

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**PUBLIC HEARING MEETING**

**AUGUST 11, 2010**

<b>PRESENT</b>	
Donald E. Holliday, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Pedro G. Rael, Member	
Eric Zamora, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Sally Perea, County Clerk	
Press and Public	

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

2) Chairman Holliday led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Medina moved for approval of the agenda as amended. Seconded by Commissioner Rael. Motion carried.

4) **PUBLIC COMMENTS-At the Discretion of the Chair (For Information Only-limited to two minutes per person on subjects not on this published agenda).**

Meadow Lake resident Bob Gostischa said with all the rainfall that they've received the weeds have grown tall and can be dangerous when turning. He would like to know if there are any plans by the county to use a brush hog or some other type of equipment to cut these down in order to have visibility.

Chairman Holliday said he has talked to the road department and it will be taken care of.

5) **DISCUSSION (Non-Action) ITEM(s)**

Chairman Holliday stated that High Mesa Road will be totally complete from one end to the other by the end of day.

Commissioner Rael asked for an update on the Solid Waste Ordinance? County Manager Eric Zamora stated they met to discuss some of the criteria established in the RFP (Request for Proposal) and the RFP is about 95% complete and they should have it out by the end of this month and open for proposals.

6) **PUBLIC HEARING ITEMS:**

a) Request An Ordinance 2010- , Chapter 153 Flood Damage Prevention Amendments-Ruben

County Clerk Sally Perea administered the oath to those individuals wishing to speak.

Code Enforcement Administrator Ruben Chavez stated FEMA (Federal Emergency Agency) has completed an update of the flood maps and over the past couple of years they've held some public hearings and have met with different individuals. Those present from the FEMA were Bill Borthwick, Dale Hawk and Mark Lujan. They've revised their maps and the maps reflect the changes that were made. Once they made their changes and in order for the county to comply, the county is required to amend the county ordinance. The revisions were made and sent to Mr. Hawk for review and once the commission signs the final draft it will be faxed to FEMA. Today is the public hearing process and the commission will vote on it at the next business meeting. The public hearing process today is updating the language and reference material on the county ordinance. The county amendment meets the criteria and has gotten the green light from FEMA that the county has made the proper amendment.

The Commissioner's were concerned as to what the ramifications would be if the commission did not adopt this ordinance.

Mark Lujan of FEMA stated if someone has a federally backed loan and the county is a non-participating community, the lender, as long as they are using federal dollars will require insurance. What happens if the subsidized flood insurance is not available and you're a non-participating community they will go to the excess markets. There's several out there and the costs will be three to four times as much. Along with that there's federal disaster assistance that will not be available if the county is a non-participating community. So there are severe impacts on the homeowner if the community is not participating. Also, if a person has a conventional loan, FEMA standards, all the mandatory purchase provision only has to do with federally backed loans in a special flood hazard area. However, they are seeing lenders even with a conventional loan stepping up and realizing that they need to protect their assets. They are seeing some conventional mortgage companies with conventional loans require flood insurance and the same rules will apply as far as how much that insurance will cost. They are also seeing lenders that are requiring insurance in the lower moderate risk, like the X zones.

Commissioner Otero-Kirkham asked if a person doesn't have a mortgage and their home is paid for, it is not mandatory that they get flood insurance? This is a decision that they need to make. The county is not making anyone that does not have a mortgage get flood insurance, or even if their mortgage company will let you get a mortgage without flood insurance, it is not mandatory, their lender makes it mandatory if they want to borrow from them. Mr. Lujan's response was you're absolutely correct.

Commissioner Gentry said if they as a commission don't approve this and if he has a Fannie Mae loan, in the next billing cycle, his loan will either be called and he'll have to pay it off or get a new loan or he'll have to go to the private market at twice the rate and reinsure that loan.

Mr. Lujan said, that's correct. Also on the new maps that will be out in August, what can happen if someone is in the low to moderate risk, the X zone and if they are now moving into the high risk from a property that is now in the high risk zone according to the new maps and if their flood insurance was purchased prior to the effective map date they can grandfather in their zone. A good point is when someone sells their home, flood insurance policies are transferable, so the legwork has already been done which is a great selling point for homeowner's having that flood policy already enforced. So at the time of closing they can just transfer that flood policy to a new owner.

Commissioner Rael asked if anyone had an idea as to how many federally backed loans there are in Valencia County.

Mr. Hawk of FEMA said he's not sure how many loans there are in the county there are but there are 2070 flood insurance policies in Valencia County.

