

Gerard Saiz, Chair, District I • Jhonathan Aragon, Vice-Chair, District V •
Troy Richardson, District II • David A. Hyder, District III • Joseph Bizzell, District IV
Danny Monette, County Manager



County Commissioners

February 3, 2021

Agenda

5:00 P.M.

Business Meeting

Valencia County Commission Chambers

444 Luna Ave.

Los Lunas, NM 87031

Please Silence all Electronic Devices

DUE TO THE NATIONAL, STATE AND COUNTY COVID-19 DECLARED EMERGENCY AND PUBLIC HEALTH ORDER DATED DECEMBER 30, 2020 LIMITING GATHERINGS TO LESS THAN 5 PERSONS THE MEETING WILL NOT BE PHYSICALLY OPEN TO THE PUBLIC. ALL MEMBERS OF THE PUBLIC WILL BE ABLE TO ATTEND AND LISTEN TO THE MEETING VIA FACEBOOK LIVE AT THE FOLLOWING LINK: <https://www.facebook.com/VCAAdminandGov/>

- 1) Call Meeting to Order
 - 2) Pledge of Allegiance
 - 3) Approval of Agenda
 - 4) Approval of Minutes
- (December 16, 2020 Public/Business Meeting)*
(December 23, 2020 Special Business Meeting)
(January 6, 2021 Reorganizational Meeting)

Sponsorship does not indicate endorsement of a given topic

PUBLIC COMMENT

Public comment may be made via email and will be entered and/or read into the meeting minutes (if less than 3 minutes) by emailing comments to: angie.womack@co.valencia.nm.us The Deadline for written public comments to be received is Wednesday, February 3, 2021 at 3:00 PM. Emailed public comment must contain the author's name and physical address.

DISCUSSION (non-action item(s))

5) Commissioners, Committees and Reports

- January 2021 Employee of the Month. Presenter: **Human Resources Director, Orlando Montoya**
- 2020 Employee of the Year: Presenter: **Human Resources Director, Orlando Montoya**

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 Administration Building, 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.

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PRESENTATION

- 6) Presentation of Health Security for NM Campaign and Update on the New Mexico Health Security Act.
Presenter: **Dr. Dana Schultz Millen**
- 7) Comprehensive Plan update with Bohannon Huston. Presenter: **Aaron Sussman**
- 8) Community Wellness Council Presentation. Presenter: **Judge Noelle Chavez**

ACTION ITEM(S)

- 9) Approval of Recognition and Recording of Accounts Payable and Payroll Disbursements. Presenter: **Finance Director Loretta Trujillo**; Sponsor: **County Manager for Regular County Business**
- 10) Consideration and Approval of MOU with the BLM Regarding SunZia Southwest Transmission Project.
Presenter: **County Attorney, Adren Nance**; Sponsor: **County Manager**
- 11) Approval of Resolution 2021-____: A Resolution in Support of an All-Inclusive 36% APR CAP on Storefront Loan Companies in New Mexico. Presenter: **County Manager, Danny Monette**; Sponsor, **Chairman, Gerard Saiz**
- 12) Approval of Resolution 2021-____: Opposing House Bill 4, Creating a New Cause of Action Against Public Bodies and Demanding That Any Legislator Who Will Profit from the Legislation Recuse Themselves from the Vote. Presenter: **County Attorney, Adren Nance**; Sponsor: **County Manager**
- 13) Direction to Staff and Update of County Fire/Law Enforcement Radio Communication Upgrade.
Presenters: Interim **Chief Casey Davis and Undersheriff Mark Kmatz**. Sponsor: **Commissioner, David A. Hyder**
- 14) Finding of Fact: Zone Change #2020-049 (District I, Commissioner Aguilar) Stan Herrera requests a Zone Change from Rural Residential 2 (RR-2) to Rural Residential 1 (RR-1) to split into two one acre lots. The property at Tract 45B2B2A1A1A2, Section 27, Township 7N, Range 2E, MRGCD Map 72 NMPM, 2.00 ac; also known as 490 Calle de Wences, Zoned Rural Residential 2 (RR-2), Filed in Book 11, Page 18 in the Office of the Valencia County Clerk. Presenter: **County Planner, Gabe Luna**; Sponsor: **Per Valencia County Code of Ordinances Section §154 et seq.**

EXECUTIVE SESSION

Pursuant to Section 10-15-1 (H) the following matters may be discussed in closed session:

- a. pending or threatened litigation 10-15-1 (H) (7)
 - i. **Belen Schools v. Valencia County**
- b. other specific limited topics that are allowed or authorized under the stated statute;
- c. real property
 - 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

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*Gerard Saiz, Chair, District I ◻ Jhonathan Aragon, Vice-Chair, District V ◻
Troy Richardson, District II ◻ David A. Hyder, District III ◻ Joseph Bizzell, District IV
Danny Monette, County Manager*

- 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 MEETINGS

**February 17, 2021 – Public Hearing/Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**March 3, 2021 – Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

ADJOURN

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VALENCIA COUNTY BOARD OF COMMISSIONERS

BUSINESS MEETING

FEBRUARY 3, 2021

PRESENT	ABSENT
Gerard Saiz, Chairman	
Jhonathan Aragon, Vice-Chair	
David A. Hyder, Member	Via zoom
Troy Richardson, Member	
Joseph Bizzell, Member	
Danny Monette, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Mike Milam, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Saiz at 5:02 P.M.

2) Interim Fire Chief Casey Davis led the Pledge of Allegiance.

3) Approval of Agenda

Mr. Monette requested that items #9 and #14 be tabled.

Commissioner Aragon moved for approval of the amended agenda. Seconded by Commissioner Bizzell. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0.

