



**April 17, 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 V*

***Please silence all electronic devices.***

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

March 20, 2013.....Business Meeting  
April 3, 2013.....Business Meeting

**PRESENTATION(S)**

- 5) County Extension Office Quarterly Report. *Laura Bittner*
- 6) Juvenile Justice Progress Report. *Cynthia Ferrari*

**DISCUSSION(Non-Action) Item(s)**

- 7) Commissioners, Committees and Reports.
- 8) Infrastructure Capital Improvement Plan. *Jacobo Martinez*
- 9) Placement of financial information on County website for transparency. *Bruce Swingle*

**Board of County Commissioners convenes as Indigent Claims Board**

- 10) Consideration of Indigent Report. *Barbara Baker / Dan Zolnier*

**Board re-convenes as Board of County Commissioners**

**ACTION ITEM(S)**

- 11) Approval of questions to be submitted to Los Lunas and Belen regarding Hospital Projects.  
*Commissioner Andersen*
- 12) Consideration to approve nomination of one primary and one alternate as a full voting member of the Metropolitan Transportation Board and all applicable committees. *Kelly Bouska*
- 13) Consideration to approve Resolution 2013-\_\_\_\_\_ appointing a Safety Committee for Valencia County.  
*Bruce Swingle*
- 14) Consideration of approval to enter into year two of Audit Contract for FY13 with Axiom CPA's and Business Advisors, LLC. *Nick Telles*

### **FINANCIAL MATTERS:**

15) Consideration to approve Resolution 2013-\_\_\_\_\_ accepting Budget Revisions. *Nick Telles*

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), the following matters may be discussed in closed session: a. personnel; b. pending or threatened litigation; c. 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.

### **NEXT COMMISSION MEETING:**

- ◆ April 18, 2013 – Budget Workshop 9:00 A.M. to 5:00 P.M.  
Valencia County Manager's Conference Room 444 Luna Ave. LL, NM

### **ADJOURN:**

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

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# VALENCIA COUNTY BOARD OF COMMISSIONERS

## BUSINESS MEETING

MARCH 20, 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 5:01 P.M.

2) Warden Joe Chavez led the Pledge of Allegiance.

3) Approval of Agenda

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

4) Approval of Minutes: February 20, 2013- Business Meeting

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

### PRESENTATION(S)

5) Legislative Update. *Kelly Fajardo, State Representative District 7*

Ms. Fajardo said that on February 5<sup>th</sup> the Los Lunas Chamber of Commerce, Belen Chamber of Commerce and the Hispano Chamber of Commerce all got together and put on a matanza at the steps of the Roundhouse for the 112 Representatives. One of the items passed this session was the Healthcare Exchange. Instead of the government, New Mexico will be able to make decisions regarding the state's healthcare. During the legislative session the PRC department was also revamped. One of the key changes made to that department was that they were able to define what kinds of qualifications were needed to run for PRC office. Commissioner Andersen asked if Valencia County will be affected by the hold harmless repeal. Ms. Fajardo said that Valencia County is over the \$48,000 mark so yes, we will be affected. The county will have two years to create a "game plan." The state is gradually going to start holding back the hold harmless funds. It will be seventeen years before it is fully implemented. It will be a two year strategy time then fifteen years of gradual implementation. Ms. Farjardo said this session she had \$44 million in project requests but only \$700,000 to "play with" she said that it was key to be in contact with the cities and the county to understand what their priority needs were. Chairman Eaton asked what the Capital Outlay bill was titled when going to the Governor for signature. Mrs. Fajardo said she would get that information to Chairman Eaton.

6) Valencia Soil & Water Conservation District regarding Proposed Mill Levy in Valencia County" *Abel Camarena*

Mr. Camarena introduced some of the SWCD members that were with him, Joseph Moya, Joe R. Baca, Charlie Sanchez Jr., and Madeline Miller. Mr. Camarena stated that what is being proposed is a 10 year one-quarter mill levy. The levy funds would be used in helping the SWCD with water quality management, noxious weed control, soil protection, and providing educational experience to schools just to name a few areas. Mr. Camarena stated that he is hopeful that the voters will see the mill levy as an investment in helping the district protect, promote, and sustain natural resources while efficiently and effectively meeting day to day operational costs. The SWCD will be holding three more meetings, at different locations, starting March 14<sup>th</sup> to provide more in depth information and opportunities for questions. Mr. Camarena said that all registered voters with in the SWCD district are eligible to vote. The election will be held on May 7<sup>th</sup> from 7:00 am to 7:00 pm. With two polling locations, the first location is at the Valencia SWCD office in Los Lunas and the second location at the Whitfield Wildlife Conservation Area in Belen. Commissioner Andersen thanked the SWCD for all that has been accomplished at the

Whitfield Wildlife Conservation Area, a lot of hard work has gone into that place and she is grateful for the effort.

**7) Fire Department Update. *Fire Chief Steven Gonzales***

Mr. Gonzales started off by saying that since taking over as Fire Chief he has been seeking opportunities to further our fire service through education, prevention and planning. The staff has been busy getting information from local business to develop fire plan. This also gives the fire department personnel a chance to interact with the citizens, the fire department can reassure them that in an event of a fire at the business we can provide adequate response. The Fire Service recently conducted a CPR class for county personell and is currently in the process of providing fire extinguisher training for the employees as well. They are also working with the Public Works Department to have all county fire extinguishers serviced. The Fire Service recently adopted the 2006 edition of the International Fire Code. One of the things the department is currently working on is ways to recruit and retain volunteer services. One thing they are offering is a full fire academy to Valencia County volunteers free of charge. This academy will bring the volunteers to a Firefighter 1 level. The Fire Service is seeking opportunities to improve emergency medical response coverage. One way is by looking for additional opportunities to provide additional medical transport agency. Recently two firefighters were promoted to Lieutenant status. Another project the Fire Service is working on is preparing for an ISO survey for the Highland Meadows department. They are currently one of three fire departments left in the state that have an ISO rating of 10. Chief Gonzales is very hopeful to reach an 8B on this upcoming survey. If Highland Meadows does receive that score it will help in lowering the insurance premiums in that area, and will also increase funding for the fire service in that district. Right now on staff the Fire Service department has 3 Chief Officers, 1 Administrative Assistant, 2 Lieutenants, and 6 firefighters. ISO has a requirement of a minimum of six firefighters responding to a call; at this point the county is barely meeting that requirement with our current volunteer system. The county should really start looking at additional staff for the department. To her understanding Commissioner Andersen thought that Highland Meadows couldn't be upgraded until they had more adequate water supply. Chief Gonzales stated that at this point they are going off the old fire service requirements and they have 5,000 gallons of water on wheels at the facility. With those 5,000 gallons on wheels we meet the adequate amount. The only thing that the facility doesn't have is an adequate fill station. The department is currently researching and finding out costs as to what a larger well would cost. Commissioner Holliday asked who notifies the insurance companies regarding the lowering of the rates when a specific grade is made on the survey. Chief Gonzales said that the people that do the actual survey notify the insurances as soon as they have the final results. Chairman Eaton told Chief Gonzales to pass it on to the men and women in the fire service that they are doing a great job and to keep up the good work.

**8) Emergency Management Department Update. *Glenda Chavez***

Ms. Chavez started out by saying that in Emergency Management we plan for, prepare for and respond to major emergencies in the county. In January of this year Valencia County took part in a full scale exercise put on by the New Mexico Department of Health, the exercise was located in Sandoval County. The DOH was impressed with the resources Valencia County provided. This exercise counted for two of the three exercises that the state requires. One exercise was for the actual call down of deployable staff and the second was for the actual gathering of resources and deploying out. Also in January the Village of Los Lunas signed a memorandum of agreement to allow Valencia County to utilize the transportation center for the emergency operations center. In February a draft emergency operations plan was given to the State Department of Homeland Security for their review. The Emergency Management department has been audited once and then will be again in April, to ensure all timelines and what's expected meet the requirements of the state. Also in February of this year a Training Exercise Committee was formed. And the Del Rio Community Center was approved by the American Red Cross as an emergency shelter. The Emergency Department is in the lead for the operational plan for the upcoming Good Friday pilgrimage to Tome Hill. The department has also started an application for a Comodidity Flow Study for the county; this study is for anything being transported through the county by rail or interstate. It will be tracked and put into a report for future use.

**9) Commissioners, Committees and Reports**

Commissioner Aguilar said that there were many members of the county that wanted to know how much Waste Management was going to charge when the contract starts, so Commissioner Aguilar had a current invoice from Waste Management, the pricing was for a 3 month period for a 96 gallon container. The cost was \$53.88 plus a \$10.49 fuel charge

and \$4.10 for gross receipts tax bringing the total to \$68.47. While in comparison AC Disposal charges \$15.00 per month, \$2.87 for sales tax bringing the total to \$47.87 for a 3 month period. Commissioner Aguilar asked for a copy of the County Managers contract and for copies of any other contractual agreements that the county may have that affect the budget. Commissioner Aguilar stated that she wanted to look at the County Managers contract in regards to a mistake made on a date. And in regards to the other contracts she is concerned that they are many contracts out there especially through the court system and more monies are being requested. She wants to know exactly what contracts are out there and for how much and what exactly they are for. She wants to be better informed regarding this area. Commissioner Andersen noted that she received an e-mail regarding the upcoming NMACC conference in Socorro that will be taking place on April 10<sup>th</sup> and the deadline to register for the conference is April 1<sup>st</sup>. Commissioner Andersen asked about changing the meeting dates to meet the publishing deadlines with the New-Bulletin. Attorney Nance said that the counties current Open Meetings Act states that we have to post the meeting notice at 3 specific locations around the county, on the county website and in the News-Bulletin the date, time, location of the meeting and how an individual can obtain a copy of the agenda. So if the commissioners basically stick to the current schedule the publication in the newspaper can be a week and half early, because we don't have to have the actual agenda prepared at the time of publication. It is not required to place the agenda in the newspaper. So technically we don't have to change the meeting to comply with the News-Bulletins change. Commissioner Aguilar stated that she believes that the public prefers to see the actual agenda in the newspaper. Attorney Nance said we may then have to explore this further; he will get back with the commissioners with recommendations regarding placing the agenda in the paper considering the changes in the publication date. Mr. Swingle would like this item placed on the agenda for next meeting, where the attorneys could present a few recommendations and options for the Commissioners to look at. Chairman Eaton brought up that he would like the agenda request forms to be filled out completely, especially the sections concerning legal and finance. And also to whomever does fill out these sections to please put the individual's full name not just initials that way the public knows exactly who made the comment and it also helps the county in its efforts to be transparent. Mr. Swingle said that many of these agenda requests do come in at the last minute and don't give staff adequate time to completely review the request.

Attorney Pato requested that the Commissioner retreat to executive session so the matter can be discussed prior to the presentation.

#### **EXECUTIVE SESSION:**

Pursuant to Section 10-15-1 (H)(3) & (7) the following matters may be discussed in closed session; a) Personnel b) Pending or threatened litigation c) Administrative Adjudicatory Proceeding: *Wisenant Barela Zone Change* d) other specific limited topics that are allowed or authorized under the stated statute.

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

Commissioner Andersen motioned to return to Regular Session. Seconded by Commissioner Romero. Motion carried unanimously.

Attorney Nance stated that the matters discussed in closed session were limited to the Wisenant Barela Zone change as listed on the agenda. No final action was taken.

Commissioner Holliday motioned for approval of the summary as stated by Attorney Nance. Seconded by Commissioner Andersen.

Roll call vote. Commissioner Romero voted yes. Commissioner Andersen voted yes. Commissioner Holliday voted yes. Commissioner Aguilar voted yes. Chairman Eaton voted yes. Motion passed 5-0

Attorney Pato suggests that the board remove item #10 from the agenda and that the board accepts the parties' joint proposal to let the District Court decide the proposed zone change.

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

10) Closing arguments from the parties regarding request to amend the zoning map from Agricultural Preservation zoning to Rural Residential Zoning Legal description



**T6N, R2E, Tracts A&B MRGCD map 90; consisting of 17.98 acres & 11.36 acres respectively; Zoned AP; and Lands of Dale Jones, Tract C-2; MRGCD map 90, consisting of 10.31 acres; Zoned AP; Valencia County, NM *Jacobo Martinez***  
Item removed from the agenda

**DISCUSSION(S)**

**11) Discuss FY 2012 independent audit findings. *Axiom Certified Public Accountants***  
Jim Cox from Axiom CPA presented the FY 2012 audit findings. There were 3 categories of findings.

1. **Material Weakness-** sufficient weakness in internal controls that runs the risk that an error could make it through the system without being prevented or stopped.
2. **Significant Deficiency-** still deficiencies in the controls but not as serious as material weaknesses.
3. **Other Matters-** this category doesn't necessarily impact the financial statements themselves but still merit discussion.

The audit produced 22 overall findings. Some of the presented findings included but were not limited to issues regarding the preparation of financial statements, segregation of duties in payroll process, social security compliance, internal controls over payroll deductions, and there being no process to track capital assets. Mr. Cox stated that the Finance Department and management are working hard to resolve these issues.

