



March 7, 2012
Agenda
9:30 A.M. Business Meeting
Valencia County Commission Chambers
444 Luna Avenue
Los Lunas, NM 87031

Board of County Commissioners
Donald E Holliday, Chair District I
Georgia Otero-Kirkham, Vice-Chair District II
Mary Andersen District I
Lawrence R. Romero District III
Ron Gentry District IV

Donald Holliday

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes: February 8, 2012 Public Hearing; February 15, 2012 Business Meeting; February 21, 2012 Special Meeting

PRESENTATION(S)

- 5) Rick Silva – Liberty National
- 6) Tom Gow – Bureau of Land Management (powerpoint)

DISCUSSION (Non-Action) ITEM(S)

- 7) Department Reports – Code Enforcement – Jacobo Martinez; County Manager Job Description – Daniel Zolnier
- 8) Reports from Manager, Commissions, Boards & Committees

ACTION ITEM(S)

- 9) Consideration of making Conejo Station available for acceptance of household refuse on the last two Saturdays of March, April and May 2012: **Chairman Holliday**

10) *Accept Findings of Facts and Conclusions of Law*

BOOK 72

PAGE 257

- (1) Consideration to adopt the findings of facts and conclusion. It is therefore ordered that the P&Z Commission's decision to deny request for a Conditional Use within a Neighborhood Commercial Zone of a proposed auto repair facility for the property described at T6N, R2E, Section 15, Map 85; Tract 16-B1-A; Zoned C-1; Filed in Book 365, Page 2930, of the office of the Valencia County Clerk; also known as 2975 Highway 47, Los Lunas, NM is hereby affirmed. **Jacobo Martinez**
- (2) Consideration to adopt the findings of facts and conclusion of law regarding a solar facility in a mineral resource zone. It is therefore ordered that the P&Z Commission's decision to approve a request for a Conditional Use within a Mineral Resource Zone of a proposed concentrated photovoltaic (CPV) Solar facility for the property described as T6n, R2&3E, Section 1&6; NMPM, Lands of Orona Investments; Tract 1; Zoned M-R; Filed in Book 341, Page 8242, of the office of the Valencia County Clerk is hereby reversed. **Jacobo Martinez**

- 11) Consideration of Resolution 2012-___ for 2012-2013 for County Road Improvement program with the NMDOT totaling \$503,627 for Cooperative State Funds (COOP), School Bus Route Funds (SB) and County Arterial Program Funds (CAP): **Eric Zamora / Lina Benavidez**

- 12) Consideration of Solid Waste Plan for Valencia County: **County Commission / Solid Waste Planning Committee**
- 13) Law Enforcement Protection Fund Application: Sheriff requests commissioner's approval to submit Law Enforcement Protection Fund Application: **Louis Burkhard**
- 14) Consideration to hire Board of Elections (BOE) employee: **Sally Perea**
- 15) Consideration of RFP for the purpose of Valencia County continuing the Older American Program for the next four year: **Ruben Chavez / Jose Campos**

FINANCIAL MATTERS:

- 16) Consideration of Budget Resolution 2012-___: **Eric Zamora / Christina Card**
- 17) Consideration of Approval: Payroll / Warrants: **Eric Zamora / Christina Card**

PUBLIC COMMENT:

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

EXECUTIVE SESSION:

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

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

NEXT COMMISSION MEETING:

- ♦ **March 14, 2012 – Public Hearing @ 5:00 P.M.**
Valencia County Commission Board Room 444 Luna Ave. LL, NM

ADJOURN:

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

VALENCIA COUNTY BOARD OF COMMISSIONERS

BUSINESS MEETING

MARCH 7, 2012

PRESENT	
Donald E. Holliday, Chairman	
Georgia Otero Kirkham, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Mary J. Andersen, 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 Holliday at 9:30 A.M.

2) Chairman Holliday led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Romero moved for approval of the agenda. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

4) Approval of Minutes; February 8, 2012 Public Hearing

February 15, 2012 Business Meeting

February 21, 2012 Special Meeting

Commissioner Andersen moved for approval of the Minutes of February 8, 15 and 21, 2012. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

PRESENTATION(S)

5) Rick Silva – Liberty National

Rick Silva agent for Liberty National Life Insurance presented the company's life insurance plan to the commission and requested approval to present Liberty Nationals Life Insurance plan to county staff. If this is something the commission is interested in, Mr. Pato recommends this be placed on a subsequent agenda, have it come back to the commission as an RFP and have all the life insurances companies notified and see what's the best option for the county.

6) Tom Gow – Bureau of Land Management

Rio Puerto Field Office Field Manager Tom Gow spoke on their Resource Management Plan which is their guiding doctrine on the management of the public lands and what that translates to is about one million acres of surface and not quite three million acres of sub-surface which is the mineral estate. His field office covers five counties administratively within the planning area boundary those being: Sandoval, Cibola, Valencia, Bernalillo and Tarrant and in those five counties you're looking at an excess of ten million acres. Angel Martinez also of the Bureau of Land Management gave a power point presentation on the processes of Resource Management Plan. This covered the understanding of the Resource Management Plan, what the initiatives are as they relate to Valencia County, identifying issues within the region and what it takes to be an effective participant within this process.

DISCUSSION (Non-Action) ITEM(S)

7) Department Reports – Code Enforcement --Jacobco Martinez; County Manager Job Description _ Daniel Zolnier

County Planner Jacobco Martinez reported on a pilot cleanup sweep that Code Enforcement conducted on January 12, 2012. This sweep took place in Highland Meadows and forty properties were in violation and were red tagged. Code Enforcement goal is to plan to employ a more aggressive and diversified program in order to be more effective out in the field. Twenty five of those violations have been resolved and fifteen will be going through the court system. The following month Code Enforcement held a cleanup day in Highland Meadows by placing four forty yard trash containers at the Highland Meadows Fire Station and within four hours the containers were completely full. The plan is to conduct one sweep and one cleanup in each Commission District per year. The next one is scheduled for El

Cerro Mission Monterey Park with the sweep at the end of March and the cleanup at the end of April.

Animal Control Director Ruben Chavez reported on the spay and neutering mobile clinic held on March 2-4 at the El Cerro Community Center. This was a low cost spay and neuter for qualifying low-income families. The cost was \$30 for cats and \$40 for dogs. One hundred and seven surgical procedures were done and during the down time a shot clinic was also held, with 105 dogs being vaccinated. The event was very successful, with another clinic scheduled for June 1st. The total cost for the clinic was \$6,600 but with the generous contributions from local businesses this event was made possible.

8) Reports from Manager, Commissions, Boards & Committees

County Manager Eric Zamora reported on pursuing recreational opportunities to enhance development and the community aspect of Valencia County along the Bosque corridor. There is a collaborative group being developed and would encourage the county to continue it's participation and become a partner in this process. If any citizens are interested in becoming involved in the process, they may contact the county manager's office.

The Western Interstate Region Commerce will be held on May 16-17, as well as the Association Summer Conference on June 19-22. Those two dates are scheduled as commission meetings, but can be changed to the following week, May 16-23 and June 20-27 if the commission desires.

There have been a series of break-ins at the Conejos Transfer Station and about a 100 ft. of chain link fence was torn down. Mr. Zamora would like to recognize the crew, Mr. Snell and specifically Richard Shiplet who worked from 10:30 P.M. Sunday to 6:30 A.M Monday to get the fence back up and secure the site.

Houston Arroyo Dam is a drainage dam that was licensed to the county many years ago. Apparently there was some correspondence sent to Valencia County in May 2005 requesting an emergency action plan. Mr. Zamora and Ms. Benavidez from the road department met with a gentlemen from the State Engineers Office who inspected the dam four weeks ago and deemed the dam in poor condition due to lack of maintenance, lack of vegetation control and lack of a spill way and needs to be addressed by the county. The Office of the State Engineer is requesting that emergency action plan. Mr. Zamora has forwarded this information to the county's flood plane manager Hoss Foster and will be developing a plan in accordance with the Office of the State Engineer's requirements.

The substantial lawsuit in regards to the county's PERA contributions has been resolved.

A draft resolution requiring that organizations receive prior approval from the Board of County Commissioners before the county will act as its fiscal agent for legislative appropriations will be presented at a future meeting.

Commissioner Gentry asked Mr. Zamora for an update of the usage of the Senior Centers. Mr. Zamora said the meeting with the Area Agency on Aging resulted in an agreement and an understanding for the use of the center. They provided a summary report and a letter of understanding which was signed and sent back for final approval by Triple A. Once he gets that letter back he has an idea in plan but it'll take him a few more days to get that put together. Commissioner Gentry was concerned that there were 4 or 5 centers that were built and are basically brand new but we haven't really sponsored the coordination and the use of them. He would like to start promoting them and made available to the people.

Commissioner Gentry asked what has been done about starting the budget for next year. Mr. Zamora said the first review of applications for finance director are next Wednesday March 14 and is hoping to have qualified candidates available for interviews prior to the end of this month. That puts them into April for starting the budget process. Ms. Card and Mr. Trussell are getting their numbers balanced and ready for presentation but it's going to take a strong financial person to bring that together.

Commissioner Otero-Kirkham asked Mr. Zamora what was the outcome in Santa Fe after the Governor signed bills.

Mr. Zamora said Valencia County was successful in receiving funding for a few road projects, from \$100,000 up to a \$150,000.00 for Meadow Lake Road, Gabaldon Road,

Minutes of March 7, 2012 Regular Business Meeting

Armijo Road and Fire Station Road. The county also received a \$150,000.00 for improvements for the new spay and neuter facility at Animal Control. This was the county's share which was better than expected.

ACTION ITEM(S)

9) **Consideration of making Conejo Station Available for Acceptance of Household Refuse on the Last Two Saturdays of March, April and May 2012 – Chairman Holliday**
After discussion and for further consideration, Commissioner Andersen made a motion to table this item. Seconded by Chairman Holliday. Motion carried unanimously.

10) ***Accept Findings of Fact and Conclusions of Law***

(1) **Consideration to Adopt the Findings of Facts and Conclusion.** It is therefore Ordered that the P&Z Commission's Decision to Deny Request for a Conditional Use within a Neighborhood Commercial Zone of a Proposed Auto Repair Facility for the Property Described as T6N, R2E, Section 15, Map 85; Tract 16-B1-A, Zoned C-1, Filed in Book 365 Page 2940 of the Office of the Valencia County Clerk; also Know as 2975 Highway 47, Los Lunas, NM is hereby Affirmed – Jacobo Martinez. Commissioner Andersen moved for approval. Seconded by Commissioner Romero. Motion carried 4-1. Commissioner Otero-Kirkham voted no. (See Exhibit A)

(2) **Consideration Adopt the Findings of Facts and Conclusion of Law Regarding a Solar Facility in a Mineral Resource Zone.** It is Therefore Ordered that the P&Z Commission's Decision to Approve a Request for a Conditional Use Within a Mineral Resource Zone of a Proposed Concentrated Photovoltaic (CPV) Solar Facility for the Property Described as T6N, R2 & 3E, Section 1 & 6 NMPM, Lands of Orona Investments, Tract 1 Zoned M-R, Filed in Book 341 Page 8242 of the Office of the Valencia County Clerk is Hereby Reversed- Jacobo Martinez. Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibit B)

11) **Consideration of Resolution 2012-11 for 2012-2013 for County Road Improvement Program with the NMDOT Totaling \$503,627 for Cooperative State Funds (COOP), School Bus Route Funds (SB) and County Arterial Program Funds (CAP – Eric Zamora / Lina Benavidez.**

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

County Clerk Sally Perea announced Resolution 2012-11. (See Exhibit C)

12) **Consideration of Solid Waste Plan for Valencia County – County Commission / Solid Waste Planning Committee.**

Chairman Holliday presented Solid Waste Plan options A & B from the Planning Committee. Commissioner Otero-Kirkham thanked the committee that worked so diligently on this plan and took time from their personal schedules to meet with the public.