4) Approval of Minutes: December 16, 2020- Public Hearing/Business Meeting
December 23, 2020- Special Business Meeting
January 6, 2021- Reorganizational Meeting

Commissioner Bizzell moved for approval of the 3 sets of minutes presented. Seconded by Commissioner Richardson. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0.

PUBLIC COMMENT:

Mr. Monette read public comment submitted by Raymond Herrera via email.

Mr. Herrera with Creative Design Builders thanked Jeremias Silva and Joshua Zuni for their patience, professionalism and assistance they offered during his process of applying for grant assistance. (See Exhibit A)

DISCUSSION (NON-ACTION) ITEM(S):

5) Commissioners, Committees and Reports.

Commissioner Bizzell encouraged everyone to fill out the comprehensive plan survey that is now available online. The county has several job openings and Ms. Womack has been posting them online via Facebook. The hospital legislation that the commission approved in December now has a house bill, HB 240. He encouraged everyone to reach out to the legislators and ask them to vote yes and approve the bill.

Mr. Pato thanked the commission for their assistance in preparing the draft legislation for HB 240. He also thanked Representative Fajardo for her assistance as well as the prospective offerors for their feedback regarding the draft legislation, HB 240 helps to clarify that the mill levy funding can be used to support a hospital/24-hour emergency facility or a remote location of an existing hospital. The bill has been assigned to one committee but there is not a date set for when it will be presented.

Interim Fire Chief Casey Davis and Emergency Manager Sarah Gillen gave an update on the COVID vaccine in Valencia County. Currently 4,976 vaccines have been given in Valencia County, which is 6.60% of the population. There are 3 clinics being held weekly, on Monday 650 vaccine doses were received and yesterday at the LLHS drive thru clinic 327 vaccines were administered. Ms. Gillen expressed her thanks to all the departments and entities that have come together to make these vaccination clinics possible. Commissioner Bizzell asked how many first responders, police, and fire department personnel have received the vaccine. Ms. Gillen replied that 713 first responders

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received the vaccine in Phase 1A the rest will receive it in Phase 1B. Ms. Gillen stated that last week Ms. Gonzales notified her that Aging and Long-Term Services wanted to hold a vaccine clinic at the Belen Senior Center, after discussion with the coalition team it was decided that holding a vaccination clinic to administer the 413 doses would not be conducive to safety and logistics. Mr. Monette stated that the clinic would not work because other clinics were already scheduled around that timeframe, also the event would not be sanctioned by the DOH so the vaccine doses would not be recorded with the state so that raised some red flags as well. Chief Davis stated that the vaccines that the county has been administering have been the Pfizer vaccines and the vaccines that the pharmacist was going to provide for the event were Moderna. He stated that they did not want any chance of an individual being administered 2 different vaccines since the clinic would not be tracked by the state. Overall it would not have been a safe situation for the clinic to be held.

2020 Employee of the Year: Presenter: *Human Resources Director, Orlando Montoya*

Mr. Montoya announced Jeremias Silva as the county's employee of the year. He stated that Mr. Silva has tackled everything that has been handed to him. Mr. Monette stated that Mr. Silva has never turned down a project or idea, he is consistent and is aware of all the contracts, grants, and state appropriations. Mr. Silva thanked god for allowing him to work with such a great group of people, he thanked the directors, elected officials as well as Ms. Benavidez and Ms. Trujillo for providing him the resources to get his job done. He also thanked his co-worker Joshua Zuni. Ms. Benavidez thanked Mr. Silva for his dedication, commitment and passion. She stated that he is a great team player and he works for the county as a whole and she is proud to have him as part of her department. Chairman Saiz, Commissioner Aragon and Commissioner Bizzell each thanked Mr. Silva for his hard work and dedication.

January 2021 Employee of the Month. Presenter: *Human Resources Director, Orlando Montoya*

Mr. Montoya introduced Code Enforcement Officer Jessie Anchondo as the January employee of the month. Community Development Director Ms. Gonzales stated that Jessie does a great job and is a joy to work with, there is never a job too big or too small for him. Mr. Anchondo stated that it is an honor to receive this award and the county is a great place to work.

Commissioner Hyder requested an update on code violations and business permits for the next meeting. He asked if there was an update on the hospital feasibility study and if UWS had established a local office yet, also if anyone has heard about the recycling program that UWS had said they would offer.

Commissioner Saiz stated that regarding the hospital feasibility study the county is waiting to see if they are going to receive any capital outlay funding for the study. The county can hold off signing the contract for the study until March.

Mr. Monette stated that UWS had placed an offer on the land he had toured with them the first time, but the seller refused the offer so UWS purchased the land next to it and is in the process of remodeling it, the office is currently 90% ready. He stated that he will follow up with UWS about the recycling program.

PRESENTATION(S):

6) Presentation of Health Security for NM Campaign and Update on the New Mexico Health Security Act. Presenter: *Dr. Dana Schultz Millen*

Dr. Dana Millen who is the Education and Outreach Coordinator for the Health Security for New Mexicans campaign gave a brief overview of what the New Mexico Health Security Plan is, who will be covered by the plan and how the plan will be paid for. Dr. Rick Madden, a local physician also spoke in support of the New Mexico Health Security Plan.

7) Comprehensive Plan update with Bohannon Huston. Presenter: *Aaron Sussman*

Ms. Gonzales stated that there is a live website now available for the public to access a survey for the comprehensive plan; also workshops for the public are being lined up. Mr. Aaron Sussman, who is a planner with Bohannon Huston Consulting Firm gave a presentation regarding what a comprehensive plan is and why a comprehensive plan is important. He also shared staff feedback from a workshop that was held back in December. Mr. Sussman stated that the project website is now live, and the public can access a survey on the website until April 15th. The survey will allow for the public to

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express their concerns and priorities regarding the plan. Mr. Sussman stated that the timeline for the project will allow for a completed comprehensive plan by Fall 2021.

