shall include, but not limited to, the following:
18 residential board and care facilities, assisted living centers, half-way houses, group
19 homes, congregate care facilities, alcohol and drug abuse centers, social rehabilitation
20 facilities, and convalescent facilities.

21
22 A facility such as the above with 10 or fewer persons shall be classified as a Group R-4
23 Condition 1.

International Fire Code, Chapter 2 Section 202 entitled “Definitions; General Definitions; Occupancy Classification; [B] Residential Group R; R-4” is hereby amended to read as follows:

R-4 Residential occupancies shall include building arranged for occupancy as residential care/assisted living homes including not more than 10 occupants, excluding staff.

R-4 Condition 1. This occupancy shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as a Group I-1.

R-4 Condition 2 This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency without physical assistance from staff. Condition 2 facilities housing more than 5 persons shall be classified as Group I-2.

International Fire Code, Chapter 2 Section 202 entitled “Definitions; General Definitions; Occupancy Classification;” is hereby amended by adding the following three definitions:

Directed Care Service. Care, including personal care services, of residence that are incapable of recognizing danger, summoning assistance, expressing need, or making basic care decisions.

Personal care services. Assistance with activities of daily living that can be performed by

1 persons without professional skills or professional training and includes the coordination
2 or provision of intermittent nursing services and the administration of medication and
3 treatments.

4 *Residential Care/ Assisted Living Home.* A building or part thereof housing a maximum
5 of 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability
6 or other reasons, live in a supervised residential environment which provides supervisory,
7 personal, or directed services. This classification shall include, but limited to the
8 following: Residential board and care facilities, assisted living centers, half-way houses,
9 group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug
10 abuse centers, convalescent facilities.

11
12 **International Fire Code, Chapter 3 Section 312 entitled “General Precautions Against**
13 **Fire, Vehicle Impact Protection” is hereby amended by adding a new subsection 312.4**
14 **thereto entitled “Utility Meters and piping “to read as follows:**

15 *312.4 Utility Meter and piping.* Utility meters and piping shall be protected from
16 vehicular impact. Guard posts shall comply with Section 312.2. In addition utility meters
17 and piping shall be protected from snow shedding or ice buildup from a roof area.

18
19 **International Fire Code, Chapter 3 Section 315.2.3 entitled “General Precautions**
20 **Against Fire, Miscellaneous Combustible Material Storage; Equipment Rooms” is**
21 **hereby amended to read as follows:**

22 *315.2.3 Equipment Room.* Combustible material shall not be stored in boiler rooms,
23 mechanical rooms, electrical rooms, and other rooms where a potential ignition source

exists, as determined by the fire code official.

International Fire Code, Chapter 4 Section 401.3.1 entitled “ Emergency Planning and Preparedness; General; Making False Reports” is hereby amended to add the following at the end of the section:

Any owner of user of a fire alarm system which experiences more than three nuisance alarms within any calendar year shall be required by the Fire Marshal to modify or improve said system in such a way to prevent accidental activation and may be subject to penalty by the Fire Marshal in accordance with the International Fire Code. Prior to modifying any required system, the owner shall submit an application accompanied by a set of drawings showing the design and nature of the proposed modifications. The system must be approved and permitted through the Valencia County Emergency Services Fire Prevention Bureau.

International Fire Code, Chapter 5 Section 503.2.7 entitled “Fire Service Features; Fire Apparatus Access Roads; Specifications; Grade” is hereby amended to read as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department’s apparatus. The gradient for fire apparatus access roads and driveways shall not exceed 12% or the maximum approved by this code.

Exceptions: The gradient for fire apparatus access roads and driveways may be increased if all structures that the access road or driveway serves are protected by an automatic sprinkler system. The gradient of such fire apparatus access roads or driveways shall not exceed 15%.

**International Fire Code, Chapter 5 Section 505.1 entitled “Fire Service Features;
Premises Identification; Address numbers” is hereby amended to read as follows:**

505.1 Address Numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 6 inches high with minimum stroke width of 0.5 inch. All street address shall be within 25 feet (762mm) of the street in an approved location if the structure or residence is more than 150 feet (45,720 mm) from a fire apparatus access road.

**International Fire Code, Chapter 5 Section 505 entitled “Fire Service Features;
Premises Identification;” is hereby amended by adding a new subsection 505.3 thereto
entitled “ Change of Address” to read as follows:**

505.3 Change of Address. When required by the fire code official, existing address may be changed to enhance the fire department’s ability to locate the scene in response to an EMS or Fire call. Any recommendations for changes in street names or numbers shall first be submitted to property owners for comment.

1 **International Fire Code, Chapter 5 Section 506.1 entitled “Fire Service Features; Key**
2 **Boxes; Where Required” is hereby amended to read as follows:**

3
4 *506.1 Where required.* Where access to or within a structure or an area is restricted because
5 of secured openings, or where immediate access is necessary for life-safety or fire-fighting
6 purposes, or where there is an automatic fire sprinkler system or fire alarm system, the fire
7 code official is authorized to require a key box to be installed in an approved accessible
8 location. The key box shall be an approved type and shall contain keys to gain access as
9 required by the fire code official.

10
11
12 **International Fire Code, Chapter 5 Section 508.1 entitled “Fire Service Features; Fire**
13 **Protection Water Supplies; Required water supplies” is hereby amended by adding a**
14 **new subsection 508.1.1 thereto entitled “Fire line Construction” to read as follows:**

15
16 *508.1 Fire Line Construction.* The fire line, from the control valve at the main to the flange
17 within the building shall be constructed of ductile iron pipe (350) unless otherwise permitted
18 by the fire code official.

19
20 **International Fire Code, Chapter 5 Section 508.5.1 entitled “Fire Service Features;**
21 **Fire Protection Water Supplies; Fire hydrant systems; Where required” is hereby**
22 **amended to read as follows:**

1 *508.5.1 Where required.* Where a portion of the facility or building hereafter
2 constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant
3 on a fire apparatus access road, as measured by an approved route around the exterior of
4 the facility or building, onsite fire hydrants and mains capable of supplying the required
5 fire flow, shall be provided where required by code official. Additional fire hydrants may
6 be required when buildings are equipped with fire department connections.

7
8 **International Fire Code, Chapter 5 Section 508.5.1 entitled “Fire Service Features;**
9 **Fire Protection Water Supplies; Fire hydrant systems; Where required” is hereby**
10 **amend exceptions to read as follows:**

11
12 *508.5.1 Where required.*

13 *Exceptions:*

- 14
- 15 1. For Group R-3 and Group U occupancies, the distance requirement shall be 500
16 feet (150 m).
 - 17 2. For buildings equipped throughout with an approved automatic sprinkler system
18 installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance
19 requirement shall be 500 feet (150 m).

20
21
22 **International Fire Code, Chapter 5, section 508.5.1 entitled “ Fire Service Features;**
23 **Fire Protection Water Supplies; Fire Hydrant Systems” is hereby amended by adding**

1 **a new subsection 508.1.1 thereto entitled “ Fire Protection in Recreational Vehicle,**
2 **Mobile home and Manufactured Housing Parks, Sales Lots, and Storage Lots” to read**
3 **as follows:**

4 *508.5.1.1 Fire Protection in Recreational Vehicle, Mobile Home and Manufactured Housing*
5 *Parks, Sales Lots, and Storage Lots. Recreational vehicle, mobile home and manufactured*
6 *housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access*
7 *roads in accordance with Sections 503 and 508 of the International Fire Code.*

8
9 **International Fire Code, Chapter 5 Section 508.5.4 entitled “Fire Service Features;**
10 **Fire Protection Water Supplies; Fire hydrant systems; Obstructions” is hereby**
11 **amended to read as follows:**

12
13 *508.5.4 Obstructions. Posts, fences, vehicles, growth, trash, storage, and other material*
14 *or objects shall not be placed or kept near fire hydrants, fire department inlet connections,*
15 *or fire protection system control valves in a manner that would prevent such equipment*
16 *or fire hydrant from being immediately discernible. The fire department shall not be*
17 *deterred from gaining immediate access to fire protection equipment and fire hydrants.*
18 *Parking shall not be permitted within 15 feet of a fire hydrant, fire department inlet*
19 *connection, or fire protection systems control valves, except as otherwise approved by the*
20 *fire code official.*

21
22 **International Fire Code, Chapter 5 Section 510.1 entitled “Fire Service Features; Fire**
23 **Department Access to Equipment; Identification” is hereby amended to read as**

1 follows:

2
3 *510.1 Identification.* Fire Protection equipment, and accessory rooms as deemed
4 necessary by the fire code official, shall be identified in an approved manner. Rooms
5 containing controls for air- conditioning systems, sprinkler risers, and vales, or other fire
6 detection, suppression or control elements shall be identified for the use of the fire
7 department. Approved signs required to identify fire protection equipment and equipment
8 location shall be constructed of durable materials, permanently installed, and readily
9 visible.

10
11 *International Fire Code, Chapter 6 Section 607 entitled “Building Services and*
12 *systems; Elevator recall and Maintenance” is hereby amended by adding a new*
13 *subsection 607.4 thereto entitled “ communications” to read as follows:*

14
15 *607.4 Communications.* All elevators shall be equipped with two-way communication
16 equipment and the equipment shall be operable at all times.

17
18 *International Fire Code, Chapter 9 Section 901 entitled “Fire Protection systems;*
19 *General; Construction Document’s” is hereby amended by adding a new paragraph*
20 *at the end thereof to read as follows:*

21
22 *901.2 Construction Documents.* Automatic sprinkler systems designed in accordance
23 with NFPA 13 shall be reviewed and submitted bearing a review certification and

signature of a minimum level III NICET Certified Engineering Technician (CET).

International Fire Code, Chapter 9 Section 901.4.2 entitled “Fire Protection systems; General; Non-required fire protection systems” is hereby amended to read as follows:

901.4.2 Non-required fire protection systems. Any fire protection system not required by this code or the International Building Code shall be installed throughout a building for complete protection. The installed system shall meet the requirements of the Fire Code and the International Building Code.

International Fire Code, Chapter 9 Section 901.7 entitled “Fire Protection systems; General; Systems out of service” is hereby amended to read as follows:

901.7 Systems out of service. Where a required fire protection system is out of service, the Fire Department shall be notified immediately and when required by the Fire Code official, the building shall have an approved fire watch in place until the fire protection system is placed back in service. The fire Code Official may require the building to be evacuated until such repairs are made.

International Fire Code, Chapter 9 Section 902.1 entitled “Fire Protection Systems; Definitions; is hereby amended by adding the following definitions thereto:

902.1 Definitions.

1 *Detached buildings:* A separate stand alone structure that is separate from other
2 buildings by an approved distance in accordance with the requirements of the building
3 code.

4 *Existing Building:* A building, structure, or facility, which is already in existence and
5 constructed prior to the adoption of this code.