Commissioner Andersen said she sees a lot of similarities in the reports and the goals and the only conflict between the two reports is truly whether there is mandatory pickup or allow people to choose their own hauler. Commissioner Andersen suggested the commission accept both of these reports, then permit Mr. Vinyard to do his professional task of finding out the best way for Valencia County to accomplish the goals that both versions of this report point out.

Commissioner Andersen thanked the committee and made a motion that the commission accept both reports.

Commissioner Romero said it's his understanding that a professional is going to look at this and seconded the motion.

Purchasing Agent Mike Vinyard said he appreciates the faith the commission has in him to take the two plans and deal with but would remind the commission that the job of procurement function is to take direction and convert it into action and make it happen. What we have here with these two plans is a fundamental difference between the approaches, one of which being go with what described as a zar of a single vendor who would then consolidate everything and take care of the entire package. The second a very different approach is to leave the task to be distributed out to individual vendors, as one of the plans says to maximize completion lower prices which certainly is a good thing to do, however they are radically different and fundamentally different. He asks that the commission make a decision on which approach they feel better with or which approach they would like to approve or see approved and pursued. Commissioner Otero-Kirkham said you're absolutely right; one of the first RFP's that was sent out didn't

have enough information so when they come back, all proposals had all of the things that they would do and the price difference for each proposals was certainly different. For the commission to select the lowest proposal, fee wise, the commission has to give specific direction as to what the commission wants back from these people. Option A is similar to what we have now and we do have to pick one, Commissioner Kirkham said.

Commissioner Andersen asked if the commission were to go through the request for information process and and take the ideas of the people who actually do that job and mesh them into a pact for us to follow, would that work? Mr. Vinyard said yes that would work. Commissioner Andersen amended her motion to accept both reports and give them to Mr. Vinyard to use to send out a request for information only. After Mr. Vinyard gets the information back to the commission and they will find out whether they have direction then. Commissioner Gentry seconded. Motion carried. 3-2. Chairman Holliday voted no. Commissioner Otero-Kirkham voted no.

13) Law Enforcement Protection Fund Application; Sheriff Requests Commissioner's Approval to Submit Law Enforcement Protection Fund Application – Louis Burkhard
Chairman Holliday moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibit D)

14) Consideration to Hire Board of Elections (BOE) Employee – Sally Perea
Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

15) Consideration RFP for the Purpose of Valencia County Continuing the Older American Program for the Next Four Years – Ruben Chavez / Jose Campos
Commissioner Andersen moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit E)

FINANCIAL MATTERS:

16) Consideration of Budget Resolution 2012-12 - Eric Zamora / Christina Card
Commissioner Gentry moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.
County Clerk Sally Perea announced Resolution 2012-12. (See Exhibit F)

17) Consideration of Approval – Payroll / Warrants – Eric Zamora / Christina Card
Commissioner Otero-Kirkham moved for approval. Seconded By Commissioner Gentry. Motion carried unanimously. (See Exhibits G-J)

PUBLIC COMMENT:

Those members of the audience making public comments at today's Business Meeting were Valencia County residents Clara Rehrer, Sue Moran and James Fischer.

EXECUTIVE SESSION:

Pursuant to Section 10-15 1 (H) (2) (7) & (8), the Following Matters may be Discussed in Closed Session; a.) Personnel b.) Pending or Threatened Litigation c.) Real Property d.) Other Specific Limited Topics that are Allowed or Authorized under the Stated Statute.

No executive session.

NEXT COMMISSION MEETING:

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

ADJOURNMENT:

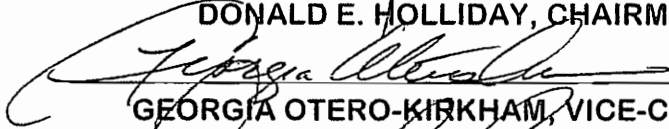
Commissioner Otero-Kirkham moved for adjournment. Seconded by Commissioner Andersen. Motion carried unanimously. **TIME; 12:02 P.M.**

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

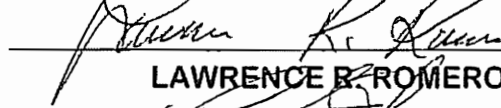
VALENCIA COUNTY BOARD OF COMMISSIONERS



DONALD E. HOLLIDAY, CHAIRMAN



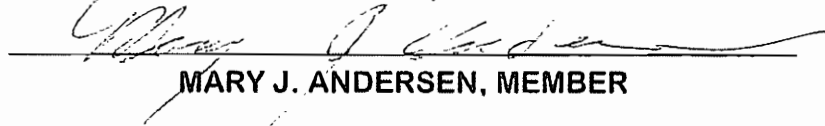
GEORGIA OTERO-KIRKHAM, VICE-CHAIR



LAWRENCE B. ROMERO, MEMBER

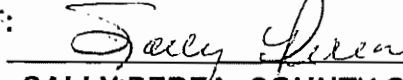


RON GENTRY, MEMBER



MARY J. ANDERSEN, MEMBER

ATTEST:



SALLY PEREA, COUNTY CLERK

4-4-2012

DATE

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF VALENCIA COUNTY

In the matter of Appealing the Planning &
Zoning Commission's Decision to deny a
request for a Conditional Use with a
Neighborhood Commercial Zone for a Proposed
Auto Repair Garage, Valencia County, New
Mexico, Application by Bernardo Garcia

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

THIS MATTER came before the Board of County Commissioners of Valencia County ("the Board") on February 15, 2012, and was held pursuant to the Bernardo Garcia's Application to Appeal the Planning & Zoning (P&Z) Commission's Decision to deny a request for a Conditional Use within a Neighborhood Commercial (C-1) Zone for a Auto Repair Garage Facility on the property commonly described as T6N, R2E, Section 15, Map 85; Tract 16-B1-A; Zoned C-1; Filed in Book 365, Page 2930, of the office of the Valencia County Clerk; Also known as 2975 Highway 47, Los Lunas, NM.

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

Findings of Fact

1. Notice of the regularly scheduled meeting of the Board of Commissioners of Valencia County, New Mexico (the "Board") on February 8, 2012, at which the final hearing of the Application to Appeal the P&Z Commission Decision was published according to New Mexico Statutes and the Valencia County Interim Comprehensive Zoning Ordinance, Ordinance 2004-05, as amended ("Zoning Ordinance").
2. The property for which the Conditional Use is requested has a Neighborhood Commercial (C-1) zoning designation.
3. The application is to appeal the P&Z Commission's decision to deny a request the for a Conditional Use to all allow for the Auto Repair Garage facility on the property described as T6N, R2E, Section 15, Map 85; Tract 16-B1-A; Zoned C-1; Filed in Book 365, Page 2930, of the office of the Valencia County Clerk; also known as 2975 Highway 47, Los Lunas, NM.
4. Bernardo Garcia's original application was a request for approval of a Conditional Use located in a C-1 zone.
5. The subject property is located in a Neighborhood Commercial (C-1) Zoning District.
6. The Planning and Zoning Commission held a public hearing on the Conditional Use Application on December 15, 2011 and voted 3-0 to deny the Conditional Use Application.
7. The Planning and Zoning Department found:
 - a. The proposed use would substantially alter the character of the surrounding area.

(EXHIBIT A)

- b. The proposed use does not meet the goals of the comprehensive plan, specifically;
 - i. Goal B: Protect and enhance the distinctive identities of the unincorporated communities and subregions within the County.
 - ii. Goal M: Protect and improve the quality of water resources available to the County.
 - iii. Goal S: Preserve and enhance features, structures, and places that are historically and culturally significant in the County.
 - iv. Goal T: Protect the scenic resources and unique visual elements of the county.
8. Bernardo Garcia submitted an appeal application to the Planning Department on December 17, 2012.
9. The appellants contended that they met the following goals of the Comprehensive Plan:
 - a. Goal J: Steer urbanizing development to areas where adequate infrastructure, utilities, and public services are available
 - Goal P: Strengthen the economic base of the County, expand employment opportunities, and improve local workforce skills and abilities.
10. The Board, having considered the factors detailed in Section 154.062(E)(2) of the Zoning Ordinance, and absent objection from the Appellee, held a de novo hearing on the appeal of the P&Z decision to conditionally approve the facility on February 8, 2012.
11. Community residents testified that approval of the facility would result in a decrease to their property values.
12. Community residents further testified that the development would cause an increase in traffic.
13. Community residents further testified that approval of the conditional use would be detrimental to the distinctive identities of the unincorporated community of Tome.
14. Community residents additionally expressed concern that approval of the conditional use would be inimical to the preservation of the historically and culturally significant features of Tome.
15. The findings made by the Board are each independent reasons for the decision of the Board in denying the appeal request.

Conclusions of Law

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

A. The County is a zoning authority with the power to regulate and restrict use of land. NMSA 1978, § 3-21-1 (1995).

B. The Board of County Commissioners is the body that exercises the powers of a county as a body politic and corporate. NMSA 1978, § 4-38-1 (1876).

C. The Board takes notice that the Zoning Ordinance was adopted according to New Mexico statutory authority and duly recorded in the records of the Clerk of Valencia County.

D. The Board has discretion in making zoning decisions. *See Singleterry v. City of Albuquerque*, 96 N.M. 468, 471, 632 P2d 345, 348 (1981).

E. Section 154.062 (C) (1) (c) of the Valencia County Zoning Ordinance details the requirements for standing, which is required to appeal a decision of the Planning and Zoning Commission.

F. Section 154.062 (C)(1)(c) requires that the appellant be “entitled by this chapter to notice of hearing prior to decision appealed; or is aggrieved or has interests adversely affected by the decision.”

G. Appellant Bernardo Garcia has standing to appeal the decision of the Planning and Zoning Commission as the appellant meets the criteria detailed in Section 154.062(C)(1)(c).

I. Pursuant to Section 154.057(B)(2) the Board is required to make a determination as to whether “[t]he use is inconsistent with those goals and policies of the comprehensive plan which apply to the proposed use” in considering whether to grant the conditional use.

J. Pursuant to Section 154.057(B)(4) the Board is further required to make a determination as to whether “[t]he proposed use will substantially alter the character of the surrounding area any more than the existing permissive uses in the zone or in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district” in considering whether to grant the conditional use.

N. The proposed use is not consistent with the goals established in the Comprehensive Plan, adopted by the Board on October 7, 2005.

O. The Land Use and Housing Development Goal A of the Comprehensive Plan encourages the County to “guide development in a manner that balances the patterns of urban development with the rural character and natural resources of the County.”

P. The proposed auto repair garage does not comport with this goal, as it places a heavy commercial use adjacent to property that is zoned rural residential. The development as described by the applicant is simply not appropriate considering the surrounding land use and pattern of development in the area.

Q. Land Use and Housing Development Goal B of the Comprehensive Plan encourages the County to “Protect and enhance the distinctive identities of the unincorporated communities and subregions within the County.”

R. The placement of an auto repair garage does not protect and enhance the largely residential character of the community and surrounding areas.

S. The placement of an auto repair garage would further substantially alter the character of the surrounding area more than the existing permissive uses in the C-1 zone.

