



**March 13, 2013**

Agenda

**5:00 P.M. Business Meeting**

Valencia County Commission Chambers

444 Luna Avenue

Los Lunas, NM 87031

Board of County Commissioners

Charles D. Eaton, Chair District IV

Alicia Aguilar, Vice-Chair District II

Mary Andersen District I

Lawrence R. Romero District III

Donald Holliday District IV

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

February 13, 2013.....Public Hearing

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#### **PRESENTATION(S)**

- 5) Lily Tabet Day. 100<sup>th</sup> Birthday Proclamation. **Commissioner Alicia Aguilar**
- 6) Finance Department Update. **Nick Telles**
- 7) Procurement Department Update. **Mike Vinyard**
- 8) Commissioners, Committees and Reports.

#### **DISCUSSION (S)**

- 9) Q/A for Hospital Responses VRMC Projections. **Darin Miller**

#### **ACTION ITEM(S)**

- 10) Consideration to approve a MOU between Valencia County and the City of Belen for the continued participation in Belen's Recycling Program. **Bruce Swingle**
- 11) Consideration to approve a First Amendment to the Waste Management Contract. **Bruce Swingle**
- 12) Consideration to accept street lights at Las Maravillas Unit 1 **Jay Vrooman / Kelly Bouska**
- 13) Consideration for road grading of Turbine Rd. in Valencia County. **John Olech /El Paso Natural Gas**
- 14) Consideration to install additional street lights in the Tome Vista Subdivision. **Ron Pellegrino, VP Tome Vista Property Owners Association**
- 15) Consideration of Resolution 2013-\_\_\_\_\_ adopting the 2013 Annual Certified Maintained Road Mileage. **Kelly Bouska**

## **FINANCIAL MATTERS:**

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

## **PUBLIC COMMENT:**

Please sign up on the sheet located just outside the Commission chambers. The Board will allow each member of the public wishing to address the Board a full and complete opportunity to address the Commission.

## **EXECUTIVE SESSION:**

Pursuant to Section 10-15 1 (H) (2) (7) & (8), the following matters may be discussed in closed session: a. personnel: b. pending or threatened litigation: Belen Hospital JPA c. real property: d. other specific limited topics that are allowed or authorized under the stated statute.

- ◆ Motion and roll call vote to go into Executive Session for the stated reasons
- ◆ Board meets in closed session
- ◆ Motion and vote to go back into regular session
- ◆ Summary of items discussed in closed session
- ◆ Motion and roll call vote that matters discussed in closed session were limited to those specified in motion for closure, and that no final action was taken, pursuant to the authority in §10-15-1 NMSA 1978.

## **ACTION ITEMS:**

**17)** Direction to Staff Regarding Belen Hospital JPA

## **NEXT COMMISSION MEETING:**

- ◆ **March 20, 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

## PUBLIC MEETING

FEBRUARY 13, 2013

<b>PRESENT</b>	
Charles Eaton, Chairman	
Alicia Aguilar, Vice-Chair	
Lawrence R. 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) Valencia County Resident Mike Woods led the Pledge of Allegiance.
- 3) Approval of Agenda  
Commissioner Romero motioned for approval. Seconded by Commissioner Aguilar. Motion carried unanimously.

### SWEARING IN OF PARTICIPANTS

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

### PUBLIC HEARING ITEM(S)

- 4) Consideration of Ordinance Adopting the 2006 Edition of the International Fire Code.  
*Steven Gonzales*

The intent of the ordinance is to increase the abilities of the fire department to enforce rules and regulations of fire safety throughout the County. Chairman Eaton asked if this ordinance would specifically apply to the unincorporated areas of Valencia County. Fire Chief Gonzales answered yes; the ordinance was for the unincorporated areas.

Attorney Nance stated as the ordinance has already been advertised then it shall be considered at the next business meeting for adoption. If approved the ordinance would then go into effect thirty days after approval.

### PUBLIC COMMENT:

Valencia County Residents speaking at tonight's meeting were Clark Metcalf, Mike Woods and Tom Mraz.

All comments were having to do with the hospital issue and included but not limited to advising the commissioners that letting Ameris get involved in Valencia County healthcare would be a major mistake. Also that the mill levy money should go to whomever puts the first hospital in operation. And if the hospital really wanted to serve the needs of the county then build it somewhere in the middle of county, not at one end or the other.

### Discussion

Commissioner Aguilar stated that she and the other Commissioners attended a workshop last week. According to Commissioner Aguilar the workshop was very successful. During the workshop the plans and goals of the commission were discussed. One particular item that was discussed was the hospital. The commissioners are united in moving forward to best represent the public, which is why they are allowing both Belen and Los Lunas to come forward with presentations at the next Business meeting to be held on February 20th. What Commissioner Aguilar gathered from the workshop is that the commissioners are all on the same page to move the county forward especially regarding the hospital issue and making the best decisions for the County. Commissioner Andersen is also looking forward to the upcoming presentations. According to her its time the public hears both sides presented as clearly and concisely as possible.

Commissioner Aguilar commented that another issue brought up at the workshop was the overcrowding problem at the Detention Center. At the workshop the County Manager had presented the commissioners with a report regarding the Detention Center. One

locked up for more than two years but less than four years. Commissioner Holliday asked who sets up the case load for the judges? According to the report Judge Sanchez has been issued forty cases, Judge Otero thirteen cases and fifteen cases were broken up between Sanchez, Otero, and Hawkes. Is it possible for the cases be distributed differently? Mr. Swingle stated that the overcrowding is a serious issue at the Detention Center. Today approximately forty inmates are being housed in Cibola County. These inmates cost about \$50,000-\$70,000 per month to be housed out of county. Of the 198 inmates listed on the report only six of them have release dates. Mr. Swingle, the Detention Center Warden Joe Chavez, and the county attorneys have met with the courts to try to start a Community Custody Program, but were unsuccessful in their attempt. According to Mr. Swingle the judges are more interested in pre prosecution type programs, and the county does not have money for that. Commissioner Andersen wants to invite the judges to a public meeting to talk frankly and openly with the them and the District Attorney. Commissioner Aguilar asked if the District Attorney was aware of all these inmates awaiting trial. Mr. Swingle informed the Commissioners that the judges and the District Attorney receive a monthly report. Warden Chavez makes a detailed, quality report that is sent to them each month.