8) Community Wellness Council Presentation. Presenter: Judge Noelle Chavez

Noelle Chavez gave a brief presentation about 100% Community. 100% Community is an initiative that believes that having 10 key task forces in the community can decrease child abuse and neglect in that community. Currently 5 of the 10 taskforces are up and running in Valencia County. Ms. Chavez also mentioned that the Core Team for 100% Community is still looking for individuals to join and be a part of heading the additional 5 taskforces.

(See Exhibit B)

ACTION ITEM(S):

9) Approval of Recognition and Recording of Accounts Payable and Payroll

Disbursements. Presenter: Finance Director Loretta Trujillo; Sponsor: County Manager for Regular County Business

Tabled in Item #3 motion.

10) Consideration and Approval of MOU with the BLM Regarding SunZia Southwest Transmission Project. Presenter: County Attorney, Adren Nance; Sponsor: County Manager

Mr. Nance stated that the MOU before the commission recognizes a cooperative agency status between the BLM and the county in order for the county a chance to provide their expertise guidance regarding the SunZia Transmission Line project. This MOU does not mean that the board is endorsing or not endorsing the project, it just allows the county's voice to be heard during the environmental impact study portion of the SunZia project.

Commissioner Bizzell moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0. (See Exhibit C)

11) Approval of Resolution 2021-____: A Resolution in Support of an All-Inclusive 36% APR CAP on Storefront Loan Companies in New Mexico. Presenter: County Manager, Danny Monette; Sponsor, Chairman, Gerard Saiz

Mr. Monette stated that the proposed resolution would show support for legislation that would cap payday loan company's APR at 36%.

Commissioner Richardson moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0.

County Clerk Milam announced Resolution 2021-11. (See Exhibit D)

12) Approval of Resolution 2021-____: Opposing House Bill 4, Creating a New Cause of Action Against Public Bodies and Demanding That Any Legislator Who Will Profit from the Legislation Recuse Themselves from the Vote. Presenter: County Attorney, Adren Nance; Sponsor: County Manager

Mr. Nance stated that HB4 would create a new cause of action against governmental entities. This bill would allow for attorney fees and eliminating caps on litigation, having uncapped money damages takes away the money that is needed to fund essential services. This legislation would make jails and law enforcement uninsurable. He asked for the commissions help in opposing HB 4. Mr. Pato requested that the board pass the resolution opposing HB 4. Mr. Monette stated that NMC is very much against HB 4 as it can financially devastate a county, HB4 is bad legislation. Commissioner Aragon stated that all 33 counties as well as NMC is against HB4, it is very detrimental to county government.

Commissioner Aragon moved for approval. Seconded by Commissioner Hyder.

Commissioner Hyder asked if this resolution will be sent to the house and senate members. Mr. Monette stated that it will be sent to the entire delegation and the speaker of the house.

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Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0.

County Clerk Milam announced Resolution 2021-12. (See Exhibit E)

13) Direction to Staff and Update of County Fire/Law Enforcement Radio Communication Upgrade. Presenters: Interim Chief Casey Davis and Undersheriff Mark Kmatz. Sponsor: Commissioner, David A. Hyder

Interim Fire Chief Davis welcomed Commissioner Bizzell, Commissioner Richardson and Clerk Milam to Valencia County. Chief Davis stated that the county's communication equipment is in desperate need of an upgrade. Some of the parts and components of the system are over 20 years old and replacement parts are becoming impossible to find. In 2019 and 2020 the county was awarded a total of \$400,000 to begin Phase 1 and Phase 2 of the upgrade. There is currently an additional \$116,000 that is needed to cover the remaining cost of Phase 3. He stated that the additional money was requested from the state but he doesn't know if that appropriation will go through or not. Undersheriff Kmatz stated that they are looking for guidance from the commission, will the county provide the additional \$116,000 that is needed or wait and see if any capital outlay money is awarded. Each of the commissioners expressed that an upgrade is a necessity and is a priority, it is needed for public safety. Mr. Monette stated that budget time is coming up, as well as union negotiations. The county has a lot of fiscal responsibilities coming up in a short time. After discussion ensued Undersheriff Kmatz stated that its important to remember that the company will not start building the component until they receive the money so that could prolong the process as well. Commissioner Bizzell asked Chief Davis to reach out to the company and ask for a timeframe and report back at the next commission meeting. Chief Davis stated that he will reach out to the company and ask for a rough estimate for a start to finish timeframe.

Commissioner Aragon moved to table the item until the next meeting. Seconded by Commissioner Bizzell. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0. (See Exhibit F)

14) Finding of Fact: Zone Change #2020-049 (District I, Commissioner Aguilar) Stan Herrera requests a Zone Change from Rural Residential 2 (RR-2) to Rural Residential 1 (RR-1) to split into two one acre lots. The property at Tract 45B2B2A1A1A2, Section 27, Township 7N, Range 2E, MRGCD Map 72 NMPM, 2.00 ac; also known as 490 Calle de Wences, Zoned Rural Residential 2 (RR-2), Filed in Book 11, Page 18 in the Office of the Valencia County Clerk. Presenter: County Planner, Gabe Luna; Sponsor: Per Valencia County Code of Ordinances Section §154 et seq.

Tabled in item #3 motion.

EXECUTIVE SESSION:

Pursuant to Section 10-15-1 (H) (7) the following matters may be discussed in closed session: a) Pending or threatened litigation: *Belen Schools v. Valencia County*; b) real property; c) other specific limited topics that are allowed or authorized under the stated statute.