6 *Speculative Warehouse:* A building designed for high piled combustible storage within a
7 known commodity designation specified.

8
9 **International Fire Code, Chapter 9, Section 902.1 entitled “ Fire Protection Systems;**
10 **Definitions; Standpipe System, Classes of” is hereby amended to add the following**
11 **definition thereto:**

12 *Class II System.* A system providing a 1.5-inch (38mm) hose stations to supply water for
13 use primarily for the building occupants or by the fire department during initial response. 1.5-
14 inch (38mm) hose and hose cabinets shall not be provided unless required by the code
15 official.

16 *Class III System.* A system providing a 1.5-inch (38mm) hose stations to supply water
17 for use primarily for the building occupants or by the fire department during initial response.
18 1.5-inch (38mm) hose and hose cabinets shall not be provided unless required by the code
19 official.

20 **International Fire Code, Chapter 9 Section 903.2 entitled “Fire Protection Systems;**
21 **Automatic Sprinkler Systems; Where required” is hereby amended by adding new**
22 **paragraphs thereto, to read as follows:**
23

1 *903.2 Where required.* In addition to the requirements of the fire and building codes, an
2 approved automatic monitored sprinkler system shall be installed throughout all levels of all new
3 Group B, E, F, M, R-3, U, and S occupancies 6,000 square feet or greater and in all buildings
4 over 3 stories in height (including basements) regardless of the total square footage. In Group R-
5 3 occupancies, the calculated area shall include all livable and unfinished space and the area of
6 any attached garage. The garage space shall be included in the protected area.

7 Exceptions:

8 All Group R-1, R-2, and R-4 occupancies shall have an approved automatic sprinkler system
9 installed regardless of the square footage.

10 All Group A occupancies shall have an approved automatic sprinkler system installed where
11 there is an occupant load of 50 or greater.

12 Automatic sprinkler systems in R-3 and U occupancies shall not be required to be monitored.
13 Such systems shall be in accordance with the International Fire Code, International Building
14 Code, and installed in accordance with NFPA 13, 13D, or 13R as specified by the fire code
15 official.

16 Notwithstanding the foregoing an automatic monitored fire sprinkler system may be installed
17 in any building regardless of floor area.

18
19 **International Fire Code, Chapter 9 Section 903.2.1 entitled “ Fire Protection Systems;**
20 **Automatic Sprinkler Systems; Where required” Group A-1:” is hereby amended by**
21 **amending item #2.**

22
23 *903.2.1.1 Group A-1.*

1 2. The fire area has an occupant load of 50 or greater.

2 **International Fire Code, Chapter 9 Section 903.2.1.2 entitled “ Fire Protection Systems;**
3 **Automatic Sprinkler Systems; Where required” Group A-2:” is hereby amended by**
4 **amending item #2.**

5 *903.2.1.2 Group A-2.*

6 2. The fire area has an occupant load of 50 or more; or

7
8 **International Fire Code, Chapter 9 Section 903.2.1.3 entitled “ Fire Protection Systems;**
9 **Automatic Sprinkler Systems; Where required” Group A-3:” is hereby amended by**
10 **amending item #2.**

11 *903.2.1.3 Group A-3.*

12 2. The fire area has an occupant load of 50 or more; or

13
14 **International Fire Code, Chapter 9 Section 903.2.1.4 entitled “ Fire Protection Systems;**
15 **Automatic Sprinkler Systems; Where required” Group A-4:” is hereby amended by**
16 **amending item #2.**

17 *903.2.1.4 Group A-4.*

18 2. The fire area has an occupant load of 50 or more; or

19
20 **International Fire Code, Chapter 9 Section 903.2.1.5 entitled “ Fire Protection Systems;**
21 **Automatic Sprinkler Systems; Where required” Group A-5:” is hereby amended to read**
22 **as follows:**
23

1 903.2.1.5 *Group A-5*. An automatic monitored sprinkler system shall be provided in
2 concession stands, retail areas, press boxes, and other accessory use areas where the occupant
3 load is 50 or greater.

4
5 **International Fire Code, Chapter 9 Section 903.2.2 entitled “ Fire Protection Systems;
6 Automatic Sprinkler Systems; Where required” Group E:” is hereby amended to read as
7 follows:**

8 903.2.2 *Group E*. An automatic monitored sprinkler system shall be provided throughout all
9 Group E fire areas 6,000 square feet and greater in area. An automatic monitored sprinkler
10 system shall also be provided for every portion of educational buildings above or below the level
11 of exit discharge.

12

13

14

15 **International Fire Code, Chapter 9 Section 903.2.3 entitled “ Fire Protection Systems;
16 Automatic Sprinkler Systems; Where required” Group F-1:” is hereby amended by
17 adding a new item number 1-3, to read as follows:**

18

19 903.2.3 *Group F-1*.

- 20 1. Where a Group F fire area is 6,000 square feet or greater;
- 21 2. Where a Group F fire area is located more than 3 stories in height (including basements);
- 22 or
- 23 3. Where the combined area of all Group F fire area on all floors, including any mezzanines

1 and basements, is 6,000 square feet or greater.

2
3 **International Fire Code, Chapter 9 Section 903.2.6 entitled “ Fire Protection Systems;**
4 **Automatic Sprinkler Systems; Where required” Group M:” is hereby amended by adding**
5 **the following at the end of the paragraph:**

6 *903.2.6 Group M.*

7 1. Where a Group M fire area is 6,000 square feet or greater;

8 2. Where a Group M fire area is located more than three stories in height (including
9 Basements)

10 3. Where the combined area of all Group M fire area on all floors, including mezzanines
11 and basements, 6,000 square feet or greater.

12
13 **International Fire Code, Chapter 9 Section 903.2.7 entitled “ Fire Protection Systems;**
14 **Automatic Sprinkler Systems; Where required” Group R:” is hereby amended to read as**
15 **follows:**

16 *903.2.7 Group R.* An automatic sprinkler system installed in accordance with Section 903.3
17 shall be provided throughout all buildings with a Group R fire area. In group R-3 occupancies
18 6,000 square feet or greater, an automatic sprinkler system shall be installed throughout in
19 accordance with Section 903.2 and 903.3.

20 R-3 and U occupancies less than 6,000 square feet shall be required to have an automatic
21 sprinkler system installed when any of the following apply;

22 1. The fire department access roads do not meet the requirements of the Fire code.

23 2. The building is located in a subdivision without adequate fire apparatus access roads,

1 which provide multiple ingress and egress points from the subdivision.

2 3. The building site is located on a dead-end and exceeds 1,500 feet from the nearest
3 thoroughfare's intersection.

4 4. The fire department access road is greater than a 12% grade.

5 5. A fire hydrant is more than 1000 feet from the building site or the required fire flow is
6 not available.

7 6. The most remote point of a building is located more than 150 feet from the closest point
8 of a fire apparatus access roadways as measured by an approved route around the exterior
9 of the building.

10 *Exception.*

11 1. Detached one and two family dwellings under 3,000 square feet.

12 2. Manufactured (Mobile) and modular homes build on a permanent chassis designed
13 and built as a dwelling unit and recreational vehicles that were not site built and are
14 portable in nature.

15
16 **International Fire Code, Chapter 9 Section 903.2.8 entitled “ Fire Protection Systems;**
17 **Automatic Sprinkler Systems; Where required” Group S-1:” is hereby amended to read as**
18 **follows:**

19
20 *903.2.8 Group S-1.* An automatic sprinkler system shall be provided throughout all buildings
21 containing a Group S-1 occupancy, including repair garages, that are greater than 6,000 sq. ft
22 (557 sq, m) within surrounding exterior walls and /or where three stories (including basements)
23 or more in height, or where the combined square footage on all floors including mezzanines, and

basements is greater than 6,000 sq. ft. within surrounding exterior walls.

International Fire Code, Chapter 9 Section 903 entitled “ Fire Protection Systems; Automatic Sprinkler Systems; is hereby amended by adding a new subsection 903.2.9.1.2 thereto entitled” Open parking garages” to read as follows:

903.2.9.1.2 Open parking garages. An automatic sprinkler system shall be provided throughout all open parking garages as defined in the International Building Code where any portion is greater than 75 ft from an exterior opening. At least one exterior opening shall be directly accessible by fire apparatus.

International Fire Code, Chapter 9 Section 903.2.10 entitled “ Fire Protection Systems; Automatic Sprinkler Systems; Where required” windowless stories in all occupancies” is hereby deleting the exception thereto.

International Fire Code, Chapter 9 Section 903 entitled “ Fire Protection Systems; Automatic Sprinkler Systems; is hereby amended by adding a new subsection 903.2.14 thereto entitled” Fire Protection Systems; Automatic Sprinkler Systems; Where Required; Group B,” to read as follows:

Section 903.2.14 Group B. An automatic sprinkler system shall be provided throughout all Group B occupancies where any of the following exist:

1. Where Group B fire area is 6,000 square feet and greater, or

- 1 2. Where Group B fire area is three stories in height including basement, or
- 2 3. Where the combined square footage on all floors including mezzanines, and basements is
- 3 6,000 square feet.

4

5

6 **International Fire Code, Chapter 9 Section 903.3.1.3 entitled “ Fire Protection Systems;**

7 **Automatic Sprinkler Systems; Installation requirements; NFPA 13D sprinkler systems” is**

8 **hereby amended to read as follows:**

9

10 *903.3.1.3 NFPA 13D sprinkler system.* Where allowed, automatic sprinkler systems in one and

11 two family dwellings shall be installed throughout in accordance with NFPA 13D, 901.2.1 and

12 this code. Automatic sprinkler systems designed in accordance with NFPA 13D shall be

13 reviewed and submitted bearing a review certification and signature of a minimum level III

14 NICET Certified Engineering Technician (CET). NFPA 13D systems shall include sprinklers in

15 vehicle garages. Automatic sprinkler systems shall be provided throughout a fire area continuing

16 Group R-3 occupancy where the fire area exceeds 6,000 square feet. Systems greater than 7,500

17 square feet in size shall be calculated based on four sprinklers and a Fire Department Connection

18 (FDC) shall be provided per the Fire Code Official.

19

20 **International Fire Code, Chapter 9 Section 903.3.5 entitled “ Fire Protection Systems;**

21 **Automatic Sprinkler Systems; Installation Requirements; Water supplies” is hereby**

22 **amended by adding a new subsection 903.3.5.3 hereto entitled “ Water requirements” to**

23 **read as follows:**

1
2 *903.3.5.3 Water Requirements.* Automatic sprinkler system hydraulic calculations shall be
3 based on water supply data curve that is 90 percent of the available water supply curve (10%
4 Cushion), as determined by flow test information and at a maximum of 80 p.s.i.