The inmate population numbers are down compared to even last month, currently were at just under two hundred inmates whereas before we were just over two hundred. Mr. Swingle assured the commission that the courts are aware of the overcrowding situation. Commissioner Holliday asked for clarification regarding the one hundred ninety-eight inmates. Are they the ones currently at the Detention Center not including the ones housed out of county. Mr. Swingle confirmed that yes the one hundred ninety eight inmates is not including the forty being housed out of county.

Mr. Swingle said he had discussed with Warden Chavez what percentage of inmates would qualify to participate in a community custody program and according to Warden Chavez 30-45% of the current inmate population would; these inmates do not have serious charges.

Chairman Eaton suggests sending correspondence to the District Attorney and judges to share the report with them and to inform them that the Commissioners recognize this as a critical situation. Chairman Eaton also suggested that the Commissioners request the District Attorney come and give a summary as to the reasoning to the length of time individuals are incarcerated before they are sentenced.

#### **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 Los Chavez Community Assn v. Valencia County Et. al NO. D-1314-CV-09-0426 c) real property d) other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Andersen motioned to go into Executive Session. Seconded by Commissioner Holliday. Roll call taken. Commissioner Romero voted yes. Commissioner Andersen voted yes. Commissioner Aguilar voted yes. Commissioner Holliday voted yes. Chairman Eaton voted yes. Motion carried 5-0

Commissioner Romero motioned to go back into regular session. Seconded by Commissioner Holliday. Motion carried unanimously.

County Attorney Adren Nance stated that the items that were discussed in Executive Session were limited to pending litigation with Los Chavez Community Association vs. Valencia County and no final action was taken.

Commissioner Andersen motioned for approval of the summary as stated by Attorney Nance. Commissioner Holliday seconded the motion. Commissioner Romero voted yes. Commissioner Aguilar voted yes. Commissioner Andersen voted yes. Commissioner Holliday voted yes. Chairman Eaton voted yes. Motion carried 5-0.

#### **NEXT COMMISSION MEETING:**

The next Regular Meeting of the Valencia County Board of County Commission will be held on February 20, 2013 at 5:00 P.M. Meeting in the County Commission Room at the Valencia County Courthouse.

#### **5) Adjournment**

Commissioner Andersen moved for adjournment. Seconded by Commissioner Aguilar. Motion carried unanimously. **TIME: 6:10 P.M.**

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the February 13, 2013 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**

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**CHARLES EATON, CHAIR**

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**ALICIA AGUILAR, VICE-CHAIR**

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**LAWRENCE R. ROMERO, MEMBER**

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**DONALD E. HOLLIDAY, MEMBER**

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**MARY J. ANDERSEN, MEMBER**

**ATTEST:**

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**PEGGY CARABAJAL, COUNTY CLERK**

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**DATE**

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**VALENCIA COUNTY**  
**Board of County Commissioners**

**Agenda Request Form**

**Department Head:** Bruce Swingle  
**Individual Making Request:** Bruce Swingle  
**Presentation at Meeting on:** March 13, 2013  
**Date Submitted:** February 15, 2013  
**Title of Request:** Consideration for approval of MOU for the Belen Recycling Program

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**Action Requested of Commission:**

Consideration to approve a MOU between Valencia County and the City of Belen for the continued participation in Belen's Recycling Program.

**Information Background and Rationale**

The County entered in to the original MOU with the City of Belen several years ago. Participation in the program consists of paying the City \$600 per month to cover tipping fees for Belen Recycling Program.

**What is the Financial Impact of this Request?**

N/A

**Legal:**

The form of MOU is legally sufficient. It is up to the Board of County Commissioners to determine whether or not the program should be continued until such time as termination is required pursuant to section III of the MOA.

**Finance:**

If approved by the VCBOCC then the expense will need to be budgeted in the next fiscal year.



**MEMORANDUM OF AGREEMENT**

**BETWEEN**

**VALENCIA COUNTY AND THE CITY OF BELEN**

**PARTICIPATION IN RECYCLING PROGRAM**

**THIS AGREEMENT** is entered into by and between the County of Valencia ("County") and the City of Belen ("Belen").

**I. RECITALS**

**WHEREAS**, the County of Valencia and the City of Belen are bodies politic, existing by and under the Constitution and Laws of the State of New Mexico; and,

**WHEREAS**, Belen has operated a recycling program and has recently graciously opened its doors to County residents; and,

**WHEREAS**, about half of the users of the Belen Recycling Program are County Residents; and,

**WHEREAS**, as of yet, Belen has borne the total cost of operating a Recycling Program; and,

**WHEREAS**, the County desires to participate in making the Recycling Program available to County residents.

**NOW THEREFORE** the parties hereby agree as follows:

**II. AUTHORIZATION**

It is within the power of the County to protect its property and that of its inhabitants, and To "preserve peace and order" and "provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of ... its Inhabitants". See NMSA 1978 § 3-18-1 (1972); NMSA 1978, § 4-37-1 (1995).

### **III. SCOPE OF DUTIES**

#### **THE COUNTY OF VALENCIA SHALL**

- A. Pay Belen the sum of up to six hundred dollars (\$600.00) per month to cover tipping fees for the Belen Recycling Program.
- B. Pay the tipping fees for the Belen Recycling Program to Belen upon receipt of monthly invoices with sufficient supporting documentation, as determined sufficient and approved by Valencia county.
- C. Make payment within thirty days of receipt of the invoice, which shall constitute full and complete compensation for the County's residents use of the Recycling Program.

#### **BELEN SHALL**

- A. Take all actions necessary to continue to operate and upgrade the recycling facility, and to ensure that the Recycling services are provided as scheduled to Valencia County residents.
- B. Submit monthly invoices to Valencia County.
- C. Accept payment of the above-described funds as full and complete compensation for Valencia County's residents use of the recycling services.
- D. Continue to bear all remaining costs associated with the Recycling Program.

