

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING/BUSINESS MEETING

AUGUST 15, 2018

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

1) The meeting was called to order by Chairman Aragon at 5:06 P.M.

2) Mr. Schueller led the Pledge of Allegiance.

3) **Approval of Agenda**

Motion for approval made by Commissioner Cole. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

4) **Approval of Minutes: July 18, 2018 – Public Hearing/Business Meeting
July 30, 2018- Special Business Meeting**

Motion for approval of both sets of minutes made by Commissioner Hyder. Seconded by Commissioner Carlberg. Roll call. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

PRESENTATIONS (NON-ACTION ITEMS):

5) **County Health and Health Care Plan Presentation. Presenter: *Diana Good*; Sponsor: *County Manager for Regular County Business***

Ms. Diana Good, Vice-President of the Community Wellness Council gave a brief presentation on the data that was collected for a community health assessment/profile. (See Exhibit A)

6) **NMERD Solar Solution for Valencia County. Presenter: *Geri Rhodes*; Sponsor: *Commissioner Eaton***

Ms. Rhodes who is with Valencia Renewables group stated that the group has been meeting with the county manager and others since the beginning of the year, the meetings have been to discuss the possibility of bringing solar power to county buildings. With solar power there is a possibility for the county to save 30% on energy costs. Mr. Gaiser, Program Manager for the state's Energy Conservation Division presented a slideshow and spoke regarding the possibility of the county utilizing an energy savings performance contract. Scott Stevens with Energy Services US briefly discussed the cost benefit of solar power/renewable energy, some of the benefits include reduced operational costs as well as extending the useful life of equipment. (See Exhibit B)

DISCUSSION (NON-ACTION) ITEM(S):

7) **Commissioners, Committees and Reports.**

Commissioner Cole reported that earlier today she attended the OAP Advisory Committee meeting, she also thanked Ms. Nancy Gonzales for being transparent with the board and committee. Mr. Monette announced that Seth Mueller has resigned and is now the OEM with Sandoval County.

8) **Assessor's Annual Report to the Commissioners by *County Assessor Michelle Milam***
County Assessor Michelle Milam and Chief Deputy Celia Dittmaier presented the Assessor's report. A few of the items in the report included the property valuation report for 2018, the number of new properties, the 2017 acquired tax dollars, the reduction of protests over the last few years and how Valencia County stands in regard to other

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counties by the Property Tax Division. Assessor Milam also mentioned that there is a letter from the Property Tax Division regarding the 420 fund and how it is to be utilized. Commissioner Eaton asked if there were vacancies in the department. Assessor Milam replied 2 administrators and 2 appraisers along with a chief appraiser, the positions were frozen 2 years ago. Commissioner Eaton asked what positions are available to fill today. Assessor Milam replied, just the chief appraiser and the position has not been advertised externally because she is waiting on staff members to get test results back to see where they stand. (See Exhibit C)

PUBLIC HEARING ITEM(S):

County Clerk Carabajal administered the oath to those individuals who wished to give testimony on public hearing items.

9) Consideration on request for a Zone Change ZC #2018-074 by PNM for a Solar Field Overlay Zone for the Rio del Oro Solar Energy Center; Rio del Oro Subdivision, Regional Center, Unit 53, Township 6 North, range 2 East, Section 36; Zoned Planned Development (PD); 109.29 ac Presented by: *Gabe Luna*

Mr. Luna stated that PNM is requesting a Solar Field Overlay Zone for the Rio Del Oro Solar Energy Center, zoned Planned development (PD) Rio Del Oro, Section 36, Unit 53, T6N, R2E, 109.29 acres. The Planning and Zoning commission recommended approval by a vote of 5-0 at their July 24, 2018 meeting.

Lori Moyer with PNM stated that some benefits of the solar facility include construction will create 80-100 temporary jobs, it will provide customers with clean, renewable energy, the 109 acre site does not need any water, sewer or gas lines and it will be a secured facility which will be operated remotely. Another benefit would be the property tax revenue that the county would collect for the site. This site would be the 6th solar energy center that PNM is building in Valencia County.

Mr. Pato asked Ms. Moyer if she knows how much the site currently generates in tax revenue.

Ms. Moyer replied that it is currently vacant land so she is not sure.

Assessor Milam stated the amount (*inaudible*)

Paul Baca CEO of Valley Improvement Association commented that this is a good project for Rio Del Oro, it is positive for the east mesa and he is in favor of it.