5
6 **International Fire Code, Chapter 9 Section 903.3.7 entitled “ Fire Protection Systems;**
7 **Automatic Sprinkler Systems; Installation Requirements; Fire Department**
8 **Connections” is hereby amended by adding a new paragraph at the end of the section to**
9 **read as follows:**

10
11 *903.3.7 Fire Department Connections.* The location of the fire department connection shall
12 be located remotely at a distance no less than 1 ½ times the height of the tallest wall.

13 *Exception:* If public access ways prohibit required distance, the fire department connection
14 must still be remotely located at a distance approved by the Fire Code Official.

15
16
17
18
19 **International Fire Code, Chapter 9 Section 903.3 entitled “ Fire Protection Systems;**
20 **Automatic Sprinkler Systems; Installation Requirements”;** is hereby amended by
21 **adding a new subsection 903.3.8 entitled “ Speculative warehouse special requirements”**
22 **thereto, to read as follows:**

1 *903.3.8 Speculative Warehouse Special Requirements.* Speculative Warehouse shall comply
2 with Chapter 23, and this code. Where the maximum allowable storage height can exceed 12
3 feet but less than 22 feet the following shall apply:

- 4 1. Design for a class IV non-encapsulated commodity, double row rack storage, 8 foot aisles and
5 286 degree sprinklers; and
- 6 2. Hydraulically designed to protect the maximum possible clear height or storage without in-
7 rack sprinklers; and
- 8 3. Add 500 g.p.m. at the base of the riser for inside hose to hydraulic calculations, and provide
9 the hose stub outs for future installation or use existing columns for hose installing locations.

10 Where the maximum allowable storage height can exceed 22 feet the following shall apply:

- 11 1. Hydraulically design systems to protect the maximum possible clear height of storage
12 without in-rack sprinklers; and
- 13 2. Provide .64 g.p.m. per square foot over the hydraulically most remote 2,000 square feet;
14 or use an approved alternative design such as ESFR sprinklers.

15
16
17 **International Fire Code, Chapter 9 Section 903.3 entitled “ Fire Protection Systems;**
18 **Automatic Sprinkler Systems; Installation Requirements; is hereby amended by adding a**
19 **new subsection 903.3.9 entitled “ Access to fire sprinkler riser room” thereto, to read as**
20 **follows:**

21
22 *903.3.9 Access to fire sprinkler riser room.* An exterior door leading directly into the room
23 containing the fire sprinkler riser and shut off controls shall be provided.

1 *Exception:* Where an approved alternate method of controlling the sprinkler water supply
2 from the outside of the structure is provided and is accessible to the fire department.

3
4
5 **International Fire Code, Chapter 9 Section 903.4 entitled “ Fire Protection Systems;**
6 **Automatic Sprinkler Systems; Sprinkler system monitoring and alarms” is hereby**
7 **amended by deleting exception number 2 thereto.**

8
9
10 **International Fire Code, Chapter 9 Section 903.4.2 entitled “ Fire Protection Systems;**
11 **Automatic Sprinkler Systems; Sprinkler systems monitoring and alarms; Alarms” is**
12 **hereby amended by adding a new subsection 903.4.2.1 entitled “ Occupant notification”**
13 **thereto, to read as follows:**

14
15
16 *903.4.2.1 Occupant Notification.* Alarm devises to alert the occupants shall be provided in
17 the interior of the building, in normally occupied locations, as approved by the Fire Code
18 Official.

19 Occupant notification alarms shall be in compliance with NFPA 72 and the Fire Code.

20
21
22 **International Fire Code, Chapter 9 Section 903.6 entitled “ Fire Protection Systems;**
23 **Automatic Sprinkler Systems; Existing Building; is hereby amended to read as follows:**

1
2 *903.6 Existing Buildings.* The provisions of this section are intended to provide a reasonable
3 degree of safety in existing structures not complying with the minimum requirements of the
4 International Building Code by requiring installation of an automatic fire-extinguishing system.

5 An approved automatic monitoring fire extinguishing system shall be provided throughout all
6 existing building when any of the following occur:

- 7 1. Any addition that increases the total floor area to 6,000 square feet or greater including
8 mezzanines, and basements, or
- 9 2. Any change of use to a portion of the building to an Assembly Occupancy where the
10 occupant load is 50 or greater, or
- 11 3. A change or use is made to any building with a total floor area of 6,000 feet or greater
12 including mezzanines and basements.

13 *Exception:* R-3 Occupancies.
14

15 **International Fire Code, Chapter 9 section 904.11 entitled “Fire Protection Systems;**
16 **Alternative Automatic Fire- Extinguishing Systems; Commercial Cooking Systems” is**
17 **hereby amended by deleting the exception.**

18
19
20 **International Fire Code, Chapter 9 Section 907.1.1 entitled “ Fire Protection Systems;**
21 **Alarm and Detection Systems; Construction Documents”;** is hereby amended by adding a
22 **new item number 12 thereto, to read as follows:**
23

1 *907.1.1 Construction Documents.*

2 12. All plans shall be designed and stamped by minimum NICET Level III Fire Protection
3 Engineering Technology, fire Alarm certified personnel.

4
5
6 **International Fire Code, Chapter 9 Section 907.2 entitled “ Fire Protection Systems;
7 Fire Alarm and Detection Systems; Where required “ is hereby amended to read as
8 follows:**

9 *907.2 Where required – new building and structures.* An approved manual, automatic, or
10 manual and automatic fire alarm system shall be provided in new buildings and structures in
11 accordance with Section 907.2.1 through 907.2.23. Where automatic sprinkler protection
12 installed in accordance with Section 903.3.1.2 is provided and connected to the building alarm
13 system, automatic heat detection required by this section shall not be required.

14 Where automatic sprinkler protection is provided, approved fire alarm system notification
15 appliances shall be installed in all occupancies over 6,000 square feet of floor area and in all
16 buildings over three stories in (including basements) regardless of total square footage.

17 All fire alarm installations shall be installed by a minimum NICET Level III Fire Protection
18 Engineering Technology, Fire Alarm Systems certified persons or factory-trained and certified
19 personnel.

20 *Exception:* Group R-3 occupancies

21 **International Fire Code, Chapter 9 Section 907.2.1 entitled “ Fire Protection Systems;
22 Fire Alarm and Detection Systems; Where required new building and structures; Group
23 A“ is hereby amended by adding a new subsection 907.2.1.3 entitled “ Audibility in new**

1 **and existing buildings”: thereto, to read as follows:**

2
3 *907.2.1.3 Audibility in new and existing buildings.* To ensure that audible public mode
4 signals are clearly heard, a fire alarm system shall be arranged to stop or reduce ambient noise,
5 when required by the code official.
6

7 **International Fire Code, Chapter 9 Section 907.20.5 entitled “ Fire Protection Systems;**
8 **Fire Alarm and Detection Systems; Inspections, testing, and maintenance; Maintenance,**
9 **inspection and testing” is hereby amended by adding a new subsection 907.20.5.1 entitled “**
10 **Qualified Personnel” thereto, to read as follows:**

11 *907.20.5.1 Qualified Personnel.* Maintenance, inspection, and testing shall be conducted by
12 persons who are qualified and experienced. Maintenance, inspection and testing of alarm systems
13 shall be conducted by minimum NICET Level III Fire Protection Engineering Technology, Fire
14 Alarm Systems certified persons, or factory trained and certified personnel.
15

16 **International Fire Code, Chapter 9 Section 907.20 entitled “ Fire Protection Systems;**
17 **Fire Alarm and Detection Systems; Inspections, testing, and maintenance; is hereby**
18 **amended by adding a new subsection 907.20.6 entitled “ Required Monitoring ” thereto, to**
19 **read as follows:**

20 *907.20.6 Required Monitoring.* When required by the Fire Code Official, fire alarm systems
21 shall be monitored by an approved central, proprietary, or remote station. Owners/tenants of
22 building with required fire alarm systems must report upon request from the fire department,
23 the name and location of the monitoring company for that system. The Fire Code Official

1 shall be notified within 24 hours of any change or cancellation by the monitoring company or
2 of any changes thereto.

3
4 **International Fire Code, Chapter 9 section 909.8.1 is amended to the following**

5 **Exhaust rate.** The height of the lowest horizontal surface of the accumulating smoke layer
6 shall be maintained at least 6 ft above any walking surface, which forms a portion of a
7 required egress system within the smoke zone. The required exhaust rate for the zone shall be
8 the largest of the calculated plume mass flow rates for the possible plume configurations.
9 Provisions shall be made for natural or mechanical supply of air exhausted. Makeup airflow
10 rates, when measured at the potential fire location, shall not exceed 200 feet per minute
11 (60960 mm per minute) toward the fire. The temperature of the makeup air shall be such that
12 it does not expose temperature-sensitive fire protection systems beyond their limits.

13
14
15 **International Fire Code, Chapter 9 sections 909.9 shall be amended to the following.**

16 *909.9 Design Fire.* The design fire shall be based on a rational analysis performed by a
17 registered design professional and approved by the code official. The design fire shall be
18 based on the analysis in accordance with Section 909.4 and this section.

19
20
21 **International Fire Code, Chapter 10 Section 1008.1 entitled “ Means of Egress; Doors,**
22 **Gates and Turnstiles; Doors” is hereby amended by adding a new paragraph at the end of**
23 **the section thereto, to read as follows:**

1
2 *1008.1 Doors:* When required by the Fire Code Official, a sign shall be displayed
3 permanently on the exterior of the exit door(s) in letters not less than 6 inches in height with
4 a minimum stroke of .5 inches with a contrasting background to read as follows:

5 “EXIT DOORS DO NOT OBSTRUCT”
6

7 **International Fire Code, Chapter 10 Section 1011.1 entitled Where required” is**
8 **hereby amended by adding a new sentence at the end of the section thereto, to read as**
9 **follows:**

10 *1011.1 Where required:* Floor proximity exit signs are required in R-1 occupancies having
11 more than 2 stories in height.
12

13 **International Fire Code, Chapter 14 Section 1410 entitled “ Fire Safety During**
14 **Construction and Demolition; Access for Fire Fighting” is hereby amended by adding a**
15 **new subsection 1410.3 entitled” Access road and signage” thereto, to read as follows:**
16

17 *1410.3 Access road and signage.* During construction, approved signs shall be located to
18 direct emergency responders into and through the construction site as required by the Fire
19 Code Official.
20

21
22 **International Fire Code, Chapter 24 section 2404.12 entitled “Tents, Canopies, and**
23 **other Membrane Structures: Temporary and Permanent Tents, Canopies, and other**

1 **Membrane Structures; Portable fire extinguishers” is hereby amended to read as**
2 **follows.**

3 *2404.12 Portable Fire Extinguishers.* A portable fire extinguisher shall be provided for
4 every 400 square feet of tent, canopy, or membrane structure with a travel distance of 50
5 feet.

6 *Exception:* Tents, canopies, or membrane structures not used for cooking or with
7 no open flame may increase area to 800 square feet and a travel distance of 75 feet.