**12) Discuss Special District and Moratorium on Green Belt in Tome Adelino. *Lawrence Sanchez***

Peter Ruckshaw said there has been a petition signed with 98 names in favor of the Green Belt in Tome. There are 5 registered historical monuments in the proposed area, including Tome Hill, the old jail and cemetery. There are also 5 historical places of residence. Ms. Gutierrez said this proposed change is an effort to save the history, language, culture and tradition of this area. Commissioner Andersen asked what the legal steps would be to change to a green belt. Attorney Nance said that it would take a legislative zoning change by the board. Planning and Zoning Director Jacobo Martinez said that as of yet they have not discussed any further steps with the residents wishing to make this change. Commissioner Andersen and Chairman Eaton suggested that Mr. Martinez, the county attorneys and members representing the group from Tome/Adelino sit down and discuss what steps need to be taken to set the moratorium in place before this item is brought before the Commissioners again. Mr. Sanchez said they will do that and any guidance will be greatly appreciated so that nothing gets overlooked.

**BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD**

Commissioner Aguilar motioned to convene as Indigent Claims Board. Seconded by Commissioner Romero. Motion passed 4-0. Commissioner Andersen was not present at time of vote.

**13) Consideration of the Indigent report and 2 Appeals. *Barbara Baker***

Ms. Baker presented the Indigent report and asked for approval in the amount of \$53,037.46

Commissioner Aguilar motioned for approval. Seconded by Commissioner Romero. Motion passed 4-0. Commissioner Andersen not present at time of vote.

Ms. Baker presented an indigent appeal for Ida May Ballejos in the amount of \$385.00 to be paid to UNM Health Science Center.

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

Ms. Baker presented an indigent appeal for inmate Sean Hedrick in the amount of \$4,675.06 to be paid to UNM Medical Center.

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

**BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS**

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

**ACTION ITEM(S)**

Minutes of March 20, 2013 Business Meeting

14) Consideration to approve a MOA between Valencia County Emergency Management and the New Mexico Department of Health in the amount of \$21,209.00 for the participation in designated Emergency Management Activities. *Glenda Chavez* Commissioner Holliday motioned for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

*The Board of County Commissioners recognized Senator Clemente Sanchez who was a member of the audience.*

15) Consideration to adopt Resolution 2013-15 accepting a fee schedule to produce Address/Street Identification for the General Public. *Victor Gonzales/Jacobo Martinez* Commissioner Andersen motioned for approval. Seconded by Commissioner Aguilar. Motion carried unanimously.  
County Clerk Peggy Carabajal announced Resolution 2013-15.

16) Consideration to approve the 2013 Older American Policy Manual ratified by the OAP Advisory Council. *Nick Telles* Attorney Pato stated that this is an excellent and well put together manual but there are a few changes that he suggested be made. On page 13 paragraph 2 under Participant Policy he suggests removing "recipient of service" and changing it to staff. On page 13 paragraph 1 under Due Process he recommends removing the word reasonable so that it reads "probable cause." And on page 26 paragraph 2 delete the phrase "after working hours."  
Commissioner Aguilar motioned for approval with the changes requested by the attorney. Seconded by Commissioner Andersen. Motion carried unanimously.

#### **FINANCIAL MATTERS:**

17) Consideration to accept Resolution 2013-16 accepting Budget Revisions. *Nick Telles* Commissioner Andersen motioned for approval. Seconded by Commissioner Romero. Motion carried unanimously.  
County Clerk Peggy Carabajal announced Resolution 2013-16.

18) Approval of Financial/Payroll warrants. *Nick Telles* Commissioner Aguilar motioned for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

#### **PUBLIC COMMENT:**

Valencia County resident Sue Moran was the only person to speak at tonight's meeting. She spoke in regards to the Village of Los Lunas' Hospital presentation at a previous meeting. She feels that the enhanced services directed to the various needs of the Valencia County residents would create amazing opportunities for all. She believes that the Commissioners should open the door for the opportunity that's knocking.

#### **ACTION ITEMS:**

19) Consideration of a decision regarding request to amend the zoning map from Agricultural Preservation zoning to Rural Residential Legal description T6N, R2E, Tracts A&B MRGCD map 90; consisting of 17.98 acres & 11.36 acres respectively; Zoned AP; and Lands of Dale Jones, Tract C-2; MRGCD map 90, consisting of 10.31 acres; Zoned AP; Valencia County, NM *Jacobo Martinez*  
Item removed from the agenda

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

The next Regular Meeting of the Valencia County Board of County Commission will be held on April 3, 2013 at 5:00 P.M. Meeting in the County Commission Room at the Valencia County Courthouse.

#### **20) Adjournment**

Commissioner Andersen moved for adjournment. Seconded by Commissioner Holliday. Motion carried unanimously. TIME: 8:50 P.M.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the March 20, 2013 Business 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**

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## BUSINESS MEETING

APRIL 3, 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) Lawrence Esquibel led the Pledge of Allegiance.

3) Approval of Agenda

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

4) Approval of Minutes: March 13, 2013- Business Meeting

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

### PRESENTATION(S)

5) Commissioners, Committees and Reports.

Commissioner Aguilar said she has been meeting with congress people discussing the Manzano Expressway and also regarding the flood plain and what needs to be done to get the levys certified. She has also been reviewing the contracts that she had requested at the last meeting. Some of the contracts are dating back to 2007. She suggested that maybe the county should go back and look at these contracts and see if there still enforceable as far as costs. To get a more accurate budget Commissioner Aguilar believes these contracts need to be reviewed. She also wants it made clear that she is not head hunting or chasing after anyone, she believes that it is her responsibility as a Commissioner to look at costs and protect the public's money on anything that she approves. Commissioner Romero asked Mr. Swingle if he had gotten in contact with the District Attorney regarding the overcrowding issue at the jail. Mr. Swingle said that he met with the judges and the ADA they are working with the county to reduce the jail population, to the extent that they can. In another month Mr. Swingle is having a meeting with the Magistrate judges, District judges, the DA, the Public Defender's Office, and the pre-trial service folks. A lot of problems result from the Public Defender's office and how it functions in Valencia County. Most counties have a Public Defender assigned to them, Valencia County does not. Our Public Defenders are on contract and work out of Albuquerque or other jurisdictions, so there isn't a lot of incentive to get the down here to visit clients. But to this point there has been great cooperation from everyone involved with trying to get this over crowding issue resolved. Chairman Eaton said that he and the rest of the board have all agreed that the overcrowding is a critical issue so if any meeting regarding this issue is held he would like to see a summary of the meeting, regardless if it is attended by a Commissioner or not.

6) Valencia Regional Emergency Communication Center Update. *Shirley Valdez*

Ms. Valdez started off by saying that the inbound calls and calls for service are growing each day that the VRECC is in operation. In 2012 the calls for service were as follows:

#### Law Enforcement

Valencia County Sheriff 20,114

Los Lunas 19,244

Belen 13,559

Bosque Farms 4,000

Peralta 3,000

#### Medical

Valencia County 4,662  
Bosque Farms 380  
Los Lunas 2,156  
Belen 1,612  
Peralta 344  
Living Cross 9,781

Fire

Valencia County 6,240  
Bosque Farms 322  
Los Lunas 1,134  
Belen 660  
Peralta 982

The 2012 in bound calls from landline were 8,897 and wireless calls were 35,920. VRECC is extremely busy; sometimes there is not enough staff to keep up with the calls. Currently there are 9 consoles in the dispatch center and they have already outgrown the place where they are now located. The DFA, who collects 911 fees, is asking that at the rate the VRECC is growing to possibly add 3 more consoles to handle the call volume. Ms. Valdez stated that right now that is next to impossible we have no where to put them. There was a budget meeting on March 28<sup>th</sup>, in the budget request Ms. Valdez put in for 4 part-time dispatchers to help with the call volume. The GRT that dispatch gets which is 60% was flat this fiscal year at \$900,000. Whatever is leftover in operating costs each of the entities on the board must provide to continue operation. Ms. Valdez mentioned that Living Cross owes revenues for the last six years. Commissioner Andersen asked how much the county contributes to the dispatch center. Ms. Valdez stated that for this current fiscal year the amount was \$190,526.00 and the amount for the USDA loan payment was \$29,075.00 Ms. Valdez also mentioned that the Village of Los Lunas is asking for them to leave there current location because the village needs that space. Commissioner Andersen asked Ms. Valdez if she had considered asking the state for any of the buildings at the old Los Lunas Training School, she replied that yes, they had looked at them but most of the buildings are condemned and they don't have the phone lines or the electrical that would be needed for the dispatch center. As of now each dispatcher console has a total of 8 screens. Commissioner Aguilar asked what we now pay the Village for use of their building. Ms. Valdez said that we currently just pay utilities. Chairman Eaton asked when the loan with the USDA will be paid off. Ms. Valdez said that the payments are set for 7 years with a total payment of \$117,000 per year divided between the entities. She said that she is looking into asking New Mexico Finance Authority or legislative action to help to get rid of the USDA loan, to help us relocate or fund a new facility. Ms. Valdez stated that the current JPA asks the entities to pay for call for service for calendar year, the VRECC hadn't done that before so last budget year the board looked at continuing with percentage per entity or as the JPA states calls for service. It was voted on to go with calls for service. The board is waiting on Peralta to decide if they are going to contract for service from VRECC or become part of the board. In prior years Peralta was paying Bosque Farms but because the dollar amount went up for Bosque Farms they turned around and put that cost back onto Peralta. So right now Peralta is saying they don't have representation on the board and they want to be represented. If they become the fifth member on the board then they would be included in the total operating expenses that are budgeted with the five entities. VRECC was willing to contract calls for service for Peralta without them being on the board, it would have been cheaper for them but the Mayor wants to be part of the board. So now it is up to the Mayor and Council to draft a resolution showing that they want to go forward and actually be part of the board. The board has been waiting on Peralta for 3 years to make up their mind. At the budget meeting that was held on March 28<sup>th</sup> the board approved a budget that did not include Peralta or Living Cross because they weren't sure what was going to happen with either of those. Commissioner Andersen asked if the VRECC had talked with anyone in Rio Communities to make them aware that this is a cost that they will now have to pay. Ms. Valdez stated that no, as of yet she had not spoken to anyone regarding emergency services, but she will definitely do that.

**7) Proclamation to YDI recognizing April as "Child Abuse Prevention Month"**  
***Commission Chair/County Clerk***

In attendance for the reading of the Proclamation were Mark Sandoval- NW Regional Manager for Child Protective Services, Tasia Stromei with YDI, Cynthia Shaver with CYFD and Sally Rasmussen with Hogares.

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

**8) County Manager Update. *Bruce Swingle***

Mr. Swingle stated that he had given the commissioners a handout entitled County Employee & Budget Comparison that compares Valencia County to other counties that have a similar number of employees or a similar operating budget. We need to take a close look at our operation and look at our costs. This year we will probably have a substantial increase in budget requests compared to previous years. With the incorporation of Rio Communities the county will see a decrease of \$500,000. We've had to infuse over \$200,000 into the Detentions operations to meet current expenses and another \$80,000 into that budget when an issue is resolved in District Court over litigation. The jail addition is coming in under budget but the Warden will need an increase of \$1.5 million to alter operations to accommodate the addition. The Fire Service is in need of more full time staff to provide 24/7 coverage by paid, career staff. This increase would be an additional twelve employees and the cost would be \$500,000. So we are looking at a \$2 million increase in budget requests from just two departments. Mr. Swingle also brought up that it is nearing time for the commissioners to sit down and start reviewing the budget so that it can be submitted. Mr. Swingle suggested the dates of April 18<sup>th</sup> and 19<sup>th</sup> for the budget workshop. One of the handouts that Mr. Swingle presented shows the total county budget being \$28.6 million, with 3% of that going to Animal Control, that amount is not nearly enough for the needs of the county. Mr. Swingle said that after speaking with the Director of Animal Control and by looking at the contracts that the county has with other municipalities the county is either providing shelter services or animal control services and we're absorbing 80% of the cost when actually we are only responsible for 40%. Mr. Swingle would like to renegotiate these agreements with the entities based on a per animal basis. Right now the county is paying a little over \$700,000 when were only responsible for around \$350,000. Mr. Swingle referenced the total county budget chart again saying that 4% of overall budget goes to debt services, 4% to IT, and 2% from the general fund goes to the Older Americans Program. Mr. Swingle expressed that our current revenues don't really give us the opportunity to be forward thinking in most departments. The counties prior thinking had been don't worry about it we'll find the money somehow, someday and we are absolutely past that point. He also brought up the fact that a lot of employees are not funded through the general fund but through GRT and grants. Mr. Swingle expressed his concern over many employees average pay is around \$12.00 per hour and that you retire at 50% of what you make. 50% of \$12.00 is not enough to retire on and the county isn't even providing social security. "There is now way our employees can work here 25 years and retire. This is something we need to consider" He also pointed out that excluding the detention center the counties attrition rate is 20-25%, the main reasons being salary and benefits. Commissioner Aguilar thanked Mr. Swingle for the reports saying that this is all information that we need to know. She also mentioned that she had been at the Treasurer's Office wondering how much in other investments the county had besides the required 3/12 gross receipts and she was very disappointed to learn that no other monies were invested, the county has no little cash "kitty" put to the side so any little surprise or litigation could throw the whole budget off. Chairman Eaton said that in the near future we may have to revisit the Correctional GRT. It may not be a popular issue but it may be needed to make things happen positively for the county. Commissioner Andersen asked how much revenue the correctional GRT generated for the county. Mr. Telles said it had been about \$10,500 a month on average. Mr. Telles said there are several issues that the board needs to consider in the upcoming fiscal year budget review.