Mr. Nance stated that what was to be discussed is limited to what was presented on the agenda for executive session.

Commissioner Hyder moved to go into executive session. Seconded by Commissioner Aragon. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0. 7:03 PM

Commissioner Aragon moved to return to regular session. Seconded by Commissioner Richardson. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0. 7:20 PM.

Mr. Nance stated that the matters discussed in executive session were limited to those in the motion for closure and no final action was taken.

Commissioner Bizzell moved for approval of the summary as stated by Mr. Nance. Seconded by Commissioner Aragon. Roll call vote. Commissioner Richardson voted yes.

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Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0.

NEXT COMMISSION MEETING:

**February 17, 2021 – Public Hearing/Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**March 3, 2021 – Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

Commissioner Bizzell stated that he heard that the building would be open to the public beginning on Monday. Mr. Monette stated that the front doors will be open Monday-Friday 8:00 AM-5:00PM but the commission meetings will still be closed to the public due to the current public health order.

15) Adjournment

Commissioner Aragon moved for adjournment. Seconded by Commissioner Hyder. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 5-0. **TIME: 7:27 P.M.**

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 3, 2021 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS


GERARD SAIZ, CHAIRMAN


JHONATHAN ARAGON, VICE-CHAIR


DAVID A. HYDER, MEMBER


TROY RICHARDSON, MEMBER

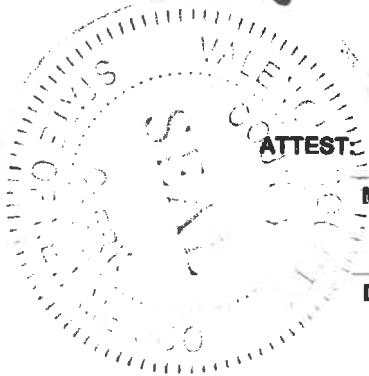

JOSEPH BIZZELL, MEMBER

ATTEST:


MIKE MILAM, COUNTY CLERK

DATE

2/17/21



Minutes are not verbatim. The complete audio file from this meeting can be heard at <https://www.co.valencia.nm.us/>

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1/18/2021

Creative Design Builders, LLC
Raymond Herrera
13B Iris Place
Los Lunas, New Mexico 87031

County Manager Monette,

My name is Raymond Herrera, I am the owner of Creative Design Builder, LLC/DBA Atlas Truss, located here in Valencia County. My company is a small family-owned company which has been affected by the COVID-19 pandemic as so many other companies here in Valencia County.

I would like to express my extreme gratitude to Jeremias Silva for the assistance we received from him for our company regarding the Valencia County CARES Relief Grant. Jeremias Silva assisted with the application process answering questions and clarifying confusion we had with the process. Mr. Silva was very professional and extremely patient while helping us navigate through this process. He and Mr. Josh Zuni both took the time to ensure all our questions were answered, their assistance was vital in helping us complete the application and provide the proper documentation we needed so we could receive our grant. Without their help we would not have been able to accurately complete the application process and receive the assistance we did.

Once again, I would like Jeremias Silva and Josh Zuni to be recognized and send them my appreciation.

Sincerely,

Raymond Herrera
Creative Design Builders, LLC

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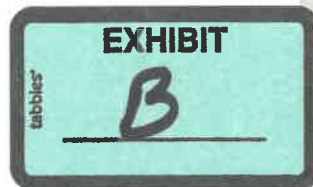
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100% Community Valencia County

Presented by Noelle Chavez

Contact info: Noellecerw@gmail.com



What is 100% Community?

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- 100% Community is an initiative of the Anna, Age Institute which believes that if every community launched 10 key task forces within their community that we can decrease child abuse and neglect.
- The Community Wellness Council (CWC) picked up this initiative in 2017 after meeting with founder Dominic Capello and Katherine Ortega Courtney. However, at that time only the *Anna, Age Eight* book was published which discussed the need but was missing the how.
- At the beginning of 2020, 100% Community was launched and in August 2020 the CWC voted to reestablish the project following the checklist in the new book.

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What does it
look like in
Valencia
County now?

- The CWC has set up a Core Team that works as the overarching guiding group to the ten task forces.
- We have established a Policy and Procedures to guide our work in community.
- We are conducting a community survey that will identify gaps in resources and access to service issues.
- Currently, five task forces are up and running these are: Behavioral Health Collaborative, Mentoring, Medical/Dental, Community Schools, and Early Childhood. Each of these task forces are working on 1-3 innovative ideas off their checklists. These include but are not limited to assessing services, engaging community partners in solutions, and building capacity around their work.

What is next?

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- In 2021, the Core Team will be working on establishing the other five task forces. These are Jobs, Parenting, Food, Transportation, and Housing.
- We will receive our survey results back in March. The surveys are being done in partnership with NMSU and will be put together by a data analyst. Survey results will be used to inform the task forces and the community on need. The results will be publicized on our CWC website.

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What we
need to be
successful

- At this time, the Core Team is looking for general support from our Municipalities.
- If possible, we would like to keep this council appraised of our activities and encourage the community and the council to join a task force that interest them.
- To sign up for a task force, you can email me at noellecerw@gmail.com and I will direct you to the appropriate group.
- If you want to know more, send me an email and I will set up a zoom meeting with you to answer more questions in depth!

Where can I
find out more
about 100%
Community
and the
Community
Wellness
Council?

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- For information on the Community Wellness Council go to: www.communitywellnesscouncil.org
- For information on 100% Community go to: www.annaageeight.org



Questions???