8
9 **International Fire Code, Chapter 27 Section 2702.1 entitled “Hazardous Material-**
10 **General Provisions; Definition; Secondary Containment” is hereby amended to read as**
11 **follows:**

12
13 *Secondary Containment.* That level of containment that is external to and separate from
14 primary containment and is capable of safely and securely containing the material,
15 without discharge, for a period of time reasonable necessary to ensure detection and
16 remedy of the primary containment failure.

17
18 **International Fire Code, Chapter 33 section 3301.1.3 delete exception # 2.**

19
20 **International Fire Code, Chapter 33 Section 3301.2.4 entitled “Explosives and**
21 **Fireworks; General; Permit Required; Financial Responsibility” is hereby amended to**
22 **read as follows:**

23 *3301.2.4 Financial Responsibility.* Before a permit is issued, as required by Section 3301.2

1 the applicant shall file with the County of Valencia a surety bond in the principal sum of
2 \$1,000,000.00 (one million dollars) or a public liability insurance policy for the same amount,
3 for the purpose of payment of all damages to persons or property which arise from, or are caused
4 by, the conduct of any act authorized by the permit upon which any judicial judgment results.

5 The Fire Code Official is authorized to specify a greater or lesser amount when, in his or her
6 opinion, conditions at the location of use indicate a greater or lesser amount is required.

7 *Exception:* Government Entities.

8
9
10 **International Fire Code, Chapter 33 Section 3301 entitled “ Explosives and Fireworks;**
11 **General; is hereby amended by adding a new subsection 3301.9 through 3301.11 thereto,**
12 **read as follows:**
13

14 *3301.9 Plans.* Three (3) days prior to temporary storing of explosive material within the
15 jurisdiction a scale drawing of the proposed storage site, noting closest inhabited dwellings,
16 structure, utilities, and public right of ways shall be submitted to the Fire Code Official for
17 review and an on-site inspection shall be conducted prior to approval. The magazine and site
18 shall meet the requirements of the American Table of Distances.

19 *3301.10 Fees.* Fees shall be paid to the Valencia County Emergency Services at the time of
20 the request for any permit.

21 *3301.11 Permit Requirements.* When applying for a permit to use or store explosive
22 materials with Valencia County, the contractor shall conform to the policy set by Valencia
23 County Fire Marshal.

International Fire Code, Chapter 33 Section 3302.1 entitled “ Explosives and Fireworks; Definitions; Definitions” is hereby amended by adding the following definitions thereto:

Attend. Is an unobstructed view of explosive material storage or within 100 feet of an explosive material transportation vehicle.

Permanent. Shall mean more than 90 days but less than 360 days.

Temporary. Shall mean no more than 90 days.

International Fire Code, Chapter 33 Section 3304 entitled “ Explosives and Fireworks, Explosive Material Storage and Handling” is hereby amended by adding a new subsection 3304.3.1.1 thereto entitled “Monitoring of Type I and II Magazines” to read as follows:

3304.2.1.1 Monitoring of Type I and II Magazines”

An automatic alarm system shall be provided in all type I and II magazines. The alarm system shall be remotely monitored and shall be activated when there is unauthorized entry into the magazine, and when there is a rise in the temperature in the magazine that could cause the explosive material stored in the magazine to detonate or to deflagrate.

The alarm system shall be in accordance with the provision of section 907.20.6 NFPA 72, and other recognized national standards.

International Fire Code, Chapter 33 Section 3304.9 entitled “Explosives and Fireworks,

1 **Explosive Material Storage and Handling; inspection” is hereby amended to read as**
2 **follows:**

3
4 *3304.9 Inspections.* Magazines containing explosive material shall be opened and inspected
5 at maximum three-day intervals. The inspection shall determine whether there has been an
6 unauthorized or attempted entry into a magazine or an unauthorized removal or a magazine
7 or its contents.

8
9
10 **International Fire Code, Chapter 33 Section 3304 entitled “Explosives and Fireworks,**
11 **Explosive Material Storage and Handling” is hereby amended by adding a new**
12 **subsections 3304.11 through 3304.21 thereto, to read as follows:**

13
14 *3304.11 Loading of Holes.* Explosive material shall not be loaded into the ground until the
15 Fire Code Official issues a valid use permit and the permit holder is on site.

16 *3304.12 Signage.* Provide and install signs reading “BLASTING ZONE AHEAD” and
17 “TURN OFF 2_WAY RADIOS” when explosive material use is proposed within 300 feet of
18 public rights-of-way.

19 *3304.13 Attendance.* The permit holder shall be on site when the explosive material are
20 loaded into the ground and shall remain on site until the blasting operation is complete.

21 *330.14 Written notification.* The contractor, at the discretion of the permit holder may
22 provide verbal notification to the owner/occupant and written notification in their absence, of
23 each building or structure within a 300-foot radius of the blast site prior to the use of

explosive materials or as otherwise required by the Fire Code Official.

3304.15 Scaled distance. When building are located within a 300-foot radius of a blast site the scaled distance factor of fifty shall be used in order to limit the peak particle velocity (PPV). A pre-blast survey, seismic or air blast monitoring may also be required at the discretion of the Fire Code Official. When seismic monitoring is conducted refer to NFPA 495, "Frequency vs. Particle Velocity Graph." When air blast monitoring is conducted, the maximum reading allowed is 133 decibels (db) as referred to in NFPA 495, Air blast Limits Table.

3304.16 Blasting log. The permit holder shall maintain a blasting log. The log shall contain the following minimum data as applicable. Blasting logs shall be retained for at least five (5) years and when requested, a copy of the blasting log shall be submitted to the Fire Code Official.

1. Name of Company or contractor,
2. Fire Department Permit number,
3. Exact location of the blast site, date and time of detonation,
4. Type of material blasted,
5. Number of holes, burden and spacing,
6. Diameter and depth of hole,
7. Types and total amount of each explosive used,
8. Maximum amount of explosives and holes detonated within each 8-millisecond delay period,
9. Method of firing and type of circuit,
10. Direction, distance in feet, and identification of the nearest dwelling, house, public

1 building, school, church, commercial or institutional building,

2 11. Weather conditions,

3 12. Type and height of stemming,

4 13. Statement of whether fly-rock protection was used and type,

5 14. Type of delays and delay period in milliseconds,

6 15. Seismograph records when used:

7 a. Name of operator

8 b. Distance and direction of geophone and mic from blast

9 c. Seismograph calibration certification

10 d. seismograph reading

11 16. Plan view drawing of blast pattern showing layout and number of holes, burden, and
12 spacing distance, delay pattern, and a profile of typical loaded hole.

13 *3304.17 Marked items.* Any remaining explosive operation items or device marked

14 **EXPLOSIVE** or **BLASTING CAP** shall be removed from the site at the end of the day and
15 properly disposed of in accordance with the Fire Code and nationally recognized standards.

16 *3304.18 Transfer of material between vehicles; breakdown or collision.* Explosive materials
17 shall not be transferred from one vehicle to another within Valencia County without
18 informing the Fire Code Official first. In the event of a breakdown or collision of vehicles
19 transporting explosives materials, the Fire Chief shall be immediately notified.

20 *3304.19 Parking and garaging.* Vehicles transporting explosive material shall not be parked
21 before reaching its destination on any street, adjacent to or in the proximity of any bridge,
22 tunnel, dwelling, building or place where people work, congregate or assembly.

23 *3304.20 Temporary storage – up to 90 days.* As defined in Chapter 33, temporary storage

(up to 90 days) may be allowed by the Fire Code Official and shall be placed in an approved magazine for storage of explosives and explosive material and shall comply with Section 3304.5.1 through 3304.5.3.3

3304.21 Permanent storage – 90 to 360 days. As defined in Chapter 33 (over 90 days but less than 360) may be allowed by the Fire Code Official and shall be placed in an approved magazine for the storage of explosives and explosive material and shall comply with Section 3304.5.1 through 3304.5.3.3

International Fire Code, Chapter 33 Section 3305 entitled “ Explosives and Fireworks, Manufacture, Assembly and Testing or Explosives, Explosive Material, and Fireworks” is hereby deleted in its entirety, to be replaced with a new section 3305, to read as follows:

Section 3305 Manufacture, Assembly and Testing or Explosives, Explosive Materials, and Fireworks.

3305.1 General: The manufacture, assembly and testing of explosives, ammunition, blasting agents, explosive materials, and fireworks shall not be conducted within Valencia County.

Exceptions:

1. The hand loading of small arms ammunition prepared for personal use and not offered for resale.
2. The mixing and loading of blasting sites in accordance with NFPA 495.
3. The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.

1 International Fire Code, Chapter 33 Section 3307.1 entitled “ Explosives and
2 Fireworks, Blasting; General” is hereby amended by adding new subsection 3307.1.1
3 through 3307.1.5 thereto, to read as follows:

4
5 *3307.1.1 Competency.* A competent person possessing a valid permit issued by the Valencia
6 County Fire Department shall be in charge of magazines. The person shall be at least 21 years of
7 age and responsible for compliance with all regulatory agencies.

8 *3307.1.2 Personnel Qualifications.* The person in charge of the use, possession,
9 manufacturing, handling or transporting or explosives material within Valencia County shall be
10 at least 21 years of age.

11 *3307.1.3 Intoxicants.* Explosive materials shall not be handled by persons under the
12 influence of intoxicants or any drug as defined in New Mexico Statute, or its metabolics.

13 *3307.1.4 New Mexico Revised Statutes.* Vehicles used to transport explosive materials in
14 quantities requiring placards in accordance with DOT shall be provided with liability insurance
15 in compliance with Revised New Mexico Statutes.

16 *3307.1.5 Abandonment.* Explosive material or loaded holes shall not be left unattended at
17 any time.

18
19
20 International Fire Code, Chapter 3308.11 entitled Explosives and Fireworks; Fireworks
21 Displays; Retail displays and sale, is hereby deleted and replaced with the following.
22 3308.11 Retail Sales and Storage of Fireworks; Regulated Activity.
23

1 **Retail Sales and Storage of Fireworks; Regulated Activity**

- 2 1) Fireworks may not be sold without a retail permit. A permit shall be issued for each
3 location where the sale takes place.
- 4 2) It is unlawful to offer for sale any firework to children under the age of twelve or to any
5 intoxicated person.
- 6 3) At places where fireworks are stored, sold, or displayed the words “**No Smoking**” shall
7 be posted in letters at least four inches high. Smoking, open flames and ignition sources
8 are prohibited within twenty-five (25) feet of any fireworks stock. The number and
9 placement of “**No Smoking**” signs may be determined by the “ Fire Marshal” or
10 designated agents of the “Fire Marshal”
- 11 4) Fireworks may not be stored, kept, sold or discharges within fifty (50) feet of any
12 gasoline pump, or gasoline bulk station, or any building in which gasoline or volatile
13 liquids are sold in quantities in excess of one gallon, except in stores where cleaners,
14 paints, and oils are handled in sealed container.
- 15 5) All Fireworks permits and licensees shall keep, posted, and maintain upon each premises
16 where fireworks are located a fire extinguisher bearing an Underwriters Laboratories Inc.
17 label and with a rated capacity of at least 5lbs ABC per five hundreds (500) square feet of
18 space used for fireworks sales and storage.
- 19 6) A sales attendant who is at least sixteen (16) years of age must be on duty to serve
20 consumers at the time of purchase and delivery. All fireworks sold and shipped to
21 consumers within Valencia County shall be sold and shipped only by an individual firm,
22 partnership, or corporation holding the proper Valencia County fireworks license or
23 permit.