Decision

IT IS THEREFORE ORDERED that the P&Z Commission’s decision to deny a request for a Conditional Use within a Neighborhood Commercial Zone of a proposed auto repair facility for the property described as T6N, R2E, Section 15, Map 85; Tract 16-B1-A; Zoned C-1; Filed in Book 365, Page 2930, of the office of the Valencia County Clerk; Also known as 2975 Highway 47, Los Lunas, NM. is hereby affirmed.

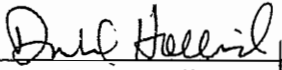
Reference to Document: (APL11_003) Appeal made by applicant Bernardo Garcia.

Approved and passed 15th of February 2012, by the Board of County Commissioners of Valencia County.

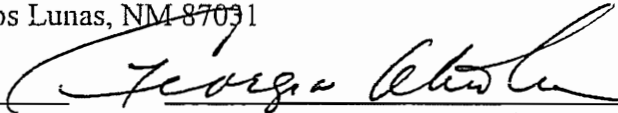
BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY

P.O. Box 1119 / 444 Luna Ave

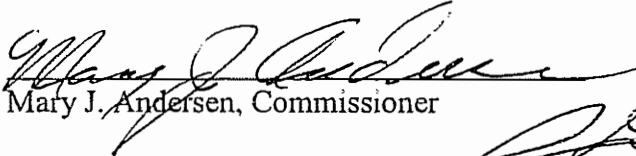
Los Lunas, NM 87031



Donald E. Holliday, Chair



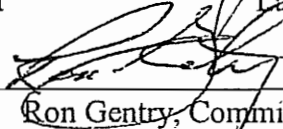
Georgia Otero-Kirkham, Vice-Chair



Mary J. Andersen, Commissioner

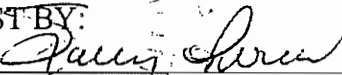


Lawrence R. Romero, Commissioner



Ron Gentry, Commissioner

ATTEST BY:



Sally Perea, County Clerk

Date: 3-9-2012

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF VALENCIA COUNTY

In the matter of Appealing the Planning &
Zoning Commission's Decision to approve a
request for a Conditional Use with a Mineral
Resource Zone of the Proposed Photovoltaic
Solar Facility, Valencia County, New Mexico,
Application by Robert Porter and Diane Porter

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

THIS MATTER came before the Board of County Commissioners of Valencia County ("the Board") on January 25, 2012, and was held pursuant to the Robert Porter's and Diane Porter's Application to Appeal the Planning & Zoning (P&Z) Commission's Decision to approve a request for a Conditional Use within a Mineral Resource Zone of the Photovoltaic Solar Facility on the property commonly described as T6N, R2&3E, Section 1&6; NMPM, Lands of Orona Investments; Tract 1; Zoned M-R; Filed in Book 341, Page 8242, of the office of the Valencia County Clerk.

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

Findings of Fact

1. Notice of the regularly scheduled meeting of the Board of Commissioners of Valencia County, New Mexico (the "Board") on January 11, 2012, at which the final hearing of the Application to Appeal the P&Z Commission Decision was published according to New Mexico Statutes and the Valencia County Interim Comprehensive Zoning Ordinance, Ordinance 2004-05, as amended ("Zoning Ordinance").
2. The property for which the Conditional Use is requested has a Mineral Resource (M-R) zoning designation.
3. The application is to appeal the P&Z Commission's decision to approve a request the for a Conditional Use to all allow for the installation and operation of concentrated photovoltaic (CPV) Solar facility on the property described as T6N, R2&3E, Section 1&6; NMPM, Lands of Orona Investments; Tract 1; Zoned M-R; Filed in Book 341, Page 8242, of the office of the Valencia County Clerk.
4. Amonix's original application was a request for approval of a Conditional Use located in a M-R zone.
5. The subject property is located in a Mineral Resource (M-R) Zoning District.
6. The Planning and Zoning Commission held a public hearing on the Amonix Conditional Use Application on November 17, 2011 and voted 4-0 to approve the Conditional Use Application with a condition.
7. The condition of approval for the operation of concentrated photovoltaic (CPV) Solar facility was that the set back of any solar panel infrastructure be at least 185 feet from the property defined as: T6N, R2E, Section 1: NMPM, Lands of Ernest and Mary Sanchez: Map 78; Zoned M-R; Also known as 27 El Cerro Mission Rd, Los Lunas, NM 87031.
8. The Planning and Zoning Commission found:

(EXHIBIT B)

- a. The proposed project meets the definition as a similar use in scale and size to "...[e]nergy extraction and development of oil, natural gas and geothermal resources."
- b. The proposed use is compatible with the surrounding gravel pit.
- c. The proposed project will not have negative impact to noise, odors, traffic or air and water quality.
- d. Potential tax on the site will have a benefit to the County
- e. The use is consistent with the goals of Valencia County's Comprehensive Plan:

- i. **Regional Infrastructure**

- ii. **Goal J: Steer urbanizing development to areas where adequate infrastructure, utilities, and public services are available.**

- 1. Objective J-2: Provide development incentives for new development to incorporate centralized utilities and services, or to locate near established infrastructure. (See Exhibit A for PNM electrical utility infrastructure).

- f. The proposed solar project is the highest and best use for the land.

- 9. Robert Porter and Diane Porter submitted an appeal application to the Planning Department on November 21, 2012.
- 10. Robert Porter resides at 233 El Cerro Loop, Las Lunas NM 87031.
- 11. Diane Porter resides at 233 El Cerro Loop, Las Lunas NM 87031.
- 12. Appellant Robert Porter, by virtue of the distance between her residence and the facility, was entitled to notice of the hearing prior to the decision being appealed.
- 13. Appellant Diane Porter, by virtue of the distance between his residence and the facility, was entitled to notice of the hearing prior to the decision being appealed.
- 14. The appellants contended that pursuant to Section 154.091(C)(8) of the Zoning Ordinance, the proposed use was for an energy generation facility, and therefore was not a permissible conditional use in an MR District.
- 15. Appellants additionally contended that approval of the conditional use would result in a decrease in property values and the endangerment of the habitat of the great horned owl.
- 16. The Board, having considered the factors detailed in Section 154.062(E)(2) of the Zoning Ordinance, and absent objection from the Appellee, held a de novo hearing on the appeal of the P&Z decision to conditionally approve the facility on January 11, 2012.
- 17. Appellants tendered testimony that a solar array constitutes energy generation as would render approval of a conditional use inappropriate in a Mineral Resource zone.
- 18. Appellants further testified that approval of the facility would result in a decrease to their property values, and would endanger the habitat of the great horned owl.
- 19. Appellants further provided exhibits reflecting the appearance of the facility from their property.

20. The findings made by the Board are each independent reasons for the decision of the Board in denying the appeal request.

Conclusions of Law

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

A. The County is a zoning authority with the power to regulate and restrict use of land. NMSA 1978, § 3-21-1 (1995).

B. The Board of County Commissioners is the body that exercises the powers of a county as a body politic and corporate. NMSA 1978, § 4-38-1 (1876).

C. The Board takes notice that the Zoning Ordinance was adopted according to New Mexico statutory authority and duly recorded in the records of the Clerk of Valencia County.

D. The Board has discretion in making zoning decisions. *See Singleton v. City of Albuquerque*, 96 N.M. 468, 471, 632 P2d 345, 348 (1981).

E. Section 154.062 (C) (1) (c) of the Valencia County Zoning Ordinance details the requirements for standing, which is required to appeal a decision of the Planning and Zoning Commission.

F. Section 154.062 (C)(1)(c) requires that the appellant be “entitled by this chapter to notice of hearing prior to decision appealed; or is aggrieved or has interests adversely affected by the decision.”

G. Appellant Robert Porter has standing to appeal the decision of the Planning and Zoning Commission as the appellant meets the criteria detailed in Section 154.062(C)(1)(c).

H. Appellant Diane Porter has standing to appeal the decision of the Planning and Zoning Commission as the appellant meets the criteria as detailed in Section 154.062(C)(1)(c).

I. Pursuant to Section 154.091 “[t]he purpose of the MR District is to provide for the development and utilization of identified deposits of any mineral resource materials on land which is not identified for urban or rural residential use on the comprehensive plan; to provide for the exploration for, and the subsequent extraction and development of; identified mineral resource deposits including geothermal resources and oil, gas and other hydrocarbon resources produced in liquid and gaseous form; to establish siting criteria and operating standards for mineral resources that minimize present and future on-site and off-site land use and environmental conflicts; and to provide for the timely and satisfactory reclamation of land used for mineral resource activity.”

J. As an energy generation facility, the proposed use is not a permitted conditional use in an MR District.

K. Section 154.091(C)(8) provides that utility facilities, with the exception of energy generation facilities, are a permitted conditional use.

L. The proposed solar array is an energy generation facility. Solar panels use light energy or photons from the sun to generate electricity through the photovoltaic effect. The applicant proposes to use these solar panels to generate and supply electricity in commercial and residential applications.

M. The proposed use does not advance the purpose of the MR District, as it would if it were a permitted use or a permitted conditional use as it does not advance any of the stated purposes of the District.

N. The proposed use is not consistent with the goals established in the Comprehensive Plan, adopted by the Board on October 7, 2005.

O. The Land Use and Housing Development Goal A of the Comprehensive Plan encourages the County to “guide development in a manner that balances the patterns of urban development with the rural character and natural resources of the County.”

P. The proposed solar array does not comport with this goal, as it places seven story tall solar panels adjacent to property that is zoned rural residential. The development as described by the applicant is simply not appropriate considering the surrounding land use and pattern of development in the area.

Q. Land Use and Housing Development Goal B of the Comprehensive Plan encourages the County to “Protect and enhance the distinctive identities of the unincorporated communities and subregions within the County.”

R. The placement of over a hundred seven story tall solar panels does not protect and enhance the largely residential character of the community and surrounding areas.

S. While the development as described by the applicant arguably strengthens the economic base of the County and leads towards greater energy independence, such considerations are far outweighed by the development's infringement upon the scenic resources and unique visual elements of the County, reflected by Historical and Cultural Resources Goal T of the Comprehensive Plan.

Decision

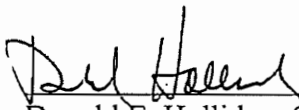
IT IS THEREFORE ORDERED that the P&Z Commission's decision to approve a request for a Conditional Use within a Mineral Resource Zone of a proposed concentrated photovoltaic (CPV) Solar facility for the property described as T6N, R2&3E, Section 1&6; NMPM, Lands of Orona Investments; Tract 1; Zoned M-R; Filed in Book 341, Page 8242, of the office of the Valencia County Clerk is hereby reversed.

Reference to Document: (APL11_002) Appeal made by applicants Robert Porter and Diane Porter.

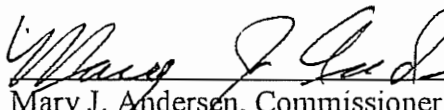
Approved and passed 25th of January 2012, by the Board of County Commissioners of Valencia County.


BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY

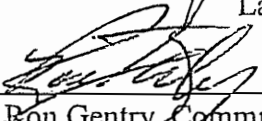
P.O. Box 1119 / 444 Luna Ave
Los Lunas, NM 87031


Donald E. Holliday, Chair

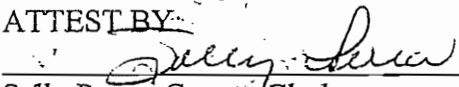

Georgia Otero-Kirkham, Vice-Chair


Mary J. Andersen, Commissioner


Lawrence R. Romero, Commissioner


Ron Gentry, Commissioner

ATTEST BY:


Sally Perea, County Clerk

Date: 3-7-2012

Valencia County
Board of County Commission
Resolution 2012- 11

A RESOLUTION
ADOPTING THE 2012-2013 COUNTY ROAD IMPROVEMENT PROGRAM

WHEREAS, the Board of County Commissioners acted in its regularly scheduled meeting on March 7, 2012 to adopt the **County Road Improvement Program** for 2012-2013; and desires of the state Department of Transportation (NMDOT) to accept same; and

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

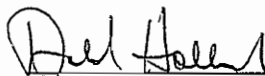
WHEREAS, the NMDOT has requested that Valencia County utilize all available funding sources at its discretion for County road improvements; and

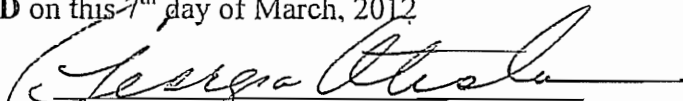
WHEREAS, it is to the benefit of the citizens of the County for the County Commission to upgrade its road system, and endorse an aggressive Road Improvement Program; and

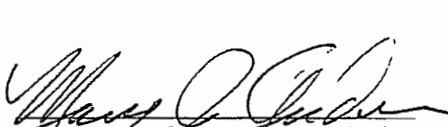
NOW THEREFORE, BE IT RESOLVED, by the governing body of Valencia County that:


1. The 2012-2013 **County Road Improvement Program** is of a high priority and is predicated off current needs and road conditions
2. The County resolves to utilize the state COOP, County Arterial Program; and School Bus Route agreement with NMDOT for FY 2012-13 to improve the roads listed on the attached estimates

PASSED, APPROVE AND ADOPTED on this 7th day of March, 2012

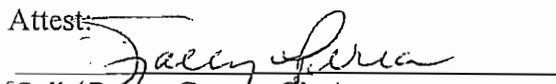

Donald E. Holliday, Chair


Georgia Otero- Kirkham, Vice Chair


Mary J. Andersen, Commissioner


Lawrence Romero, Commissioner


Ron Gentry, Commissioner

Attest: 
Sally Perera, County Clerk

(EXHIBIT C)

2012 CAP, SB COOP Requests

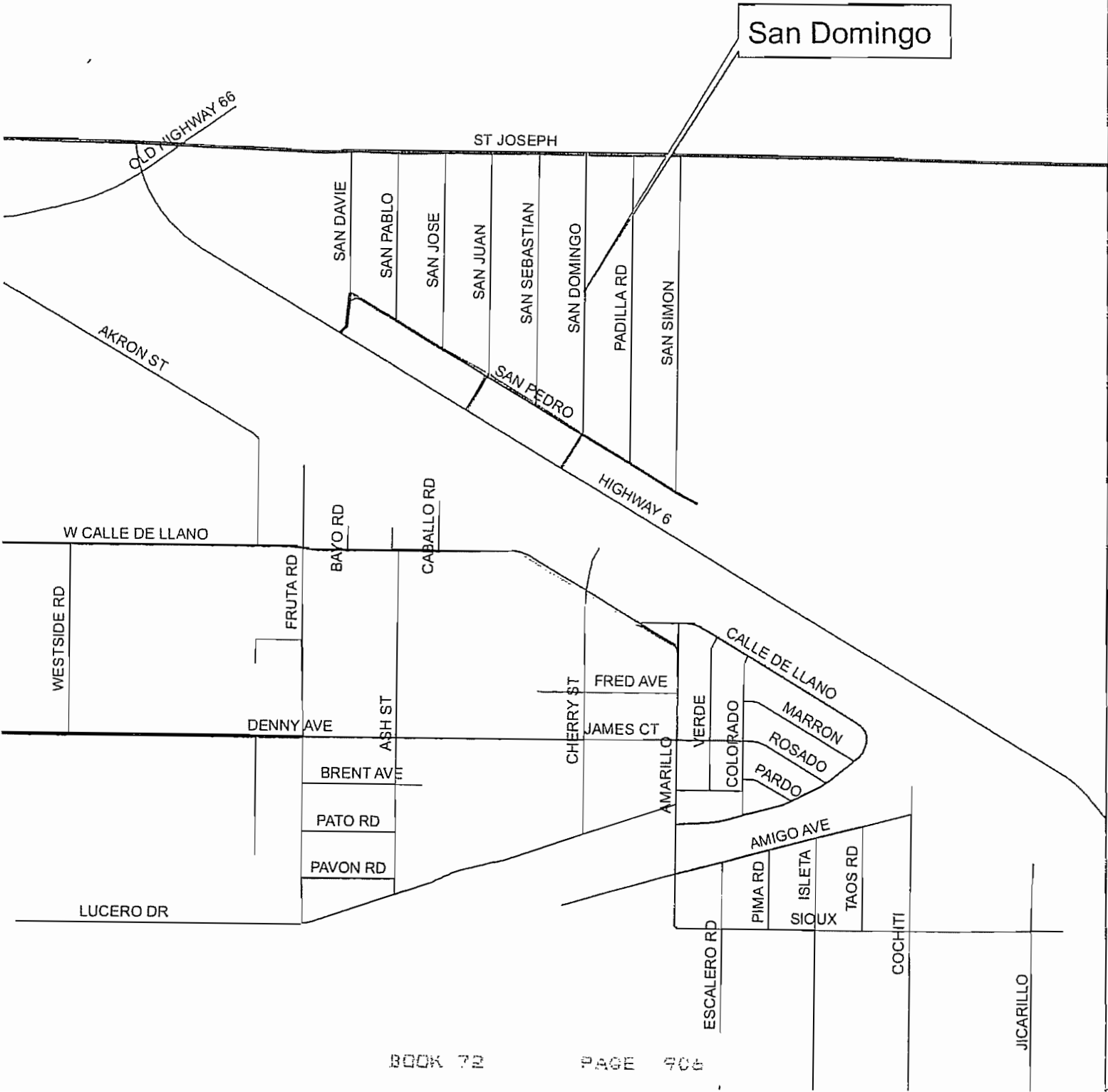
Dist.	Road Name	Scope of Work	CAP-3-12 (441)	SP-3-12 (935)	SB 7712 (967)12	
COMMISSION DISTRICT I						
1	SAN DOMINGO	2" PAVE	\$ 26,001.00	\$ 29,907.00	\$ 44,817.00	
1						
	TOTAL AMT REQUESTED		\$ 26,001.00	\$ 29,907.00	\$ 44,817.00	\$ 100,725.00
COMMISSION DISTRICT II						
2	BLOOM N SHINE	2" PAVE	\$26,001.00	\$29,907.00	\$44,817.00	
	TOTAL AMT REQUESTED		\$26,001.00	\$29,907.00	\$44,817.00	\$100,725.00
COMMISSION DISTRICT III						
3	FRAZEE	2" PAVE	\$26,001.00			
3	JAMES STREET	4" GRAVEL		\$22,907.00		
3	JUAN CHAVEZ Y BACA	4" GRAVEL		\$7,000.00		
3	JENSEN	4" GRAVEL			\$44,817.00	
	TOTAL AMT REQUESTED		\$26,001.00	\$29,907.00	\$44,817.00	\$100,725.00
COMMISSION DISTRICT IV						
4						
4						
4						
	TOTAL AMT REQUESTED					\$0.00
COMMISSION DISTRICT V						
5	LAUGHLIN	2" PAVE	\$20,000.00			
5	SAIS	2" PAVE		\$24,000.00		
5	PHILLIPS	2" PAVE			\$38,600.00	
5	VAISA ROAD	1.5" PAVE	\$6,001.00	\$ 5,907.00	\$ 6,217.00	
	TOTAL AMT REQUESTED		\$26,001.00	\$29,907.00	\$44,817.00	\$100,725.00
			CAP	SP	SB	TOTAL
CAP, COOP & SB		REQUESTED	\$104,004.00	\$119,628.00	\$179,268.00	\$402,900.00

2012 CAP, SB COOP Requests

Dist.	Road Name	Scope of Work	CAP-3-12 (441)	SP-3-12 (935)	SB 7712 (967)12	
COMMISSION DISTRICT I						
1	SAN DOMINGO	2" PAVE	\$ 26,001.00	\$ 29,907.00	\$ 44,817.00	
1						
	TOTAL AMT REQUESTED		\$ 26,001.00	\$ 29,907.00	\$ 44,817.00	\$ 100,725.00
COMMISSION DISTRICT II						
2	BLOOM N SHINE	2" PAVE	\$26,001.00	\$29,907.00	\$44,817.00	
	TOTAL AMT REQUESTED		\$26,001.00	\$29,907.00	\$44,817.00	\$100,725.00
COMMISSION DISTRICT III						
3	FRAZEE	2" PAVE	\$26,001.00			
3	JAMES STREET	4" GRAVEL		\$22,907.00		
3	JUAN CHAVEZ Y BACA	4" GRAVEL		\$7,000.00		
3	JENSEN	4" GRAVEL			\$44,817.00	
	TOTAL AMT REQUESTED		\$26,001.00	\$29,907.00	\$44,817.00	\$100,725.00
COMMISSION DISTRICT IV						
4	GUAPO	2" PAVE		\$29,907.00		
4	KAGHAAN	2" PAVE	\$26,001.00			
4	DAMON PLACE	2" PAVE			\$44,817.00	
	TOTAL AMT REQUESTED		\$26,001.00	\$29,907.00	\$44,817.00	\$100,725.00
COMMISSION DISTRICT V						
5	LAUGHLIN	2" PAVE	\$20,000.00			
5	SAIS	2" PAVE		\$24,000.00		
5	PHILLIPS	2" PAVE			\$38,600.00	
5	VAISA ROAD	1.5" PAVE	\$6,001.00	\$ 5,907.00	\$ 6,217.00	
	TOTAL AMT REQUESTED		\$26,001.00	\$29,907.00	\$44,817.00	\$100,725.00
			CAP	SP	SB	TOTAL
CAP, COOP & SB		REQUESTED	\$130,005.00	\$149,535.00	\$224,085.00	\$503,625.00

San Domingo
Commission District 1

San Domingo



2/29/2012

Project Estimate

Prepared by: Lina Benavidez

Contract No.

Comm.