#### **TERM**

This MOA becomes effective upon signature by all parties hereto and shall remain in Effect until the earliest of the following events:

- A. For one year from the date of execution or otherwise; or
- B. The establishing of a countywide program for waste disposal; or
- C. Until otherwise terminated pursuant to Section XII of this document.

### **IV. STRICT ACCOUNTABILITY OF ALL RECEIPTS AND DISBURSEMENTS**

Each party shall be strictly accountable for all receipts and disbursements under this Agreement.

## **V. AMENDMENT**

This MOA may not be altered, modified or amended except by an instrument in writing executed by both parties hereto.

## **VI. ASSIGNMENT**

This MOA may not be assigned by either party hereto without the advance written consent of the other party, which consent may be withheld at the other party's sole and absolute discretion.

## **VII. GOVERNING LAW**

This MOA and the rights of the parties hereto shall be governed by and construed in accordance with the Laws of the State of New Mexico.

## **VIII. SEVERABILITY**

If any provision of this MOA, or the application of such provisions to any person or circumstances shall be held invalid or unenforceable by a court of competent jurisdiction, the remainder of this MOA, or the application of its provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and the remainder of this MOA can be performed in substantial accordance with the original intent of the parties hereto.

## **IX. INTEGRATION OF MOU**

This MOA incorporates all of the agreements and understandings between the parties hereto concerning the subject matter hereof, and all such agreements and understandings have been merged into this written MOA. No prior agreements or understandings, verbal or otherwise, of the parties or their agents are valid or enforceable unless embodied in this MOA.

## **X. NEW MEXICO TORT CLAIMS ACT**

By entering into this MOA, each party agrees that it shall be responsible for liability arising from personal injury or damage to property occasioned by its own agenda or employees in the performance of this MOA, subject in all cases to the immunities and limitation of the New Mexico Tort Claims Act (NMSA 1978, Section 41-4-1, et seq.) and any amendments thereto. This section is intended to define the liabilities between the parties hereto and it is not intended to modify, in any way, the parties' liabilities as governed by common law or the New Mexico Tort Claims Act. The parties and their "public employees," as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, and do not waive any defense or limitations of liability pursuant to

law. No provision in this MOA modifies and/or waives any provisions of the New Mexico Tort Claims Act.

#### **XI. TERMINATION OF MOA**

This MOA may be terminated by any party upon fourteen (14) days written notice delivered to the other.

#### **XII. CONTACT AND NOTICES**

The parties may, from time to time, change their contact person and shall provide prompt notice of such change to the other party. Any notice required under this MOA shall be deemed given and delivered to, and received by, the receiving party three (3) days after deposit in the U. S. Mail, certified mail, return receipt requested, postage prepaid, addressed to the receiving party at the mailing address set forth below:

Valencia County contact person name and address:

Bruce Swingle  
Valencia County Manager  
P. O. Box 1119  
Los Lunas, NM 87031

Telephone No: (505) 866-2003  
Facsimile No: (505) 866-2424

Belen contact person name and mailing address:

Lucy Baca  
Interim City Manager  
100 S. Main Street  
Belen, NM 87002

Telephone No: (505) 966-2732  
Facsimile No: (505) 966-2732

#### **XIII. SUBCONTRACTING**

Each party is responsible for fulfillment of this MOA and shall not subcontract any of its responsibilities.

**PASSED, APPROVED, AND ADOPTED**, on this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

**BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY**

P. O. Box 1119 / 444 Luna Ave

Los Lunas, NM 87031

\_\_\_\_\_  
Charles D. Eaton, Chair

\_\_\_\_\_  
Alicia Aguilar, Vice Chair

\_\_\_\_\_  
Mary Andersen, Commissioner

\_\_\_\_\_  
Lawrence Romero, Commissioner

\_\_\_\_\_  
Don Holliday, Commissioner

ATTEST BY:

\_\_\_\_\_  
Peggy Carabajal, County Clerk

Date: \_\_\_\_\_

Mary Lucy Baca  
Mary Lucy Baca, City Manager  
City of Belen

Subscribed and sworn to before me on this 13th day of February 2013 by

MARY LUCY BACA Name position  
CITY MANAGER

SEAL

Isita L. Romero  
Notary Public

My Commission expires:

April 10, 2013

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**VALENCIA COUNTY**  
**Board of County Commissioners**

**Agenda Request Form**

**Department Head:** Bruce Swingle  
**Individual Making Request:** Bruce Swingle  
**Presentation at Meeting on:** 03/13/13  
**Date Submitted:** 02/27/13  
**Title of Request:** Consideration for Approval of First Amendment to  
Waste Management Contract

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**Action Requested of Commission:**

Consideration to approve a First Amendment to the Waste Management Contract

**Information Background and Rationale**

The County entered into a contract with Waste Management for solid waste services last year. Due to an RFP protest and other remedies available to unsuccessful respondent's the starting the date must be extended. The amendment changes the start date to June 1, 2013.

**What is the Financial Impact of this Request?**

This action doesn't have financial impact on the county. BCS

**Legal:**

No comment at time of request, emergency request. BCS

**Finance:**

No comment at time of request, emergency request. BCS



**FIRST AMENDMENT TO  
CONTRACT NO. VCR-FY13-005**

THIS FIRST AMENDMENT TO CONTRACT NO. VCR-FY13-005 (this "Amendment"), effective FEB. 27, 2013, is by and between the County of Valencia, Board of County Commissioners ("County") and Waste Management of New Mexico, Inc. ("Contractor"). Capitalized terms used in this Amendment and not otherwise defined shall have the meanings ascribed to such terms in the Agreement.