Tom Mraz commented that he is for renewable energy and is in support of the project.

Ward McCartney with 350NewMexico.org commented that he is concerned about climate change and is in support of this project

Juan Aragon commented that he is in favor of the project, the project will help students get educated on solar power.

Chairman Aragon stated that a decision on the matter will be rendered at a later date. (See Exhibit D)

10) Consideration on request for a Zone Change ZC #2018-075 by Valencia County Cowboy Church from Outland District (OD) to Rural Residential 1 (RR-1) with a Conditional Use at Lot 37, Section 22, township 7 North, range 1 East; zoned Outland District (OD); also known as 1 AT&T Rd, Los Lunas, New Mexico 87031. Presented by: *Gabe Luna*

Mr. Luna stated that Valencia County Cowboy church is requesting a zone change from Outland District (OD) to Rural Residential 1 (RR-1) with a conditional use. The legal description of the site is Lot 37, Section 22, T7N, R1E; also known as 1 AT&T Road, Los Lunas, NM. The Planning and Zoning commission recommended approval of the zone change on a vote of 4-1 at their July 24, 2018 meeting. Mr. Luna read the county ordinance allowing for RR-1 zoning. This request that the board is hearing today is to change from OD zone to RR-1 zone with a conditional use just for the construction of the church, anything else can be taken care of administratively or before the board.

Representing the church is Martin Garcia with Anchor Engineering. Mr. Garcia stated that 10 acres was offered to the church as a donation, the zone change is to allow the church to be constructed on the property. The first phase of the church would include a 4,000

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square foot building. Additional phases would include a 10,000 square foot worship center and educational area. Also included on the 10-acre site would be a riding arena, stables and a turnout area for the horses, all other uses are allowed in the OD district. There would be parking for smaller vehicles as well as the larger trucks and trailers.

Commissioner Cole asked if the church will have its own well or a community well.

Mr. Garcia replied that it will have its own well and septic.

Commissioner Aragon asked those individuals in favor of the zone change to come forward and address the board.

Founding pastor of Valencia County Cowboy Church Curt Miller commented that the church wants to reach out to the community and to the kids, he wants those of the western lifestyle to feel comfortable coming to church. They would like to have clinics to teach kids on how to show livestock, ride horses, and roping. They would like to be friends with the community and wants them to be assured that they will do nothing to discount the value of the properties out there, the church wants to be friends with the community. He thanked the commission for considering this request.

Commissioner Aragon asked those individuals against the zone change to come forward and address the board.

Clara Rehr commented that she does not oppose the endeavor however, she questions how a church, an arena and a gift shop can meet the requirements of rural residential zoning. She asked the commission to do the correct zoning and to not allow the county to get involved in a law suit.

Mr. Garcia stated that the reason RR-1 zoning was selected is because it is the least dense, least intrusive zone for the neighborhood. RR-1 zoning has the least impact allowing the church the special use.

Chairman Aragon stated that he believes that the zoning is particularly just for the church at this point. The entire property is not being changed to RR-1 just the church site.

Commissioner Eaton asked for someone to explain the gift shop that was mentioned.

Mr. Garcia commented that religious articles such as bibles and books will be sold to parishioners as part of the church, it will not be a commercial retail facility. The issue of the gift shop got blown out of proportion at the P&Z meeting.

Mr. Pato asked if the sales will be incidental to church activities, if church activity will be the predominant use of the property.

Mr. Garcia replied yes.

Mr. Miller commented the church is non-profit, any revenue that comes in goes right back into the events and into items such as buckles, saddles and safety for the rodeos. The church is not doing anything to generate revenue to pay the mortgage. The church is not meant to be a commercial environment.

County Clerk Carabajal administered the oath to those individuals who wished to give testimony on public hearing items.

Janice Clinger commented that she is not opposed to having a church in the area but she is concerned about the noise level if rodeos will be held there.

Mr. Martin commented that it is the intent to have the rodeos on site, it is part of the special use permit with the zone change.

Mr. Pato stated that RR provision of the county zoning ordinance precludes uses of land and water not specified or specially mentioned in the rural residential section; churches are permitted in the rural residential section but rodeos are not listed so how will that concern be addressed.

Mr. Garcia stated that it is there understanding that the uses of the lower zone (OD) are allowed within the RR-1. The things such as rodeos, barns and turnout pens are allowed

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in the OD zone. Mr. Garcia stated that through discussion with county staff it was understood that those uses would be acceptable, the special use permit clarifies the specifics related to the activities.