Street:

San Domingo

to ditch

Prime/Tack Tons

6.28

Miles	Width (FT)	Length (FT)	SY
0.902	19	4762.56	10054

BID LOT 1

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
2	4-2	Non emergency mobilization and demoblization for small specialty repairs.	1.00	LUMP	\$ 302.87	\$ 302.87
4	4-2	Site Density Testing or Material Sample Collection	4.00	HR	\$ 54.92	\$ 219.68
5	4-2	Laboratory Evaluation of Material Sample	2.00	UNIT	\$ 340.09	\$ 680.18
57	4-7	SubGrade (InHouse)	0.00	TON	\$ 612.54	\$ -
43	4-6	2" B Res. w/ PG 70-22	10054.00	SY	\$ 9.29	\$ 93,401.66
109	4-12	Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control Devices.	1.00	DAY	\$ 310.85	\$ 310.85
Subtotal						

BID LOT 2

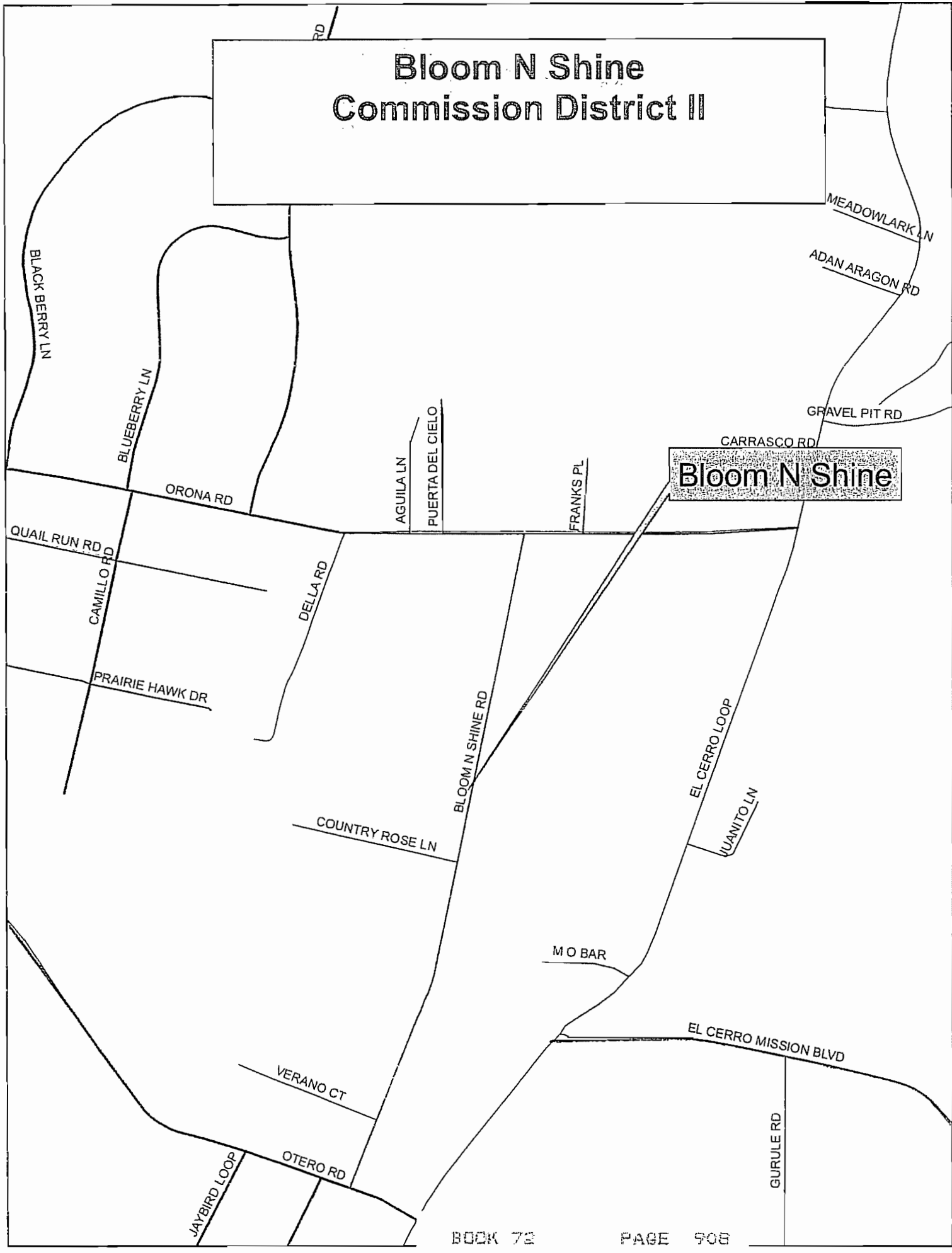
Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
					\$ -	\$ -
Subtotal						\$ -
Subtotal (Lot 1 + Lot 2)						\$94,915.24
Testing 2.75%						
Sum						\$ 94,915.24
NMGR						\$5,694.91
Total						\$100,610.15

Note: THIS IS AN ESTIMATE ONLY

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

Bloom N Shine
Commission District II

Bloom N Shine



2/27/2012

Project Estimate

Prepared by: Lina Benavidez
Contract No.
Comm. 2
Street: Bloom N Shine

Prime/Tack Tons
6.16

Miles	Width (FT)	Length (FT)	SY
0.884	19	4667.52	9854

BID LOT 1

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
2	4-2	Non emergency mobilization and demoblization for small specialty repairs.	1.00	LUMP	\$ 302.87	\$ 302.87
4	4-2	Site Density Testing or Material Sample Collection	6.00	HR	\$ 54.92	\$ 329.52
5	4-2	Laboratory Evaluation of Material Sample	6.00	UNIT	\$ 340.09	\$ 2,040.54
		Sub Grade Prep (InHouse)			\$ -	\$ -
43	4-6	2" B Res. w/ PG 70-22	9854.00	SY	\$ 9.29	\$ 91,543.66
109	4-12	Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control Devices.	1.00	DAY	\$ 310.85	\$ 310.85
Subtotal						

BID LOT 2

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

Subtotal (Lot 1 + Lot 2) \$94,527.44

Testing 2.75%
Sum \$ 94,527.44
NMGR T \$5,671.65
Total \$100,199.09

Note: THIS IS AN ESTIMATE ONLY

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

Frazee Road
Commission District III

Frazee

3/2/2012

Project Estimate

Prepared by: Lina Benavidez
Contract No.
Comm. 3
Street: Frazee

Prime/Tack Tons
1.58

Miles	Width (FT)	Length (FT)	SY
0.215	20	1135.2	2523

BID LOT 1

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
2	4-2	Non emergency mobilization and demobilization for small specialty repairs.	1.00	LUMP	\$ 302.87	\$ 302.87
4	4-2	Site Density Testing or Material Sample Collection	3.00	HR	\$ 54.92	\$ 164.76
5	4-2	Laboratory Evaluation of Material Sample	2.00	UNIT	\$ 340.09	\$ 680.18
		Sub Grade Prep (InHouse)			\$ -	\$ -
43	4-6	2" B Res. w/ PG 70-22 Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control	2532.00	SY	\$ 9.29	\$ 23,522.28
109	4-12	Devices.	1.00	DAY	\$ 310.85	\$ 310.85
Subtotal						

BID LOT 2

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

Subtotal (Lot 1 + Lot 2) \$24,980.94

Testing 2.75%
Sum \$ 24,980.94
NMGR \$1,498.86
Total \$26,479.80

Note: THIS IS AN ESTIMATE ONLY

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

James Street
Commissioner District III

Belen

S MESA RD

Belen

PERFECTO LN

CANNON RD

S MAIN ST

RACHEL LN

CHIRQUITO LN

BROWN DR

MICHAELANN CT

James Street

WEST MESA

CLOVIS DR

LIONS WAY

VISTA LARGA

EL PORTAL LOOP

PALOMAR PL

CALLE MANANA

ALEGRE PL

JAMES ST

GOLDEN DR

EL CIELO BLVD

LONESOME DOVE DR

ENTRANCE RAMP
EXIT RAMP

ABU CT

YUCCA PL

125

LAS PIEDRAS

3/2/2012

Project Estimate

Prepared by: Lina Benavidez

Prime/Tack Tons
6.60

Contract No.

Comm. 3

Street: James Street

Miles	Width (FT)	Length (FT)	SY
0.750	24	3960	10560

BID LOT 1

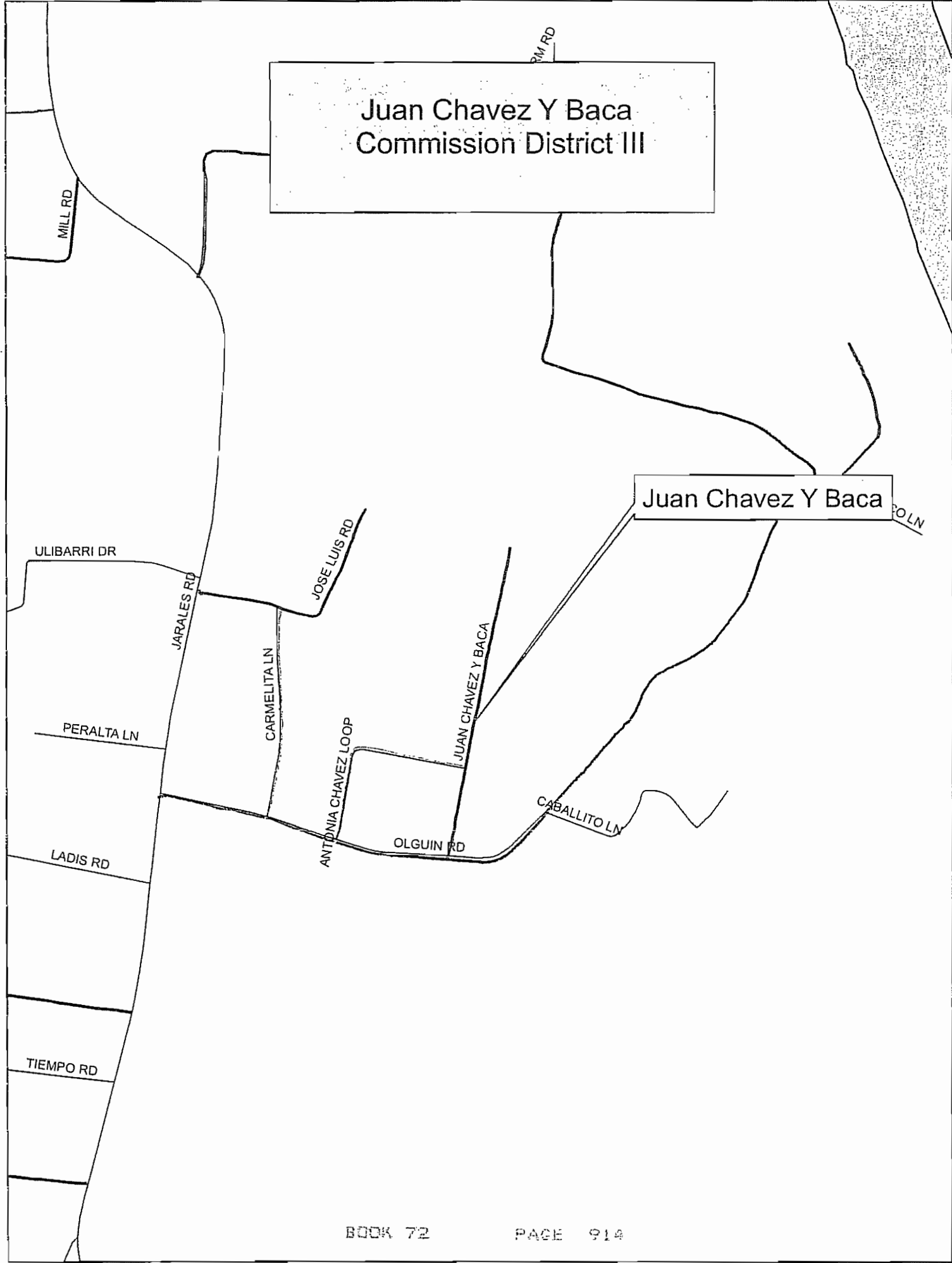
Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
		4" Gravel In House	2590.00	TONS	\$ 8.00	\$ 20,720.00
			3.00		\$ -	\$ -
			2.00		\$ -	\$ -
					\$ -	\$ -
			1995.00		\$ -	\$ -
			1.00		\$ -	\$ -
Subtotal						

BID LOT 2

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
					\$ -	\$ -
Subtotal						\$ -
Subtotal (Lot 1 + Lot 2)						\$20,720.00
Testing 2.75%						
Sum						\$ 20,720.00
NMGRT						\$1,243.20
Total						\$21,963.20