**RECITALS**

A. County and Contractor are parties to that certain Contract No. VCR-FY13-005 dated December 19, 2012 (the "Agreement"), under which Contractor is to perform certain solid waste services to the County and its residents. Contractor was to commence services under the Agreement on April 1, 2013;

B. On or about January 2, 2013, New Mexico Disposal, Inc. ("NMD") filed a with the County a "FORMAL PROTEST TO VALENCIA COUNTY'S RFP #: VCR FY 13-005 for Solid Waste Services";

C. On or about January 4, 2013, the County sent to Contractor a "Stop Work Direction for Contract #VCR-FY13-005";

D. On or about January 24, 2013, the County issued a denial of NMD's purported protest;

E. On or about February 15, 2013, NMD filed a "Notice of Appeal" with regard to the County's January 24, 2013 denial of NMD's purported protest; and

F. The County and Contractor wish to amend the Agreement in order to delay commencement of Contractor's services until July 1, 2013.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties mutually agree as follows:

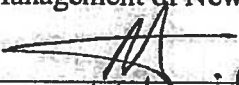
1. Section 3 of the Agreement is hereby replaced in its entirety with the following:

Term. This Agreement shall commence on the Effective Date and continue, unless terminated pursuant to Section 4, until eight (8) years from the Commencement Date. The Commencement Date, July 1, 2013, is the date on which Contractor shall commence services hereunder. In accordance with Section 13-1-150 NMSA 1978, the term of this contract shall not exceed eight (8) years under any circumstances.

2. Except as otherwise provided in this Amendment, all other terms and provisions of the Agreement shall remain in full force and effect.


**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date of signature by the Board of County Commissioners below.

Waste Management of New Mexico, Inc.

By:   
Name: Melissa Kolwaite  
Title: Dir of P&S - FC

Date: 2/27/13

Address: PO Box 15700  
Rio Rancho, NM 87174

By:   
Valencia County Manager

Date: 02/27/13

Printed Name: Bruce Swingle

Address: PO Box 1119  
Los Lunas, NM 87031

By:   
Valencia County Purchasing Agent

Date: 2/27/13

Printed Name: Michael Vinyard

Address: PO Box 1119  
Los Lunas, NM 87031

**BOARD OF COUNTY COMMISSIONERS**

**RATIFIED** on this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Charles Eaton  
Chair, District IV

\_\_\_\_\_  
Alicia Aguilar  
Vice-Chair, District II

\_\_\_\_\_  
Mary J. Andersen  
Commissioner, District I

\_\_\_\_\_  
Lawrence R. Romero  
Commissioner, District III

\_\_\_\_\_  
Donald Holliday  
Commissioner, District V

Attest:

\_\_\_\_\_  
Peggy Carabajal  
Valencia County Clerk

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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:** March 13, 2013

**Date Submitted:** February 11, 2013

**Title of Request:** County Excepting Las Maravillas Unit 1 Streetlights

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**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

**Vendor # 40410 VIA's Customer # 87847916**

Act. #	Name	METER #	Jan.	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
04953301-0530157-8	0466602	x	8.96	9.20	10.58	10.20	10.29	12.78	13.78	12.72	9.19	9.19	9.20	9.23	128.91
050843100-0539801-7	0412535	x	8.44	8.44	8.44	8.44	8.44	9.19	8.98	9.19	9.19	9.19	9.32	9.23	106.49
0617847916-1256897-6	537906	x		63.70	41.63	327.28	407.68	941.23	967.97	286.33	629.23	377.05	15.73	15.30	4073.13
4,308.53															
Las Maravillas I															
052080700-0549424-3	0412369	x	8.44	8.44	8.44	8.44	8.44	8.44	8.44	9.19	9.19	9.19	9.20	9.23	105.08
053089300-0556889-7	0453805	x	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9.19	9.19	9.19	9.20	9.23	53.48
052949500-0555685-3	0506416	x	22.77	22.45	19.20	19.40	17.53	18.20	18.88	21.67	20.99	21.14	19.84	22.06	244.13
052448600-1160707-1	0512670	x	20.72	21.28	18.35	18.87	17.43	18.09	20.51	21.24	20.10	19.46	25.39	22.88	244.12
052448600-0552146-1	0253263	x	25.46	25.46	21.68	21.92	19.93	39.12	21.98	26.13	24.67	26.20	26.12	26.19	304.86
052089000-0549428-8	0326164	x	55.54	54.79	44.34	42.56	39.74	39.49	40.96	51.83	47.34	54.20	53.43	56.35	580.57
052262000-0550789-9	0519427	x	27.40	27.30	23.31	22.70	21.23	22.05	22.53	21.82	20.48	21.86	21.29	22.06	274.03
052262000-0550770-2	0344093	x	38.82	38.39	33.54	31.15	30.32	31.07	33.63	39.77	38.58	38.61	38.93	40.01	432.82
052446600-0552145-6	0512687	x	71.17	56.29	43.25	41.35	38.45	40.11	43.94	52.24	47.85	53.10	51.12	55.99	594.86
051730200-0546832-2	0440928	x	48.75	45.39	43.79	45.29	47.23	50.51	54.64	61.71	48.98	9.19	9.20	9.23	473.91
053089300-1178922-5	0513944	x	100.82	88.52	81.95	78.78	73.23	76.00	82.83	99.46	92.20	101.24	99.68	105.55	1080.26
051704800-0546850-0	0513550	x	8.44	8.44	8.44	8.44	8.44	8.44	8.44	9.19	9.19	9.19	9.20	9.23	473.91
052976101-0555842-2	0451848	x	27.83	27.83	23.94	24.35	21.34	23.04	24.42	29.58	27.06	28.48	28.17	28.86	314.90
052976001-0555841-5	0512523	x	78.60	78.82	63.30	61.43	57.84	62.74	69.28	82.82	75.85	80.38	76.25	77.80	865.11
052906501-0555379-9	0452311	x	30.64	30.53	26.09	24.65	24.80	25.27	41.77	69.60	56.34	56.72	48.35	47.52	482.19
052906801-0555380-4	0452314	x	31.61	31.27	26.55	26.65	23.81	25.88	27.39	34.03	30.87	31.98	31.78	31.39	353.21
053238102-0557509-2	0452578	x	43.02	49.28	48.42	45.76	38.97	45.43	52.07	62.86	57.61	62.38	61.87	65.43	633.10
053138501-0556899-6	0465378	x	50.27	50.58	40.02	33.67	8.44	53.84	40.14	51.09	46.84	44.79	35.53	50.53	508.53
053071501-0558474-8	0471357	x	29.25	30.10	25.13	25.43	22.97	24.41	25.64	30.72	28.21	30.53	29.62	30.78	332.79
053071801-0558477-9	0512521	x	30.32	30.85	26.33	24.78	23.71	24.90	26.46	33.14	23.90	33.31	33.36	35.52	348.58
8826.82															
Las Maravillas II															
052796201-0554811-0	0440852	x	79.90	83.88	71.07	71.88	69.22	75.12	79.99	91.00	80.69	86.17	85.92	53.21	928.03
052922501-0555488-7	0500358	x	79.36	78.07	64.80	63.95	61.64	57.56	69.74	95.32	86.52	46.60	144.64	103.61	971.81
052986802-0556926-4	0451521	x	28.58	28.05	22.26	22.26	21.75	22.78	23.75	27.84	28.18	27.65	27.89	28.61	310.38
052815801-0555443-4	0452374	x	69.34	70.20	68.38	60.80	48.97	51.01	54.51	66.30	62.29	67.21	66.35	68.10	733.44
052207300-0550371-1	0458098	x	58.39	34.62	82.87	46.07	41.04	45.06	48.79	52.24	47.34	52.74	50.76	52.60	588.52
053138601-0558900-1	0462512	x	28.91	29.45	24.38	24.56	23.18	23.78	24.90	29.71	25.42	11.12	29.74	32.24	307.47
3839.65															
Las Maravillas III															
053217700-0557378-6	Unmetered	x	121.96	121.96	121.96	123.95	123.82	123.82	128.59	136.36	136.36	136.36	136.36	136.36	1547.86
067847916-1262305-0	762627	x	175.59	130.67	104.37	100.26	93.81	97.26	105.72	128.18	116.94	128.62	128.62	133.54	1441.12
053179400-0557136-3	0483690	x	8.44	8.44	8.44	8.44	8.44	8.44	8.44	9.19	9.19	9.19	9.20	9.23	105.08
3,094.06															
Pasilos															
052544400-0552828-6	0536039	x	28.48	27.94	24.49	22.04	21.10	24.79	25.91	30.72	28.83	31.27	30.83	31.63	328.03
052027700-0549045-8	0519426	x	35.16	34.74	30.95	30.16	27.29	29.33	31.20	36.60	34.54	37.67	37.11	37.34	402.09
052207100-0550370-6	0462951	x	21.04	20.94	22.23	21.71	19.81	18.33	22.11	25.85	24.54	26.44	26.00	28.55	275.55
052767001-0554415-7	0462596	x	16.39	20.39	18.08	17.67	16.41	15.91	16.35	21.48	21.99	24.96	24.26	24.75	238.64
1234.31															