County Clerk Carabajal administered the oath to those individuals who wished to give testimony on public hearing items.

Ken Best commented that he is not opposed to the church but AT&T road is not in good condition so he is wondering how the additional traffic and heavy trailers will be addressed, he also asked if there will be downward facing lights regarding the matter of light pollution and if rodeos will be held in the day or night.

Mr. Garcia replied that part of the site plan allows for 2 driveways for the traffic to minimize the impact to AT&T Road. The lighting at the site has to follow the states requirements and the Night Skies Act and his understanding is that the rodeos will start in the mornings but depending on the activities and number of participants there is the potential for going into the night hours.

Commissioner Eaton asked if the conditional use permit is granted and the conditions of the rodeo and additional activities is granted it would have to be approved by administration as well as the conditions of time constraints and noise would have to be considered and if it becomes problematic adjustments can be made as it develops, is that correct?

Mr. Pato replied absolutely, in the process for approval of the permit the issues such as traffic control, timing and attempt to minimize the impact on surrounding properties will be taken into consideration.

Commissioner Eaton stated that if permission is granted it is not just an open window, it will be subject to adjustments.

Chairman Aragon stated that a decision on this matter will be rendered at the next commission meeting.

Chairman Aragon called for a five-minute break @ 6:48 P.M.

11) Consideration of 2018 Edward Byrne Memorial Justice Assistance Grant. Presenter: Nancy Sanchez, Sponsor: Per Grant Review Narrative Requirements

Ms. Sanchez stated that the justice assistance grant is a formula grant and allocation is based on crime data and the county is eligible to receive \$26,850.00. The funds will be used for the continuation of the SIREN program which is to equip the sheriff's department with interoperable radios. The grant is on a cost reimbursement basis so the county would make the purchase then receive reimbursement.

Chairman Aragon asked if there was anyone present wishing to speak regarding the grant. There was no one that spoke.

Commissioner Carlberg asked if the funding would handle all the radio needs. Ms. Sanchez replied no, this will only be a portion of what is needed. Mr. Pato stated that this equipment is terribly needed by the sheriff's department and he strongly supports commission approval of the grant agreement.

Board Convenes as Indigent Board

Motion for approval by Commissioner Eaton. Seconded by Commissioner Aragon. Roll call vote. Commissioner Carlberg voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 4-0. Commissioner Hyder not present for the vote.

12) Approval of Indigent Report. Presenter: Maria Garcia, Sponsor: County Manager for Regular County Business

Ms. Garcia presented the indigent report and asked for approval for the amount of \$23,971.65 she also reported that as of July 31st the indigent fund balance was \$154,331.60

Motion for approval by Commissioner Cole. Seconded by Commissioner Eaton. Roll call vote. Commissioner Carlberg voted yes. Commissioner Cole voted yes. Commissioner

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Eaton voted yes. Commissioner Aragon voted yes. Motion carried 4-0. Commissioner Hyder not present for vote. (See Exhibit E)

Board Reconvenes as Board of County Commissioners

Motion for approval by Commissioner Cole. Seconded by Commissioner Eaton. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

ACTION ITEM(S):

13) Consideration to approve the 2018 Edward Byrne Memorial Justice Assistance Grant. Presenter: *Nancy Sanchez*; Sponsor: *Per Grant Review Narrative Requirements*. Ms. Sanchez asked for approval to submit the grant application which is due on the 22nd of this month.

Motion for approval by Commissioner Cole. Seconded by Commissioner Hyder. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit F)

14) Approval of Intergovernmental Agreement for inmate confinement Valencia County and Bernalillo County. Presenter: *Joe Chavez*; Sponsor: *County Manager for Regular County Business*

Mr. Chavez asked for approval of an agreement between Valencia County and Bernalillo County which would allow Bernalillo County to house female detainees from Valencia County who suffer with mental health issues, this would provide the detainees with the level of care that they need.

Motion for approval by Commissioner Eaton. Seconded by Commissioner Cole. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit G)

15) Notice of Intent to Award Reception Assessment Services Contract. Presenter: *Rustin Porter*; Sponsor: *County Manager for Regular County Business*

Mr. Porter asked for approval of intent to award a contract for reception assessment services to New Day Inc. Ms. Nancy Sanchez stated that this is a sub contract agreement under the CYFD justice continuum. New Day Inc. will provide services at the Belen, Valencia and Los Lunas high schools, it is a very effective program that is part of the juvenile justice continuum. Mr. Porter asked for commission approval to allow Mr. Monette to execute the contract when it is received from CYFD.