Note: THIS IS AN ESTIMATE ONLY

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



3/2/2012

Project Estimate

Prepared by: Lina Benavidez
Contract No.
Comm. 3
Street: Juan Chavez Y Baca

Prime/Tack Tons
2.70

Miles	Width (FT)	Length (FT)	SY
0.307	24	1620.96	4323

BID LOT 1

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
		4" Gravel In House	800.00	TONS	\$ 8.00	\$ 6,400.00
			3.00		\$ -	\$ -
			2.00		\$ -	\$ -
					\$ -	\$ -
			1995.00		\$ -	\$ -
			1.00		\$ -	\$ -
Subtotal						

BID LOT 2

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
					\$ -	\$ -
Subtotal						\$ -
Subtotal (Lot 1 + Lot 2)						\$6,400.00
Testing 2.75%						
Sum						\$ 6,400.00
NMGRT						\$384.00
Total						\$6,784.00

Note: THIS IS AN ESTIMATE ONLY

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

Jensen Lane
Commission District III

MARBLE QUARRY RD

TAYA RD

OGAZ RD

VIC LN

CAMPANADA RD

CORAZON RD

Jesen Lane

CHERYL LN

JENSEN LN

CLAUDINE DR

TWINING LN

PLAZA CT

RUBIO RD

BUNKER RD

GARCIA RD

LAS PIEDRAS

TINA RD

WESTWIND RD

HINSON RD

HARRISON RD

CHARIN LN

OAK TREE RD

3/2/2012

Project Estimate

Prepared by: Lina Benavidez
Contract No.
Comm. 3
Street: Jensen

Prime/Tack Tons
17.69

Miles	Width (FT)	Length (FT)	SY
2.010	24	10612.8	28301

BID LOT 1

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
		4" Gravel In House	5000.00	TONS	\$ 8.00	\$ 40,000.00
			3.00		\$ -	\$ -
			2.00		\$ -	\$ -
					\$ -	\$ -
			1995.00		\$ -	\$ -
			1.00		\$ -	\$ -
Subtotal						

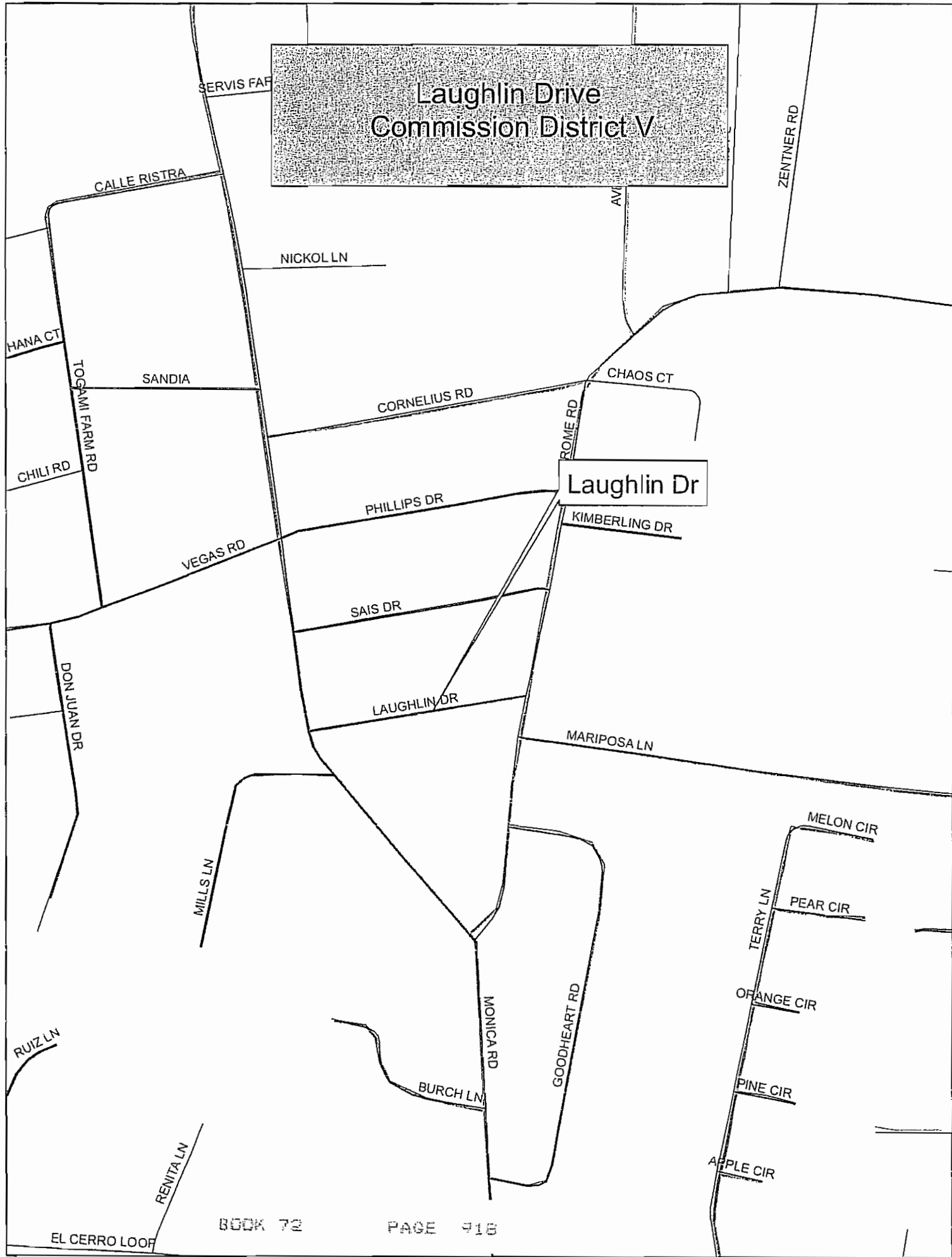
BID LOT 2

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
					\$ -	\$ -
Subtotal						\$ -
Subtotal (Lot 1 + Lot 2)						\$40,000.00

Testing 2.75%	
Sum	\$ 40,000.00
NMGRT	\$2,400.00
Total	\$42,400.00

Note: THIS IS AN ESTIMATE ONLY

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



3/1/2012

Project Estimate

Prepared by: Lina Benavidez

Contract No.

Comm. 5

Street: Laughlin Drive

Prime/Tack Tons

1.25

Miles	Width (FT)	Length (FT)	SY
0.170	20	897.6	1995

BID LOT 1

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
2	4-2	Non emergency mobilization and demoblization for small specialty repairs.	1.00	LUMP	\$ 302.87	\$ 302.87
4	4-2	Site Density Testing or Material Sample Collection	3.00	HR	\$ 54.92	\$ 164.76
5	4-2	Laboratory Evaluation of Material Sample	2.00	UNIT	\$ 340.09	\$ 680.18
		Sub Grade Prep (InHouse)			\$ -	\$ -
43	4-6	2" B Res. w/ PG 70-22	1995.00	SY	\$ 9.29	\$ 18,533.55
109	4-12	Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control Devices.	1.00	DAY	\$ 310.85	\$ 310.85
Subtotal						

BID LOT 2

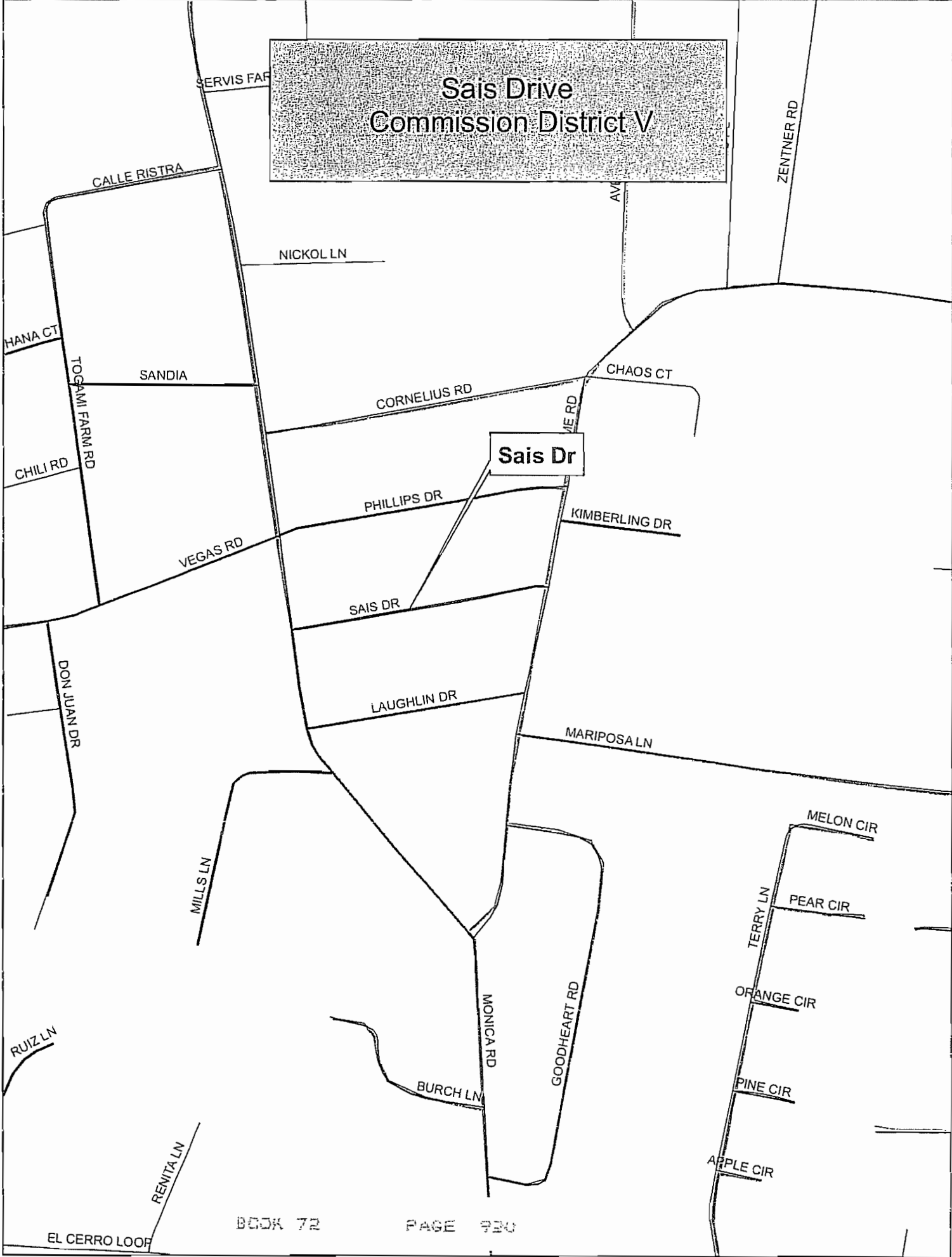
Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
					\$ -	\$ -
Subtotal						\$ -

Subtotal (Lot 1 + Lot 2) \$19,992.21

Testing 2.75%	
Sum	\$ 19,992.21
NMGRT	\$1,199.53
Total	\$21,191.74

Note: THIS IS AN ESTIMATE ONLY

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



3/1/2012

Project Estimate

Prepared by: Lina Benavidez
Contract No.
Comm. 5
Street: Sais Drive

Prime/Tack Tons
1.40

Miles	Width (FT)	Length (FT)	SY
0.191	20	1008.48	2241

BID LOT 1

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
2	4-2	Non emergency mobilization and demoblization for small specialty repairs.	1.00	LUMP	\$ 302.87	\$ 302.87
4	4-2	Site Density Testing or Material Sample Collection	3.00	HR	\$ 54.92	\$ 164.76
5	4-2	Laboratory Evaluation of Material Sample	3.00	UNIT	\$ 340.09	\$ 1,020.27
		Sub Grade Prep (InHouse)			\$ -	\$ -
43	4-6	2" B Res. w/ PG 70-22	2241.00	SY	\$ 9.29	\$ 20,818.89
109	4-12	Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control Devices.	1.00	DAY	\$ 310.85	\$ 310.85
Subtotal						