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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:** March 13, 2013  
**Date Submitted:** 2/1/2013  
**Title of Request:** Grading Turbine Rd

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**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.


PROJECT: Turbine Road		Length (LF)	Width (LF)		
		9504	24		
CONTRACTOR: VALENCIA COUNTY ROAD DEPARTMENT					
DESCRIPTION OF WORK:	Grade Turbine form NM Hwy 47 to RR Tracks				
PERIOD COVERING	Take Approximately 3 hours				
	HOURS	TONS	RATE PER HOUR		
Equipment Operator I (Spread Materials)	3		\$11.00		\$33.00
Grader	3		\$60.00		\$180.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
				TOTAL COST	\$213.00

PROJECT: Turbine Road		Length (LF)	Width (LF)		
		2.97	24		
CONTRACTOR: VALENCIA COUNTY ROAD DEPARTMENT					
DESCRIPTION OF WORK:	Grade Turbine from RR Tracks to El Paso Natural Gas				
PERIOD COVERING	Take Approximately 4 hours				
	HOURS	TONS	RATE PER HOUR		
Equipment Operator I (Spread Materials)	4		\$11.00		\$44.00
Grader	4		\$60.00		\$240.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
				TOTAL COST	\$284.00

\* The totoal cost of grading Turbine from NM Hwy 47 to El Paseo Facility is \$497.00

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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:** March 13, 2013

**Date Submitted:** 12/14/2012

**Title of Request:** Additional Street Lights

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**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.

