

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING - BUSINESS MEETING

SEPTEMBER 16, 2020

PRESENT	ABSENT
Jhonathan Aragon, Chairman	
Gerard Saiz, Vice-Chair	
David A. Hyder, Member	Via zoom
Tom Mraz, Member	
Charles D. Eaton, Member	Via zoom
	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 5:00 P.M.

2) Mr. Pato led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Saiz moved for approval. Seconded by Chairman Aragon. Roll call vote. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 3-0. Commissioner Mraz was not present for the vote.

4) Approval of Minutes: September 2, 2020 -Business Meeting

Commissioner Saiz moved for approval. Seconded by Commissioner Hyder. Roll call vote. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 3-0. Commissioner Mraz was not present for the vote.

PUBLIC COMMENT:

Mr. Montoya stated that all the submitted public comments were pertaining to the public hearing item.

DISCUSSION (NON-ACTION) ITEM(S):

5) Commissioners, Committees and Reports.

Commissioner Mraz stated that the county is spending \$1,071.00 per day on electricity. The county should not be spending that much money on electricity; the ENGIE proposal needs to be brought back and considered.

Mr. Montoya stated that the commission chambers will be used for an early voting location so the commission meetings will be set up in the I.T. training room.

Employee of the Month-June 2020. Presenter: Human Resources Director Orlando Montoya

Mr. Montoya introduced Joshua Zuni and Jeremias Silva as co-employees of the month for the month of June. Ms. Trujillo explained the roles that Mr. Zuni and Mr. Silva have in the Finance department. She is extremely grateful for their efforts and they both have an outstanding work ethic.

Commissioner Eaton joined the meeting @ 5:15 P.M.

PUBLIC HEARING ITEM(S):

6) GO Bond Authorizing Ordinance. Presenter: Public Works Director, Lina Benavidez

Erick Harrigan with RBC Capital Markets stated that up for approval tonight is an ordinance which authorizes the issuance of the remaining voter authorized bonds. In 2018 voters authorized a total of \$5.1 million in GO bonds, he stated that the anticipated interest rate will be around 0.5%-0.6% and the funds would be available to the county in October.

7) ZC #2020-024 – 028 (5) Valle Vista requests a Zone Change from Agricultural Preservation (AP) to Rural Residential 2 (RR-2). The five parcels at Tract F4 (2.00 ac), T6N, R2E, Map C-5-1; Land of Neil McCullough; Los Lunas, NM 87031; Zoned Agricultural Preservation (AP); Filed in Cabinet I 560 in the office of the Valencia County

Minutes of September 16, 2020 Public Hearing/ Business Meeting

Clerk. Located in District 2, County Commissioner Mraz on the north side of the intersection of El Cerro Loop and Racca Rd. Presenter: County Planner, Gabriel Luna
 County Clerk Carabajal swore in the individuals wishing to speak on the public hearing item. Mr. Nance requested that Ms. Gonzales detail how people were able to participate in today's meeting. Ms. Gonzales stated that parties of interest were sent a certified letter with a zoom link, which also included a phone number for people to call in. The certified letter also notified the individuals that they could participate in person while wearing a mask and practicing social distancing. Notice was also given that comments could also be submitted via email. Ms. Gonzales stated that the applicant is requesting a zone change from Agricultural Preservation (AP) to Rural Residential 2 (RR-2), there are five parcels totaling 27.11 acres. the subject property is known as Tracts F4, F2D, F2E, F2C, and F2B, T6N, R2E Land of Neil McCullough, the property is located near El Cerro Loop and Racca Road.

Ms. Gonzales stated that this matter originally went before the planning and zoning board at their May meeting but was tabled due to lack of public participation due to the public health order, it was heard again at the planning and zoning boards June meeting. The request was amended from eleven lots down to the current five lots. The planning and zoning board received two letters in support of the request and seven letters of opposition. A total of nineteen letters of opposition were received when the notice was sent out for the BOCC meeting but only seven of them could be verified to have standing in the matter. The planning and zoning board recommended denial of the zone change with a vote of 3-2. Ms. Gonzales read the criteria for zone change from Section 154.061 of the county's comprehensive plan.

Chairman Aragon asked if this zone change request meets the requirements. Ms. Gonzales replied yes, it does meet the requirements. Commissioner Mraz stated that he did put something on Facebook so he was advised to recuse himself from voting on this item. He stated that the whole thing with this matter is about making money. He stated that agricultural land should be the soul of community, he wants to see the land protected. He stated that he would like to request a moratorium on zone changes until the comprehensive plan is updated. Scott Edeal, the applicant and manager of Valle Vista Land Company stated that here in the valley there has been nothing detrimental that he has done regarding land. He and his family have put in more production than they have taken out. The only thing that is being requested today is a zone change. Right next to the property is a drain ditch, there is plenty of water for the land and houses will use less water than agriculture. Chairman Aragon stated that the comments that have standing can be read into the record.