1. The jail needing additional \$1.5 million for operation after expansion.
2. The loss of the Rio Communities GRT, decrease of \$500,000 revenue stream to county,
3. The sequester, the implications on Sandia Labs and the Air Force Base considering a lot of people work and commute there.
4. Health care benefits going up 15%
5. Fire Department needing additional employees, estimating that at \$500,000
6. The Hold Harmless repeal

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

9) Consideration to renew Mutual Aid Agreement with the Town of Peralta's Fire Department. *Steven Gonzales*

Mr. Swingle presented the agenda item for Mr. Gonzales who was unable to attend. Commissioner Holliday motioned for approval. Seconded by Commissioner Romero. Motion carried unanimously.

10) Consideration to approve the 2013 State Fire Fund Applications for all County Fire Departments. *Steven Gonzales*

Mr. Swingle presented the agenda item for Mr. Gonzales who was unable to attend. Commissioner Holliday motioned for approval. Seconded by Commissioner Romero. Motion carried unanimously.

**11) Consideration to approve Summer Recreation program MOU with the Village of Los Lunas and Los Lunas Public Schools.**

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

**12) Consideration to approve Valencia County Open Meetings Act Resolution 2013-17  
*Bruce Swingle***

Mr. Swingle stated that changing the term "4 business days" in the resolution to say "4 calendar days" would suffice to meet all time lines.

Commissioner Holliday motioned for approval. Seconded by Commissioner Aguilar. Motion carried unanimously.

County Clerk Peggy Carabajal announced Resolution 2013-17.

**13) Consideration to approve a Lease Addendum between Valencia County and TNT Investments LLC for continued office space for the District Attorney's Office. *Bruce Swingle***

Mr. Swingle said that TNT is requesting a 2% increase in rent. In the last 2 years there has been a 2% and a 2.9% increase. The additional increase that they are now requesting is unbudgeted for. As this point it would be this month through the end of June that would be unfunded. The county would then budget for the full year next year. The 2% increase comes out to an additional \$13,630.48. Commissioner Aguilar did want to point out that the landlord does pay for the utilities and janitorial service.

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

**FINANCIAL MATTERS:**

**14) Consideration of accept Resolution 2013- 18 Accepting Budget Revisions. *Nick Telles***

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

County Clerk Peggy Carabajal announced Resolution 2013-18

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

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

**PUBLIC COMMENT:**

Jim Rickey resident of the Village of Los Lunas was the only person to comment at tonight's meeting. He spoke in regards that he thinks that the county needs to reevaluate how it allocates funds. He believes that it is unfair to the Village of Los Lunas residents that the county contributes the same amount of money to the other entities for their summer rec programs, when Los Lunas serves a greater population. The county needs to take some responsibility for the benefits that the county residents receive from Los Lunas including the libraries and the summer recreation programs.

**EXECUTIVE SESSION:**

Pursuant to Section 10-15-1 (H) (2) (7) & (3) the following matters may be discussed in closed session: a) personnel b) pending or threatened litigation *Fisher v. BOCC* c) Administrative Adjudicatory Proceeding d) other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Aguilar motioned to go into Executive Session. Seconded by Commissioner Romero.

Roll call taken. Commissioner Romero voted yes. Commissioner Andersen voted yes. Commissioner Holliday voted yes. Commissioner Aguilar voted yes. Chairman Eaton voted yes. Motion passed 5-0

Commission Aguilar motioned to go back into regular session. Seconded by Commissioner Romero. Motion passed 5-0

County Attorney Nance stated that the items discussed were limited to the matters listed on the agenda regarding *Fisher v. BOCC* and how to proceed. No final action was taken.

Commissioner Andersen motioned for approval of the summary as stated by Attorney Nance. Seconded by Commissioner Aguilar. Roll call vote. Commissioner Romero voted



Minutes of April 3, 2013 Business Meeting

yes. Commissioner Andersen voted yes. Commissioner Holliday voted yes. Commissioner Aguilar voted yes. Chairman Eaton voted yes. Motion passed 5-0.

**NEXT COMMISSION MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on April 10, 2013 at 5:00 P.M. Meeting 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 April 3, 2013 Business 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 County Commissioners  
Agenda Request Form**



**Department Head:** Jacobo Martinez  
**Individual Making Request:** Jacobo Martinez  
**Presentation at Meeting on:** April, 17, 2013  
**Date Submitted:** April 3, 2013  
**Title of Request:** Discussion Infrastructure Capital Improvement Program

**FOR DISCUSSION:**

Discussion- Please find the Infrastructure Capital Improvement Program provided to the State of New Mexico on October 5, 2012. To submit an ICIP request, a signed resolution is required. A local infrastructure Capital Improvement Plan (ICIP) is a plan that establishes planning priorities for anticipated capital projects. No action is required at this time.

Infrastructure Capital Improvement Plan FY 2014-2018

Valencia County  
Project Summary

Rank	Project Title	Top 5 Rank	Category	Funding Sources	Funded to date	2014	2015	2016	2017	2018	Total Project	Maximum Cost
2014-01	County-Wide Road Improvements	1	Hiways/Roads/Streets/Bridges	LGRANT SGRANT LFUNDS	0	2,000,000	2,205,000	2,310,000	2,450,000	5,575,000	14,540,000	
2014-02	EMS Transport Building/Equipment	2	Health-Related Cap Infra	LGRANT LBONDS LFUNDS	0	260,000	2,340,000	0	0	0	2,600,000	
2014-03	New Valencia County Administration Complex	3	Adm/Service Facilities (local)	LGRANT LBONDS LFUNDS	0	200,000	300,000	5,500,000	0	0	6,000,000	
2014-04	Illegal Dumping Abatement Equipment	4	Public Safety Equipment/Blogs	LGRANT LFUNDS FLOAN FGRANT SGRANT	0	0	200,000	200,000	100,000	0	500,000	
2014-05	Road Department Heavy Equipment Purchase	5	Hiways/Roads/Streets/Bridges	LGRANT LFUNDS	0	300,000	305,000	275,000	0	0	880,000	
2014-06	Construct Valencia County Railroad Overpasses		Hiways/Roads/Streets/Bridges	FGRANT LGRANT OTHER	0	6,300,000	0	0	0	0	6,300,000	
2014-07	Jarales Fire Department Renovations		Fire	LGRANT SGRANT FGRANT LFUNDS	0	450,000	80,000	250,000	150,000	350,000	1,280,000	
2014-08	New Hospital Planning Funds		Health-Related Cap Infra	LBONDS LGRANT LFUNDS	0	1,500,000	0	0	0	0	1,500,000	
2014-09	Senior Service Facilities Renovations/Equipment		Senior Facilities	LGRANT SGRANT LFUNDS	0	667,300	0	0	0	0	667,300	
2014-10	Conejos Transfer Station Building Improvements		Solid Waste	LGRANT SGRANT OTHER	0	200,000	0	0	0	0	200,000	
2014-11	Land Fill Closure/Conejos Clean-up		Solid Waste	LGRANT FLOAN LFUNDS	0	315,000	0	0	0	0	315,000	
2014-12	Upgrade County IT Software		Adm/Service Facilities (local)	LGRANT LFUNDS OTHER	0	1,000,000	0	0	0	0	1,000,000	
2014-13	Solid Waste Transfer Equipment		Solid Waste	LGRANT LFUNDS	0	180,000	130,000	67,000	67,000	125,000	569,000	

Infrastructure Capital Improvement Plan FY 2014-2018

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



Infrastructure Capital Improvement Plan FY 2014-2018

014-29	Road Department Building Remodel	Adm/Service Facilities (local)	LGRANT SGRANT FGRANT LFUNDS	0	210,000	0	0	0	0	210,000
014-30	Solid Waste/County Wide Convenience Centers	Solid Waste	LGRANT FGRANT LFUNDS	0	750,000	0	0	0	0	750,000
015-01	New Highland Meadows Community Center	Adm/Service Facilities (local)	LGRANT SGRANT FGRANT LFUNDS	0	0	242,000	0	0	0	242,000
015-02	Manzano Expressway Road Improvements	Hiways/Roads/Streets/Bridges	LGRANT SGRANT LFUNDS	0	0	3,142,000	0	0	0	3,142,000
015-03	Highland Meadows Road Improvments	Hiways/Roads/Streets/Bridges	LGRANT LFUNDS	0	0	55,000	140,000	154,000	154,000	503,000

Grand Totals	Funded to date:	Year 1:	Year 2:	Year 3:	Year 4:	Year 5: Total Project C
	0	17,753,300	12,404,700	12,362,000	5,571,000	8,854,000
						56,945,

Infrastructure Capital Improvement Plan FY 2014-2018

Valencia County  
Project Summary

ID	Rank	Project Title	Top 5 Rank	Category	Funding Sources	Funded to date	2014	2015	2016	2017	2018	Total Project	Mos to Cost compl
22236	2014-01	County-Wide Road Improvements	1	Hiways/Roads/Streets/Bridges	LGRANT SGRANT LFUNDS	0	2,000,000	2,205,000	2,310,000	2,450,000	5,575,000	14,540,000	60
22237	2014-02	EMS Transport Building/Equipment	2	Health-Related Cap Infra	LGRANT LBONDS LFUNDS	0	260,000	2,340,000	0	0	0	2,600,000	24
20138	2014-03	New Valencia County Administration Complex	3	Adm/Service Facilities (local)	LGRANT LBONDS LFUNDS	0	200,000	300,000	5,500,000	0	0	6,000,000	36
18231	2014-04	Illegal Dumping Abatement Equipment	4	Public Safety Equipment/Bldgs	LGRANT LFUNDS FLOAN FGRANT SGRANT	0	0	200,000	200,000	100,000	0	500,000	36
14071	2014-05	Road Department Heavy Equipment Purchase	5	Hiways/Roads/Streets/Bridges	LGRANT LFUNDS	0	300,000	305,000	275,000	0	0	880,000	36
18222	2014-06	Construct Valencia County Railroad Overpasses		Hiways/Roads/Streets/Bridges	FGRANT LGRANT OTHER	0	6,300,000	0	0	0	0	6,300,000	0
11299	2014-07	Jarales Fire Department Renovations		Fire	LGRANT SGRANT FGRANT LFUNDS	0	450,000	80,000	250,000	150,000	350,000	1,280,000	0
18241	2014-08	New Hospital Planning Funds		Health-Related Cap Infra	LBONDS LGRANT LFUNDS	0	1,500,000	0	0	0	0	1,500,000	0
20156	2014-09	Senior Service Facilities Renovations/Equipment		Senior Facilities	LGRANT SGRANT LFUNDS	0	667,300	0	0	0	0	667,300	0
9977	2014-10	Conejos Transfer Station Building Improvements		Solid Waste	LGRANT SGRANT OTHER	0	200,000	0	0	0	0	200,000	0
9829	2014-11	Land Fill Closure/Conejos Clean-up		Solid Waste	LGRANT FLOAN LFUNDS	0	315,000	0	0	0	0	315,000	0
22243	2014-12	Upgrade County IT Software		Adm/Service Facilities (local)	LGRANT LFUNDS OTHER	0	1,000,000	0	0	0	0	1,000,000	0
9827	2014-13	Solid Waste Transfer Equipment		Solid Waste	LGRANT LFUNDS	0	180,000	130,000	67,000	67,000	125,000	569,000	0

Infrastructure Capital Improvement Plan FY 2014-2018

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

Infrastructure Capital Improvement Plan FY 2014-2018

13412	2014-29	Road Department Building Remodel	Adm/Service Facilities (local)	LGRANT SGRANT FGRANT LFUNDS	0	210,000	0	0	0	0	210,000	0
18229	2014-30	Solid Waste/County Wide Convenience Centers	Solid Waste	LGRANT FGRANT LFUNDS	0	750,000	0	0	0	0	750,000	0
11860	2015-01	New Highland Meadows Community Center	Adm/Service Facilities (local)	LGRANT SGRANT FGRANT LFUNDS	0	0	242,000	0	0	0	242,000	0
14937	2015-02	Manzano Expressway Road Improvements	Hiways/Roads/Streets/Bridges	LGRANT SGRANT LFUNDS	0	0	3,142,000	0	0	0	3,142,000	0
20142	2015-03	Highland Meadows Road Improvements	Hiways/Roads/Streets/Bridges	LGRANT LFUNDS	0	0	55,000	140,000	154,000	154,000	503,000	0
Grand Totals					Funded to date:	0	17,753,300	12,404,700	12,362,000	5,571,000	8,854,000	56,945,000
							Year 1:	Year 2:	Year 3:	Year 4:	Year 5: Total Project Cost:	

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**VALENCIA COUNTY  
Board of County Commissioners  
Agenda Request Form**



**Department Head:** Nick Telles  
**Individual Making Request:** Nick Telles  
**Presentation at Meeting on:** April 17, 2013  
**Date Submitted:** April 8, 2013  
**Title of Request:** Discussion of Accounts Payable Checks Placed on Valencia County Website for Increased Transparency

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**Action Requested of Commission:**

To discuss placing Valencia County accounts payable checks on County website for public view.