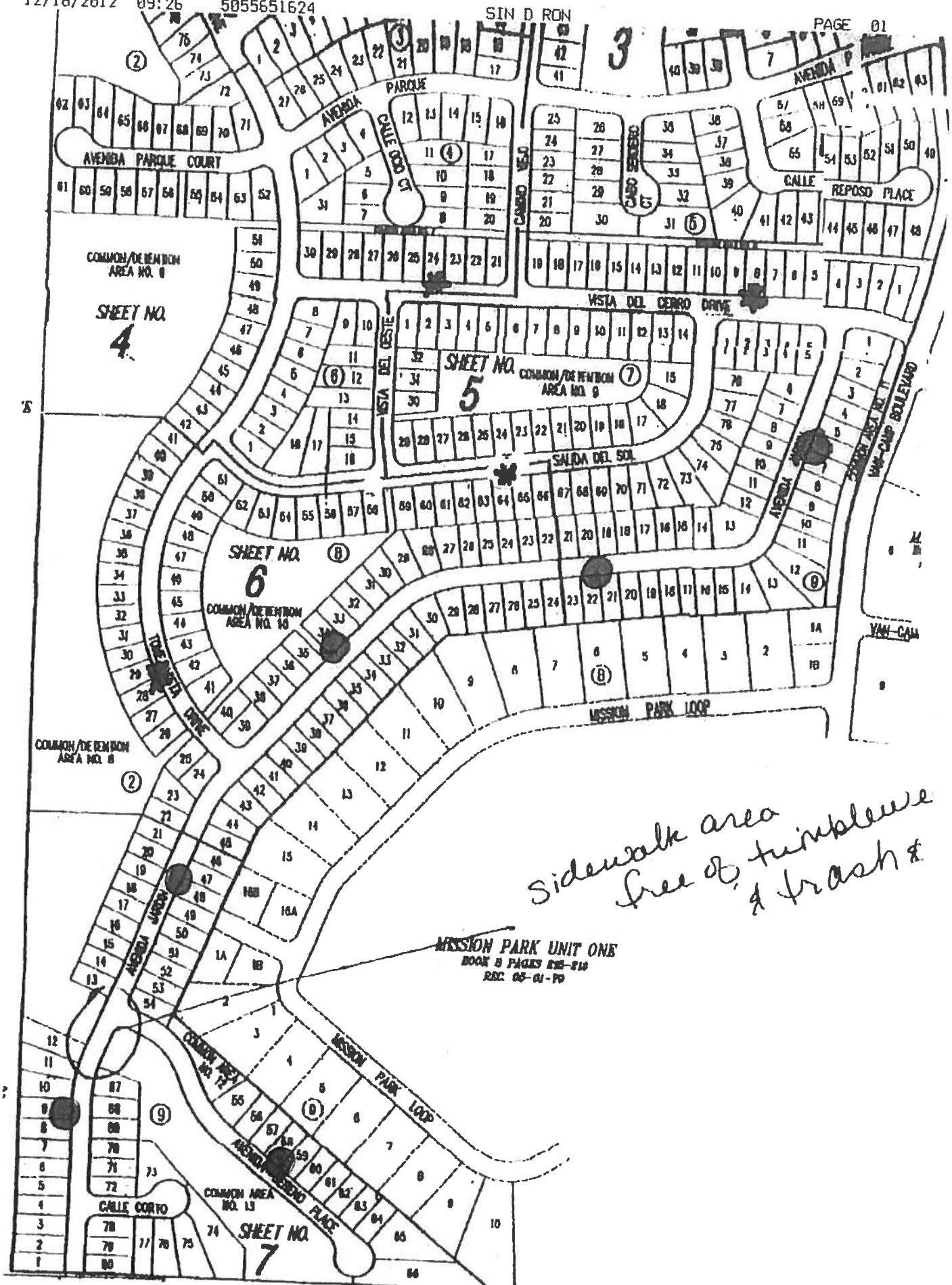
Monthly costs incurred by Valencia County would be \$5.46 per month for each light plus any applicable Fuel and Purchased Power Cost Adjustments (current or future) charged by PNM. For ten (10) additional lights, the additional annual cost to Valencia County would be \$655.20. For six (6) additional 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.





## 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 314  
Los Lunas, NM 87031  
Office (505) 866-2475  
Fax (505) 866-5388  
ATTN: Lina Benavidez Engineering Aide  
[lina.benavidez@co.valencia.nm.us](mailto: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
	<b>TOTAL</b>			<b>\$ 45,470.00</b>

Regards,

*Bob Norton*

Bob Norton  
(505) 350-1098  
[bob@bixbyelectric.com](mailto:bob@bixbyelectric.com)

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Ref: JOB: Install new Street Light Poles @ Tome Vista Sub-division  
Los Lunas, NM

T0: Valencia County Public Works Division

Lina Benavidez Engineer Aide  
[lina.benavidez@co.valencia.nm.us](mailto:lina.benavidez@co.valencia.nm.us)

Inclusions:

- Traffic Control for Right Lane Closure or Shoulder Work
- Install ten (10) new 25' Aluminum Poles Street Light Poles & 6' arms w/ ten (10) 100W fixtures
- Install ten (10) 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.



## 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 87031  
Office (505) 866-2475  
Fax (505) 866-3388  
ATTN: Lina Benavidez Engineer Aide  
[lina.benavidez@co.valencia.nm.us](mailto: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
<b>TOTAL</b>				<b>\$ 27,813.50</b>

Regards,

Bob Norton  
(505) 350-1098  
[bob@bixbyelectric.com](mailto:bob@bixbyelectric.com)

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Ref: JOB: Install new Street Light Poles @ Tome Vista Sub-division  
Los Lunas, NM

T0: Valencia County Public Works Division

Lina Benavidez Engineering Aide  
[lina.benavidez@co.valencia.nm.us](mailto: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.



## VALENCIA COUNTY

### Planning and Zoning Department

444 LUNA AVENUE – P.O. BOX 1119 – LOS LUNAS, NEW MEXICO 87031

Office: 505-866-2050 – Fax: 505-866-2002

Website: [www.co.valencia.nm.us](http://www.co.valencia.nm.us)

## Memorandum

To: Bruce Swing

CC:

From: Jacobo Martinez

Date: 2/22/2013

Re: Tome Vista

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Tome Vista went in front of the Valencia County Commission for Preliminary Approval on April 5, 1999. In the meeting minutes, there was a quick discussion concerning lighting:

*"Steve Chavez said he and Mike McCartney had discussed lighting with Gaylord Cambell and the original proposal was for approximately 60 lights and it has been reduced down to 40. He said he has talked to PNM regarding the lighting. He said it would be approximately \$4.00 to \$6.00 per month for the lighting."*

The mention of lighting had not been brought up again throughout my research. During this meeting, the Commission asked Mr. Chavez (County Planner) to provide his recommendations to the developer to agree upon. Mr. Chavez provided the attached information in his memo.

Mr. Chavez does make mention that the HOA should maintain drainage basins and ditches, however there was no mention of the maintenance of lighting.

Tome Vista was passed as an approved plat on September 7, 1999 as they met the conditions of the Memo provided by Mr. Chavez.

The HOA covenants were passed during the same time. No mention of street lighting was provided in the Covenants.

The Plat was signed and approved. No mention of the maintenance of street lighting is found on the Plat Map.

## interoffice MEMORANDUM

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**To:** Board of County Commissioners  
**From:** Steven Chavez, County Planner  
**Date:** March 15, 1999  
**Subject:** Tome Vista Subdivision review

The following report is based on an examination of the Disclosure Statement, Revised Traffic Impact Analysis Report (TIA), Storm water Calculations, independent State Agency responses, Preliminary engineering design plans, and representations made by the developer.

Pages 1-6 outline the subdivision information with commentaries.  
Page 7 summarizes the suggested conditions for final plat approval.