- 1 7) Fireworks shall not be discharges within one hundred and fifty (150) feet of any
2 fireworks sales location.
- 3 8) Fireworks shall not be ignited within a motor vehicle and shall not be thrown from a
4 motor vehicle. Fireworks shall not be thrown into or at a motor vehicle, or into, at or near
5 any person, or group of persons.
- 6 9) All fireworks devices that are readily accessible to handling by consumers or purchasers
7 in retail sales locations must have their exposed fuses protected in such a manner as to
8 protect against accidental ignition of an item by spark, cigarette ash, or other ignition
9 source. If the fuse is a threaded-wrapped safety fuse, which has been coated with a
10 nonflammable coating, only the outside end of the safety fuse shall be covered. If the fuse
11 is not a threaded-wrapped safety fuse, the entire fuse shall be covered.
- 12 10) Fireworks may be sold between June 20 and July 6 of each year and the three days
13 preceding and including New Year's Day, Chinese New Year, and Cinco De Mayo of
14 each year.
- 15 **Exception:** Fireworks may be sold all year in permanent retail stores
16 whose primary business is tourism.
- 17 c) No person may, shall, hold for sale, import, distribute, or offer for sale, as manufacturer,
18 distributor, wholesaler, or retail any fireworks in Valencia County unless such person has
19 first obtained the appropriate fireworks license or permit. All fireworks license or permit
20 applications shall be submitted to the Valencia County Emergency Services. All retailers
21 shall be required to purchase a retail fireworks license or permit for each retail location.
- 22 d) An application for a fireworks license or permit under the International Fire Code and
23 this ordinance shall pay to the Valencia County Emergency Services the following fees,

1 which shall not be waived or refunded:

| | | |
|---|--------------------------------|---------|
| 2 | 1. Manufacturer License | \$50.00 |
| 3 | 2. Distributor License | \$25.00 |
| 4 | 3. Wholesaler License | \$25.00 |
| 5 | 4. Specialty Retailer License | \$25.00 |
| 6 | 5. Display Distributor License | \$25.00 |
| 7 | 6. Retailer Permit | \$25.00 |

- 8 e) All fireworks licenses and permits shall be issued for one year beginning on May 1 of
9 each year. All fireworks licenses and permits if approved shall be issued within thirty
10 days from the date of receipt of application.
- 11 f) Fireworks licenses and permits issued under the International Fire Code and this
12 ordinance shall not be restricted in number or limited to any person without cause.
- 13 g) Permissible fireworks for sale to the general public as that term is used in the
14 International Fire Code and this ordinance shall mean fireworks legal for sale and use in
15 New Mexico under the provisions of the Fireworks Safety and Licensing Act, Section 60-
16 2C et. seq. N.M.S.A. (1978).

17 **Exception:** aerial devices and ground devices.

18 **Prohibition**

- 19 a) All aerial devices and ground audible devices are prohibited and deemed non-
20 permissible. Individuals, firms, partnership, corporations, or associations shall not
21 possess for sale in Valencia County, sell, and offer to sell, use or possess any
22 fireworks other than permissible fireworks.
- 23 b) Nothing in the Fireworks Licensing and Safety Act, 60-2C-1 et. seq. N.M.S.A. (1978)

1 shall prohibit licensed wholesalers, distributors, importers, or manufacturers from
2 storing, selling, shipping, or otherwise transporting fireworks defined by the United
3 States Department of Transportation to any person or entity outside the State of New
4 Mexico.

5
6
7 **Section 7. Appeals.**

8 Whenever the code official disapproves an application or refuses to grant a permit
9 applied for, or which it is claimed that the provisions of this ordinance of the International Fire
10 Code do not apply or that the true intent and meaning of the International Fire Code and/or this
11 ordinance have been misconstrued or wrongly interpreted, the applicant may appeal the decision
12 of the code official to the “Board of Appeals” within 30 days from the date of the decision
13 appealed.

14 **Section 8. Fees and Charges Programs.**

15 **8.1 Permit and Service Fees**

16 Fees may be established by resolution of the Valencia County Commission for the
17 International Fire Code and the permits and services provided by the Valencia County
18 Emergency Services pursuant to this ordinance. The permit and service fees paid to the Valencia
19 County Emergency Services shall be deposited into the fire protection fund to be used by the
20 Valencia County Emergency Services for the purpose of enforcing and carrying out the
21 provisions and intent of the International Fire Code and this ordinance.

22 **8.2 Permits and Service Fees.**

23 A fee shall be paid to Valencia County Emergency Services at the time of application for

(1) a RENEWABLE PERMIT, (2) an INSTALLATION or REMOVAL or ALTERATION PERMIT, (3) PLAN REVIEW and (4) any ACTIVITY PERMIT, MISCELLANEOUS SERVICE, (5) any RECORD, PHOTOGRAPHS, or DOCUMENTS, and (6) a HAZARDOUS MATERIALS STORAGE PERMIT. Such fees shall not be refunded upon failure of applicant to receive the permit. Failure to apply for a permit or service will result in an order from the Fire Marshal to obtain such permit or service. Such an order shall be considered an application for the necessary permit or service. Failure to pay for plan review or inspection fees within the time period specified shall render such permit null and void.

EXCEPTION: Permit fees shall not apply to activities of non-profit corporations or Civic fraternal organizations that are designated by the Internal Revenue Service as tax-exempt. However, these groups shall be assessed plan review and inspections fees for retail sales permits.

Section 9. Penalties.

a) Any person who violates any provision of the International Fire Code or the amendments to the code , or fails to comply therewith, violates or fails to comply with any order made there under, builds a structure in violation of any detailed statement of specifications or plans submitted and approved, or builds a structure in violation of any certificate or permit issued there under, and from which no appeal has been taken, or who fails to comply with such an order affirmed or modified by the “Board of Appeals” or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by fine of not less than \$300.00 or more than \$1,000.00 or by imprisonment for not less than 30 days or more than 120 days or both such fine and imprisonment. The imposition of one party for any violation shall not excuse the violation or permit it to continue; and all such persons are required to correct or remedy such violation or

defects within a reasonable amount of time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 10. Conflicting Codes and Ordinances.

Where existing codes and ordinances, or parts thereof, are in conflict or inconsistent with the provisions of this ordinance and the International Fire Code, the most restrictive shall apply. Any Ordinance or Resolution relating to the Adoption of a County Fire Code that is in conflict with this ordinance is hereby repealed with the adoption of this ordinance.

Section 11. Severability.

The Board of County Commissioners hereby declares that should any section or Provision of this ordinance be declared invalid or unconstitutional by any court of Competent jurisdiction, the declaration shall not affect the validity of this ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 12. Date of Effect.

This ordinance and the International Fire Code shall take effect and be in force within thirty (30) days after its final adoption as provided by law.

International Fire Code Board of Appeals

(Valencia County)

Authority: Valencia County Fire Code

Ordinance No. _____

Authority: The Board, upon hearing of an appeal, shall have the power to reverse, affirm, or amend a Fire Department’s ordered time limit,

1 or decision of the Chief, or to grant variances from the provisions
2 of the Fire Code; provided that before reversing or amending such
3 order or decision, or authorizing such variance the Board shall first
4 find that strict enforcement of the ordered time limit or decision is
5 impractical, unwarranted, or creates an unnecessary hardship in
6 each instance. Such reversals, or amendments, or variances must
7 be in conformance with the sprit and intent of this code and must
8 reasonably secure the public safety.

9 **Membership**

10 **Provisions:** The Board of Appeals shall consist of five (5) members appointed
11 by the Board of County Commissioners.

12
13 **Qualification:** Members shall be qualified by experience and training to pass
14 upon pertinent matters.

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18 **Meeting:** The International Fire Code Board of Appeals meets when need
19 arises.

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APPROVED, ADOPTED AND ORDAINED this _____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS

Charles Eaton, Chair

Alicia Aguilar, Vice-Chair

Lawrence Romero, Commissioner

Donald Holliday, Commissioner

Mary Andersen, Commissioner

County Legal

ATTEST:

Peggy Carabajal, Clerk

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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Kelly Bouska

Individual Making Request: Kelly Bouska

Presentation at Meeting on: February 20, 2013

Date Submitted: February 11, 2013

**Title of Request: Consideration of Resolution 2013 _____, CAP-13-14 (496), SB 7714
(966) 14 & SP-3-14 (976)**

Action Requested of Commission:

Consideration of resolution for 2013-2014 County Road Improvement program with New Mexico Department of Transportation requesting a total of **\$514,000** the resolution is for 1) Cooperative State Fund (CO-OP), 2) School Bus Fund (SB), and 3) County Arterial Program Funds (CAP)

Information Background and Rationale

These three programs have been used to supplement the county road fund to improve county roadways and is administered and approved by the New Mexico Department of Transportation.

What is the Financial Impact of this Request?

There is a positive financial impact from this request. Valencia County must, however contribute 25 % of the total project cost when funding becomes available.

Summary of Cooperative Program Projects (attached)

Legal:

In order to utilize state funds for COOPs, County Arterial Programs; and School Bus Routes it is important to submit a road list to the NMDOT in order to demonstrate which road projects are priorities for the County. The Commission has the discretion to prioritize roads that qualify for those funds.

Finance:

The funds will need to be budgeted in FY14. The 25% match is a variable cost to the county and every additional dollar increase that is transferred to the public works department is a hit to the general fund.

