



February 11, 2015

Agenda

5:00 P.M. Public Hearing
Valencia County Commission Chambers
444 Luna Ave.
Los Lunas, NM 87031

Board of County Commissioners

Charles D. Eaton, Chair	District IV
Jhonathan Aragon, Vice-Chair	District V
Helen Y. Cole	District I
Alicia Aguilar	District II
David A. Hyder	District III

Please Silence all Electronic Devices

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

PUBLIC HEARING ITEM(S)

- 4) Wholesale Liquor License Application- Jaramillo Vineyards, LLC dba Jaramillo Vineyards
- 5) Revision of Resolution Relating to Use of Public Buildings or Properties, Such as Community Centers, Meeting Rooms or Parks, by Individuals, Groups and Other Non-County Entities

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.

NEXT COMMISSION MEETING

February 18, 2015-Business Meeting/Special Public Hearing @ 5:00 P.M.

Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

- Consideration to Adopt Ordinance 2015-___: Property Tax Rebate Benefiting Low-Income Taxpayers (Public Hearing and Action Item)
- Consideration to Approve Wholesale Liquor License Application- Jaramillo Vineyards, LLC dba Jaramillo Vineyards
- Consideration of FY 16 CAP, SB & SP Road Projects
- Consideration of MOA between Valencia County and PNM for the Improvement and Repair of Harrison Road
- Consideration of Building Usage Resolution
- Consideration to Amend Resolution No. 2013-35: Benefits of Appointed Officials
- Consideration to Amend Lease Agreement with Wagner for Two Graders
- Consideration of Organizational Chart

ADJOURN

If you are an individual with a disability who attend or participate in the hearing or meeting New Mexico, (505) 866-2014 at least one week in various accessible formats. Please contact

B: 82 P: 145

If auxiliary aid or service to communication Building, Los Lunas, New Mexico, is needed, it should be provided in advance of the hearing. If you need more than 15 minutes, it can be provided as needed.

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING

FEBRUARY 11, 2015

PRESENT	
Charles D. Eaton, Chairman	
Jhonathan Aragon, Vice-Chair	
David A. Hyder, Member	
Alicia Aguilar, Member	
Helen Y. Cole, Member	
Jeff Condrey, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Peggy Carabajal, County Clerk	
Press and Public	

- 1) The meeting was called to order by Chairman Eaton at 5:04 P.M.
- 2) Mr. Roberto Baldonado led the Pledge of Allegiance.
- 3) Approval of Agenda
Commissioner Hyder moved for approval. Seconded by Commissioner Aguilar. Motion carried unanimously.

County Clerk Peggy Carabajal administered the oath to those individuals wishing to speak on tonight's public hearing matters.

PUBLIC HEARING ITEM(S):

4) Wholesale Liquor License Application- Jaramillo Vineyards, LLC dba Jaramillo Vineyards

County Clerk Peggy Carabajal stated that the applicant is seeking a winery wholesaler license.

Robert Jaramillo stated that the winery is open for tastings by appointment only; they are awaiting completion of Belen Central Hotel for the retail tasting room. They are applying for the wholesaler license to be able to sell their wine to restaurants. The winery is located at 30 Camino Nopales in Belen, just east of the old Cavco building. There have been no complaints or objection to this request from the surrounding neighbors. Commissioner Aguilar questioned the zoning of the winery location. Mr. Martinez assured her that the zoning was appropriate for the license request.

Chairman Eaton stated that a decision would be made at the next business meeting.

5) Revision of Resolution Relating to Use of Public Buildings or Properties, Such as Community Centers, Meeting Rooms or Parks, by Individuals, Groups and Other Non-County Entities

Mr. Martinez stated that he was here to bring the commission up to speed on the Building Usage resolution that was requested by Commissioner Aguilar last year. The old Building Usage resolution was very restrictive in allowing community groups and others access to county owned buildings. There have been multiple drafts of the resolution and it is still being worked on. One of the changes to the resolution includes creative ways in which an organization can provide in-kind services in lieu of paying the facility rental fees. The proposed draft resolution still requires proof of insurance in the amount of one million dollars but that amount can be waived by the County Manager. The biggest issue is trying to balance liability and public use of buildings. Mr. Martinez went on to say that the resolution is a good start but he would like to form a committee made up of community members to go through the resolution line by line until it is acceptable.