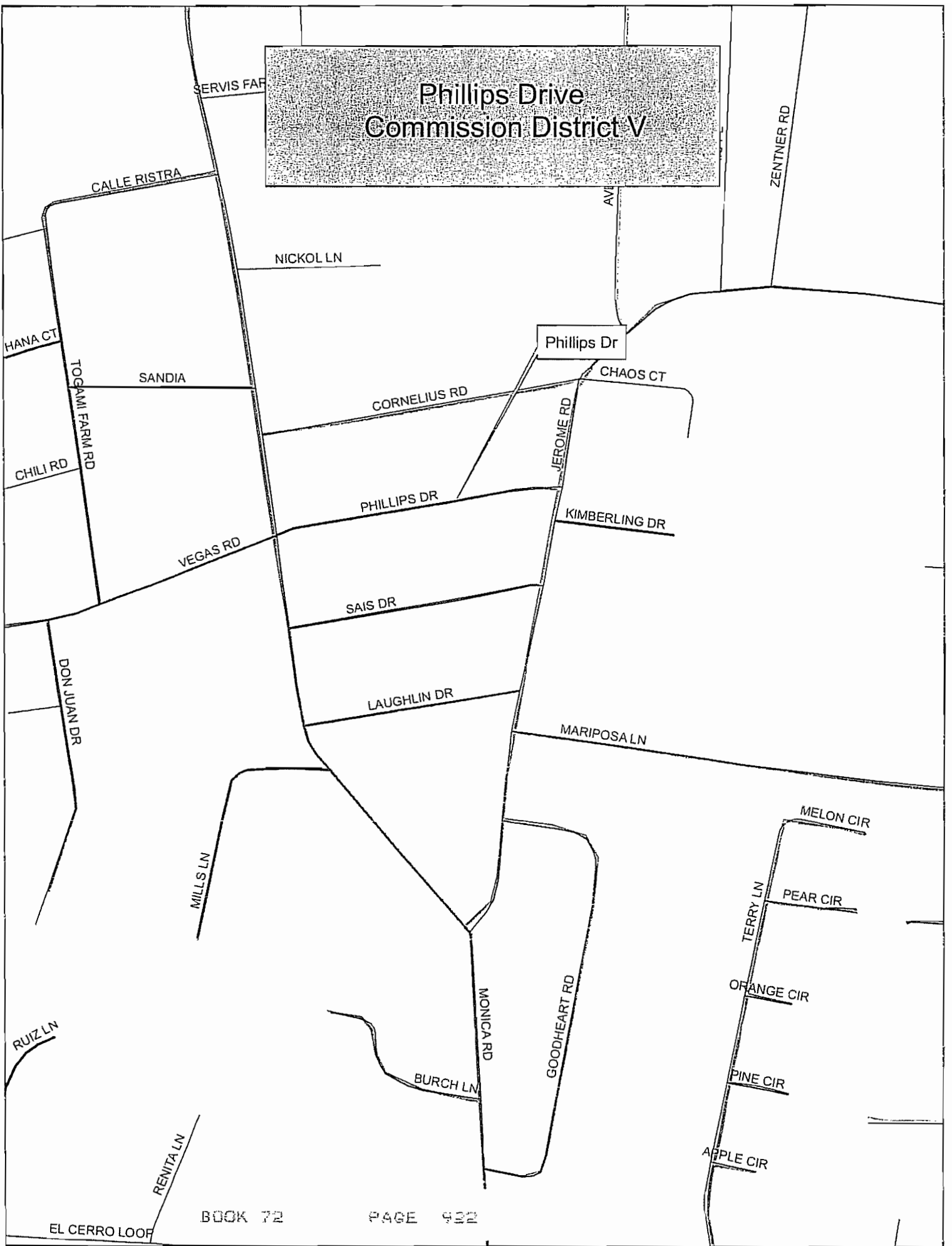
BID LOT 2

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
					\$ -	\$ -
Subtotal						\$ -
Subtotal (Lot 1 + Lot 2)						\$22,617.64
Testing 2.75%						
Sum						\$ 22,617.64
NMGRT						\$1,357.06
Total						\$23,974.70

Note: THIS IS AN ESTIMATE ONLY

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

Phillips Drive
Commission District V



3/1/2012

Project Estimate

Prepared by: Lina Benavidez
Contract No.
Comm. 5
Street: Phillips Drive

Prime/Tack Tons
1.57

Miles	Width (FT)	Length (FT)	SY
0.214	20	1129.92	2511

BID LOT 1

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
2	4-2	Non emergency mobilization and demoblization for small specialty repairs.	1.00	LUMP	\$ 302.87	\$ 302.87
4	4-2	Site Density Testing or Material Sample Collection	2.00	HR	\$ 54.92	\$ 109.84
5	4-2	Laboratory Evaluation of Material Sample	2.00	UNIT	\$ 340.09	\$ 680.18
		Sub Grade Prep (InHouse)			\$ -	\$ -
45	4-6	3" B Res. w/PG 70-22	2511.00	SY	\$ 13.93	\$ 34,978.23
		Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control				
109	4-12	Devices.	1.00	DAY	\$ 310.85	\$ 310.85
Subtotal						

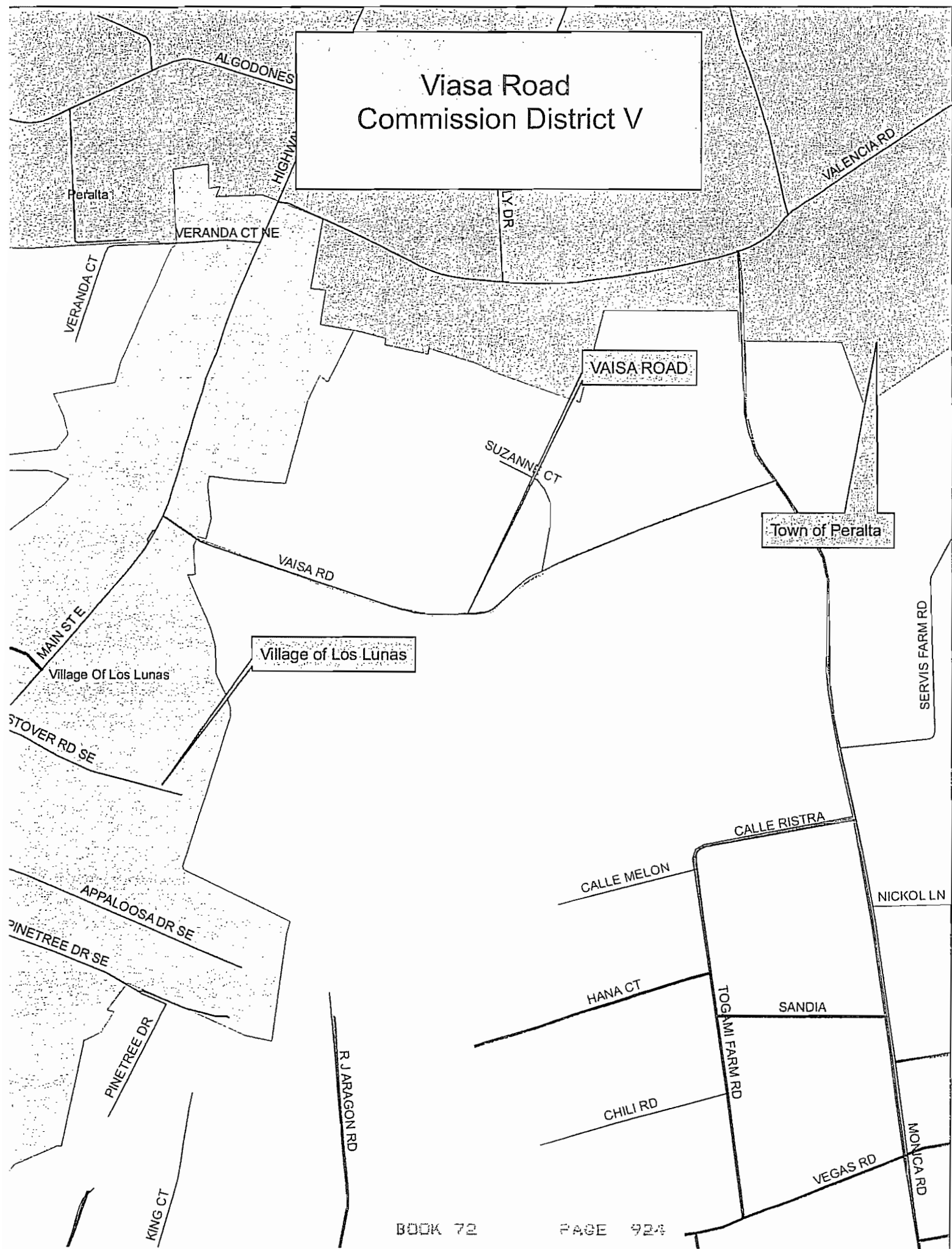
BID LOT 2

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
					\$ -	\$ -
Subtotal						\$ -
Subtotal (Lot 1 + Lot 2)						\$36,381.97
Testing 2.75%						
Sum						\$ 36,381.97
NMGRT						\$2,182.92
Total						\$38,564.89

Note: THIS IS AN ESTIMATE ONLY

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

Viasa Road
Commission District V



3/1/2012

Project Estimate

Prepared by: Lina Benavidez

Prime/Tack Tons

Contract No.

1.39

Comm. 5

Street:	Vaia Road	Miles	Width (FT)	Length (FT)	SY
		0.200	19	1056	2229

BID LOT 1

Item No.	Page No.	Description	Quantity	Unit	Unit Price	Total
2	4-2	Non emergency mobilization and demoblization for small specialty repairs.	1.00	LUMP	\$ 302.87	\$ 302.87
4	4-2	Site Density Testing or Material Sample Collection	2.00	HR	\$ 54.92	\$ 109.84
5	4-2	Laboratory Evaluation of Material Sample	1.00	UNIT	\$ 340.09	\$ 340.09
57	4-7	Tack Coat	1.39	TON	\$ 612.54	\$ 851.43
41	4-6	1.5" B Res. w/PG 70-22	2229.00	SY	\$ 6.97	\$ 15,536.13
109	4-12	Traffic control per day (24 hour period). Must comply with the most current edition of the Manual on Uniform Traffic Control Devices.	1.00	DAY	\$ 310.85	\$ 310.85
Subtotal						

BID LOT 2

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

Subtotal (Lot 1 + Lot 2) \$17,451.21

Testing 2.75%	
Sum	\$ 17,451.21
NMGRT	\$1,047.07
Total	\$18,498.28

Note: THIS IS AN ESTIMATE ONLY

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

A RESOLUTION AUTHORIZATION

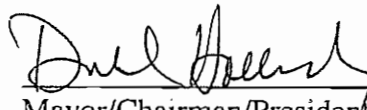
WHEREAS, Valencia County has determined that there is a need to provide services for senior citizens; and

WHEREAS, Valencia County Senior Citizens were afforded an opportunity to submit suggestions and recommendations at advertised public hearings;

NOW THEREFORE BE IT RESOLVED BY _____ that
_____ and _____* is authorized to sign and enter into a contract for the approved Four Year Plan (2012-2016).