Commissioner Rael asked how many times FEMA has rendered emergency assistance in the last ten years to Valencia County, nobody seems to know. Also how many floods have there been in which people were able to get their insurance company to pay to fix their homes and if someone can get that information, he would like to see that information before he votes on the ordinance.

Code Enforcement Officer Ruben Chavez said August of 2006 is when Highland Meadows, the West Mesa and Don Felipe Road in Belen required assistance from FEMA.

Bill Borthwick of FEMA stated there was a research that was done which indicated that since 1978 there had been 18 presidential disasters declared in the state of New Mexico.

Commissioner Medina stated that the figures show that the county had participated with \$149,000,000.00 into flood insurance and in return \$200,000.00 filed claims had been paid back.

Mr. Lujan said the money's paid into the national flood insurance, is nationwide, is a national program, everyone's premium goes into a pot, then that money is used to pay claims nationwide. When you have claims it will be there to pay your claims.

Dale Hawk of FEMA said you don't have to have a huge flood or presidential disaster declaration to gain access to flood insurance. If you're the only house that's flooded, that just happens to work out that way and you're covered, you've got flood insurance. Most of the time the size of the floods we're talking about it's a neighborhood or a street and it could be very possible that you could be the only person involved.

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Mr. Lujan said in order to constitute a flood, the water has to affect two or more properties, one of those properties must be your own or two or more acres of land. If it's your home and you have a public street in front of you and that street floods, that's another property. Flow covers from any source, that's the key, it doesn't have to come from rain, and it doesn't have to come from a lake or a river. It can be a water main break, if that's determined to be the cause of the flood.

Commissioner Otero-Kirkham asked Mr. Ruben Chavez to let everyone know what areas were added to the new FEMA maps.

Mr. Chavez said the City of Belen, Los Chavez, some area passed Belen and crossed over into Jarales, some in Bosque, along the Rio Puerco, there's a strip along El Cerro Loop, and on Hwy 6.

Los Chavez resident William Dean said he's not against the plan which the commission is going to vote on, his problem is the development of the map. Mr. Dean is concerned that his insurance is going to go up three times what it is. A lot of people have called him as to how the map was developed. They have concerns because the map shows that quite a bit of Los Chavez has really been placed in the flood plane. He would like to know who figured out the way of the land and gave the county this new flood plane area. If this map is not accurate, the people out here would like to have it corrected.

Mr. Hawk said it's FEMA's job is to show the county where that risk is and how bad it is, and they try to do the best they can with the money that they have. They also get a lot of information from the county and in some cases from the surrounding cities.

County Manager Eric Zamora asked Mr. Hawk if he could talk a bit about CRS (Community Rating Systems) and what proactive steps the county can do in the future to help reduce premiums.

Mr. Hawk said what this does is rewards the communities that go beyond the minimum standards and that's what they are dealing with in most cases, set federally mandated minimum standards which are not good enough in most places including Valencia County. So if they increase those standards the minimum standard has to be your lowest floor at or above the base flood elevation. A wise community could even say that's not good enough, lets go plus one foot or two feet. Not only will you decrease your insurance premiums, but if you do enough good things that will help your community do a better job of flood plane management you get a certain number of points that includes public relations, mapping, engineering, your ordinance on how many higher standards you've got and how you enforce it. All those things added up will get the county a certain rating and they start out at a level nine which is a basic entry level. At a level nine all the people in the community that are participating will get 5% shaved off of their policy. If you make a level eight, it's 10%. It's a very good program and it can save the policy holders some money.

Chairman Holliday thanked the FEMA staff for all the information they had given the commission. (SEE EXHIBIT A )

#### **7) NEXT COMMISSION MEETING**

The next Regular Meeting of the Valencia County Board of County Commission will be held on August 18, 2010 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

#### **8) Adjournment**


Commissioner Otero-Kirkham moved for adjournment. Seconded by Commissioner Rael. Motion carried unanimously. Time 6:20 P.M.

**NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the August 11, 2010 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.**

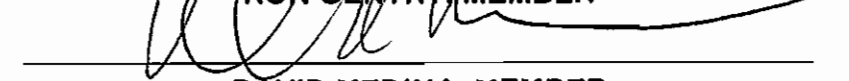
**VALENCIA COUNTY BOARD OF COMMISSIONERS**

  
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DONALD E. HOLLIDAY, CHAIRMAN

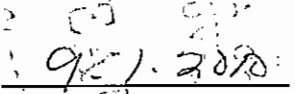
  
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GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN

  
\_\_\_\_\_  
PEDRO G. RAE, MEMBER

  
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RON GENTRY, MEMBER

  
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DAVID MEDINA, MEMBER

ATTEST:   
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SALLY PEREA, COUNTY CLERK

  
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DATE