### Lot statistics

The average size of each lot is 5000 to 7500 square feet. The disclosure statement identifies lot set backs as follows: 25 foot front; 5 foot side; and 15 foot rear. (Please note that the zoning ordinance requires set backs to be 30 feet for front and 15 feet for side and rear). See Section 10.(D), page 11, Valencia County Zoning Ordinance. Accordingly, lot size and set backs for the aggregate project should be treated as an exception to the Valencia County Zoning Ordinance. The exception is based on the developer providing potable water and sewerage infrastructure.

ROW for dedications

The subdivision has approximately 3.9 miles of streets. Notably, the street plans appear to satisfy street and right-of-way dimensions pursuant to *Design Standards for County Roads, Book 311, page 4585*. ROW on streets appears to be 50 feet widths. Curb-to-curb widths are approximately 40 feet.

Ingress & Egress

The development will have three subdivision entrances. Two connect to Van Camp Blvd. the third connects to El Cerro Mission Road. Each entrance has "flare-outs" or excess ROW with a median in the center.

An additional entrance from the West Side of the Subdivision should be explored. Note that all three entrances are from the North-East side of the subdivision. There are no entrances directly from the West. There are two roads from the West which could possibly be utilized. They both could connect the subdivision from its West side to Sandhill Rd. Sandhill Rd. then connects into South El Cerro Loop.

Engineering data

*Stormwater calculations-* Storm drainage calculations are based on .5% (50 year storm frequency) calculations rather than the standard 1% (100 year storm frequency calculations). However, Valencia Soil and Water Conservation agrees that the latter may be waived.

The Plans illustrate two very significant permanent sediment traps within the subdivision which were placed on six occupied parcels. This appears to be an engineering mistake. (See Sheet 5 of 26, *Preliminary site plan*). The developer has proposed moving the traps into the detention basins. Permanent sediment traps ought to be in front of detention basins. If they can accomplish this given the size of the detention basin, it would be acceptable. The project engineer, David Dotson has certified that the detention basin in question can handle the traps.

Home Owner's Association protective covenants

The protective covenants should state that it is the responsibility of the Home Owner's Association (HOA) to enforce any covenants. Additionally, the covenants should state it is the responsibility of the HOA to maintain all dedicated on-site open space, including parks, stormwater basins systems (including underground catch basins), and sediment traps. There should also

he n schedule for such maintenance. Additionally, the HOA should also be responsible for entrance median maintenance. The covenants should include language requiring low water demand plants, shrubs, trees and ground cover. See *Landscaping Plan* below.

#### Dedications

Open space and basins- The project engineer, David Dotson, indicated that 11.39% of on-site land is dedicated for green space and detention basins. Approximately 34% of on-site space is dedicated for roads and Right-of-way (ROW).

#### Water Supply Plan

The only private water utility company operating in Valencia County is Rio Grande Utility (RGU). On November 19, 1999, RGU responded to the developer's inquiry regarding whether or not RGU could provide adequate water to Tome Vista. It can be gleaned that RGU committed to providing 26,553,750 gallons (82.49 acre ft.) of water a year to 150 residential homes. RGU committed itself to Phase I development only. Thus, it will be the developer's responsibility to procure water for Phases II and III (approximately an additional 80,000,000 gallons per year).

#### Landscaping

The plans and covenants do not provide landscaping requirements for the purpose of conserving water. Although the development will obtain water through the RGU, we are in a desert and the County should require that developers take every available step to conserve water.

I suggest that the Board require a landscaping plan consisting of establishing low water demand plants, trees and ground cover. Such requirements should also be placed in the disclosure statement and in the restrictive covenants

#### Traffic Impact Analysis

A revised traffic impact study was completed and submitted to Valencia County and the New Mexico State Highway & Transportation Department

(NMSHTD) in late March, 1999. The County hasn't received its response to the revised study from the NMSHTD. There are some very significant impacts recognized in this study. It is important to note, the existing level of service (LOS) without the subdivision is poor, therefore, the subdivision traffic impacts will only make an unsatisfactory condition more unsatisfactory. (See page 21, TIA).

The existing roads which provides primary access to the subdivision are NM6, NM47, NM263, El Cerro Mission Road, and Van Camp Blvd (both two lane County Roads). The analysis of traffic is based on existing daily traffic volumes and expected volumes through 2004 (expected completion date). Notably, the expected volumes are predicated on a maximum 7% growth rate.

The intersections which will have the most unfavorable impacts are the intersections of NM47 and South El Cerro Loop, the intersection of NM263 and El Cerro Mission Road, the intersection of NM47 and North El Cerro Loop (NM263), and the intersection of NM263 and El Cerro Mission Road. These intersections received the poorest ratings and as a consequence will operate most inadequate at their current states. It is advised that offsite improvements be made at these intersections to accommodate the expected volumes. (See page 21 and 26, TIA).

The improvements to these intersections include, over the course of the next 4 years, the plausibility of traffic signalization at:

- NM47 and South El Cerro Loop (NM263)
- Van Camp Blvd. and El Cerro Mission Road

Other off-site improvement recommendations are:

- Lengthening the northbound left turn lane an additional 660 feet at the intersection of NM6 and NM263;
- Lengthening the northbound lane an additional 375 feet at El Cerro Loop (NM263) and North El Cerro Loop (NM263);
- revise the NMSHTD striping plan to include "one combination left turn/through lane and one right turn lane on the westbound approach" at NM47 and North El Cerro Loop (NM263).
- provide an additional eastbound right turn lane at the intersection of NM47 and North El Cerro Loop (NM263).

- Provide an additional eastbound right turn lane at the intersection of NM6 and NM263.
- Realign the El Cerro Mission Road approach at the intersection of El Cerro Loop (NM263) and El Cerro Mission Road to provide a 90 degree intersection. (The Tome Vista Group, LLC, has indicated that they will donate to the County the privately owned parcel (approximately .25 acres) at that intersection for such a realignment.
- Place Stop signs at all approaches at the intersection of Manzano Expressway and Van Camp Blvd, and place a "stop ahead" sign for the westbound approach.