Commissioner Aguilar brought up several concerns she had with the proposed resolution. The concerns include no access to buildings during standard work hours, the issue regarding the high amount of insurance that is needed, all of the fees on top of the insurance make it almost impossible for small groups or clubs to get access, and the Public Works Director having sole authority to schedule and waive fees. Chairman Eaton commented that it has always been his understanding that public participation is encouraged for use of the facilities. The county needs to make it more user friendly for the public to be able to have access to the facilities.

Diana Godd, Roberto Baldonado, Tom Mraz, Jim Lane, Tom Burton, and Tina Newby were all individuals that spoke in favor of having a building resolution that would allow better

B: 82 P: 146



Minutes of February 11, 2015 Public Hearing

usage of the facilities by the public and community groups. They agreed that there are many groups and organizations that would like to use the facilities and do a lot of good for the county but they can't afford all the fees and insurance. They stated that the buildings were made for the public to use and have access to.

Commissioner Aguilar stated that there is money that the county is missing out on because programs aren't in place, and those programs are not in place because they don't have access to facilities.

Mr. Martinez stated that he will continue to move forward with a committee and a revised Building Usage resolution will be brought before the commission in 90 days. (See Exhibit A)

PUBLIC COMMENT:

Tom Mraz- Mr. Mraz commented that the previous commission had cut the funding for the Extension Office and he wants their funding restored. The staff at the Extension Office does so much for the community.

Mr. Condrey replied that the funding had been restored with a budget adjustment that was done in December.

NEXT COMMISSION MEETING:

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6) Adjournment

Commissioner Aragon moved for adjournment. Seconded by Commissioner Hyder. Motion carried unanimously. TIME: 6:02 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 11, 2015 Public Hearing (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes

VALENCIA COUNTY BOARD OF COMMISSIONERS

[Signature]

CHARLES EATON, CHAIRMAN

[Signature]

JHONATHAN ARAGON, VICE-CHAIR

[Signature]

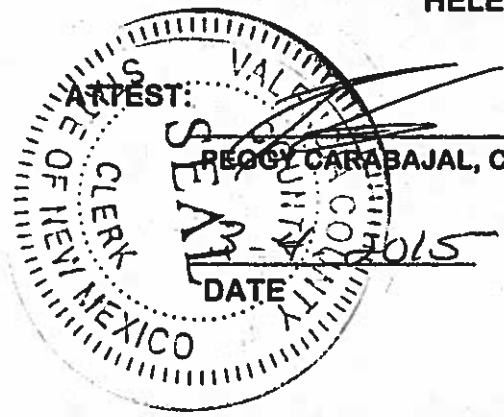
DAVID HYDER, MEMBER

[Signature]

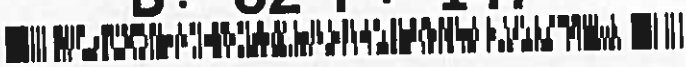
ALICIA AGUILAR, MEMBER

[Signature]

HELEN Y. COLE, MEMBER



B: 82 P: 147





**Valencia County
Board of County Commissioners
Resolution 2015 - _____**

**A Resolution
Relating to the Use of Public Buildings or Properties, such as
Community Centers, Meeting Rooms or Parks, by Individuals,
Groups and Other Non-County Entities**

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 4-38-13 (1876) provides that the Board of County Commissioners shall have power at any session to make such orders concerning the property belonging to the County as they may deem expedient; and,

WHEREAS, NMSA 1978, Section 4-38-16 (1876) provides that the Board of County Commissioners shall have power to build and keep in repair all County buildings; and,

WHEREAS, NMSA 1978, Section 30-20-13 (1981) prohibits the interference with members of staff, public officials or the general public on County property, trespass and damage to County property and provides for penalties; and,

WHEREAS, the Board of County Commissioners has determined that the health, safety and general welfare of residents of Valencia County, and the efficient, safe and orderly conduct of County business by County officials, employees, service-providing organizations and members of the public would best be served by the adoption of a policy regulating conduct within County buildings, such as community centers, utilized for non-County events or activities.