Chairman Aragon asked if there was anyone wishing to speak in favor of the item. There was not one wishing to speak. Chairman Aragon asked if there was anyone wishing to speak in opposition to this item. Teresa Smith de Cherif (participating via zoom) stated that she is the owner of the tract of land next to tract F4. She stated that she was not given notice when planning and zoning first heard this matter but did receive notice for this meeting. She stated that the chain of title to the applicant's property is interrupted, there is a defective title to the property. She also mentioned that the applicant's project infringes on her property. She asked why Commissioner Mraz recused himself from voting. She requested that the commission postpone or deny the zone change outright until a clear chain of title can be determined. She stated that due diligence has not been done on this project.

Mr. Montoya read the public comments submitted via email. Geri Rhodes, Sue Small and Erica Chavez were the individuals that submitted public comment. Geri Rhodes commented that she is in opposition to the zone change. She requested that the commission consider a moratorium on zone changes until the county's comprehensive plan is updated. Ms. Gonzales stated that Ms. Rhodes is not a party of interest to the matter and was not on the list for notice sent via certified mail. Sue Small requested that the decision on the zone change be postponed until the county has an updated comprehensive plan. Ms. Gonzales stated that Ms. Small is not a party of interest to the matter and was not on the list for notice sent via certified mail. Erica Chavez commented that she is opposed to the zone change. She expressed concern that a development will contribute to the water shortage, and will impact traffic and roads and will destroy agricultural land. There is no need for a development in this area. Ms. Gonzales stated that Ms. Chavez is on the list of notices and does have standing in this matter. Mr. Edeal stated that the title work is up to the title insurance company, it has nothing to do with him. If they made a mistake then the title insurance will have to pay for it. He stated that the easement that Ms. Smith de Cherif mentioned has never been used, it is overgrown

with trees and was platted by McCullough. All of the trees behind Ms. Smith de Cherifs property are on my land. Commissioner Mraz stated that it looks like the applicant wants to put in a subdivision and when someone wants to put in a subdivision they should pay for the infrastructure. Things should be planned for the future, agricultural land should be preserved and kept agricultural. Commissioner Saiz asked if the property was being farmed how would it would be watered if there wasn't irrigation access through the acequias; would the only option be to drill a well. Mr. Edeal stated yes that is correct but you can't drill wells anymore. Commissioner Eaton asked if only individuals that had standing in the matter were allowed to be heard. Commissioner Aragon stated that is not correct, there were 4 comments in opposition total but only two of those individuals had standing, every comment was read. Chairman Aragon stated that the public hearing item is now closed. (See Exhibit A)

ACTION ITEM(S):

8) ZC #2020-024 – 028 (5) Valle Vista requests a Zone Change from Agricultural Preservation (AP) to Rural Residential 2 (RR-2). The five parcels at Tract F4 (2.00 ac), T6N, R2E, Map C-5-1; Land of Neil McCullough; Los Lunas, NM 87031; Zoned Agricultural Preservation (AP); Filed in Cabinet I 560 IN THE Office of the Valencia County Clerk. Located in District 2, County Commissioner Mraz on the north side of the intersection of El Cerro Loop and Racca Rd. Presenter: *County Planner, Gabriel Luna*; Sponsor: *County Manager for Regular County Business (Tabled 08/19/2020)*
 Ms. Gonzales stated that there is a request to re-zone five AP zoned parcels totaling 27.11 acres to RR-2. The properties are located at the north side of El Cerro Loop and Racca Road. Mr. Nance stated that the commission does have the opportunity to retire into executive session for discussion on this matter if so needed. Ms. Gonzales read the three criteria of a zone change from or to AP zoning. Mr. Edeal, the applicant, stated that the area around the subject property is all acre lots. He stated that he feels this is the best use for the property, he is not trying to do anything detrimental to the valley.

Commissioner Eaton stated that he is reluctant that the applicant was brought up again when the action is pending and a public hearing was already held on the matter. Mr. Pato suggested that anyone present in opposition to the matter be given the opportunity to speak as well, to alleviate any concerns. Ms. Theresa Smith de Cherif stated that if the owner is not sure of the title then they cannot ask for a zone change. Many of the parcels around the subject property are larger parcels, there can be infrastructural issues with the development. She asked the commission to postpone or deny outright the zone change. Commissioner Saiz stated that Mr. Edeal and his family have been good stewards of the farmland for many, many years and his request is very reasonable.

Commissioner Saiz moved for approval of the zone change. Seconded by Chairman Aragon.

Commissioner Mraz stated that the planning and zoning board denied the zone change on a 3-2 vote; why even have a planning and zoning board if the commission doesn't listen to them. Commissioner Eaton stated that back in the 90's he requested that a land and water study be done, part of the study tied in with the comprehensive plan back then. The study revealed that if the county didn't do something and continued to grow then there would be an issue. The county is continuing to see more depleted agriculture land and the county is going to run into the same issue as the south valley; which was why the water authority was created.