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MEMORANDUM OF UNDERSTANDING

**between
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEW MEXICO STATE OFFICE
AND THE
COUNTY OF VALENCIA**

**Regarding
SUNZIA SOUTHWEST TRANSMISSION PROJECT**

I. Introduction

This Memorandum of Understanding (MOU) is between the United States Department of the Interior, Bureau of Land Management (BLM), New Mexico State Office and the County of Valencia; jointly referred to as “the Parties”.

This MOU establishes a Cooperating Agency relationship between the BLM’s New Mexico State Office and the County of Valencia, (Cooperating Agency or Cooperator) for the purpose of preparing an Environmental Impact Statement (EIS) for the SunZia Southwest Transmission Line Project (Project). The BLM will be the lead federal agency in developing an EIS to comply with the National Environmental Policy Act (NEPA).

II. Purposes

The purposes of this MOU are:

- A. To designate Cooperating Agency in the Project EIS process.
- B. To provide a framework for mutual cooperation and coordination between the BLM and the Cooperator that will ensure successful completion of the Project EIS in a timely, efficient, and thorough manner.
- C. To recognize that the BLM is the lead agency with responsibility for the completion of the Project EIS and the Record of Decision (ROD).

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- D. To recognize and provide guidance for the development of a mutually respectful and effective Cooperating Agency relationship between the Parties which reflects their unique working relationship as it relates to the tasks at hand.
- E. To describe the respective responsibilities, jurisdictional authority, and expertise of each of the Parties in the planning process.

III. Background

- A. The BLM acknowledges that the Cooperating Agency has jurisdiction by law and/or special expertise applicable to the EIS effort, as defined at 40 CFR 1508.15 and 1508.26. This MOU describes responsibilities and procedures agreed to by the Cooperating Agency and the BLM.
- B. The BLM acknowledges that the Cooperating Agency has jurisdiction by law and/or special expertise applicable to the EIS effort, as defined at 40 CFR 1508.15 and 1508.26. This MOU describes responsibilities and procedures agreed to by the Cooperating Agency and the BLM.
- C. SunZia Transmission, LLC (SunZia) has submitted a proposed right-of-way amendment application which consist of three components. The amendment is to an existing BLM right-of-way grant for two parallel 500 kilovolt transmission lines across approximately 520 miles of Federal, State, and private lands between central New Mexico and central Arizona which are presently unbuilt. SunZia is proposing to amend the grant by incorporating 5 route adjustments in New Mexico and adding access roads and temporary work areas that fall outside the permitted 400-foot-wide corridor in both states. SunZia is also proposing 4 alternative reroutes of Segment 4 in New Mexico. The Project crosses the following counties: Greenlee, Graham, Cochise, Pinal, and Pima in Arizona, and Hidalgo, Grant, Luna, Sierra, Socorro, Torrance, and Lincoln in New Mexico.

IV. Authorities

- A. The authorities for the BLM to enter into this agreement include, but are not limited to, the following:
 - 1. Federal Land Policy and Management Act of 1976; 43 U.S.C. § 1701, et seq.
 - 2. National Environmental Policy Act of 1969; 42 U.S.C. 4321 et seq.
- B. Regulations implementing the above authorities:

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1. Council on Environmental Quality regulations; 40 CFR 1501 *et seq.*
 2. Bureau of Land Management planning regulations; 43 CFR 1601 *et seq.*
- C. The authorities for the County of Valencia to enter into this agreement include, but are not limited to, the following:
1. NMSA 1978, Sections 4-37-1 *et seq.* granting counties the power, not inconsistent with statutory or constitutional limitations place on counties, to discharge those powers necessary and proper to provide for the safety, convenience of the county and its inhabitants; and,
 2. NMSA § 3-21-1 (1996) grants the authority to counties to regulate land use.

Nothing in this MOU alters or supersedes the authorities and responsibilities of any of the Parties on any matter under their respective jurisdictions.

V. Roles and Responsibilities

A. The BLM roles and responsibilities include:

1. As lead agency, the BLM retains final responsibility for the content of all planning and NEPA documents, which include the Draft EIS, the Final EIS, any supplemental documents, and the ROD. The BLM's responsibilities include determining the purpose of and need for the EIS, selecting alternatives for analysis, identifying effects of the proposed alternatives, selecting the preferred alternative, and determining appropriate mitigation measures. In completing these responsibilities, the BLM will meaningfully involve the Cooperator throughout the entire NEPA process, including but not limited to: development of the alternatives, identification of effects, selection of the preferred alternative, determination of appropriate mitigation measures, review of public comments, and development of a ROD.
2. To the maximum extent possible and consistent with the BLM's responsibilities as lead agency, the BLM will gain early and consistent involvement of the Cooperator, consider the comments, recommendations, data, and/or analyses provided by the Cooperator in the EIS process, giving particular consideration to those topics on which the Cooperator is acknowledged to possess jurisdiction by law or special expertise.
3. To the fullest extent practicable, after consideration of the effects such releases may have on the BLM's ability to withhold this information from other parties, the BLM will timely provide the Cooperator with copies of documents underlying the EIS relevant to the Cooperator responsibilities, including technical reports, data, analyses,

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comments received, working drafts related to environmental reviews, and the Draft and Final EIS.