NOW, THEREFORE BE IT RESOLVED that the governing body of Valencia County establishes this policy regulating use and conduct within County buildings for non-County events and activities, as follows:

B: 82 P: 148



I. INTENT OF POLICY

- A. The intent of this policy is to regulate conduct within County-owned or leased buildings or facilities, so as to promote the efficient, safe, and orderly use of County buildings or properties, including community centers, senior centers, and fire stations, for non-county events or activities by County officials, employees, service-providing organizations and members of the public.

- B. This policy prescribes the rules and regulations under which County-owned buildings or property may be made available for use by community organizations, service-providing organizations, or individuals and groups.

- C. Questions concerning the interpretation of this policy will be referred to the County Manager or his/her designee.

II. PRIMARY USE

Valencia County buildings and properties are first and foremost for the use of residents of the County. When a building or property is not in use by a program administered by the County, the State, or the United States government, (depending on specific funding or grant/loan restrictions) for the benefit of Valencia County residents, the facilities **MAY** be reserved by individuals, social groups, educational groups, service-providing groups, hobby, civic, cultural, community service organizations, and religious groups.

III. APPROVED PERMITS

- A. Permission for use of a County building or property is granted upon the condition that all rules and regulations governing the use of the facility shall be followed, as permission may be revoked at any time for failure to do so.

- B. Individuals, social groups, educational groups, service-providing groups, hobby, civic, cultural, community service organizations, and religious groups wishing to use a County building or property must make application (see Exhibit A or Exhibit B) at least two weeks in advance of the proposed date of use. Permits may be considered if the application is applied for more than six (6) months in advance of the proposed date of use.

- C. Permits are issued on a first come, first served basis for non-governmental functions. Permission will depend on availability of staff and space.

- D. All permits shall be applied for and issued by the County upon recommendation by the Public Works Director or his/her designee.



E. A refundable clean-up and security deposit must accompany the application. The application will not be issued if it is missing. Reservation of the date and facility will not be made until the completed application and deposit are received. The Certificate of Insurance should accompany the application. However, if this is not possible, the Certificate of Insurance must be on file with the County at least two (2) days prior to the event.

F. The County Manager or his/her designee has the right to revoke any permit due to unforeseen circumstances, or infractions of the policies.

IV. COUNTY-OWNED BUILDING/PROPERTY USE HOURS

A. Permission typically will not be granted to use County-owned buildings and properties during standard work hours. Standard work hours are 8:00 am to 5:00 pm, Monday-Friday, unless posted otherwise. Usage may be permitted so long as the activities/events do not interfere with County-sponsored activities

B. Evening and weekend programming as authorized by the Public Works Director, or his/her designee.

V. FEES

A. All individual and group (see Exhibit A) events and activities will be required to compensate Valencia County and its residents for use of County facilities. Compensation will include some or all of the following components:

- Cleaning/Damage Deposit (refundable)
- Open/Closing Fee (non-refundable)
- Activity Rental Fee (per day/per hour/per activity) for all private uses (non-refundable)
- TULIP Insurance Cost (non-refundable)

B: 82 P: 150



The Damage Deposit may be returned following inspection of the event/activity once the County facility is found to be in a condition similar prior to its use by an individual or group. A memo from the Public Works Department will be issued to the Treasurer's office to reimburse all or part of the damage deposit, depending on any clean-up or damage issues (see Sections V and VI).

B. Fees (as defined in Exhibit A) will only be accepted by the Valencia County Treasurer's Office. Cash, , checks, or money orders will be accepted. Receipts will be issued to the individual renting County facilities or property.