**Information Background and Rationale**

It is well known that one of the top priorities of the current county commission is to promote transparency in government. By placing approved accounts payable checks on the County website, the public will be provided with a higher degree of scrutiny with respect to how public funds are being utilized. From a finance perspective, increased transparency will add to fiscal accountability. *(Nick Telles)*

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

There will be a nominal financial impact to the County. The financial impact would be realized in terms of the time staff spends uploading financial reports to the Valencia County website. *(Nick Telles)*

**Legal:**

The New Mexico Inspection of Public Records Act (IPRA) provides in pertinent part that “every person has a right to inspect public records of this state. . .” See, NMSA 1978, Section 14-2-1 (2011). Section 14-2-1 then enumerates 8 specific exemptions to that right. Accounts payable checks are not listed in the enumerated exceptions and are not otherwise exempt from disclosure pursuant to other law. Thus, account payable checks are public records subject to inspection. The failure to disclose public information, subject to inspection, or to failure to disclose that information in a timely manner subjects the County to penalties, attorney’s fees and damages. Placing these items on the website may help alleviate some of staff’s burden of responding to requests for accounts payable checks as the public will now have the tools to locate much of the information themselves. More importantly, this step will greatly improve County transparency, a stated policy and goal of the Board of County Commissioners.  
Adren Nance

**Finance:**

Local governments and public education institutions are moving in the direction of displaying financial expenses via internet webpages, in particular the state of New Mexico has the “Sunshine Portal.” This move toward added transparency will promote good government and public confidence. *(Nick Telles)*

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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: April 17, 2013**

**Date Submitted: April 9, 2013**

**Title of Request: Indigent Report**

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**Action Requested of Commission:**

Consideration of Indigent Report for April 17, 2013

**Information Background and Rationale**

One Report with 58 Claims (See Attached)

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

\$47,890.11 Recommended for Approval of April 17, 2013 Indigent Report

**Legal:** N/A

**Finance:**

There are sufficient funds in the Indigent Fund for the approval of the April 17, 2013 report. The current balance of the Indigent Fund is \$3,093,075.88.



# 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

April 17, 2013

Dear Commissioners,

I would like to present the Indigent Claims from March 7<sup>th</sup> to April 5<sup>th</sup> of 2013. The amount of claims submitted is \$487,740.69. I ask the Commission to approve \$47,890.11 and to deny \$439,850.58. There were 58 claims submitted, the breakdown is as follows;

- 26 - 44.830% - UNM Health Sciences Center
- 12 - 20.685% - Living Cross Ambulance
- 12 - 20.685% - Presbyterian Hospital
- 3 - 5.175% - Lovelace Medical Center
- 1 - 1.725% - Presbyterian Medical Group
- 1 - 1.725% - Radiology Associates
- 2 - 3.450% - UNM Medical Group
- 1 - 1.725% - Albuquerque Ambulance

The payment for approved claims is as follows;

- \$ 25,771.19 - UNM Health Sciences Center
- 2,992.00 - Living Cross Ambulance
- 9,000.00 - Presbyterian Hospital
- 8,000.00 - Lovelace Medical Center
- 25.93 - Presbyterian Medical Group
- 25.93 - Radiology Associates
- 1,675.06 - UNM Medical Group
- 400.00 - Albuquerque Ambulance

There are 13 applicant denials which are;

- 11213, 11218, 11219, 11224 and 11226- Income
- 11233, 11234, 11235 and 11236 - No Response
- 11237 and 11249 - Missed Appointment
- 11239 - Residency
- 11248 - Has Insurance

The unpaid balance of the medical bills for the approved claims is \$228,620.18 and the unpaid balance of the ambulance bills for the approved claims is \$5,310.40. Thank you for your consideration.

Sincerely,

Barbara A. Baker

VALENCIA COUNTY INDIGENT FUND CLAIMS LOG

April 17, 2013

Birth		Sex	Provider Name	Date(s) of Service		Diagnosis	Billed	Paid	Reason for Denial	
NO.	Date									
212	01/05/73	F	Presbyterian Hospital	12/25-12/29/12		Asthma	40,931.07	3,000.00		
213	03/10/53	F	UNM Health Sciences Center	01/23/13		Kidney Stone	2,693.00	0.00	Income	
214	05/07/47	F	Living Cross Ambulance	02/23/13		Hypertension	103.38	96.00		
			Living Cross Ambulance	02/13/13		*	482.39	400.00		
215	01/21/78	F	UNM Health Sciences Center	02/23/12		Lung Disease	2,585.70	1,990.98		
216	10/20/53	M	UNM Health Sciences Center	01/13/13		Carbon Monoxide Poisoning	628.00	483.56		
217	02/25/48	M	Living Cross Ambulance	01/11/13		Stroke	1,355.24	400.00		
			Living Cross Ambulance	01/12/13		*	1,396.43	400.00		
			Lovelace Medical Center	01/11/13		*	11,333.00	3,000.00		
218	09/18/73	F	Presbyterian Hospital	02/09/13		Abdominal Pain	5,209.10	0.00	Income	
			Presbyterian Hospital	02/12/02/13/13		Gall Bladder Surgery	22,359.32	0.00	*	
219	06/05/74	F	UNM Health Sciences Center	01/07/13		Ovarian Pain	722.00	0.00	Income	
220	12/28/92	F	UNM Health Sciences Center	12/21/12		Dizzy	2,648.00	2,038.96		
			UNM Health Sciences Center	12/26/12		*	705.00	542.85		
221	01/02/51	M	Albuquerque Ambulance	01/04/13		Motor Vehicle Accident	536.00	400.00		
			UNM Health Sciences Center	01/04-01/06/13		*	23,708.20	3,000.00		
222	01/23/69	F	UNM Health Sciences Center	02/12/13		Hemorrhoids	2,215.70	1,706.08		
223	03/19/67	M	UNM Health Sciences Center	02/12/13		Chrohn's Disease	5,205.05	1,500.00		
			UNM Health Sciences Center	02/26/13		*	5,406.05	1,500.00		
224	05/02/62	F	UNM Health Sciences Center	01/23-01/26/13		Back Surgery	73,818.03	0.00	Income	
			UNM Health Sciences Center	02/10/13		*	572.31	0.00	*	
225	02/13/54	F	UNM Health Sciences Center	01/15/13		Eye Disease	805.10	619.92		
226	08/27/59	M	UNM Health Sciences Center	01/15/13		Foot Injury	1,614.75	0.00	Income	
227	03/02/47	F	UNM Health Sciences Center	11/05/12		Tumor on Liver	500.00	385.00		
228	12/21/65	M	UNM Health Sciences Center	02/12/13		Vision Loss	931.10	716.94		
229	01/26/69	F	Living Cross Ambulance	02/09/13		Spinal Meningitis	1,286.59	400.00		
			UNM Health Sciences Center	02/09-02/22/13		*	50,395.85	3,000.00		
230	11/12/71	F	UNM Health Sciences Center	01/30/13		Tooth Infection	2,142.00	1,649.34		
231	08/26/64	F	Presbyterian Hospital	02/15-02/19/13		Bile Duct Surgery	24,864.17	3,000.00		
232	04/04/44	F	UNM Health Sciences Center	02/05/13		Back Pain	404.00	311.08		



233	07/09/81	F	Presbyterian Hospital	01/31-02/01/13	Unknown	26,531.57	0.00	No Response
234	10/23/66	F	Presbyterian Hospital	02/01-02/04/13	Pancreatitis	18,001.52	0.00	No Response
235	06/26/59	F	UNM Health Sciences Center	02/04/13	Stomach Pain	750.00	0.00	No Response
236	05/28/48	M	UNM Health Sciences Center	01/25/13	Heart Attack	13,471.55	0.00	No Response
237	04/27/93	M	Living Cross Ambulance	01/21/13	Pedestrian Hit & Run	1,451.35	0.00	Missed Appointment
238	12/01/77	M	Living Cross Ambulance	12/19/12	Broken Ankle	948.19	400.00	
239	08/21/90	F	Living Cross Ambulance	01/12/13	Gall Bladder Attacks	1,126.68	0.00	Residency
			Presbyterian Hospital	12/13/12	*	3,762.00	0.00	*
			Presbyterian Hospital	12/21/12	*	8,480.00	0.00	*
			Lovelace Medical Center	01/10/13	*	5,122.00	0.00	*
240	05/01/93	M	Living Cross Ambulance	01/28/13	Asthma	1,286.59	400.00	
241	05/29/59	F	Presbyterian Hospital	02/22/13	Stroke	7,376.20	500.00	
			Presbyterian Hospital	02/23-02/24/13	*	12,464.80	1,000.00	
			Presbyterian Hospital	03/11-03/12/13	Artery Surgery	25,177.30	1,500.00	
242	11/10/81	F	Living Cross Ambulance	01/13/13	Panic Attack	103.38	96.00	
243	05/31/61	F	UNM Health Sciences Center	02/26-03/01/13	Cervical Cancer	19,937.25	3,000.00	
244	04/14/71	M	Living Cross Ambulance	03/08/13	JAIL - Seizures	1,204.21	400.00	
			Lovelace Medical Center	03/08-03/09/13	*	17,889.00	5,000.00	
245	09/29/82	M	Presbyterian Medical Group	02/22/13	JAIL - Jaw Trauma	107.00	25.93	
			Radiology Associates	02/22/13	*	32.10	25.93	
246	05/22/83	M	UNM Health Sciences Center	04/13/12	JAIL - Fractured Hand	8,406.65	3,000.00	
			UNM Medical Group	04/13/12	*	4,816.00	1,000.00	
			UNM Medical Group	04/13/12	*	1,080.00	675.06	
247	11/17/80	M	UNM Health Sciences Center	03/05/13	JAIL - Hand Injury	68.00	52.36	
			UNM Health Sciences Center	03/04-03/05/13		356.00	274.12	
248	01/05/26	F	UNM Health Sciences Center	02/20-02/26/13	Fall - Back Injury	1,200.00	0.00	Has Insurance
249	09/17/91	M	Living Cross Ambulance	02/13/13	Behavioral	1,163.02	0.00	Missed Appointment
			Presbyterian Hospital	02/01-02/11/13	*	17,871.80	0.00	*
			<b>TOTAL</b>			<b>487,740.69</b>	<b>47,890.11</b>	

## VALENCIA COUNTY COMMISSION MEETING

Charles D. Eaton, Chair

Alicia Aguilar, Vice-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	000723432-2360	11212	40,931.07	37,931.07	3,000.00
UNM Health Sciences Center	220009989	11213	2,693.00	2,693.00	0.00
Living Cross Ambulance	79643	11214	103.38	7.38	96.00
Living Cross Ambulance	79366	11214	482.39	82.39	400.00
UNM Health Sciences Center	219093705	11215	2,585.70	594.72	1,990.98
UNM Health Sciences Center	219639382	11216	628.00	144.44	483.56
Living Cross Ambulance	78210	11217	1,355.24	955.24	400.00
Living Cross Ambulance	78211	11217	1,396.43	996.43	400.00
Lovelace Medical Center	P1301100683	11217	11,333.00	8,333.00	3,000.00
Presbyterian Hospital	020422408-3040	11218	5,209.10	5,209.10	0.00
Presbyterian Hospital	020422408-3043	11218	22,359.32	22,359.32	0.00
UNM Health Sciences Center	219406279	11219	722.00	722.00	0.00
UNM Health Sciences Center	219087558	11220	2,648.00	609.04	2,038.96
UNM Health Sciences Center	219117850	11220	705.00	162.15	542.85
Albuquerque Ambulance	13001011	11221	536.00	136.00	400.00
UNM Health Sciences Center	219352788	11221	23,708.20	20,708.20	3,000.00
UNM Health Sciences Center	220685390	11222	2,215.70	509.62	1,706.08
UNM Health Sciences Center	220643696	11223	5,205.05	3,705.05	1,500.00
UNM Health Sciences Center	221136476	11223	5,406.05	3,906.05	1,500.00
UNM Health Sciences Center	219976875	11224	73,818.03	73,818.03	0.00
<b>TOTALS</b>			204,040.66	183,582.23	20,458.43

VALENCIA COUNTY COMMISSION MEETING

Charles D. Eaton, Chair

Alicia Aguilar, Vice-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	220369573	11224	572.31	572.31	0.00
UNM Health Sciences Center	219852229	11225	805.10	185.18	619.92
UNM Health Sciences Center	219737442	11226	1,614.75	1,614.75	0.00
UNM Health Sciences Center	216855197	11227	500.00	115.00	385.00
UNM Health Sciences Center	220607832	11228	931.10	214.16	716.94
Living Cross Ambulance	79154	11229	1,286.59	886.59	400.00
UNM Health Sciences Center	220627590	11229	50,395.85	47,395.85	3,000.00
UNM Health Sciences Center	220280226	11230	2,142.00	492.66	1,649.34
Presbyterian Hospital	000813279-3046	11231	24,864.17	21,864.17	3,000.00
UNM Health Sciences Center	220455059	11232	404.00	92.92	311.08
Presbyterian Hospital	020193176-3014	11233	26,531.57	26,531.57	0.00
Presbyterian Hospital	020837594-3032	11234	18,001.52	18,001.52	0.00
UNM Health Sciences Center	220418008	11235	750.00	750.00	0.00
UNM Health Sciences Center	219976933	11236	13,471.55	13,471.55	0.00
Living Cross Ambulance	78462	11237	1,451.35	1,451.35	0.00
Living Cross Ambulance	77623	11238	948.19	548.19	400.00
Living Cross Ambulance	78209	11239	1,126.68	1,126.68	0.00
Presbyterian Hospital	001064625-2348	11239	3,762.00	3,762.00	0.00
Presbyterian Hospital	001064625-2356	11239	8,480.00	8,480.00	0.00
Lovelace Medical Center	P1301000004	11239	5,122.00	5,122.00	0.00
<b>TOTALS</b>			163,160.73	152,678.45	10,482.28