Roll call vote. Commissioner Mraz recused himself from the vote. Commissioner Saiz voted yes. Commissioner Hyder voted yes. Commissioner Eaton voted no. Chairman Aragon voted yes. Motion passed 3-1. (See Exhibit B)

9) Approval of Recognition and Recording of Accounts Payable and Payroll Disbursements. Presenter: *Finance Director Loretta Trujillo*; Sponsor: *County Manager for Regular County Business*
 Ms. Trujillo presented and asked for approval of payroll dated August 28th and accounts payable dated August 27th through September 4th. Commissioner Mraz requested a financial update where the county currently stands financially. Ms. Trujillo stated that she is getting ready to present the first quarterly report at the second meeting in October.

Commissioner Saiz moved for approval. Seconded by Commissioner Mraz.

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Roll call vote. Commissioner Mraz voted yes. Commissioner Eaton voted yes. Commissioner Hyder voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 5-0. (See Exhibit C, D)

10) Approval of Resolution No. 2020-____, Certification of the Valencia County Fiscal Year 2019-20 Capital Asset Inventory. Presenter: County Accountant, Sylvia Cordova; Sponsor: County Manager for Regular County Business

Ms. Cordova asked for approval of the certification of last fiscal year's capital asset inventory. Asset categories include land, land improvements, buildings, equipment, vehicles and infrastructure/roads.

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

County Clerk Carabajal announced Resolution 2020-56. (See Exhibit E)

11) Consideration of GO Bond Authorizing Ordinance. Presenter: Public Works Director, Lina Benavidez; Sponsor: County Manager for Regular County Business

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

County Clerk Carabajal announced Ordinance 2020-02. (See Exhibit F)

12) Consideration of Robyn Place to be added to the County maintained list (District I). Presenter: Public Works Director, Lina Benavidez; Sponsor: County Manager for Regular County Business

Ms. Benavidez stated that she received a petition from residents requesting that Robyn Place be added to the county-maintained road list, she stated that there is 100% participation from the residents and they are requesting that the requirement that it be brought up to county standards be waived. Madeline Aragon, a resident of Robyn Place, thanked Ms. Benavidez for being very helpful during the process.

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

13) Consideration to Review and Execute the 2020 CARES Act funding for Small Businesses; Award Number CARES-BUS-14000-VAC (\$579,000.00). Grants Manager, Jeremias Silva; Sponsor:

Mr. Silva stated that the county received \$579,000.000 in funding from the CARES Act. This funding allows small businesses to request reimbursement on expenditures that are related to COVID-19. Small businesses within Peralta, Rio Communities, Bosque Farms and the unincorporated areas of the county can submit an application for funding. Applications will be reviewed on a first come first serve basis. Mr. Silva briefly outlined the application request process, the application deadline will be October 30th. Ms. Montoya discussed how they plan to advertise this funding opportunity to small businesses.

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

Commissioner Saiz requested that the commission be provided updates throughout this process, he stated that he will leave the update process up to Mr. Silva's discretion.

14) Consideration to Review and Execute the 2020 CARES Act funding for Valencia County; Award Number CARES-14000-VAC (\$437,500.00). Grants Manager, Jeremias Silva; Sponsor:

Mr. Silva stated that county received \$437,500.00 in CARES Act funding for expenses that have incurred to mitigate and prevent the spread of COVID-19 within the county departments.

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

15) Approval for Safer Grant (traffic enforcement overtime). Presenter: Chief Deputy, Jeff Noah; Sponsor: Commissioner, David A. Hyder
Chief Deputy Noah asked for approval of the reimbursable Traffic Safety grant for the amount of \$13,195.00.

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

Board Convenes as Indigent Board

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

16) Approval of Indigent Report. Presenter: Human Resources Specialist, Maria Garcia; Sponsor: County Manager for Regular County Business

Ms. Garcia presented the indigent report and asked for approval in the amount of \$25,156.48 she also reported the indigent fund had a balance of \$452,218.18 as of September 2nd.

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

Board Reconvenes as Board of County Commissioners

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

NEXT COMMISSION MEETING:

October 7, 2020 – Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

October 21, 2020 – Public Hearing/Business Meeting @ 5:00 P.M. via Facebook Live
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031

17) Adjournment

Commissioner Hyder moved for adjournment. Seconded by Commissioner Mraz. Roll call vote. Commissioner Mraz voted yes. Commissioner Hyder voted yes. Commissioner Eaton voted yes. Commissioner Saiz voted yes. Chairman Aragon voted yes. Motion carried 5-0.
TIME: 7:02 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the September 16, 2020 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

Jhonathan Aragon

JHONATHAN ARAGON, CHAIRMAN

Gerard Saiz

GERARD SAIZ, VICE-CHAIR

David A. Hyder

DAVID A. HYDER, MEMBER

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Tom Mraz

TOM MRAZ, MEMBER

Charles D. Eaton

CHARLES D. EATON, MEMBER

ATTEST: *Peggy Carabajal*

PEGGY CARABAJAL, COUNTY CLERK

10/8/2020

DATE

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