C. Those programs or meetings held by the County, the State, the United States government, or any other governmental body ,or its affiliates, will not be required to compensate Valencia County and its residents for use of County facilities. These meetings are typically one-time or on a limited basis. The Building Usage permit (Exhibit A) will still be required to document the event and all pertinent information.

D. Service-providing organizations offering programs to the residents of Valencia County may be permitted to provide in-kind services to Valencia County in lieu of payment of the activity rental fee, provided the services are quantifiably and monetarily identified (see Exhibit B), and further subject to approval of the County Manager, or his/her designee, after review of the "Service-Provider Application." Groups, organizations, and businesses must contribute money, materials, labor, development, recreational or social programs or other donations that benefit the County or buildings owned by the County. All contributions or projects must be completed prior to the event and equal to the value of the fees being waived. If a project cannot be completed prior to the event, the County Manager or his/her designee may grant an extension, provided that the entire facility use fee has been received. The facility use fee will be refunded when the project is complete. Partially completed projects do not warrant a partial refund. Proof of these contributions is the responsibility of the group. The Service-Provider will be required to provide a list of all participants served or assisted after the activity is completed.

VI. CERTIFICATE OF INSURANCE

A. All individual and group events and activities (see Exhibits A and B) will be required to provide a Certificate of Insurance in the amount of one million dollars (\$1,000,000) naming Valencia County as "Additional Insured" prior to use of the building or facility. Vendors related to groups or individuals using a County building or facility shall provide a copy of the Facility Use Permit and Certificate of Insurance to the Public Works Director, or his/her designee.

1. Insurance may be obtained through the County's carrier, the New Mexico Association of Counties, through its Tenant Users Liability Insurance Program (TULIP).. Insurance must be obtained prior to the requested use of the County Facility. See Exhibit C for information regarding purchasing TULIP insurance.

2. Insurance may also be obtained through a private insurance company by the responsible individual hosting the event/activity. The insurance requirements must be the same as listed in (A) and must be obtained prior to use of the County facility.

B. Insurance requirements may be waived by the County Manager, or his/her designee, with input from the Public Works Director and will be based on items such as, but not limited to, the size of the group, scope/purpose of the meeting, time involved, and element of risk. The decision to waive the insurance requirement will be documented on the Building Usage Application form. In such event, the service-providing organization expressly agrees to hold Valencia County harmless from all loss, damage, and injury, including court costs and attorney fees, resulting from their use of the facility.

C. A service-providing organization will be required to meet the insurance requirements as defined in (A). The organization may provide the County with a copy of their insurance, with the County listed as an "Additional Insured", to meet this requirement.

VII. SECURITY

A. All groups and individuals using the facility are responsible for the contents and security of the building and property.

B. Opening and closing of a building will be performed by a County employee as part of the building usage agreement to ensure condition of the facility and its contents before and after an event/activity.

C. A clean-up and security deposit of not less than one hundred dollars (\$100) is required of all individuals/groups using a County building. There may also be a fifty dollar (\$50) damage and security deposit required for the use of the kitchen facilities (if applicable). A one-time four hundred dollars (\$400) clean-up and security deposit may be required for events or activities that have previously used a County building and have left the building or property in an untidy or dilapidated condition.

D. Individuals or groups using the facility on a regular basis (i.e. every first Thursday of the month) may only be required a single damage deposit for all its events and may have the deposit returned following the final date of scheduled use.

E. No building, property, commodities, or supplies are to be used by ANY groups or individuals.

B: 82 P: 152



F. In buildings where kitchen facilities are available for use, the kitchen must be maintained to a commercial standard. Strict adherence to kitchen policies and procedures is required. Failure to do so will result in denial of future permit requests.

VIII. DAMAGES

A. The individual responsible for the group and the group as a whole shall be responsible for all damage to the County building or property.

B. Groups and individuals allowed to use a County building or property must leave the space in an acceptable condition.

C. All damages to the County building or property will be the responsibility of the user, and cost of any damages will be deducted from the security deposit. Any additional expenses to repair or clean-up above and beyond the collected security deposit will be billed directly to the responsible individual.