Alicia Aguilar, Vice-Chair

Lawrence R. Romero

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

Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
Living Cross Ambulance	78648	11240	1,286.59	886.59	400.00
Presbyterian Hospital	000485333-3053	11241	7,376.20	6,876.20	500.00
Presbyterian Hospital	000485333-3054	11241	12,464.80	11,464.80	1,000.00
Presbyterian Hospital	000485333-3060	11241	25,177.30	23,677.30	1,500.00
Living Cross Ambulance	78280	11242	103.38	7.38	96.00
UNM Health Sciences Center	219181898	11243	19,937.25	16,937.25	3,000.00
Living Cross Ambulance	79957	11244	1,204.21	804.21	400.00
Lovelace Medical Center	P1306700854	11244	17,889.00	12,889.00	5,000.00
Presbyterian Medical Group	400015048	11245	107.00	81.07	25.93
Radiology Associates	15512257	11245	32.10	6.17	25.93
UNM Health Sciences Center	210955167	11246	8,406.65	5,406.65	3,000.00
UNM Medical Group	I17857275	11246	4,816.00	3,816.00	1,000.00
UNM Medical Group	I17192676	11246	1,080.00	404.94	675.06
UNM Health Sciences Center	221385578	11247	68.00	15.64	52.36
UNM Health Sciences Center	221393424	11247	356.00	81.88	274.12
UNM Health Sciences Center	220965958	11248	1,200.00	1,200.00	0.00
Living Cross Ambulance	79300	11249	1,163.02	1,163.02	0.00
Presbyterian Hospital	001089902-3032	11249	17,871.80	17,871.80	0.00
		<b>Subtotal</b>	120,539.30	103,589.90	16,949.40
Valencia County Commissioners		<b>Total</b>	487,740.69	439,850.58	47,890.11
Charles D. Eaton, Chair					
Alicia Aguilar, Vice-Chair					
Mary J. Andersen					
Donald E. Holliday					
Lawrence R. Romero					

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**VALENCIA COUNTY  
Board of County Commissioners  
Agenda Request Form**



**Department Head:** Commission  
**Individual Making Request:** Commissioner Mary Andersen  
**Presentation at Meeting on:** April 17, 2013  
**Date Submitted:** April 9, 2013  
**Title of Request:** Consideration of approval of questions to be submitted to Los Lunas and Belen regarding hospital projects

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**Action Requested of Commission:**

Approval of questions to be submitted to Los Lunas and Belen regarding Hospital Projects.

**Information Background and Rationale**

Due to the formatting, style and nature of the information received regarding the hospital projects, the commission is not able to objectively compare the proposals. Commissioner Andersen, in consultation with subject matter experts drafted a series of questions for Los Lunas and Belen. Providing both entities with specific questions will afford the commission the opportunity to objectively compare the responses and determine the most suitable proposal for mill levy funds.

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

**Legal:**

The Commission instructed the preparation of inquiries for both the Los Lunas and Belen Hospital projects so that the Commission may review which proposal is most advantageous.  
(David Pato)

**Finance:**

Questions for Los Lunas and Belen regarding Hospital Projects.

1. One source states that 40% of residents in Valencia County subscribe to Presbyterian insurance plans; 20% subscribe to Lovelace and 10% avail themselves of care from the Veteran's Administration.

Does your financial projection anticipate this market? Please explain assumptions you used.

2. Describe your plan for recruiting doctors (both staff & referring), nurses and technical medical staff.

3. List the technical equipment you expect to install and anticipated cost for each.

4. Complete the attached chart. It is recognized that all services listed may not be offered or regularly staffed.

5. Describe other patient support services your facility will offer. Please include the number & position of FTE's you expect for each.



PROJECTED SERVICES

	No. of Beds	Physicians FTE	Nurses FTE	Will not include
Hospitalists	0			
ER				
Behavioral Care/Psychiatry				
Cardiology				
Gastroentrology				
General Surgery				
Geriatrics				
Internal Medicine				
ICU				
Obstetrics & Gyn				
Pediatrics				
NICU				
Pulmonology				
Orthopedic Surgery				
Urology				
Anesthesiology	0			
Clinical Pathology	0			
Dermatology				
Radiology	0			
Total FTE's				

REMARKS:

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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:** April 17, 2013  
**Date Submitted:** April 3, 2013  
**Title of Request:** Mid-Region Council of Governments (MRCOG)  
Metropolitan Transportation Board (MTB)

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**Action Requested of Commission:**

Nomination of one individual and one alternate for each of the following to become a full-voting member of the Metropolitan Transportation Board (MTB) and all applicable committees.

- Metropolitan Transportation Board (MTB)
- Transportation Coordinating Committee (TCC)
- Transportation Program Task Group (TPTG)

**Information Background and Rationale**

Effective February 27, 2013 Governor Martinez approved the newly expanded boundary of the Albuquerque Metropolitan Planning Area (APMA) which is the geographic area for which the Mid-Region MPO conducts transportation planning and programs federal funding for transportation purposes in accordance with Federal laws and regulations. Valencia County is now eligible for membership on the Metropolitan Transportation Board (MTB) and its committees in accordance with Federal law and/or the Bylaws of the MTB.

The MRCOG is an organization with several departments and is governed by the MRCOG Board of Directors. MRCOG is the designated metropolitan planning organization (MPO) for this metro area, so the Mid-Region MPO is one department of MRCOG. MRMPO is governed by the Metropolitan Transportation Board (MTB) which has the authority over the programming of all federal transportation (highway and transit) funds in the metro area. Therefore, membership on the MRCOG Board of Directors is not the same as membership on the MRMPO Metropolitan Transportation Board; they are two separate boards. **This voting chair applies only to the MRMPO Metropolitan Transportation Board.**

Currently, both Commissioner Anderson and Commissioner Romero held Board seats on the previous MRCOG Board. With the restructuring, the MRCOG is asking that Board membership be resubmitted for the new structure.

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

There is no direct financial impact to holding voting rights on any of these boards. Any impacts would come in the form of matching funds necessary if any projects from Valencia County are slated for Federal funding as part of the MRCOG submission and grading process for awarding Federal funds. *(Kelly Bouska)*

**Legal:**

The decision as to who to appoint as the principal and alternate to the MRCOG's Metropolitan Transportation Board, Transportation Coordinating Committee, and Transportation Program Task Group rests within the discretion of the Board of County Commissioners. *(David Pato)*

**Finance:**

There is no additional financial impact other than what has already been stated. *(Nick Telles)*



Mid-Region Metropolitan Planning Organization

Mid-Region Council of Governments  
809 Copper Avenue NW  
Albuquerque, New Mexico 87102  
(505) 247-1750-tel. (505) 247-1753-fax  
[www.mrcog-nm.gov](http://www.mrcog-nm.gov)

**Option 1 - Full Voting Membership**

Name of Jurisdiction: Valencia County

The jurisdiction named above shall exercise its right, in accordance with the Bylaws of the Mid-Region Metropolitan Planning Organization, to become a full-voting member of the Metropolitan Transportation Board and all applicable committees, reserving the right to participate as only an associate member or nonparticipating member at a later date if it so chooses. This option includes the ability of this jurisdiction to submit project proposals to compete for federal funding contingent upon eligibility requirements and in accordance with the *TIP Policies and Procedures*.

Please note the jurisdiction's representation does count toward a quorum for business for the MTB and TCC so regular attendance is required.

The representative on the Metropolitan Transportation Board (MTB) which meets monthly (usually on the 3<sup>rd</sup> Friday at 10:00 am) shall be:

Rep. \_\_\_\_\_ Alternate \_\_\_\_\_  
[please print] [please print]

The representative on the Transportation Coordinating Committee (TCC) which meets monthly (usually on the 1<sup>st</sup> Friday at 1:30 pm) shall be:

Rep. \_\_\_\_\_ Alternate \_\_\_\_\_  
[please print] [please print]

The representative on the Transportation Program Task Group (TPTG) which meets monthly (usually on the Tuesday before TCC at 1:30 pm) shall be:

Rep. \_\_\_\_\_ Alternate \_\_\_\_\_  
[please print] [please print]

The TPTG is a more informal group whose focus is to oversee the biannual development and regular management of the Transportation Improvement Program (TIP) including review of all TIP amendments (quarterly). Meetings are cancelled if there are no changes or issues regarding the TIP.

Submitted by: \_\_\_\_\_ (Clerk or other official)

Please fax or mail this form to Ms. Barbara Thomas at the address above or send an email to [bthomas@mrcog-nm.gov](mailto:bthomas@mrcog-nm.gov).

NOTE: A jurisdiction may change its representatives/alternates at any time by resubmitting an updated version of this form.

**BYLAWS**  
**for the**  
**METROPOLITAN TRANSPORTATION BOARD**  
**of the**  
**MID-REGION COUNCIL OF GOVERNMENTS**

Statement of Purpose

These bylaws define the purpose, role, function, and membership of the Metropolitan Transportation Board (MTB) as approved by the Board of Directors of the Mid-Region Council of Governments.

Article I - Definitions

As used in these bylaws, the following terms mean:

1. **ADVISORY MEMBER** – refers to:
  - a. any person representing a private or public organization that is appointed by the MTB as a non-voting member to the MTB, who by professional expertise can contribute to the functions of the MTB, and
  - b. a representative from any jurisdiction or agency that qualifies as a “Member Government” which is not participating as a full voting member of the MTB, and
  - c. a representative of a special purpose government which does not have voting status on the MTB.Advisory members shall have no vote and shall not be considered for determination of a quorum but they may participate in MTB discussions.
2. **BOARD OF DIRECTORS** – refers to the Board of Directors of the Mid-Region Council of Governments of New Mexico
3. **MEMBER** - any person appointed by a member government in accordance with Article II, Section 1, to represent that government as a voting member of the MTB. A duly appointed ALTERNATE may vote only when serving as proxy for a member and after notifying the Chair of the MTB of such at the beginning of the meeting.
4. **MEMBER GOVERNMENT** - those general and special purpose units of local government, and/or agencies that administer or operate major modes of transportation (having scheduled and multiple fixed route service) within the Metropolitan Planning Area, and/or appropriate state agencies, and/or governments of federally recognized tribes having land within the boundaries of the Metropolitan Planning Area, which choose to be members of the MTB.
5. **METROPOLITAN PLANNING AREA (MPA)** - that portion of New Mexico delineated on the attached map as the Albuquerque Metropolitan Planning Area (which is hereby

appended to these bylaws), for which the Mid-Region Council of Governments acts as the Metropolitan Planning Organization and the MTB establishes transportation policy. Boundaries of the MPA may be adjusted from time to time without amending these Bylaws provided they are adjusted in accordance with procedures established by Federal regulations.

6. METROPOLITAN PLANNING ORGANIZATION (MPO) – the entity designated by agreement among the Governor and general purpose local governments within the area to be responsible for the continuing, cooperative and comprehensive transportation planning process in the MPA as mandated by Federal law.

7. METROPOLITAN TRANSPORTATION BOARD (MTB) - the body of representatives of Member Governments responsible for determining transportation policy for the Metropolitan Planning Area.

8. MID-REGION COUNCIL OF GOVERNMENTS (MRCOG) – the association made up of and representing the local governments within New Mexico State Planning and Development District 3. The designated Metropolitan Planning Organization (MPO) for the Albuquerque Metropolitan Planning Area.

## Article II - Organization and Membership

1. Board members of the MTB shall be appointed by the member government. Persons appointed as members shall be:

- a. Local elected officials [as per 23 CFR 450.310(d)];
- b. Governing officials of Tribes and/or Pueblos;
- c. Officials of agencies that administer or operate major modes or systems of transportation (transit operators, sponsors of major local airports, maritime ports, rail operators, etc.) [As per 23 CFR 450.310(d)];
- d. State appointed officials from the New Mexico Department of Transportation (NMDOT) [as per 23CFR 450.310(d)];
- e. Chief executives (Chief Administrative Officer, County Manager, City Manager, etc.) of the agency they represent.

A member may appoint an alternate to serve at those times when the member is unable to serve.