B. The County of Valencia roles and responsibilities include:

1. The County of Valencia is a Cooperating Agency in this NEPA process and is recognized to have jurisdiction by law and special expertise on all subject matters for which it has statutory responsibility including but not limited to:
 - a. Land Use
 - b. General police powers, health, safety and welfare
2. The Cooperator will provide information, comments, and technical expertise to the BLM regarding those elements of the EIS, and the data and analyses supporting them, in which it has jurisdiction or special expertise or for which the BLM requests its assistance. In particular, the Cooperator will provide information on the following topics:
 - a. Placement Location
 - b. Adverse Use
 - c. Public Input
3. Other such additional information that is relevant to planning issues or data needs.
4. Within the areas of their jurisdiction or special expertise, the Cooperator may participate in activities including, but not limited to: providing guidance on public involvement strategies, identifying data needs, suggesting management actions to resolve issues raised during scoping, identifying effects of alternatives, suggesting mitigation measures, and providing written comments on working drafts of the EIS and supporting documents (see also Section V.C.4.).
5. The Cooperator will have one member and an alternate appointed to represent its interests and work with the core and/or interdisciplinary team.

C. The joint roles and responsibilities of the Parties include:

1. The Parties agree to participate in this planning process in good faith and make all reasonable efforts to resolve disagreements. Where procedural or substantive disagreement may impede effective and timely completion of the EIS, the Parties agree to utilize the facilitation and conciliation procedures described below (see Section V.G). Participation as a Cooperating Agency does not negate the Cooperator's right to comment, protect, or appeal the analysis or a decision nor does

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it diminish or restrict the Cooperator's ability to coordinate with the BLM under the authority of FLPMA (43 U.S.C. 1712(c)(9)).

2. The Parties will make the best effort to comply with the Project schedule provided by the BLM.
3. Each Party agrees to fund its own expenses associated with EIS process, except that the BLM may contract with a Cooperator for technical studies within its jurisdiction or special expertise, as provided for in Section V.B.4, and a Cooperator may volunteer to provide financial assistance to the BLM to complete tasks associated with the EIS.
4. The Parties agree to carefully consider whether proposed meetings or other activities would waive the Unfunded Mandates Reform Act exception to the Federal Advisory Committee Act (2 U.S.C. 1534(b)).

VI. Representatives

The Parties will designate representatives as specified in the Attachment to ensure coordination during the implementation of this MOU. The Parties may change their point of contact at any time by providing a revised Attachment to the other Party. Any revisions must be added to the official file.

- A. The Parties agree to make reasonable efforts to resolve procedural or substantive conflicts and may agree to initiate an Alternative Dispute Resolution process. The Parties acknowledge that BLM retains final responsibility for the decisions identified in the EIS and ROD.
- B. The Parties agree that they may retain an independent facilitator to foster clear and efficient communication if they deem it necessary. The parties will split the cost of facilitation equally.
- C. BLM's Contractor team, which includes Galileo Project, LLC and SWCA, serves as the BLM's Contractor for public involvement, data collection, environmental analysis, and EIS preparation. The Cooperator may communicate with either Contractor through BLM's representative, provide information and comments directly to the Contractors, or collaborate with Contractors' technical staff and subcontractors on matters within the Cooperator's special expertise. The Cooperator acknowledges that the BLM retains the exclusive responsibility to authorize modifications to the contract with the Contractor and that the Cooperator is not authorized to provide technical or policy direction regarding the performance of this contract.

VII. Funding

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- A. This MOU shall not obligate any partner to expend funds or involve the agencies in any contract or other obligations for the payment of money.
- B. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the agencies to this MOU will be handled in accordance with applicable laws, regulations and procedures including those for Government procurement and printing. This MOU does not establish authority for noncompetitive awards to the cooperator of any contract or other agreement. Any contract or agreement for other services must fully comply with all applicable requirements for competition.

VIII. Records

- A. Any records or documents generated as a result of this MOU shall become part of the official BLM record maintained in accordance with BLM record management policies.
- B. The cooperating agencies will keep confidential and protect from public disclosure any and all documents related to or generated by this agreement. BLM will determine their suitability for public review or release under the provisions of the Freedom of Information Act, Privacy Act, and in accordance with Department of Interior or BLM regulations.

IX. Compliance with Applicable Laws and Regulations; Severability Clause

This MOU is subject to all applicable Federal laws, regulations, and rules, whether now in force or hereafter enacted or promulgated. Nothing in this MOU shall be construed as in any way impairing the general powers of the BLM under such applicable laws, regulations, and rules. If any term or provision of this MOU is held to be invalid or illegal, such term or provision shall not affect the validity or enforceability of the remaining terms and provisions. Meeting the terms of this MOU shall not excuse any failure to comply with all applicable laws and regulations, whether or not these laws and regulations are specifically listed herein.

X. Term, Amendments, and Termination

A. Term of MOU:

- 1. This MOU becomes effective upon the date last signed and executed by the duly authorized representative of the Parties to this MOU.

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2. This MOU shall remain in effect for 5 years from the execution date unless terminated, extended, or cancelled prior to the expiration date.

B. Amendments:

1. The Parties may request changes to this MOU, which shall be effective only upon the written agreement of all Parties.
2. Any changes, modification, revisions, or amendments to this MOU shall be incorporated by written instrument, executed, and signed by all Parties, and will be effective in accordance with the terms and conditions contained herein.

C. Termination:

1. This MOU may be unilaterally terminated at any time by any one of its participants, following at least 30 days written notice to the other participants.
2. During this 30-day period, the Parties will enter negotiations to resolve the disagreement(s). If the disagreement(s) are unresolved by the end of the 30-day period, the MOU will terminate. In the event negotiations are progressing but are not concluded by the end of the 30-day period, the Party initiating the request to terminate may request termination be postponed for an additional 30-day period.
3. If not terminated earlier, this MOU will end when the ROD for the EIS is approved by the BLM Authorized Officer.

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XI. Signatures


A. All signatories have the appropriate delegation of authority to sign this MOU.

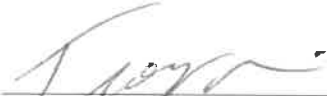
B. The Parties hereto have executed this MOU on the dates shown below.