D. The group or individual will be notified within thirty-six (36) hours of the damage and provided an itemized list of damages and estimated cost of repairs and/or clean-up. Payment for damages will be deducted from the clean-up and security deposit. Any additional billed amount above the collected security deposit will be required to be paid to the County within thirty (30) days of receipt of notice from the County. Failure to make payment will result in suspension of further use of any County building or property.

IX. PREPARATION AND CLEAN-UP

Users of a County building or property are responsible for any changes in room arrangements prior to use and all clean-up after. This must be done within the time frame for which the County building or property has been reserved. Any expense for special clean-up and/or restoring room arrangements performed by County staff as a result of non-compliance with this provision will be deducted from the clean-up and security deposit.

X. CANCELLATIONS

A. Any changes/cancellation in a scheduled reservation must be made at least two days prior to the requested date. The changes/cancellation must be made to the Public Works Department in writing.

B. If cancellation is made two (2) days or more in advance of the event or activity, all fees will be reimbursed.

C. Changes to an event or activity which will require additional fees will require those fees be collected by the Public Works Department prior to the event or activity.

Changes that may reduce previously collected fees will be recalculated and any refunds will be made at the conclusion of the event or activity.

D. Notification of cancellation to members of the private group or organization is the sole responsibility of the organizer.

XI. CONDUCT

The applicant responsible for the permit is required to observe and insure that County rules and regulations are observed and adhered to, and that persons associated with their activity or event shall respect all County property, personal property rights of others, and avoid unnecessary noise disruption to neighbors.

XII. PROHIBITED CONDUCT

The following conduct shall be prohibited upon county property.

A. **Smoking.** This policy is designed to reduce the hazards of smoking to non-smokers and to comply with the New Mexico Clean Indoor Air Act, NMSA 1978, § 24-16-1 *et seq.* (1985) and Valencia County Policy.

Declaration of Policy and Intent. The Board of County Commissioners pursuant to the Smoking Ordinance adopted December 15, 1997, finds and declares that the smoking of tobacco, or any other weed or plant in enclosed places is a substantial danger to the health of others and that smoking in such areas of county property should be prohibited as delineated in the Ordinance. The Board of County Commissioners further declares its intention to protect the public health from such hazards in County buildings.

Smoking Prohibited. Smoking is not permitted, within County buildings, except as otherwise provided in the Ordinance. The ordinance is on file in the Office of the County Manager or Office of the County Clerk.

B. **Weapons.** Use, possession or storage of any weapon on all county property is expressly prohibited. This section shall not apply to a law enforcement officer acting in the lawful performance of his or her duties, or to personnel of the District Attorney's Office.

C. **Animals.** Animals of any kind are prohibited from entry into County buildings except for qualified assistance animals or at the Animal Control Center. Any person with a qualified assistance animal shall be liable for any damage done by his or her qualified assistance animal.

B: 82 P: 154



D. **False Alarms.** Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency is prohibited at county buildings. Misusing or damaging fire safety equipment on County property is prohibited.

E. **Controlled Substances.** The use, possession, or distribution of any controlled substance or illegal drug in a County building or on County property is prohibited.

F. **Alcoholic Beverages.** The use, possession or distribution of alcoholic beverages in any County building is prohibited.

G. **Fireworks.** Use or possession of allowed fireworks per the current Ordinance pertaining to the Sale and Use of Fireworks in the Un-Incorporated Areas of Valencia County, unless expressly authorized in writing by the County Manager, is prohibited.

XI. LIMITATIONS

A. Nothing in this policy shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute.

B. Nothing in this policy shall limit the County Manager in adopting additional rules and regulations as such may be required from time to time or in enforcing laws, regulations or policies to insure the protection and security of County buildings or facilities.

XIII. EXHIBITS

Exhibit A – Building Usage Application

Exhibit B – Service-Provider Application

Exhibit C – Tenant Users Liability Insurance Program (TULIP)

B: 82 P: 155



APPROVED AND ADOPTED THIS 18TH DAY OF FEBRUARY, 2015.