Valencia County
Board of County Commission
Resolution 2013- _____

A RESOLUTION
ADOPTING THE 2013-2014 COUNTY ROAD IMPROVEMENT PROGRAM

WHEREAS, the Board of County Commissioners acted in its regularly scheduled meeting on February 20, 2013, to adopt the **County Road Improvement Program** for 2013-2014; and desires of the state Department of Transportation (NMDOT) to accept same; and

WHEREAS, it is the desire of the County Commission to prioritize road improvements based on road conditions, classification and the needs of its citizens; and

WHEREAS, the NMDOT has requested that Valencia County utilize all available funding sources at its discretion for County road improvements; and

WHEREAS, it is to the benefit of the citizens of the County for the County Commission to upgrade its road system, and endorse an aggressive Road Improvement Program; and

NOW THEREFORE, BE IT RESOLVED, by the governing body of Valencia County that:

1. The 2013-2014 **County Road Improvement Program** is of a high priority and is predicated off current needs and road conditions
2. The County resolves to utilize the state COOP, County Arterial Program; and School Bus Route agreement with NMDOT for FY 2013-2014 to improve the roads listed on the attached estimates

PASSED, APPROVE AND ADOPTED on this 20th day of February, 2013

Charles Eaton, Chair

Alicia Aguilar, Vice- Chair

Mary Andersen, Commissioner

Lawrence Romero, Commissioner

Donald E. Holliday, Commissioner

Attest:

Peggy Carbajal, County Clerk

2012 CAP, SB COOP Requests

| Dist. | Road Name | Scope of Work | Cap-13-14 (496) | SP-3-14 (976) | SB 7714 (966)14 | |
|--------------------------------|---------------|------------------|-------------------------|---------------|-----------------|--------------|
| COMMISSION DISTRICT I | | | | | | |
| 1 | Dalies Road | Engineering | \$26,500.00 | \$30,800.00 | \$45,500.00 | |
| 1 | Dalies Road | 4" Gravel | \$10,000.00 | | | |
| 1 | Amarillo | 2" Pave | \$16,500.00 | | \$31,500.00 | |
| | | | | \$30,800.00 | \$14,000.00 | |
| TOTAL AMT REQUESTED | | | \$26,500.00 | \$30,800.00 | \$45,500.00 | \$102,800.00 |
| COMMISSION DISTRICT II | | | | | | |
| 2 | Tome Drive | 1.5" Pave | \$18,000.00 | | | |
| 2 | Airport Road | 1.5" Pave | \$8,500.00 | \$30,800.00 | \$45,500.00 | |
| 2 | | | | | | |
| TOTAL AMT REQUESTED | | | \$26,500.00 | \$30,800.00 | \$45,500.00 | \$102,800.00 |
| COMMISSION DISTRICT III | | | | | | |
| 3 | Claudine Road | 4" Millings | \$26,500.00 | \$15,500.00 | | |
| 3 | Castillo Road | 1.5" Pave | | \$15,300.00 | \$45,500.00 | |
| 3 | | | | | | |
| 3 | | | | | | |
| TOTAL AMT REQUESTED | | | \$26,500.00 | \$30,800.00 | \$45,500.00 | \$102,800.00 |
| COMMISSION DISTRICT IV | | | | | | |
| 4 | Lopez Road | 1.5" Pave | \$26,500.00 | \$30,800.00 | \$45,500.00 | |
| 4 | | | | | | |
| 4 | | | | | | |
| TOTAL AMT REQUESTED | | | \$26,500.00 | \$30,800.00 | \$45,500.00 | \$102,800.00 |
| COMMISSION DISTRICT V | | | | | | |
| 5 | Smith's Loop | 1 1/2" Pave | \$26,500.00 | \$30,800.00 | \$45,500.00 | |
| 5 | | | | | | |
| TOTAL AMT REQUESTED | | | \$26,500.00 | \$30,800.00 | \$45,500.00 | \$102,800.00 |
| CAP, COOP & SB | | REQUESTED | CAP | SP | SB | TOTAL |
| | | | \$132,500.00 | \$154,000.00 | \$227,500.00 | \$514,000.00 |
| | | | | | | |
| | | | | | | |
| | | AMT | AMT Per District | | | |
| CAP | | \$133,000.00 | \$26,500.00 | | | |
| CO-OP (SP) | | \$154,000.00 | \$30,800.00 | | | |
| SB | | \$227,000.00 | \$45,500.00 | | | |
| Total Amt to Request | | \$514,000.00 | \$102,800.00 | | | |

2/11/2013

Project Estimate

Prepared by: Lina Benavidez

Contract No.

Comm.

Street:

1

Dalies Road

Prime/Tack Tons

14.08

| Miles | Width (FT) | Length (FT) | SY |
|-------|------------|-------------|-------|
| 1.600 | 24 | 8448 | 22528 |

BID LOT 1

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|----------------------|----------|------|--------------|--------------|
| | | 4" Gravel (In House) | 3780.00 | TONS | \$ 11.75 | \$ 44,415.00 |
| | | Engineering Services | 1.00 | LS | \$ 10,000.00 | \$ 10,000.00 |
| | | | | | \$ - | \$ - |
| | | | | | \$ - | \$ - |
| | | | | | \$ - | \$ - |
| | | | | | \$ - | \$ - |
| | | | | | \$ - | \$ - |

BID LOT 2

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|-------------|----------|------|------------|-------|
| | | | | | \$ - | \$ - |

Subtotal \$ -

Subtotal (Lot 1 + Lot 2) \$54,415.00

Testing 2.75%
Sum \$ 54,415.00
NMGRT \$3,264.90
Total \$57,679.90

Note: THIS IS AN ESTIMATE ONLY

Quantities will vary depending on County-inspected field measurements. Additional Contract items may be required pending subsurface conditions encountered during construction.

2/11/2013

Project Estimate

Prepared by: Lina Benavidez
Contract No.
Comm. 1
Street: Amarillo

Prime/Tack Tons
2.42

| Miles | Width (FT) | Length (FT) | SY |
|-------|------------|-------------|------|
| 0.300 | 22 | 1584 | 3872 |

BID LOT 1

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|---|----------|------|------------|--------------|
| 2 | 4-2 | Non emergency mobilization and demoblization for small specialty repairs. | 1.00 | LUMP | \$ 302.87 | \$ 302.87 |
| 4 | 4-2 | Site Density Testing or Material Sample Collection | 4.00 | HR | \$ 54.92 | \$ 219.68 |
| 5 | 4-2 | Laboratory Evaluation of Material Sample | 5.00 | UNIT | \$ 340.49 | \$ 1,702.45 |
| 22 | 4-4 | Sub Grade (In House) | 0.00 | SY | \$ 2.37 | - |
| 43 | 4-6 | 2" B Res. w/ PG 70-22 | 3872.00 | SY | \$ 10.96 | \$ 42,437.12 |
| 109 | 4-12 | Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control Devices. | 1.00 | DAY | \$ 310.85 | \$ 310.85 |
| Subtotal | | | | | | |

BID LOT 2

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|-------------|----------|------|------------|-------|
| | | | | | \$ - | \$ - |
| Subtotal | | | | | | \$ - |

Subtotal (Lot 1 + Lot 2) \$44,972.97

Testing 2.75%
Sum \$ 44,972.97
NMGRT \$2,867.03
Total \$47,840.00

Note: THIS IS AN ESTIMATE ONLY

Quantities will vary depending on County-inspected field measurements. Additional Contract items may be required pending subsurface conditions encountered during construction.

2/11/2013

Project Estimate

Prepared by: Lina Benavidez
Contract No.
Comm. 2
Street: Tome Drive

Prime/Tack Tons
0.79

| Miles | Width (FT) | Length (FT) | SY |
|-------|------------|-------------|------|
| 0.090 | 24 | 475.2 | 1267 |

BID LOT 1

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|---|----------|------|------------|--------------|
| 2 | 4-2 | Non emergency mobilization and demobilization for small specialty repairs. | 1.00 | LUMP | \$ 302.87 | \$ 302.87 |
| 4 | 4-2 | Site Density Testing or Material Sample Collection | 4.00 | HR | \$ 54.92 | \$ 219.68 |
| 5 | 4-2 | Laboratory Evaluation of Material Sample | 5.00 | UNIT | \$ 340.09 | \$ 1,700.45 |
| 43 | 4-6 | 2" B Res. w/ PG 70-22 | 1267.00 | SY | \$ 10.96 | \$ 13,886.32 |
| 57 | 4-7 | Tack Coat | 0.79 | TON | \$ 612.54 | \$ 483.91 |
| 109 | 4-12 | Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control Devices. | 1.00 | DAY | \$ 310.85 | \$ 310.85 |

BID LOT 2

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|-------------|----------|------|------------|-------|
| | | | | | \$ - | \$ - |
| | | | | | Subtotal | \$ - |

Subtotal (Lot 1 + Lot 2) \$16,904.08

Testing 2.75%
Sum \$ 16,904.08
NMGRT \$1,014.24
Total \$17,918.32

Note: THIS IS AN ESTIMATE ONLY

Quantities will vary depending on County-inspected field measurements. Additional Contract items may be required pending subsurface conditions encountered during construction.

2/11/2013

Project Estimate

Prepared by: Lina Benavidez
Contract No.
Comm. 4
Street: Airport Road

Prime/Tack Tons
5.54

| Miles | Width (FT) | Length (FT) | SY |
|-------|------------|-------------|------|
| 0.630 | 24 | 3326.4 | 8870 |

BID LOT 1

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|---|----------|------|------------|--------------|
| 2 | 4-2 | Non emergency mobilization and demobilization for small specialty repairs. | 1.00 | LUMP | \$ 302.87 | \$ 302.87 |
| 4 | 4-2 | Site Density Testing or Material Sample Collection | 5.00 | HR | \$ 54.92 | \$ 274.60 |
| 5 | 4-2 | Laboratory Evaluation of Material Sample | 5.00 | UNIT | \$ 340.09 | \$ 1,700.45 |
| 41 | 4-6 | 1.5" B Res. w/PG 70-22 | 8870.00 | SY | \$ 8.22 | \$ 72,911.40 |
| 57 | 4-7 | Tack Coat Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control Devices. | 6.00 | TON | \$ 612.54 | \$ 3,675.24 |
| 109 | 4-12 | | 1.00 | DAY | \$ 310.85 | \$ 310.85 |

BID LOT 2

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|-------------|----------|------|------------|-------|
| | | | | | \$ - | \$ - |
| | | | | | Subtotal | \$ - |

Subtotal (Lot 1 + Lot 2) \$79,175.41

Testing 2.75%
Sum \$ 79,175.41
NMGRT \$4,750.52
Total \$83,925.93

Note: THIS IS AN ESTIMATE ONLY

Quantities will vary depending on County-inspected field measurements. Additional Contract items may be required pending subsurface conditions encountered during construction.

2/11/2013

Project Estimate

Prepared by: Lina Benavidez

Contract No.

Comm.

Street:

1

Claudine

Prime/Tack Tons

13.20

| Miles | Width (FT) | Length (FT) | SY |
|-------|------------|-------------|-------|
| 1.500 | 24 | 7920 | 21120 |

BID LOT 1

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|----------------------|----------|------|------------|--------------|
| | | 4" Gravel (In House) | 3350.00 | TONS | \$ 11.75 | \$ 39,362.50 |
| | | | | | | |
| | | | | | \$ - | \$ - |
| | | | | | \$ - | \$ - |
| | | | | | \$ - | \$ - |
| | | | | | \$ - | \$ - |
| | | | | | \$ - | \$ - |

BID LOT 2

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|-------------|----------|------|------------|-------|
| | | | | | \$ - | \$ - |

Subtotal \$ -

Subtotal (Lot 1 + Lot 2) \$39,362.50

Testing 2.75%

Sum \$ 39,362.50
NMGR \$2,361.75
Total \$41,724.25

Note: **THIS IS AN ESTIMATE ONLY**

Quantities will vary depending on County-inspected field measurements. Additional Contract items may be required pending subsurface conditions encountered during construction.