*See Page 26, TIA.*

Although the County hasn't adopted development fees (fees imposed by the County on new development in order to generate revenue for funding or recouping the costs of capital improvements necessitated or attributable to the new development), the county should consider seeking noncompulsory commitments towards improvements to County roads by the Tome Vista Group. *See NMSA 1978, §§5-8-1 et seq., for guidelines for establishing compulsory fees.*

It is irrefutable that the subdivision at capacity will generate adverse traffic congestion at the above intersections, and these off-site issues will become tremendous burdens to the County by the year 2004. I strongly suggest that the County ask the Tome Vista Group to contribute a pro-rata share, over the course of the next 5 years for some of the major improvements listed above.

#### Clearing and grading plans

The Valencia Soil and Water Conservation (VSWC) District Chairman was concerned with the phase I clearing and grading schedule. Apparently, the schedule has been changed to mitigate erosion from winds and rains. *See letter from VSWC dated March 17, 1999.*

#### Disclosure Statement

*Water availability-* the maximum annual water requirements for the subdivision is disclosed as "26,553,750 gallons." See page 6, No. 17. This

disclosure is imprecise for all phases of the subdivision. The section should be revised to reflect that 26,553,750 gallons are required for only Phase I and 106,000,000 gallons are required for the completed subdivision. It should also disclose that water commitments for the entire subdivision have not been procured as of March 1999. See *Water Plan*, below.

*Landscaping Plan*- The disclosure statement should disclose the subdivision will be required to adhere to a low water demand landscaping plan

#### Guarantees

The subdivision encompasses three enormous phases which necessitates long-term commitments from the developers of this project. Moreover, there are some variables not yet resolved. For example, the developer has not shown that water commitments for the full project have been procured. Additionally, the developer wants to pave the roads, light the streets, and install elaborate drainage apparatuses. The developers of this project are very reputable, however, the magnitude of the project requires some tangible method for guaranteeing that the improvements will be made, and made in a timely fashion.



**SUMMARY OF SUGGESTED  
CONDITIONS FOR FINAL PLAT APPROVAL**

1. Announce in disclosure statement the following:
  - a. Require landscaping low water demand measures
  - b. Require HOA to maintain on a stated schedule all detention basins, sediment traps, underground catch basins, green space, and entrance street medians.
2. Include the following restrictive covenants:
  - a. Require landscaping low water demand measures.
  - b. Require HOA to maintain on a stated schedule all detention basins, sediment traps, underground catch basins, green space, and entrance street medians.
3. Produce a subdivision street entrance on the West Side of the subdivision to a connecting street linking Sandhill Rd. to subdivision.
4. The Tome Vista Group already pledged to donate the parcel located at the intersection of El Cerro Loop and El Cerro Mission Road for the purpose of a realignment. Solidify the commitment.
5. Request that the Tome Vista Group voluntarily contribute the following improvements on affected County roads:
  1. Stop signs at intersection and approach of Manzano Expressway and Van Camp Blvd.
  2. Signalization warrant at Van Camp Blvd. and El Cerro Mission Road.  
*See Pages 4 and 5 above.*

cc/ Bill Campbell  
Michael McCormey, Zoning Administrator  
James Fernandez, County Manager  
Tom Garde, County Attorney

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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: March 13, 2013**

**Date Submitted: March 4, 2013**

**Title of Request: Consideration of Resolution 2013\_\_\_\_\_, 2013 Annual Certified Maintained Road Mileage**

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**Action Requested of Commission:**

Resolution to adopt 2013 Annual Certified Maintained Road Mileage

**Information Background and Rationale**

Every year the county prepares their road inventory and mileage to submit to NMDOT which shows roads that are county maintained and which roads have been improved throughout the year, giving a summary of Asphalt, Grave, Chip Seal, and Dirt for the County as whole, as well as per commission district.

Since Rio Communities Incorporated the county lost 32.043 miles of maintained roads. The County will continue to maintain until June 30, 2013. Unless the County enters into an agreement.

**What is the Financial Impact of this Request?**

No Financial Impact

**Legal:**

This resolution/certification is necessary in order to receive funding pursuant to NMSA 1978, Section 66-6-23 (2003) from the State for maintained Road Miles. A.N.

**Finance:**

There is no immediate financial impact to the county related to this request.

**VALENCIA COUNTY  
BOARD OF COUNTY COMMISSION  
RESOLUTION 2013- \_\_\_\_**

**A RESOLUTION  
ADOPTING THE 2013 ANNUAL CERTIFIED MAINTAINED  
MILEAGE REPORT**

**WHEREAS**, the Board of County Commissioners (BOCC) acted in its regularly scheduled meeting on March 13, 2013, to adopt the 2013 Annual Certified County Maintained Mileage Report for 2013; and desires the State Department of Transportation (NMDOT) to accept same; and,

**WHEREAS**, pursuant to NMSA 1978, section 66-6-23 (2003), the BOCC shall certify and submit an Annual Certified County Maintained Mileage Report to the Secretary of the Department of Transportation, on or before April 1<sup>st</sup> of each year; and,

**WHEREAS**, the mileage verified by the Secretary of NMDOT shall be the official mileage of public roads maintained by each county and reported to the NM State Treasure's Office for funding distribution purposes; and,

**WHEREAS**, the BOCC has, in 2012, reevaluated and continues to reassess its road inventory.

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

1. the 2013 Annual Certified County Maintained Mileage Report is an accurate reflection of County maintained roads for 2013;
2. the County submits the attached Report to the Secretary of the NMDOT in meeting its obligation pursuant to statutory requirements

**PASSED, APPROVED AND ADOPTED** on this 13<sup>th</sup> day of March, 2013

\_\_\_\_\_  
Charles Eaton, Chair

\_\_\_\_\_  
Alicia Aguilar, Vice Chair

\_\_\_\_\_  
Mary J. Andersen, Commissioner

\_\_\_\_\_  
Lawrence Romero, Commissioner

\_\_\_\_\_  
Donald Holliday, Commissioner

Attest:

\_\_\_\_\_  
Peggy Carabajal, County Clerk

***END***

***OF***

***AGENDA***