BOARD OF COUNTY COMMISSIONERS

CHARLES EATON, CHAIR

DISTRICT IV

JHONATHAN ARAGON, VICE-CHAIR

DISTRICT V

HELEN COLE, COMMISSIONER

DISTRICT I

ALICIA AGUILAR, COMMISSIONER

DISTRICT II

DAVID HYDER, COMMISSIONER

DISTRICT III

ATTEST BY:

PEGGY CARABAJAL, COUNTY CLERK

B: 82 P: 156





Application for Building or Property Usage Permit

Applicant: _____ Today's Date: _____

Contact Person: _____ Phone: _____

Address: _____

Responsible Person (if different than contact): _____

Daytime Phone: _____ Evening phone: _____

Address: _____

Is the responsible party a Valencia County resident? _____ Yes _____ No

Building/Property Requested: _____ Date(s) Requested: _____

Organization/Group Use? _____ Yes _____ No Time Needed? _____

Purpose: _____

Building or Facility Usage Deposit = \$100 (The facility must close at 11:00 pm)

Kitchen Deposit (if used): \$50

If the building is not cleaned and vacated by 11:00 pm, an additional \$50 per hour fee will be assessed.

I hereby am aware and agree to abide by all rules and regulations governing the use of the above listed facility and equipment.

Applicant's Signature Date

FOR OFFICE USE ONLY

Damage Deposit = \$100 _____
Kitchen Deposit = \$50 (if applicable) _____
Open/Close Fee = \$50 _____
Hourly Fee = _____ hours X \$15 per hour _____

Damage/Kitchen Deposit paid: _____ Date _____ Amount _____
Fees paid: _____ Date _____ Amount _____
Refund of Deposit: _____ Date _____ Amount _____

B: 82 P: 157





Service-Provider Application

Organization: _____ Today's Date: _____

Address: _____ Phone: _____

Contact Person: _____ Phone: _____

Is the organization designated 501 (c3)? Yes No

Building/Property Requested: _____

Date(s) Requested: _____ Time Needed? _____

Purpose: _____

Describe service being provided to residents of Valencia County.

Number of participants anticipated per event _____

Approximate cost of service provided to each participant
(documentation must be attached quantifying amounts) _____

Total estimated cost of services provided (participants x cost) _____

I hereby am aware and agree to abide by all rules and regulations governing the use of the above listed facility and equipment.

Applicant's Signature

Date

B: 82 P: 158



FOR OFFICE USE ONLY

Projected use of facility:

Damage Deposit = \$100

Kitchen Deposit = \$50 (if applicable)

Open/Close Fee = \$50

Hourly Fee = _____ hours X \$15 per hour

Estimated Rental of Building

Estimated Benefit

Justification for waiving building usage fee:

Waiver Granted By:

Name/Title

Date

Signature

If a waiver is granted to the Service Provider listed, the Service Provider will be required to provide a list of participants to the County following the event.

B: 82 P: 159



Exhibit C

NMAC TULIP (Tenant Users Liability Insurance Program)

TULIP Insurance must be purchased through the One Beacon Insurance Group if not purchased through a private insurance organization (i.e. homeowner's insurance). Insurance may only be obtained through One Beacon's website. Instructions for obtaining insurance are as follows:

1. Go to the One Beacon Insurance Group website at www.onebeaconentertainment.com
2. On the main page, under "TULIP – Event Insurance" click "Purchase or Quote".
3. You will be taken to the quote page. Enter Valencia County's Venue ID Code: OB31-023, and follow the instructions as they take you through their on-line form.
4. You will be prompted through a number of screens to provide such information as the type of event you are planning, the number of attendees, and the date of the event.
5. Once you complete the necessary information, you will be provided with a quote for the TULIP insurance
6. Continue to following the instructions to pay for and print your documentation for insurance.
7. Provide a copy (either email or hard copy) to the Valencia County Public Works Department for your event.

A copy of the Insurance must be on file with Valencia County Public Works Department two (2) days prior to the event.

B: 82 P: 160