2. Representation on the MTB shall be established as follows:

- a. Member Governments
  - 1) Population 0 - 50,000 - One representative
  - 2) Population 50,001 - 100,000-Two representatives
  - 3) Population 100,001 - 150,000 - Three representatives
  - 4) Population of more than 150,000 – Three representatives plus one additional representative for each 75,000 persons over 150,000
- b. Special Units of Governments
  - 1) Tribal governments - One representative each

- 2) School districts - One representative each
  - 3) Flood control authorities - One representative each
  - 4) Middle Rio Grande Conservancy District - One representative
  - 5) New Mexico Department of Transportation – Two representatives
  - c. The MTB shall maintain a list as an appendix to these bylaws (which may be revised as needed) of current, eligible voting member governments and their representation. The list must be certified by the MTB annually.
3. Population will be determined based on the most recent population data published by the Bureau of Census.
  4. Advisory nonvoting members will include individuals from private and public agencies that the members of the MTB consider qualified to make an effective contribution to the MTB.
  5. If a member does not attend three consecutive MTB meetings and an alternate does not serve as proxy for the member, the MTB by majority vote shall notify the member government that the seat may be declared vacant at the next meeting of the MTB.
  6. Vacant seats shall not be considered when determining a quorum or calculating the three-fourths provision of Article VIII of these Bylaws. Vacant seats shall be considered filled when the member government notifies the Chair of the MTB and duly appoints a voting member to fill the vacancy.
  7. The MTB's Transportation Coordinating Committee and Public Involvement Committee are established technical and advisory committees to provide recommendations to the MTB regarding matters within the MTB's authority. MTB will define the role of each group in that group's bylaws.

#### Article III - Role and Authority

1. The role of the MTB shall be to provide policy guidance in the development of transportation plans and programs and serve as the local approval body for such plans and programs.
2. The MTB shall provide a forum for cooperative decision making for the MPA.

#### Article IV - Functions and Responsibilities

1. The MTB shall make final decisions on technical and policy matters regarding plans and programs designed to serve the transportation needs of the MPA.



2. The MTB shall provide input to MPO staff and make recommendations to the Board of Directors regarding the annual Transportation Work Program for intermodal transportation planning for the MPA.

#### Article V - Meetings and Voting

1. The MTB shall meet monthly at a regularly scheduled time and place as the MTB may determine appropriate, and may meet at such other and additional times and places as it deems necessary. The Chair of the MTB may call special meetings at his/her discretion, at the request of one-third of the voting members or at the request of the Chair of the MRCOG Board of Directors.

2. The MTB voting membership shall follow the adopted MRCOG Rules of Procedures during their meetings. Where questions of procedure or precedence arise, the Rules of Procedures will govern.

3. A simple majority of the filled voting member positions of the MTB shall constitute a quorum at any meeting held by the MTB at which formal action is to be taken.

4. Each voting member shall have one vote on an issue or question presented to the MTB. A vote of a majority of the voting members at a meeting shall decide in the affirmative or negative any issue or question presented to the MTB. Any minority opinions or advisory member comments shall be appended to the record of voting.

#### Article VI - Officers

1. Officers of the MTB shall consist of a Chair and Vice Chair.

2. The MRCOG Board of Directors shall appoint the Chair and Vice Chair.

3. The Chair and Vice Chair may hold office for a one-year term. The term begins on the first meeting of the fiscal year (normally July). Officers may be reappointed for a second consecutive term at the discretion of the board.

4. If a vacancy occurs in the office of Chair or Vice Chair, the MRCOG Executive Board shall select a member of the MTB to complete the term of that office.

#### Article VII – Staff

1. The MRCOG will provide the MTB with the necessary staff and technical assistance to support the regional transportation planning process.

2. The Secretary for the MTB shall be the Executive Director or his designee from the MPO staff of the MRCOG.

Article VIII - Approval and Amendments

1. These bylaws shall be in force upon consent of the voting membership of the MTB and approval by the MRCOG Board of Directors.

2. These bylaws may be amended by the affirmative vote of three-fourths of the MTB's voting members. Amendments shall be subject to approval by the MRCOG Board of Directors.

BYLAWS AMENDED by affirmative vote of three-fourths of the Metropolitan Transportation Board's voting members on the 1<sup>st</sup> day of March 2007.

AMENDMENTS APPROVED by the Board of Directors of the Mid-Region Council of Governments on the 8<sup>th</sup> day of March 2007.

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Donnie Leonard  
Chair, MRCOG Board of Directors

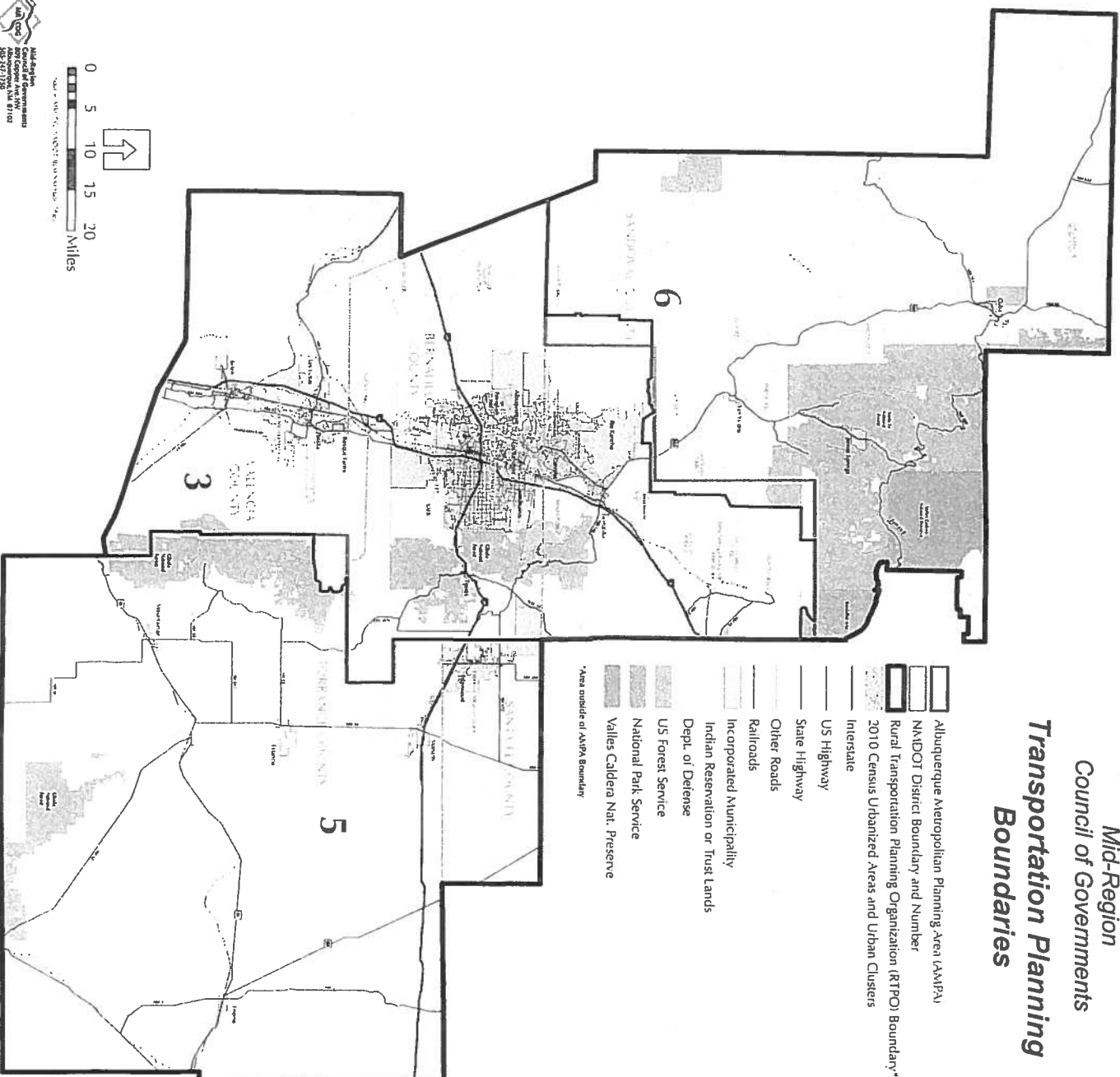
ATTEST:

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Lawrence Rael  
Executive Director/Secretary

# Mid-Region Council of Governments *Transportation Planning Boundaries*

- Albuquerque Metropolitan Planning Area (AMPA)
- NM/DOT District Boundary and Number
- Rural Transportation Planning Organization (RTPO) Boundary\*
- 2010 Census Urbanized Areas and Urban Clusters
- Interstate
- US Highway
- State Highway
- Other Roads
- Railroads
- Incorporated Municipality
- Indian Reservation or Trust Lands
- Dept. of Defense
- US Forest Service
- National Park Service
- Valles Caldera Nat. Preserve
- \*Area outside of AMPA Boundary



Mid-Region Council of Governments  
1000 Central Avenue, N.E.  
Albuquerque, NM 87102  
505.241.1133

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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:** April 17, 2013  
**Date Submitted:** March 28, 2013  
**Title of Request:** Consideration of Establishment of Safety Committee in Valencia County Resolution

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### **Action Requested of Commission:**

Consideration of approval to establish a county-wide safety committee.

### **Information Background and Rationale**

The county had a safety officer several years ago but failed to maintain a risk management program since abolishment of the position. The cost of risk to Valencia County is over \$1,000,000 in direct and indirect loss annually; these costs are unnecessary and expensive. If approved, the committee will:

- Review losses and make recommendations to the manager to prevent similar losses in the future;
- Identify hazards and eliminate hazards in the workplace;
- Serve as an accident review board and make preventability determinations of all fleet accidents;
- Conduct inspections of county buildings and operations for safety purposes; and
- Promote safety and risk management in the workplace.

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

Over time, the committee should decrease the county's cost of risk, improve safety performance and enhance risk management awareness in the organization.

### **Legal:**

A safety committee is an important tool to help County Administration assess and mitigate risk. As the Committee acts solely in an advisory capacity and its recommendations are not binding the meetings are not subject to the OMA. See, AG Compliance Guide 2010 Example 7.  
Adren Nance

### **Finance:**

It is expected that the committee will aid in managing high costs related to workers compensation insurance. Nick Telles



**VALENCIA COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION 2013-\_\_\_\_**

**ESTABLISHMENT OF A SAFETY COMMITTEE**

**WHEREAS**, the Board of County Commissioners of Valencia County met in a regularly scheduled meeting on April 10, 2013 at the Valencia County Administration 444 Luna Ave., Los Lunas, New Mexico; and,

**WHEREAS**, the Board of County Commissioners has general authority to provide for the appointment and removal of volunteer advisory boards; and,

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

**WHEREAS**, the County holds the safety and health of its employees and citizens, and the preservation of County property and equipment in the highest regard; and

**WHEREAS**, tasks performed by County employees are essential for an orderly, productive functioning of the community; however, no task is so urgent or important that time cannot be taken to perform the work safely; and

**WHEREAS**, the County pays unnecessary and excessive funds for employee injuries, fleet and building damage, litigation and increased insurance costs.

**WHEREAS**, the Board of County Commissioners deems it advantageous to establish a committee pertaining to all matters relating the County Risk Management program.

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

## **Section 1. Establishment**

There is hereby established a Safety Committee to serve as an advisory board to the County Manager on all matters related to the risk management and the County's Risk Management Program.

## **Section 2. Purpose & Duties.**

- A. The Committee shall assist management in protecting the County's human, capital and financial resources. The Committee shall strive to identify and eliminate or reduce sources of actual or potential loss to the County, its employees, citizens and County property and equipment.
- B. The Committee is charged with reviewing all safety and risk management issues; e.g., review all claims, accidents and losses and make appropriate risk management recommendations to management; review accidents and injuries to determine causation and make preventative recommendations to management; review all fleet accidents and make a preventability determination to the County Manager; recommend risk management techniques to management to avoid future losses; conduct inspections of County buildings and operations for hazard identification and to confirm the implementation of risk management policies; review County policies and recommend improvements to management; educate employees, elected officials and management concerning risk management issues; design and promote an incentive or recognition program for exemplary safety records; review employee use of personal protective device practices; and promote risk management and safety awareness to all employees.
- C. Committee recommendations shall be submitted to the County Manager for timely review and disposition.

## **Section 3. Membership, Qualifications, Structure & Terms.**

- A. Members of the Committee shall be nominated by management and appointed by the Board of County Commissioners. Appointments will be for a term of one (1) year; employees may be reappointed for subsequent terms.
- B. The Committee shall consist of five (5) and no more than eleven (11) members, representing key areas of County government. Membership should comprise a cross-representation of the County; e.g., elected officials, managers, supervisors and employees. Membership shall include at least a sworn member from the sheriff's office, a detention officer or executive, and a representative from the fire service, public works, buildings and parks, and general administration.

**Section 4. Rules & Officers.**

- A. The Committee may, at its option adopt, amend, and repeal rules bylaws for its further organization and operation, not inconsistent with the permitted Board of County Commissioners Policies, Orders or Directives.
- B. The Committee shall appoint the chairperson, vice chair and secretary at the first Committee meeting. Appointments shall be for a period of one (1) year.

**Section 5. Meetings.**

The Committee shall meet on a monthly basis or as required by the County Manager.

**Section 6. Employee Support.**

Valencia County is committed to make its Safety Committee a success. It shall require all County employees to assist and cooperate in this effort and shall encourage County employees to participate on the Committee.