PASSED, APPROVED AND ADOPTED THIS 3rd DAY OF FEBRUARY 2021.

BOARD OF COUNTY COMMISSIONERS


Gerard Saiz, Chair, District I


Jhonathan Aragon, Vice-Chair, District V


Troy Richardson, District II


David A. Hyder, District III


Joseph Bizzell, District IV

Attest:

 2-5-2021
Mike Milam, County Clerk

B: 103 P: 795



Dated: 4-2-21

Steven Wells
Acting State Director
Bureau of Land Management, New Mexico State Office

1 Attachment:

1 - Principle Contacts (1 p)

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Principle Contacts

The principal contacts for this MOU are:

Adrian Garcia
Realty Specialist/Project Manager
Bureau of Land Management
301 Dinosaur Trail
Santa Fe, NM 87508
(505) 954-2199 (o)
agarcia@blm.gov

David Alderman
Lead Planning and Environmental Coordinator
Bureau of Land Management
301 Dinosaur Trail
Santa Fe, NM 87508
(505) 954-2094 (o)
dalderman@blm.gov

Danny Monette
Valencia County Manager
Valencia County
P.O. Box 1119
Los Lunas, NM 87031
(505) 866-2014 (o)
danny.monette@co.valencia.nm.us

Adren Nance
Valencia County Attorney
Nance, Pato & Stout, LLC
P.O. Box 772
Socorro, NM 87801
(575) 838-0911 (o)
adren@npslawfirm.com





VALENCIA COUNTY

**A RESOLUTION IN SUPPORT OF AN ALL-INCLUSIVE 36% APR CAP ON
STOREFRONT LOAN COMPANIES IN NEW MEXICO**

RESOLUTION NO 2021- 11

WHEREAS, the Board of County Commissioners of Valencia County, met upon notice of a duly published Business meeting on February 3, 2020, at 5:00 P.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; 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 place on counties, to discharge those powers necessary and proper to provide for the safety, convenience of the county and its inhabitants; and,

WHEREAS, the Valencia County Board of County Commissioners is the duly authorized governing body of Valencia County, a New Mexico political subdivision; and

WHEREAS, there are fifteen (15) licensed storefront loan companies within the geographical boundaries of Valencia County that routinely charge New Mexicans up to 175% APR on loan products;

WHEREAS, storefront loan companies licensed to do business in New Mexico make a variety of high-cost loan products, including unsecured installment loans, loans secured by a car title, and tax-time refund anticipation loans;

WHEREAS, studies completed by the Consumer Financial Protection Bureau, the Center for Responsible Lending, and the Pew Charitable Trusts have all shown that triple-digit interest rate lending traps borrowers and their families in cycles of debt; and

WHEREAS, studies conducted by the Consumer Financial Protection Bureau and other organizations show that triple-digit interest rate loans take money out of consumers' pockets, thus damaging local businesses and reducing jobs in local economies; and

WHEREAS, high-cost storefront lenders target low-income New Mexicans, particularly communities of color;

WHEREAS, 64% of storefronts lenders in New Mexico are located with 15 miles of Native American land;



WHEREAS, data reported by the New Mexico Regulation and Licensing Department shows that in 2019, storefront lenders lent more than \$666 million in high cost loans and collected more than \$220 million in interest and fees from New Mexico borrowers;

WHEREAS, data reported by the New Mexico Regulation and Licensing Department shows that in 2019, storefront lenders repossessed 2,293 vehicles from New Mexico borrowers;

WHEREAS, as of November 30, 2020, there were 561 storefront loan companies licensed by the New Mexico Regulation and Licensing Department;

WHEREAS, more than 85% of storefront lenders in New Mexico are subsidiaries of large, out of state corporations;

WHEREAS, New Mexico has the highest interest rate cap in the nation for loans over \$2000 and has one of the highest interest rate caps in the nation for loans up to \$500;

WHEREAS, 17 states and the United States Department of Defense have interest rates of 36% APR or lower and have not reported any decrease in availability of credit;

WHEREAS, more than two-thirds of New Mexicans surveyed supported an interest rate cap of 36% APR;

WHEREAS, the New Mexico Legislature has the authority to determine and to cap the interest rate that storefront lenders doing business in New Mexico can charge consumers.

NOW, THEREFORE, be it resolved by the governing body of the County of Valencia:

(I)

THAT the Board of County C urges the New Mexico Legislature and the Governor of New Mexico to enact an all-inclusive cap of 36% on the interest rate and fees that storefront lenders doing business in New Mexico can charge.

(II)

THAT the Board of County Commissioners of Valencia County further urges the Director of the Financial Institutions Division of the Regulation and Licensing Department and the New Mexico Attorney General to exercise its full rulemaking powers under the Small Loan and Bank Installment Loan Acts and the Unfair Practices Act, respectively, to end high-cost storefront lending abuses.

(III)

THAT a copy of this resolution will be forwarded to the Governor of the State of New Mexico, the New Mexico Regulation and Licensing Department, the New Mexico Attorney General, and other entities or persons as designated by the County Manager and Board of County Commissioners.


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3. Valencia County opposes any effort to impose additional liability on individual government officials or employees, as such conduct would likely have a chilling effect on all governmental entities to recruit, hire, and maintain critical public safety and other employees.
4. Valencia County demands that the Legislature fund initiatives that address the actual problems, including substance abuse and mental health which has been largely ignored by the State and left to the counties, instead of proposing legislation to take funds from taxpayers in the poorest of communities and only exacerbates the problems.
5. Valencia County demands that any legislator who will financially benefit from the qualified immunity proposal recuse themselves from the vote or that insurance broker or attorney members of the legislature pledge neither they nor their firm(s) will ever sell insurance policies to cover the liability created or accept attorney fees required to be paid by the legislation.