2/11/2013

Project Estimate

Prepared by: Lina Benavidez

Contract No.

Comm.

Street:

3

Castillo Road

Prime/Tack Tons

3.96

| Miles | Width (FT) | Length (FT) | SY |
|-------|------------|-------------|------|
| 0.450 | 24 | 2376 | 6336 |

BID LOT 1

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|--|----------|------|------------|--------------|
| 2 | 4-2 | Non emergency mobilization and demobilization for small specialty repairs. | 1.00 | LUMP | \$ 302.87 | \$ 302.87 |
| 4 | 4-2 | Site Density Testing or Material Sample Collection | 8.00 | HR | \$ 54.92 | \$ 439.36 |
| 5 | 4-2 | Laboratory Evaluation of Material Sample | 5.00 | UNIT | \$ 340.09 | \$ 1,700.45 |
| 41 | 4-6 | 1.5" B Res. w/PG 70-22 | 6336.00 | SY | \$ 8.22 | \$ 52,081.92 |
| 57 | 4-7 | Tack Coat Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control | 3.96 | TON | \$ 612.54 | \$ 2,425.66 |
| 109 | 4-12 | Devices. | 1.00 | DAY | \$ 310.85 | \$ 310.85 |

BID LOT 2

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|-------------|----------|------|------------|-------|
| | | | | | | |

\$ - \$ -
Subtotal \$ -

Subtotal (Lot 1 + Lot 2) \$57,261.11

Testing 2.75%
Sum \$ 57,261.11
NMGRT \$3,435.67
Total \$60,696.77

Note: THIS IS AN ESTIMATE ONLY

Quantities will vary depending on County-inspected field measurements. Additional Contract items may be required pending subsurface conditions encountered during construction.

2/11/2013

Project Estimate

Prepared by: Lina Benavidez

Contract No.

Comm. 4

Street: Lopez Road

Prime/Tack Tons

6.86

BID LOT 1

| Miles | Width (FT) | Length (FT) | SY |
|-------|------------|-------------|-------|
| 0.850 | 22 | 4488 | 10971 |

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|--|----------|------|------------|--------------|
| 2 | 4-2 | Non emergency mobilization and demobilization for small specialty repairs. | 1.00 | LUMP | \$ 302.87 | \$ 302.87 |
| 4 | 4-2 | Site Density Testing or Material Sample Collection | 4.00 | HR | \$ 54.92 | \$ 219.68 |
| 5 | 4-2 | Laboratory Evaluation of Material Sample | 5.00 | UNIT | \$ 340.09 | \$ 1,700.45 |
| 41 | 4-6 | 1.5" B Res. w/PG 70-22 | 10971.00 | SY | \$ 8.22 | \$ 90,181.62 |
| 57 | 4-7 | Tack Coat Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control | 6.86 | TON | \$ 612.54 | \$ 4,202.02 |
| 109 | 4-12 | Devices. | 1.00 | DAY | \$ 310.85 | \$ 310.85 |

BID LOT 2

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|-------------|----------|------|------------|-------|
| | | | | | \$ - | \$ - |
| | | | | | Subtotal | \$ - |

Subtotal (Lot 1 + Lot 2) \$96,917.49

Testing 2.75%

| | |
|-------|--------------|
| Sum | \$ 96,917.49 |
| NMGRT | \$5,815.05 |
| Total | \$102,732.54 |

Note: **THIS IS AN ESTIMATE ONLY**

Quantities will vary depending on County-inspected field measurements. Additional Contract items may be required pending subsurface conditions encountered during construction.

2/11/2013

Project Estimate

Prepared by: Lina Benavidez
Contract No.
Comm. 5
Street: Smith's LP

Prime/Tack Tons
6.86

| Miles | Width (FT) | Length (FT) | SY |
|-------|------------|-------------|-------|
| 0.779 | 24 | 4113.12 | 10968 |

BID LOT 1

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|---|----------|------|------------|--------------|
| 2 | 4-2 | Non emergency mobilization and demobilization for small specialty repairs. | 1.00 | LUMP | \$ 302.87 | \$ 302.87 |
| 4 | 4-2 | Site Density Testing or Material Sample Collection | 4.00 | HR | \$ 54.92 | \$ 219.68 |
| 5 | 4-2 | Laboratory Evaluation of Material Sample | 5.00 | UNIT | \$ 340.09 | \$ 1,700.45 |
| 41 | 4-6 | 1.5" B Res. w/PG 70-22 | 10968.00 | SY | \$ 8.22 | \$ 90,156.96 |
| 57 | 4-7 | Tack Coat | 7.04 | TON | \$ 612.54 | \$ 4,312.28 |
| 109 | 4-12 | Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control Devices. | 1.00 | DAY | \$ 310.85 | \$ 310.85 |

BID LOT 2

| Item No. | Page No. | Description | Quantity | Unit | Unit Price | Total |
|----------|----------|-------------|----------|------|------------|-------|
| | | | | | \$ - | \$ - |
| | | | | | Subtotal | \$ - |

Subtotal (Lot 1 + Lot 2) \$97,003.09

Testing 2.75%
Sum \$ 97,003.09
NMGRT \$5,820.19
Total \$102,823.28

Note: THIS IS AN ESTIMATE ONLY

Quantities will vary depending on County-inspected field measurements. Additional Contract items may be required pending subsurface conditions encountered during construction.

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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Kelly Bouska

Individual Making Request: Kelly Bouska

Presentation at Meeting on: February 6, 2013

Date Submitted: January 28, 2013

**Title of Request: Consideration of Resolution 2013-_____ to apply for financial hardship
With NMDOT to receive used equipment**

Action Requested of Commission:

Consideration of resolution to apply for assistance through NMDOT to receive road equipment for the County Road Department

Information Background and Rationale

Every year NMDOT allows entities to apply for financial hardship to receive road equipment that they no longer use and allows entities to apply and obtain their equipment. The County must be in financial hardship to qualify.

What is the Financial Impact of this Request?

There is no financial impact.

Legal:

This resolution authorizes the County to participate in the NM DOT hardship program and make purchases at the State pursuant to Section 13-1-155. A.N

Finance:

No direct negative financial impact. Indirect costs may include repairs to operate. CC

**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
Resolution # 2013- _____**

**A RESOLUTION CERTIFYING THAT THE COUNTY OF VALENCIA IS
SEEKING A FIANCIAL HARDSHIP WAIVER VIA THE LOCAL
GOVERNEMENT BOARD ROAD FUND**

WHEREAS, the Valencia County Board of Commissioners is aware of the potential to acquire NMDOT Surplus equipment through the utilization of the financial hardship waiver via the Local Government Road Fund; and,

WHEREAS, the County of Valencia does not have financial capability to expend funds for equipment during the 2012-2013 fiscal year; and,

WHEREAS, it is essential to have available certain items of equipment to complete road improvement projects for the need of the citizens; and,

WHEREAS, the Valencia County Board of Commissioners agrees to the county of Valencia appears to be qualified for the financial hardship waiver as provided; and,

NOW, THEREFORE, BE IT RESOLVED, that the Valencia County Board of County Commissioners, request that NMDOT consider Valencia County for Financial Hardship toward the acquisition of NMDOT surplus equipment.

PASSED, APPROVED, AND ADOPTED, ON THIS 6th DAY OF FEBRUARY, 2013

Charles D. Eaton, Chair
Commissioner, District IV

Alicia Aguilar, Vice-Chair
Commissioner District II

Mary Andersen
Commissioner, District I

Lawrence Romero
Commissioner, District III

Donald E. Holliday
Commissioner, District V

Attest:

Peggy Carabajal, County Clerk

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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Kelly Bouska
Individual Making Request: John Olech, El Paso Natural Gas
Presentation at Meeting on: Feb 20, 2013
Date Submitted: 2/1/2013
Title of Request: Grading Turbine Rd

Action Requested of Commission:

Road grading of Turbine Rd in Valencia County.

Information Background and Rationale

Turbine road is a dirt road that provides access to several homeowners and El Paso Natural Gas Company's Compressor Station which is located at the end of Turbine Road. Currently, only the first section of Turbine road is being graded from highway 47 to the railroad tracks. We are requesting your consideration to extend the current schedule of grading to include the remainder of Turbine road from the railroad tracks to the El Paso Natural Gas Co. gate which is approximately 2 miles.

Other homeowners and landowners including two ranchers use this section for access to various locations in this area.

What is the Financial Impact of this Request?

Valencia County currently maintains the section of Turbine Rd. from Hwy. 47 to the railroad tracks. This section of road is currently graded quarterly. To include the additional 2 miles requested would add an additional \$213.00 and 3 hours of time for the grader operator.

Legal:

The County is statutorily required to maintain and keep in repair all public highways within the County, except those owned and operated by private corporations and highways within the corporate limits of any incorporated city or town, and is liable for damages resulting from bodily injury, wrongful death or property damage caused by the negligent maintenance of County roads. NMSA 1978, § 67-2-2 (1905) ("All public highways, except such as are owned and operated by private corporations, and highways within the corporate limits of any, shall be maintained and kept in repair by the respective counties in which they are located."); N.M. Stat. Ann. § 41-4-11 (1991) ("The immunity granted pursuant to Subsection A of Section 41-4-4 NMSA 1978 does not apply to liability for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of public employees while acting within the scope of their duties during the construction, and in subsequent maintenance of any bridge, culvert, highway, roadway, street, alley, sidewalk or parking area."). D.P.

Finance:

No significant financial impact. N.T.

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VALENCIA COUNTY
Board of County Commissioners

Agenda Request Form

Department Head: Kelly Bouska

Individual Making Request: Jay Vrooman

Presentation at Meeting on: February 20, 2013

Date Submitted: February 11, 2013

Title of Request: County Excepting Las Maravillas Unit 1 Streetlights

Action Requested of Commission:

Consider excepting the street 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 1 in 2013. In September 2011 a large portion of assessments that subsidized Las Maravillas streetlights no longer exists. *See attached page for continuation.

The residents would ask additional consideration of the following:

1. The impact of the VIA.
2. The vitalness for security and safety.
3. It is reasonable for the County to reconsider this considering the density/compactness of the subdivision in question as compared to incorporated areas.
4. The cost is very small compared to the County taxes paid by Las Maravillas homeowners – approximately 4%.

What is the Financial Impact of this Request?

Based on actual 2011 bill amounts provided by PNM for the streetlight costs at Las Maravillas, the estimated annual electrical costs for the streetlights in Unit 1 is \$8900. This cost does not include any maintenance or repair costs that may also occur during the year.