**APPROVED, ADOPTED, AND PASSED** on this 10<sup>th</sup> day of April, 2013.

**BOARD OF COUNTY COMMISSIONERS**

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Charles D. Eaton  
Chairman, District IV

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Alicia Aguilar  
Vice-Chair, District II

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Mary J. Andersen  
Commissioner, District I

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Lawrence R. Romero  
Commissioner, District III

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Donald E. Holliday  
Commissioner, District V

Attest:

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Peggy Carabajal, County Clerk



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**VALENCIA COUNTY**  
**Board of County Commissioners**  
**Agenda Request Form**



**Department Head:** Nick Telles  
**Individual Making Request:** Nick Telles  
**Presentation at Meeting on:** April 17, 2013  
**Date Submitted:** April 5, 2013  
**Title of Request:** Approval to Enter into Audit Contract for FY13

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**Action Requested of Commission:**

To approve entering into year two of annual independent audit contract for FY 13.

**Information Background and Rationale**

An annual independent audit is required by 12-6-14 NMSA 1978 and the State Audit Rule 2.2.2 NMAC. On August 10, 2012 an RFP was awarded to Axiom CPA's and Business Advisors, LLC with a provision that allows the County to contract annually with a term limit of 3 years with the same auditor. This request would allow for year 2 of Valencia County's audit to be performed by Axiom CPA's and Business Consultants, LLC. The state auditor requires that a signed contract for the County's independent audit services is sent by a deadline of May 1, 2013. The state auditor also requires for an annual audit to be completed by all NM counties by November 15, 2013. *(Nick Telles)*

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

The audit RFP from August 10, 2012 required the same fee to be charged for independent audit services for all of the three available years. The fee for year 2 is \$43,870. This cost is requested in the FY 13/14 budget and can be paid for in the upcoming fiscal year. *(Nick Telles)*

**Legal:**

Pursuant to the Audit Act, the County is statutorily required to have its financial affairs thoroughly examined and audited each year by either the state auditor, personnel of the state auditor's office designated by the state auditor or independent auditors approved by the state auditor. NMSA 1978, Section 12-6-3 (2011). The New Mexico State Auditor provides the form of contract the County is required to utilize for the audit. *(David Pato)*

**Finance:**

This is a legal requirement for financial reporting. If the contract is approved by the VCBCC and the Office of the State Auditor, then the independent auditors will be prepared to start audit procedures by the last week in May. *(Nick Telles)*



**VALENCIA COUNTY  
BOARD OF COUNTY COMMISSIONERS**

444 LUNA AVENUE ♦ P.O. Box 1119  
LOS LUNAS, NEW MEXICO 87031  
OFFICE: 505.866.2014 ♦ FAX: 505.866.3355

**IPA Recommendation Form for Audits**

(Please print on your agency's letterhead)

- ❖ Complete the audit contract (including obtaining the IPA's signature) and submit it to the Office of the State Auditor with this form by the deadline indicated at 2.2.2.8(G)(6)(c).

**I.**

**Agency Contact Information Requirement**

Name of Agency: Valencia County  
Address of Agency: 444 Luna Ave. Suite 100  
Phone # of Agency: 505-866-2014 FAX# of Agency 505-866-3355  
City: Los Lunas (State: NM) Zip: 87031 Web Site Address: www.co.valencia.nm.us

**Agency Head Contact Information**

Name of Agency Head: Bruce Swingle Title of Agency Head: County Manager  
E-mail address of Agency Head: bruce.swingle@co.valencia.nm.us

**Agency Contact Information**

Name of Agency Contact: Nick Telles Title of Agency Contact: Finance Director  
Phone # of Agency Contact: 505-866-3320 FAX# of Agency Contact 505-866-2424  
E-mail address of Agency Contact: nick.telles@co.valencia.nm.us

**Notice: Please fill out e-mail address of contact person. All fully executed contracts will be sent via e-mail.**

**II.**

**Recommended Independent Public Accountant (IPA) Information**

As required by the Audit Rule, Section 2.2.2.8.E(3), an IPA subject to contract restriction is responsible for informing this agency whether it is eligible to engage in this proposed contract. As the agency contact for this proposed contract, I am verifying herein that the IPA has certified its eligibility to engage in this proposed contract. \_\_\_\_\_ (signature of Agency Contact).

Name of IPA Firm: Axlom CPA's and Business Advisors, LLC  
Phone # 505-797-7253 Fax: 505-797-7254 E-mail Address: chris.garner@axiomnm.com

Name of the IPA Firm's on-site manager: Chris Garner  
(Note: The name of the On-Site Manager must match the name listed in the Audit Contract. If there is a change, the Office of the State Auditor must be notified in writing)

**III.**

For which Fiscal Year (FY) is this recommendation being made: FY 13  
Estimated Audit Start Date 05/27/2013 Estimated Completion Date 11/15/2013

**IV.**

Please check the box below that applies to your agency (a Single Audit should have been included in the procurement if the agency expended \$500,000 or more of federal funds. American Recovery and Reinvestment Act (ARRA) expenditures should be included in this determination):

- ☒ My agency procured an annual financial and compliance audit without a Single Audit.  
☐ My agency procured an annual financial and compliance audit with a Single Audit.

**V.**

Please check the appropriate box below:

- ☒ This is a multi-year award and this request applies to the 2nd year of a 3 year Proposal.  
☐ This is a one year procurement award for only the fiscal year indicated in Section III.

**VI.**

**Rotation Requirement: (Per Section 2.2.2.8.H(1)(b) NMAC)**

How many years has your agency contracted with the IPA recommended above for annual compliance audit services consecutively without a minimum of a 2 year break? 1 yr. If this is considered a small purchase (no more than \$50,000 excluding gross receipts tax (GRT)); in any of those consecutive years has the cost of the audit engagement been over \$50,000 (excluding GRT)? Yes ☐ No ☒

**VII.**

BREAKDOWN	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>	
	1 <sup>st</sup> Year Hours	1 <sup>st</sup> Year Cost	2 <sup>nd</sup> Year Hours	2 <sup>nd</sup> Year Cost	3 <sup>rd</sup> Year Hours	3 <sup>rd</sup> Year Cost
	FYE <u>2012</u>		FYE <u>2013</u>		FYE _____	
AGENCY CONTRACTS						
Financial Statement Audit	<u>350</u>	<u>\$35,000.00</u>	<u>350</u>	<u>35000</u>	<u>350</u>	<u>35000</u>
Federal Single Audit	_____	_____	_____	_____	_____	_____
Financial Statement Preparation	<u>60</u>	<u>6000</u>	<u>60</u>	<u>6000</u>	<u>60</u>	<u>6000</u>
Other allowed nonaudit Services	_____	_____	_____	_____	_____	_____
Other (housing authorities, or other component units)	_____	_____	_____	_____	_____	_____
SUB TOTAL	<u>410</u>	<u>41000</u>	<u>410</u>	<u>41000</u>	<u>410</u>	<u>41000</u>
Gross Receipts Tax		<u>2870</u>		<u>2870</u>		<u>2870</u>
TOTAL COMPENSATION		<u>43870</u>		<u>43870</u>		<u>43870</u>

I hereby certify that all the information submitted in this recommendation is true, accurate and complete to the best of my knowledge. Furthermore, I also hereby certify that, to the best of knowledge, my agency complied with applicable provisions of the New Mexico Procurement Code (Sections 13-1-28 through 13-1-199 NMSA 1978) and the Audit Rule (2.2.2 NMAC) in the procurement of the IPA and recommendation to the State Auditor. Finally, I hereby attest that I have the authority to certify the information submitted in this recommendation on behalf of the agency.

Agency Head/Designee: \_\_\_\_\_  
(Signature)

Bruce Swingle  
\_\_\_\_\_  
(Print Name)

County Manager  
\_\_\_\_\_  
(Title and Date)

(THIS SECTION APPLIES TO SCHOOLS AND UNIVERSITIES ONLY)

This IPA recommendation has been reviewed and approved by our oversight agency (please select one) ☐ the Higher Education Department (HED) or ☐ the Public Education Department (PED) as required by Section 12-6-14 NMSA 1978, and as indicated by the following oversight agency signature and date.

\_\_\_\_\_  
Oversight Agency Signature

\_\_\_\_\_  
Printed name of signer

\_\_\_\_\_  
Date

Contract No. \_\_\_\_\_

**STATE OF NEW MEXICO  
AUDIT CONTRACT**

This CONTRACT is made and entered into this 8th day of APRIL, 2013, by and between the  
County of Valencia  
hereinafter referred to as the "Agency", and  
Axiom CPA's and Business Advisors, LLC  
hereinafter referred to as the "Contractor", and is effective as of the date upon which it is approved by the Office of the State Auditor, hereinafter referred to as "State Auditor".

As required by the Audit Rule, Section 2.2.2.1 NMAC, et seq., Contractor agrees to, and shall, inform the Agency of any restriction placed on Contractor by the Office of the State Auditor pursuant to Section 2.2.2.8.E, NMAC, and whether the Contractor is eligible to enter into this contract with the restriction.

**IT IS MUTUALLY AGREED BETWEEN THE PARTIES:**

**1. SCOPE OF WORK (Include in Paragraph 25 any expansion of scope)**

- A. The Contractor shall conduct a financial and compliance audit of the following applicable statements and schedules of the Agency for the period from **July 1, 2012 through June 30, 2013**:
- (1) Basic Financial Statements consisting of the government-wide financial statements, fund financial statements, budgetary comparison statements for the general fund and major special revenue funds (GASB 34, footnote 53), and the notes to the financial statements;
  - (2) Required supplemental information (RSI), if applicable, consisting of budgetary comparison schedules for the general fund and major special revenue fund data presented on a fund, organization, or program structure basis because the budgetary information is not available on the GAAP fund structure basis for those funds (*GASB Statement No. 41, Budgetary Comparison Schedules—Perspective Differences* an amendment of *GASB Statement No. 34*) must be audited and included in the auditor's opinion (AAG-SLV 14.52);

- (3) Supplemental Information (SI) that must be audited and included in the auditor's opinion (AAG-SLV 14.52), if applicable, consisting of:
  - (a) Component unit fund financial statements and related combining statements (if there are no separately issued financial statements on the component unit per AAG-SLV 3.20);
  - (b) Combining financial statements;
  - (c) Individual fund budget comparison statements for remaining funds that have an adopted budget, including proprietary funds, that did not appear as basic financial statement budget comparisons for the general fund, major special revenue funds or as RSI as described above; and
  - (d) Remaining supplemental information on schedules as required by Section 2.2.2.10.A(2)(e) NMAC
- B. The contractor shall apply certain limited procedures to the following required supplemental information (RSI), if applicable, and report deficiencies in or the omission of required information in accordance with the requirements of AU-C 730.05 to 730.09:
  - (1) The Management Discussion and Analysis (MD&A);
  - (2) RSI data required by Statements 25, 27, 43 and 45 regarding pension plans and post employment healthcare plans administered by defined benefit pension plans; and
  - (3) Schedules derived from asset management systems (GASB 34, paragraphs 132 to 133).
- C. The audit shall be conducted in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards*, OMB Circular A-133, and *Requirements for Contracting and Conducting Governmental Audits* (Section 2.2.1, et seq., NMAC).
- D. If this contract is for a:
  - 1) hospital that does not qualify as a governmental entity under the criteria in Sections 1.01 and 1.02 of the *AICPA Audit and Accounting Guide State and Local Governments* (May 1, 2006), then another appropriate reporting model should be used; or
  - 2) school district, the audit will include the audit of any related charter schools and their respective foundations that qualify as component units of those charter schools in accordance with the provisions specified in Sections 2.2.2.10.A(1) and

2.2.2.12.C NMAC. If a 501(c)(3) component unit organization had a gross annual income in excess of \$250,000, Section 6-5A-4 NMSA 1978 requires that entity to be audited regardless of materiality.

2. **DELIVERY AND REPRODUCTION**

- A. In order to meet the delivery terms of this Contract, the Contractor shall deliver the following documents to the State Auditor on or before **November 15, 2013** and in accordance with Section 2.2.2.9, NMAC:
- (1) an organized, bound and paginated hard copy of the Agency's audit report for review;
  - (2) a copy of the signed management representation letter required by AU-C 580;
  - (3) a list of the passed adjustments required by AU-C 580.14; and
  - (4) a copy of the completed State Auditor Report Review Guide available at [www.osanm.org](http://www.osanm.org).
- B. For purposes of Section 2.2.2, NMAC, reports postmarked by the Agency's due date provided in Section 2.2.2.9.A, NMAC, will be considered received by the due date provided in that section. Unfinished or excessively deficient reports will not satisfy this requirement; such reports will be rejected and returned to the Contractor and the State Auditor may take action in accordance with Subsection C of 2.2.2.13.C, NMAC. If copies of the engagement letter, management representation letter, list of past adjustments and the completed Report Review Guide are not received by the State Auditor with the audit report or prior to submittal of the audit report, the report will not be considered submitted to the State Auditor.
- C. As soon as the Contractor becomes aware that circumstances exist that will make the Agency's audit report late, the Contractor shall immediately provide written notification of the situation to the State Auditor. The notification shall include an explanation regarding why the audit report will be late, when the IPA expects to submit the report and a concurring signature by the Agency. The Agency's oversight agency should be notified, but confidential audit information shall be omitted from that notification.
- D. Pursuant to Section 2.2.2.8.Q, NMAC, the Contractor shall prepare a written and dated engagement letter which identifies the specific responsibilities of the Contractor and the Agency. The Contractor shall submit to the State Auditor an electronic copy of the signed and dated engagement letter and a list of client prepared documents with expected delivery dates within ten (10) days of the entrance conference.
- E. After its review of the audit report pursuant to Section 2.2.2.13, NMAC, the State Auditor will authorize the Contractor to print and submit the final audit report. Within two business days from the date of the authorization to print and submit the final audit



report, the Contractor shall provide the State Auditor with **TWO** copies of the report and an electronic version of the audit report, in PDF format. After the State Auditor officially releases the audit report by issuance of a release letter, the Contractor shall deliver 350 copies of the audit report to the Agency. Every member of the Agency's governing authority shall receive a copy of the report.