Motion for approval by Commissioner Hyder. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

Mr. Nance asked for clarification if the motion included the delegation of authority. Commissioner Hyder replied yes. (See Exhibit H)

16) Consideration of Hill Top Subdivision, roads to be accepted for County maintenance (District IV). Presenter: *Lina Benavidez*; Sponsor: *as per Valencia County Ordinance 94.066*

Ms. Benavidez stated that the residents of Hill Top subdivision have put in a petition requesting the county to accept 1.67 miles of road for maintenance. The base is in good condition but will not be brought up to county standards so the residents are asking for a waiver.

Motion for approval to accept the road with a waiver by Commissioner Eaton. Seconded by Commissioner Cole. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

17) Decision of Findings of Fact, Conclusions of Law & Order for Zone Change ZC# 2018-057 by Wood-Franken LLC from Rural Residential 1 (RR-1) to Community Commercial (C-2) to allow for a proposed use of a public horse and roping facility. Lots

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A-2-A and A-2-B, Section 33, T5N, R2E, Belen, NM. Presenter: *Gabriel Luna*; Sponsor: *County Manager for Regular County Business*

Mr. Luna presented the findings of fact conclusions of law and for approval.

Motion for approval by Commissioner Hyder. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit I)

PUBLIC COMMENT:

None

EXECUTIVE SESSION:

Pursuant to Section 10-15-1 (H) (2) (4) (5) (7) & (8) the following matters may be discussed in closed session: a) Personnel; b) Pending or threatened litigation: *Valencia County v. Lopez, FOP v. Valencia County*; c) real property; d) other specific limited topics that are allowed or authorized under the stated statute. e) Collective Bargaining: *AFSCME Union Local 2745 Bargaining*

Motion for approval to go into executive session by Commissioner Hyder. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

Motion to return to regular session by Commissioner Cole. Seconded by Commissioner Hyder. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

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.

Motion for approval of summary by Commissioner Hyder. Seconded by Commissioner Cole. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

ACTION ITEMS CONT.:

18) Consideration of AFSCME Union Local 2745 Contract RE-Opener Proposal. Presenter: *Adren Nance*; Sponsor: *County Manager for Regular County Business*

Mr. Nance stated that the contract is in an economic reopener period, the board authorized a 2% raise for all employees. The union is working with the county to utilize that increase in a contract, the numbers need to be finalized. Mr. Nance requested that the board authorize the county manager to approve the contract with a re-opener with the bargaining unit, he also mentioned that it is subject to DFA approval.

Motion for approval for county manager and staff to begin process of settling the contract with the union contingent on DFA approval made by Commissioner Eaton. Seconded by Commissioner Hyder. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0.

NEXT COMMISSION MEETING:

**August 24, 2018- Special Business Meeting and ICIP Workshop @ 1:00 P.M.
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**September 5, 2018- Business Meeting @ 5:00 P.M.
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**September 19, 2018- Public Hearing/Business Meeting @ 5:00 P.M.
Valencia County Commissioner Chambers, 444 Luna Ave., Los Lunas, NM 87031**

19) Adjournment

Commissioner Hyder moved for adjournment. Seconded by Commissioner Carlberg. Roll call vote. Commissioner Carlberg voted yes. Commissioner Hyder voted yes. Commissioner Cole voted yes. Commissioner Eaton voted yes. Chairman Aragon voted yes. Motion carried 5-0. TIME: 7:50 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the August 15, 2018 Public Hearing/Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS



JONATHAN ARAGON, CHAIRMAN



CHARLES D. EATON, VICE-CHAIR



DAVID A. HYDER, MEMBER



DAVID CARLBERG, MEMBER

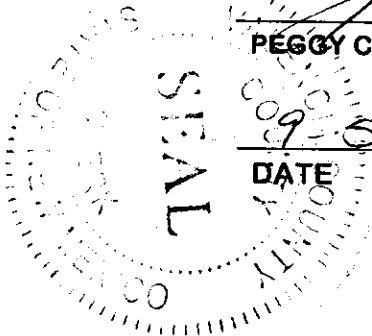


HELEN Y. COLE, MEMBER

ATTEST:



PEGGY CARABAJAL, COUNTY CLERK



9-5-2018
DATE