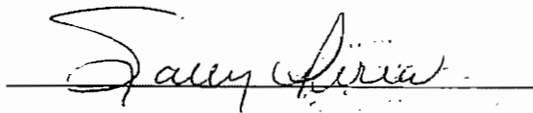
ADOPTED THIS 7th DAY OF March, 2012.

City Council/County Commission/Board President



Mayor/Chairman/President

Attest:



*Authorizes submission of the area plan and provides authority to the director to sign off on all legal documents relating to contractual obligations with Non-Metro Area Agency on Aging.

(EXHIBIT E)

BOOK 72

PAGE 926

APPLICATION FOR LAW ENFORCEMENT PROTECTION FUNDS
FOR CLASS 2 MUNICIPALITIES AND COUNTIES
PURSUANT TO CHAPTER 29, ARTICLE 13 NMSA 1978
FOR THE JULY 1, 2012 - JUNE 30, 2013 FISCAL YEAR

I. Municipality or County: Valencia County

II. Computation of Proposed Distribution:

A. Class 2 (Population per 2010 Census = 20,001 to 160,000) \$30,000

B. Total Number of Full-Time Certified Police Officers
or Sheriff Deputies (*) multiplied by \$600: \$24,000

40 X \$600 =

(*) Each officer or Deputy must be certified by the New Mexico Law Enforcement Academy pursuant to Section 29-7-8 NMSA or authorized as a New Mexico peace Officer pursuant to Section 29-1-11 NMSA. Certification status must be current on the registry at the Law Enforcement Academy


C. Total Proposed Distribution** (A + B) \$54,000

III. Amounts distributed from the Law Enforcement Protection Fund must be expended only for the purposes allowed by Section 29-13-7 NMSA 1978. Please itemize the proposed use of these funds below:

A.	Repair and purchase of law enforcement apparatus and equipment which meet minimum nationally recognized standards. (Please Note: regular maintenance on vehicles and police equipment; office furniture and supplies; or operating expenses are not allowable expenses) Rule 2 NMAC 110.3	\$ 40,000
B.	Expenses associated with advanced law enforcement planning and training.	\$ 14,000
C.	Complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs.	- 0 -
D.	New Mexico Finance Authority Intercept Agreement.	- 0 -
E.	TOTAL ESTIMATED EXPENDITURES** (must equal total distribution)	\$ 54,000

** Total Estimated Expenditures from Section III must equal the amount of Total Proposed Distribution in Section II.

IV. CERTIFICATION: Under penalty of law, we hereby certify that to the best of our knowledge and belief, the information contained in this application is correct, and that all expenditures of Law Enforcement Protection Fund monies will be made in accordance with Sections 29-13-7 and 29-13-9 NMSA 1978 as well as Rule 2 NMAC 110.3.


Mayor/Chairman

Police Chief or Sheriff

Date

(EXHIBIT D)

Municipality/County: Valencia CountyContact Person: Adnenne Kozacek
Phone Number: 505-866-2400

APPLICATION FOR LAW ENFORCEMENT PROTECTION FUNDS
FOR MUNICIPALITIES AND COUNTIES
PURSUANT TO CHAPTER 29, ARTICLE 13 NMSA 1978
FOR THE JULY 1, 2012 - JUNE 30, 2013 FISCAL YEAR

SUPPLEMENTAL SCHEDULE

Instructions. List the name, certificate number, and date of certification of all full-time police officers and sheriff deputies certified by the New Mexico Law Enforcement Academy pursuant to Section 29-7-8 NMSA 1978 or authorized to act as a New Mexico peace officer pursuant to Section 29-1-11 NMSA 1978. Please photocopy this form if additional space is needed.

Name of Full-Time Certified Police Officers and Sheriff Deputies	Certificate Number	Cert. Date
1) Micah Bogue	08-0156-P	7/2/08
2) Louis Burkhard	82-0126-P	5/1982
3) John N. Carter	96-0184-P	6/21/96
4) Bobby Chavez	Cadet	
5) Pedro Chavez	05-0052-P	5/19/05
6) Donald Derrick	97-0205-P	6/16/97
7) George Diesel	08-0345-P	12/23/08
8) Nick Dimas	05-0045-P	5/13/05
9) Donald Donges	83-0312-P	2/1/96
10) Curtis Espinoza	07-0132-P	8/10/07
11) Paul Gallegos	93-0093-P	1993
12) Desiderio Garcia	11-0268-P	11/10/11
13) Candi Gebler	Cadet	
14) John Giron	05-0109-P	6/30/05
15) John Gordon	93-0246-P	10/22/93
16) Gary Hall	81-0281-P	8/28/81
17) Stephen Hall	08-0133-P	7/2/08
18) James Harris	00-0104-P	6/15/00
19) Abe Henson	02-0181-P	8/22/02
20) David Hill	05-0138-P	7/1/05
21) Brenda Ituralde-Alderete	Cadet	
22) Rod Johnson	79-0230-P	

NOTE: Please use name that has been reported to The Department of Public Safety (DPS), e.g. if female officer has married/divorced and has changed last name and has not been reported to DPS.

Municipality/County Valencia County Contact Person: Adrienne Kozacek
Phone Number: 505-866-2400

APPLICATION FOR LAW ENFORCEMENT PROTECTION FUNDS
FOR MUNICIPALITIES AND COUNTIES
PURSUANT TO CHAPTER 29, ARTICLE 13 NMSA 1978
FOR THE JULY 1, 2012 - JUNE 30, 2013 FISCAL YEAR

SUPPLEMENTAL SCHEDULE

Instructions List the name, certificate number, and date of certification of all full-time police officers and sheriff deputies certified by the New Mexico Law Enforcement Academy pursuant to Section 29-7-8 NMSA 1978 or authorized to act as a New Mexico peace officer pursuant to Section 29-1-11 NMSA 1978. Please photocopy this form if additional space is needed.

Name of Full-Time Certified Police Officers and Sheriff Deputies	Certificate Number	Cert. Date
1) Clyde Joseph	96-0132-P	5/31/96
2) North Kanyuck	09-0009-P	1/30/09
3) Alejandro Lara	09-0122-P	7/10/09
4) Sean Laurson	Cadet	
5) Dominic Lopez	08-0261-P	10/3/08
6) Jennifer Martin	11-0167-P	8/19/11
7) Joseph Martinez	01-0054-P	5/26/11
8) Simon Martinez	98-0153-P	5/8/98
9) Alan Montano	04-0102-P	5/19/04
10) Lawrence Montano	97-0095-P	3/6/97
11) Stanley Montano	10-0030-P	2/3/10
12) Jeff Noah	96-0273-P	11/13/96
13) Mario Romero	04-0298-P	12/10/04
14) Prescilla Ruiz	11-0289-P	11/10/11
15) James Sanchez	04-0340-P	12/21/04
16) Fred Torres	01-0070-P	5/14/01
17) Jorge Trujillo	76-3054-P	5/7/76
18) Pete Weh	97-0069-P	2/7/97
19)		
20)		
21)		
22)		

NOTE: Please use name that has been reported to The Department of Public Safety (DPS), e.g. if female officer has married/divorced and has changed last name and has not been reported to DPS.

**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION**

Sally Perea

The attached computer printout lists all the checks issued by the Manager's Office on February 15, 2012 covering vendor bills processed on the above date.
Check # 112121 to 112244 inclusive, for the total of \$317,665.76.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

Recommended:

Christina Canal

Director of Finance

Done this 7th day of March, 2012.

VALENCIA COUNTY BOARD OF COMMISSIONERS

Donald E. Holliday

Donald E. Holliday, Chair

Lawrence R. Romero

Lawrence R. Romero, Commissioner

Ron Gentry

Ron Gentry, Commissioner

Ron Gentry

Ron Gentry, Commissioner

Georgia Otero-Kirkham

Georgia Otero-Kirkham, Vice-Chair

Mary J. Andersen

Mary J. Andersen, Commissioner

ATTEST:

Sally Perea

Sally Perea, County Clerk

(EXHIBIT G)

**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION**

Sally Perea

The attached computer printout lists all the checks issued by the Manager's Office on February 22, 2012 covering vendor bills processed on the above date.
Check # 112245 to 112335 inclusive, for the total of \$210,110.71.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

Recommended:

Christina Cond

Finance Administrator

Done this 7th day of March, 2012.

VALENCIA COUNTY BOARD OF COMMISSIONERS

Donald E. Holliday

Donald E. Holliday, Chair

Lawrence R. Romero

Lawrence R. Romero, Commissioner

Ron Gentry

Ron Gentry, Commissioner

Georgia Otero-Kirkham

Georgia Otero-Kirkham, Vice-Chair

Mary J. Andersen

Mary J. Andersen, Commissioner

ATTEST:

Sally Perea

Sally Perea, County Clerk

(EXHIBIT H)

Sally Perea

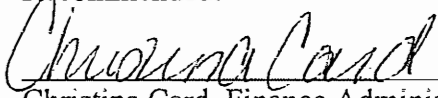
**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
PAYROLL AUTHORIZATION**

The attached computer printout lists all checks issued by the Managers Office on
February 24, 2012 covering payroll process on the above date.
Direct Deposit Check 24033 thru direct deposit check# 24229 inclusive.
Deduction Check# 112115 thru deduction check# 112368 inclusive.
Payroll Check # 91948 thru payroll check # 92018 inclusive.
Listing total \$ 363.134.70
All have been reviewed for:

1. Appropriate documentation and approvals
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

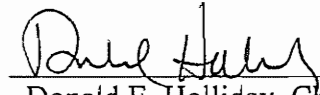
In recognition of the above, the Manager's Office request this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

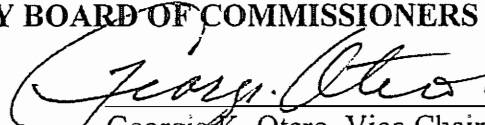
Recommended:

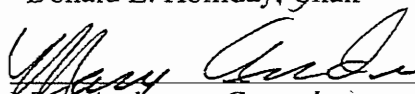

Christina Card, Finance Administrator

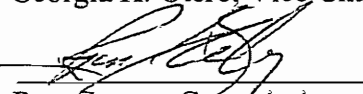
Done this 7th day of March, 2012

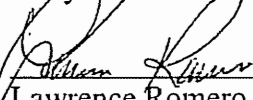
VALENCIA COUNTY BOARD OF COMMISSIONERS


Donald E. Holliday, Chair

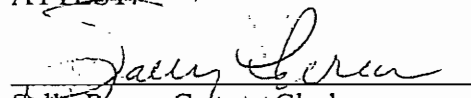

Georgia K. Otero, Vice Chair


Mary Andersen, Commissioner


Ron Gentry, Commissioner


Lawrence Romero, Commissioner

ATTEST:


Sally Perea, County Clerk

(EXHIBIT I)

VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION

Sally Perea

The attached computer printout lists all the checks issued by the Manager's Office on February 29, 2012 covering vendor bills processed on the above date.

Check # 112369 to 112452 inclusive, for the total of \$127,322.00.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

Recommended:

Christina Card

Director of Finance

Done this 7th day of March, 2012.

VALENCIA COUNTY BOARD OF COMMISSIONERS

Donald E. Holliday

Donald E. Holliday, Chair

Lawrence R. Romero

Lawrence R. Romero, Commissioner

Ron Gentry

Ron Gentry, Commissioner

Georgia Otero-Kirkham

Georgia Otero-Kirkham, Vice-Chair

Mary J. Andersen

Mary J. Andersen, Commissioner

ATTEST:

Sally Perea

Sally Perea, County Clerk (EXHIBIT J)