- F. The Agency, upon delivery of its audit report, shall submit the required copies of the data collection form, audit report and corrective action plan to the federal clearinghouse designated by the Office of Management and Budget and each federal awarding agency if the schedule of findings and questioned costs disclose audit findings directly related to federal awards.

### 3. COMPENSATION

- A. The total amount payable by the Agency to the Contractor under this agreement, including New Mexico gross receipts tax, shall not exceed \$43,870.
- B. Contractor agrees not to, and shall not, perform any services in furtherance of this contract prior to approval by the State Auditor. In accordance with Section 12-6-14(A), NMSA, 1978 and Section 2.2.2.8.N(1), NMAC, Contractor acknowledges and agrees that it will not be entitled to payment or compensation for any services performed by Contractor pursuant to this contract prior to approval by the State Auditor.
- C. Total Compensation will consist of the following:

SERVICES	AMOUNTS
(1) Financial statement audit	35,000
(2) Federal single audit	0
(3) Financial statement preparation	6,000
(4) Other nonaudit services, such as depreciation schedule updates	
(5) Other (i.e., component units, specifically identified)	

Gross Receipts Tax = 2,870

Total Compensation = \$43,870

- D. The Agency shall pay the Contractor the New Mexico gross receipts tax levied on the amounts payable under this agreement and invoiced by the Contractor.
- E. Pursuant to Section 12-6-14 NMSA 1978 and Section 2.2.2.8.N, NMAC, the State Auditor may authorize progress payments to the Contractor by the Agency; provided that the authorization is based upon evidence of the percentage of audit work completed as of the date of the request for partial payment. Progress payments up to 69% do not require State Auditor approval, provided that the Agency certifies receipt of services. The

Agency must monitor audit progress and make progress payments only up to the percentage that the audit is completed prior to making the 69% payment. Progress payments from 70% to 90% require State Auditor approval after being approved by the Agency. If requested by the State Auditor, the Agency shall provide a copy of the approved progress billings. The State Auditor may allow only the first 50% of progress payments to be made without State Auditor approval if the Contractor's previous audits were submitted after the due date. Final payment for services rendered by the Contractor shall not be made until a determination and written finding is made by the State Auditor in the release letter that the audit has been made in a competent manner in accordance with the provisions of this Contract and applicable rules of the State Auditor.

4. **TERM**

- A. THIS CONTRACT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE STATE AUDITOR. Unless terminated pursuant to Paragraphs 5 or 19, infra, this Contract shall terminate one calendar year after the date on which it is signed by the State Auditor.
- B. If awarded based on a multi-year proposal, this Contract may be extended by the parties for two successive one-year terms at the same price, terms and conditions as stated in the original proposal. Each annual extension of the contract shall be executed by mutual agreement of the parties and approval of the State Auditor pursuant to Section 2.2.2.8.G(4), NMAC.

5. **TERMINATION, BREACH AND REMEDIES**

- A. This Contract may be terminated, without cause, by either of the parties upon written notice delivered to the other party at least ten (10) days prior to the intended date of termination. This Contract may be terminated immediately by either of the parties upon written notice delivered to the other party if a material breach of any of the terms of this Contract occurs. Unjustified failure to deliver the audit report in accordance with Paragraph 2, supra, shall constitute a material breach of this Contract. The Agency may immediately terminate this Contract upon written notice to the Contractor pursuant to Paragraph 19, infra. Pursuant to Section 2.2.2.8.S, NMAC, the State Auditor also may immediately terminate this Contract upon written notice to the Contractor after determining that the audit has been unduly delayed, or for any other reason. By termination pursuant to this Paragraph, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination. **THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE OTHER LEGAL RIGHTS AND REMEDIES AFFORDED THE STATE CAUSED BY THE CONTRACTOR'S DEFAULT OR BREACH OF THIS CONTRACT.**
- B. If the Agency terminates this Contract under this paragraph, the Contractor shall be entitled to compensation for work performed prior to termination in the amount of earned, but not yet paid, progress payments, if any, that the State Auditor has authorized as provided in Paragraph 3(E), supra. If the Contractor terminates this Contract under

this paragraph, the Contractor shall repay to the Agency the full amount of any progress payments for work performed under the terms of this Contract.

- C. If the Agency or the Contractor terminates this Contract pursuant to this paragraph, the party that terminates the Contract shall immediately send the State Auditor written notice of the termination.
- D. The State Auditor may disqualify the Contractor from eligibility to contract for audit services with the State of New Mexico if the Contractor knowingly makes false statements, false assurances or false disclosures under this Contract. The State Auditor on behalf of the Agency or the Agency may bring a civil action for damages or any other relief against a Contractor for a material breach of this Contract.

6. **STATUS OF CONTRACTOR**

The Contractor and its agents and employees are independent contractors performing professional services for the Agency and are not employees of the Agency. The Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of state vehicles or any other benefits afforded to employees of the Agency as a result of this Contract. The Contractor agrees not to purport to bind the State of New Mexico to any obligation not assumed under this Contract unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

7. **ASSIGNMENT**

The Contractor shall not assign or transfer any interest in this Contract or assign any claims for money due or to become due under this Contract.

8. **SUBCONTRACTING**

The Contractor shall not subcontract any portion of the services to be performed under this Contract without the prior written approval of the Agency and the State Auditor. An agreement between the Contractor and a subcontractor to subcontract any portion of the services under this Contract shall be completed on a form prescribed by the State Auditor. The agreement shall be an amendment to this Contract and shall specify the portion of the audit services to be performed by the subcontractor, how the responsibility for the audit will be shared between the Contractor and the subcontractor, the party responsible for signing the audit report and the method by which the subcontractor will be paid. Pursuant to Section 2.2.2.8.L, NMAC, the Contractor may subcontract only with independent public accounting firms that are on the State Auditor's List of Approved Firms pursuant to Section 2.2.2.8.B, NMAC, and that are not otherwise restricted by the Office from entering into such a contract pursuant to Section 2.2.2.8.E, NMAC.

9. **RECORDS AND AUDIT**

The Contractor shall maintain detailed time records that indicate the date, time, and

nature of services rendered during the term of this Contract. The Contractor shall retain the records for a period of five (5) years from the date of final payment under this contract. The records shall be subject to inspection by the Agency and the State Auditor. The Agency and the State Auditor shall have the right to audit billings both before and after payment. Payment under this Contract shall not foreclose the right of the Agency or the State Auditor on behalf of the Agency to recover excessive or illegal payments.

10. **RELEASE**

The Contractor, upon receiving final payment of the amounts due under the Contract, releases the State Auditor, the Agency, its officers and employees and the State of New Mexico from all liabilities, claims and obligations whatsoever arising from or under this Contract. This paragraph does not release the Contractor from any liabilities, claims or obligations whatsoever arising from or under this Contract.

11. **CONFIDENTIALITY**

All information provided to or developed by the Contractor from any source whatsoever in the performance of this Contract shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the Agency and the State Auditor.

12. **PRODUCT OF SERVICES; COPYRIGHT AND REPORT USE**

Nothing developed or produced, in whole or in part, by the Contractor under this Contract shall be the subject of an application for copyright by or on behalf of the Contractor. The Agency and the State Auditor may post the audited financial statements on their respective websites.

13. **CONFLICT OF INTEREST**

The Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Contract. The Contractor certifies that the requirements of the Governmental Conduct Act, Section 10-16-1, et seq., NMSA 1978, regarding contracting with a public officer, state employee or former state employee have been followed.

14. **INDEPENDENCE**

The Contractor affirms and represents its personal, external and organizational independence from the Agency in accordance with the *Government Auditing Standards 2011 Revision*, issued by the Comptroller General of the United States, and Section 2.2.2.8.M, NMAC. The Contractor shall immediately notify the State Auditor and the Agency in writing if any impairment to the Contractor's independence occurs or may occur during the period of this Contract.

**15. AMENDMENT**

This Contract shall not be altered, changed or amended except by prior written agreement of the parties and prior written approval of the State Auditor. Any amendments to this Contract shall comply with the Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978.

**16. MERGER**

This Contract incorporates all of the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Contract. Contractor and Agency shall enter into and execute an engagement letter pursuant to Section 2.2.2.8.Q, NMAC, consistent with Generally Accepted Auditing Standards (GAGAS). The engagement letter and any associated documentation included with or referenced in the engagement letter shall not be interpreted to amend this contract. Conflicts between the engagement letter and this contract are governed by this contract, and shall be resolved accordingly.

**17. APPLICABLE LAW**

The laws of the State of New Mexico shall govern this Contract. By execution of this Contract, Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Contract.

**18. AGENCY BOOKS AND RECORDS**

The Agency is responsible for maintaining control of all books and records at all times and the Contractor shall not remove any books and records from the Agency's possession for any reason.

**19. APPROPRIATIONS**

The terms of this Contract are contingent upon sufficient appropriations and authorization being made by the Agency's governing body for the performance of this Contract. If sufficient appropriations and authorization are not made by the Agency's governing body, this Contract shall terminate upon written notice being given by the Agency to the Contractor. This section of the Contract does not supersede the Agency's requirement to have an annual audit pursuant to Section 12-6-3(A) NMSA 1978.

**20. PENALTIES FOR VIOLATION OF LAW**

The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.

**21. EQUAL OPPORTUNITY COMPLIANCE**

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

**22. WORKING PAPERS**

- A. The Contractor shall retain the working papers of the Agency's audit conducted pursuant to this Contract for a period of five (5) years from the date shown on the opinion letter of the audit report, or longer if requested by the federal cognizant agency for audit, oversight agency for audit, pass through-entity or the State Auditor. The State Auditor shall have access to the working papers at the State Auditor's discretion. When requested by the State Auditor, the Contractor shall deliver the original or clear, legible copies of all working papers to the State Auditor.
- B. The working papers of a predecessor Contractor are to be made available to a successor Contractor in accordance with AC-C and 210.12. Any costs incurred are to be borne by the requestor Contractor.

**23. DESIGNATED ON-SITE STAFF**

The Contractor's on-site individual auditor responsible for supervision of work and completion of the audit is Chris Garner. The Contractor shall notify the Agency and the State Auditor in writing of any changes in staff assigned to perform the audit.

**24. INVALID TERM OR CONDITION**

If any term or condition of this Contract shall be held invalid or unenforceable, the remainder of this Contract shall not be affected.

**25. OTHER PROVISIONS**

IN WITNESS WHEREOF, the parties have executed this Contract as of the date of signature by the State Auditor.

**AGENCY**

NAME: Valencia County

BY: \_\_\_\_\_

TITLE: Chair, County Commission

DATE: \_\_\_\_\_

**CONTRACTOR**

NAME: Axiom CPA's, LLC

BY: 

TITLE: Principal

DATE: 4-8-13

This Contract has been approved by:

**STATE AUDITOR**

BY: \_\_\_\_\_

TITLE: DEPUTY STATE AUDITOR

DATE: \_\_\_\_\_

State Auditor Contract No. 13 -

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**VALENCIA COUNTY  
Board of County Commissioners  
Agenda Request Form**



**Department Head:** Nick Telles

**Individual Making Request:** Nick Telles

**Presentation at Meeting on:** April 17, 2013

**Date Submitted:** April 9, 2013

**Title of Request:** Approval of Valencia County Resolution 2013-\_\_\_\_ Budget Adjustment Requests

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**Action Requested of Commission:**

To approve budget adjustment requests relating to the following departments in the specified amounts: increasing revenues and expenses in the amount of \$8,500 for the Dept. of Justice Assistance Programs in order to receive grant proceeds and intra-fund transfers for the Assessor, county manager and sheriff's offices that total \$75,835

**Information Background and Rationale**

State law requires that any funding expensed by Valencia County is mandated to be budgeted as revenues and expenses in the annual certified budget. Budget Adjustment Requests allow unanticipated financial resources to be utilized by the County, as well as, changes to be made within a fund account that is identified to be over or under a forecasted level.

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

Increase in restricted grant revenue and expense accounts to the county in the amount of \$8,500 and intra-fund transfers of \$75,835.

**Legal:**

"A budget adjustment resolution is required pursuant to DFA regulations."  
Adren Nance

**Finance:**

Approval of Budget Adjustment Requests (BAR) from the VCBCC is necessary in order to utilize funds according to DFA requirements. *(Nick Telles)*



**END**

**OF**

**AGENDA**