Legal:

There is no provision in the County Ordinance 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:

The additional funds are not budgeted and would need a corresponding budget adjustment. The Valencia County Commission should be aware that the NM Department of Finance and Administration has documented concern for the amount that the county general fund subsidizes the Public Works fund. This cost would add to the subsidization. N.T.

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: Kelly Bouska

Individual Making Request: Ron Pellegrino, VP Tome Vista Property Owners Association

Presentation at Meeting on:

Date Submitted: 12/14/2012

Title of Request: Additional Street Lights

Action Requested of Commission:

To install additional street lights in our community to make the area safer for pedestrians and brighter to deter crime in the area.

Information Background and Rationale

We went through our complex and the only street lights are either at a curve in the road or where another road adjoins. The distance between these lights ranges between 12 and 16 houses. On the street Avenida Sereno Pl. there is only one light and that is at the end in the cul-de-sac. We would like between 10 and 12 more lights which would make our complex brighter and safer and less chance of a mishap. Also, I believe the lights that are there now are sodium vapor lights which do not give off that much light in the first place.

What is the Financial Impact of this Request?

The cost to install ten (10) new 25-foot aluminum poles with 6-foot arms with 100-watt fixtures is estimated to cost \$45,470. The cost to install six (6) of these same lights will cost \$ 27,814. The considerable costs is due to these streetlights having to be installed into an existing system, which includes moving and replacing landscaping where needed, installing conduit underneath driveways and sidewalks where needed, modifying the existing lighting system, and coordinating with PNM for hookups.

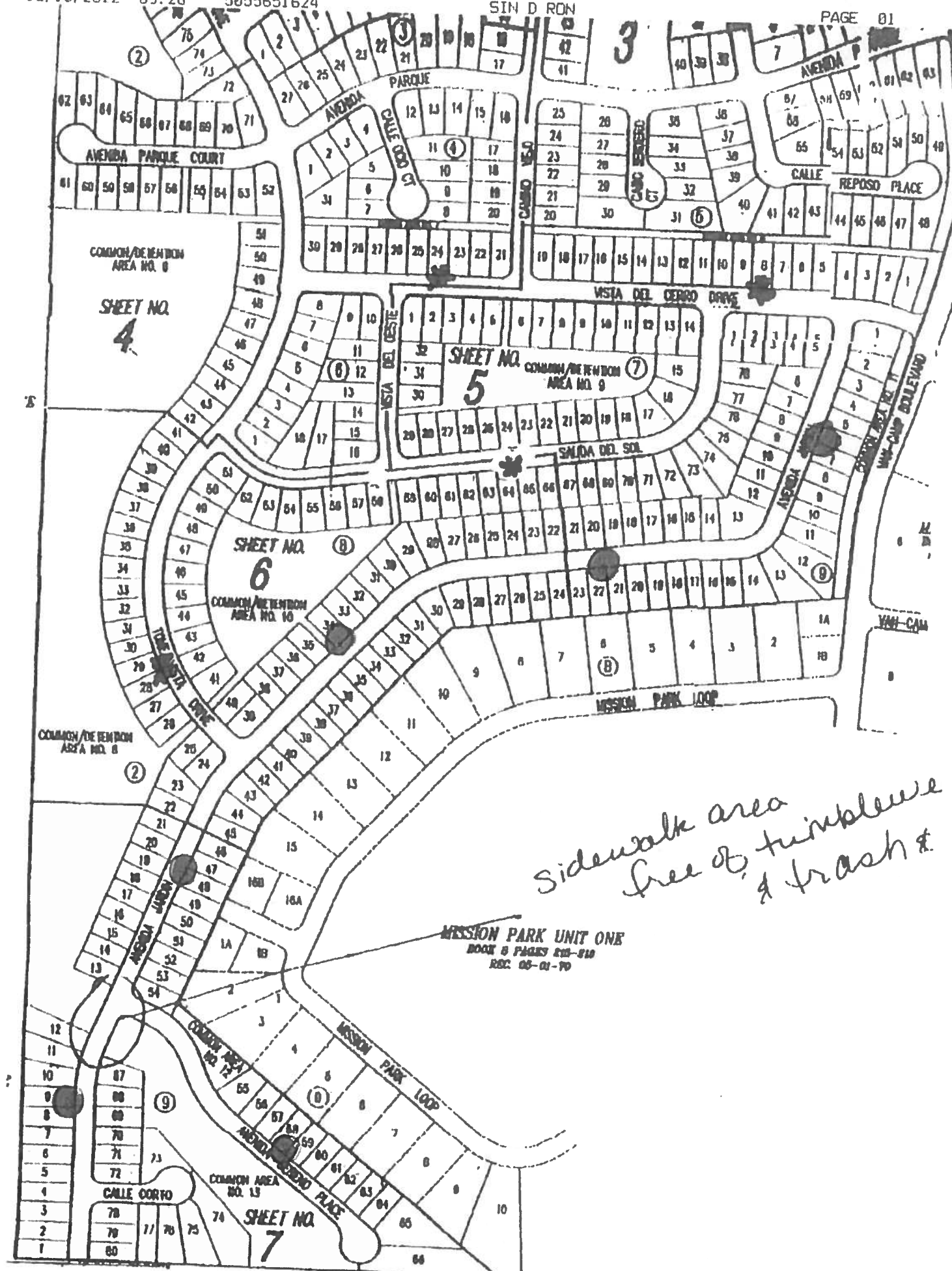
Monthly costs incurred by Valencia County would be \$5.46 per month for each light plus any applicable Fuel and Purchased Power Cost Adjustments (current or future) charged by PNM. For ten (10) additional lights, the additional annual cost to Valencia County would be \$655.20. For six (6) additional lights, the additional annual cost would be \$393.12. Since the streetlights would be owned by Valencia County, PNM would only provide periodic photoelectric cell replacement, replacement of lamp, and lens cleaning. All other maintenance, including damage and vandalism, would be the sole responsibility of Valencia County.

Legal:

The decision whether to approve the installation of the lights rests within the discretion of the Commission. The Commission is not required by Statute or Ordinance to approve the request. D.P.

Finance:

The additional funds are not budgeted and would need a corresponding budget adjustment. The Valencia County Commission should be aware that the NM Department of Finance and Administration has documented concern for the amount that the county general fund subsidizes the Public Works fund. This cost would add to the subsidization. N.T.





BIXBY ELECTRIC

PROPOSAL-Revised 1

DATE: January 28, 2013
JOB: Install new Street Light Poles @ Tome Vista Sub-division
Los Lunas, NM
TO: Valencia County Public Works Division
P.O. Box 1119/ 1209 HWY 514
Los Lunas, NM 87031
Office (505) 866-2475
Fax (505) 866-5588
ATTN: Lina Benavidez Engineer Aide
lina.benavidez@co.valencia.nm.us

The Following is our proposal to: REPAIR STREET LIGHT POLES

| ITEMS | DESCRIPTION | QTY | UNIT PRICE | TOTAL |
|-------|------------------------|---------|-------------|---------------------|
| 31 | SKILLED LABORER | 284 HRS | \$ 90.50 | \$ 25,702.00 |
| 32 | SEMI SKILLED LABORER | 284 HRS | \$ 42.00 | \$ 11,928.00 |
| 33 | RENTAL OF BACK HOE | 111 HRS | \$ 25.00 | \$ 2,775.00 |
| 34 | RENTAL OF BUCKET TRUCK | 110 HRS | \$ 34.00 | \$ 3,740.00 |
| | TRAFFIC CONTROL | 1 LS | \$ 1,325.00 | \$ 1,325.00 |
| | TOTAL | | | \$ 45,470.00 |

Regards,



Bob Norton
(505) 350-1098
bob@bixbyelectric.com

Please sign below and fax back to Bixby Electric, Inc. at (505) 243-6817.

Signature: _____

Date: _____

521 Wheeler Ave SE
Albuquerque, NM 87102

www.bixbyelectric.com

Phone: 505-842-5384
Fax: 505-243-6817



BIXBY ELECTRIC

PROPOSAL-Revised 2

DATE: January 29, 2013
JOB: Install new Street Light Poles @ Tome Vista Sub-division
Los Lunas, NM
TO: Valencia County Public Works Division
P.O. Box 1119/ 1209 HWY 514
Los Lunas, NM 87051
Office (505) 866-2475
Fax (505) 866-3388
ATTN: Lina Benavidez Engineer Aide
lina.benavidez@co.valencia.nm.us

The Following is our proposal to: **INSTALL STREET LIGHT POLES**

| ITEMS | DESCRIPTION | QTY | UNIT PRICE | TOTAL |
|-------|------------------------|---------|------------|---------------------|
| 31 | SKILLED LABORER | 173 HRS | \$ 90.50 | \$ 15,656.50 |
| 32 | SEMI SKILLED LABORER | 173 HRS | \$ 42.00 | \$ 7,266.00 |
| 33 | RENTAL OF BACK HOE | 70 HRS | \$ 25.00 | \$ 1,750.00 |
| 34 | RENTAL OF BUCKET TRUCK | 69 HRS | \$ 34.00 | \$ 2,346.00 |
| | TRAFFIC CONTROL | 1 LS | \$ 795.00 | \$ 795.00 |
| | TOTAL | | | \$ 27,813.50 |

Regards,

Bob Norton

Bob Norton
(505) 350-1098
bob@bixbyelectric.com

Please sign below and fax back to Bixby Electric, Inc. at (505) 243-6817.

Signature: _____

Date: _____

521 Wheeler Ave SE
Albuquerque, NM 87102

www.bixbyelectric.com

Phone: 505-842-5384
Fax: 505-243-6817

Ref: JOB: Install new Street Light Poles @ Tome Vista Sub-division

Los Lunas, NM

T0: Valencia County Public Works Division

Lina Benavidez Engineer #1102
lina.benavidez@co.valencia.nm.us

Inclusions:

- Traffic Control for Right Lane Closure or Shoulder Work
- Install six (6) new 25' Aluminum Poles Street Light Poles & 6' arms w/ six (6) 100W fixtures
- Install six (6) new concrete foundations for Street Light Poles
- Provide new power connection to PNM transformers or Pedestals
- Install new conduit & cable from PNM power point to new light pole location
- Install 1" PVC conduit under driveways & sidewalks as needed
- Replace in kind landscaping gravel as needed
- Provide Traffic Control as needed
- Coordinate with PNM for Power hook ups

Exclusions:

- Bond
- Tax
- Re-using existing PNM equipment to provide power to new Street Light Poles
- PNM Charges
- Replacement of concrete driveways and sidewalk

Notes:

This proposal is based on PA 20-805-00-08048

If work goes outside of scope of work prior approval will be needed.

521 Wheeler Ave SE
Albuquerque, NM 87102

www.bixbyelectric.com

Phone: 505-842-5384
Fax: 505-243-6817

END

OF

AGENDA