PASSED, APPROVED AND ADOPTED THIS 3rd DAY OF FEBRUARY 2021.

BOARD OF COUNTY COMMISSIONERS


Gerard Saiz, Chair, District I


Jhonathan Aragon, Vice-Chair, District V


Troy Richardson, District II


David A. Hyder, District III


Joseph Bizzell, District IV

Attest:


Mike Milam, County Clerk

B: 103 P: 800





**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2021- 12**

**OPPOSING HOUSE BILL 4 CREATING A NEW CAUSE OF ACTION AGAINST PUBLIC BODIES AND
DEMANDING THAT ANY LEGISLATOR WHO WILL PROFIT FROM THE LEGISLATION RECUSE
THEMSELVES FROM THE VOTE**

WHEREAS, the Board of County Commissioners of Valencia County, met upon notice of a duly published Business meeting on February 3, 2021, at 5:00 P.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, NMSA 1978, Section 4-37-1 (1995) provides that Counties have the power to, “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants”; and,

WHEREAS, NMSA, 1978, Section 4-38-18 (1976) provides that a Board of County Commissioner has the duty and authority “[t]o represent the county;” and,

WHEREAS, House Bill 4 (HB 4) proposes the establishment of a new state law cause of action which would be filed in state court and would not be subject to removal to federal court; and

WHEREAS, HB 4 eliminates of the defense of qualified immunity to governmental employees and entities against whom claims are made; and,

WHEREAS, a new cause of action is not necessary to address New Mexico constitutional deprivations by law enforcement, since the New Mexico Tort Claims Act already waives immunity for such claims and qualified immunity is not a defense to such claims (NMSA 1978, § 41-4-12); and

WHEREAS, research by New Mexico Counties demonstrated that New Mexico – one of the poorest states in the Union – already allows for some of the highest damage awards in the Country for State law claims against law enforcement officers; and,

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WHEREAS, New Mexico Counties and other governmental entities also demonstrated that a new cause of action would cause reinsurance and other insurance coverage to no longer be available to the New Mexico County Insurance Authority and/or local governments; and

WHEREAS, the unavailability of commercially reasonable insurance will cause local governments to self-insure unsustainable amounts of risk, which will divert scarce resources from the very services that proponents of the new cause of action are trying to improve to individual claimants and their attorneys; and,

WHEREAS, uninsured judgments that cannot be satisfied through existing resources are paid by our citizens, through property taxes levied to meet the judgment (N.M. Const., art. 8, Section 7); and,

WHEREAS, the jurisprudence developed by the federal courts for violation of federal civil rights is well established while the proposals could result in a total reset of state civil rights jurisprudence; and,

WHEREAS, many of the challenges faced by local law enforcement and county jails stem from co-occurring substance abuse and mental health disorders in the population with which they interact; and,

WHEREAS, instead of diverting resources to individual claims, the Legislature should be providing more resources to serve this population, which would minimize their interactions with police officers and keep them out of county jails; and,

WHEREAS, information presented to the Civil Rights Commission demonstrated that the New Mexico Law Enforcement Academy needs additional resources to timely discharge its goal of investigating law enforcement officers accused of misconduct; and,

WHEREAS, the proposed legislation will be a windfall for insurance brokers and plaintiff's attorneys, including 19 legislators, that may benefit from insurance sales or attorneys that may benefit from the legislative proposal to have their fees paid by the taxpayers; and,

WHEREAS, the Government Conduct Act disqualifies public officers from engaging in official acts the affect their financial interests, *see* NMSA 1978, Section 10-16-4 (2011); and,

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

1. Valencia County opposes any effort to expand state court jurisdiction for civil rights violations. Such expansion serves no purpose other than to create the potential for inconsistent results thereby making it more difficult for law enforcement officers to know if actions are permissible or impermissible and will result in increased costs.
2. Valencia County opposes the suggestion that the defense of qualified immunity should not apply to any civil rights action brought in state court.



(IV)


THAT County staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

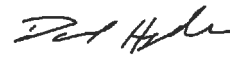
PASSED, APPROVED AND ADOPTED THIS 3rd DAY OF FEBRUARY 2021.

BOARD OF COUNTY COMMISSIONERS


Gerard Saiz, Chair, District I


Jhonathan Aragon, Vice-Chair, District V


Troy Richardson, District II


David A. Hyder, District III


Joseph Bizzell, District IV

Affest:


Mike Milam, County Clerk 2-5-2021

B: 103 P: 803





Valencia County Fire Department

444 LUNA AVE ♦ P.O. BOX 1119 ♦ LOS LUNAS, NEW MEXICO 87031

OFFICE: (505) 866-2040 ♦ FAX: (505) 866-8749

www.valenciafd.com

To: Danny Monette

From: Interim Chief Casey Davis

Subject: Communication System Upgrade

CC: Board of Commissioners

Phase I - FY2019	
Awarded	\$ 200,000.00
Proposal Belen/Highland Meadows Sites	\$ 127,664.57
Proposal Capilla Peak	\$ 63,832.29
Snow cat Rental for install of Repeater	\$ 2,804.75
Carry Over	\$ 5,698.39
Phase II - FY2020	
Awarded	\$ 200,000.00
P25/Analog Simulcast System	\$ 153,355.25
Carry Over from FY19	\$ 5,698.39
Carry Over	\$ 52,343.14
Phase III - Update	
Proposal	\$ 168,962.16
Balance from previous FY	\$ 52,343.14
Current Deficit	\$ 116,619.02

B: 103 P: 804

