

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## PUBLIC HEARING - BUSINESS MEETING

APRIL 20, 2022

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

PRESENT	ABSENT
Gerard Saiz, Chairman	
Jhonathan Aragon, Vice-Chair	
David A. Hyder, Member	
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 5:00 P.M.

2) Mr. Ralph Mims led the Pledge of Allegiance.

3) Approval of Agenda

Chairman Saiz requested that action be taken on items #16-#23 all at once.

Commissioner Bizzell moved for approval agenda with the requested change. 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.

4) Approval of Minutes: *4/6/2022 Budget Workshop*  
*4/6/2022 Business Meeting*

Commissioner Richardson moved for approval. 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.

*4/12/2022 Emergency Meeting*

Commissioner Aragon moved for approval. Seconded by Commissioner Bizzell. Roll call vote. Commissioner Richardson abstained as he was not present for the 4/12/22 meeting. Commissioner Bizzell voted yes. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 4-0.

### **PUBLIC COMMENT:**

Andrew Hautzinger the Director of Valencia Soil and Water Conservation District invited everyone to the Earth Day event at Whitfield Wildlife Conservation taking place this Friday and Saturday. He also stated that 75%-80% of Whitfield burned in the Big Hole fire, there needs to be better partnerships in place and the Bosque needs to be protected so something like this does not happen again.

Erica Novich asked the commission to support Whitfield and help do something to protect the Bosque.

### **DISCUSSION (NON-ACTION) ITEM(S):**

5) Commissioners, Committees and Reports.

Commissioner Aragon reported that at the NMC meeting this morning there was a shout out to Valencia County I.T. department, Valencia County is the only county in the state that uses pass phrase for cyber security.

Warden Gutierrez introduced Rudy Saiz as the employee of the month. Warden Gutierrez stated that Mr. Saiz has been employed at the detention center for 7 years, he is the Fire Safety officer and is very deserving of this award.



Ms. Tesa Mast announced that the application for Wi-Fi is now live for the Meadowlake and El Cerro area. 115 applications were received in the first day and they are hoping to get 800 homes connected with Wi-Fi.

Ms. Nancy Gonzales invited everyone to the Belen Senior Center on May 3<sup>rd</sup> for a Cinco De Mayo celebration for the seniors.

Mr. Monette reported that Chief Propp was not able to be here tonight to give an update. He stated that he was impressed on how the community came together for the Big Hole fire. The all county departments worked together as well, the use of national, state and federal resources was applauded by the Governor.

Mr. Silva gave a through update on the use of the ARPA funds as well as the status of the current grants for this fiscal year, he stated that there will be minimal to no reversions on grant funding.

Ms. Trujillo stated that she will bring the final draft of the preliminary budget to the board at the May 4<sup>th</sup> meeting, the preliminary budget is due to the state by June 1<sup>st</sup>. Changes to personnel services have been added to the preliminary budget as presented at the last meeting. Union negotiations are close to being finalized. In the budget Public Works has a deficit of \$1.3 million, the commission will have to decide if they want to change the budget or move money from the general fund to cover the shortage. Adult Detentions also has a deficit of \$299,000. The general fund has a surplus of over \$2 million which includes personnel services. Ms. Trujillo requested that the board share their thoughts with Mr. Monette on how they would like to proceed with the budget for next meeting.

Mr. Monette requested that the commission move the June 15<sup>th</sup> meeting to June 13<sup>th</sup> as there is conflict with the NMC conference. He also announced that Chief Propp instated a county wide fire ban for 30 days.

Mr. Bizzell asked how many bulldozers the county has. Mr. Monette stated that the county does not own any, the ones used for the fire came from the state and federal.

Chairman Saiz stated that he received a request to amend the agenda and move item #24 before the public hearing portion of the meeting.

Commissioner Bizzell moved for approval to move the item. 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.

#### **Board Convenes as Indigent Board**

Commissioner Hyder moved for approval. 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.

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

Ms. Garcia presented the indigent report and request approval for the amount of \$27,608.45 she also reported that the fund balance as of April 12<sup>th</sup> was \$1,199,430.00 and the cremation grant received 3 cremations and 1 burial.

Commissioner Aragon 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 A)

#### **Board Reconvenes as Board of County Commissioners**

Commissioner Hyder moved for approval. 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.



**PUBLIC HEARING ITEM(S):**

**6) Zone Change #2022-004 (District V, P&Z Commissioner Trujillo, BOCC Aragon)**  
**Impact Power Solutions** requests a Solar Overlay Zone on properties in an Outland District (OD). The property at Tract: CERTAIN TRACT WITHIN E 1/2 OF S29, T7N, R3E, 295.73 ac; PART OF OTERO RANCH, property located on the North side of the intersection of Manzano Expressway and Meadowlake Rd, Los Lunas, NM 87031, Zoned Outland District (OD). Presenter: *Applicant, Impact Power Solutions, Community Planner, Gabe Luna*; Sponsor: *Pursuant to Valencia County Zoning Code §154.001 et seq.*

Mr. Luna stated that the applicant, Impact Power Solutions, is requesting a solar overlay zone. The property in question is currently zoned Outland District (OD) This request was heard at the February 22<sup>nd</sup> Planning and Zoning meeting where it was recommended for approval on a 4-0 vote. The Planning and Zoning board did recommend setbacks and solar panels not over 10 feet.

*County Clerk Milam administered the oath to those individuals wishing to speak on the public hearing item.*

Jake with IPS Solar stated that the project is the maximum size which is 5 megawatts, the entire acreage that they are leading is 40 acres. A set back of 550 ft. was agreed upon with the landowner. He also stated that in other projects the panels are 8-ft. when lying flat but when facing west or east they are 12-13ft. they will look into the 10ft height but it all depends on soil and how far down the posts need to go.

Commissioner Bizzell asked if Valencia County will have priority to subscribe, the board would like to see county residents taken care of before it goes to other areas.

Jake stated that the county has enough businesses and residents that he doesn't see an issue with subscribing. Their company has been in business for 31 years, they will partner with companies who do the subscription side to make residents aware.

Chairman Saiz stated that several years ago an adjacent property owner wanted to do this type of project and the applicants family opposed it at that time, the commission ultimately denied it request. What is the difference from then to now, when back then they opposed it on the adjacent property.

Jake stated that this program did not exist at that time, at that time it was either grid scale or utility scale project which is much more invasive.

Commissioner Aragon stated that the instance that Chairman Saiz was talking about is why the county adopted a solar overlay zone, the zone change request was denied with much heat but the solar overlay zone was created because of that particular item.

Chairman Saiz asked if anyone sworn in that has questions or wants to speak. There was no one wishing to speak. (See Exhibit B)

**7) Zone Change #2022-006 (District III, P&Z Commissioner Moran, BOCC Hyder)**  
**Leonard Salgado** requests a Greenhouse Overlay Zone to build a greenhouse. The property at Subdivision: Land of Brian & M Lynn Mikelson Tract 40 MRGCD Map 104 NMPM, 6.41 ac; also known as 1408 Highway 116 Belen, NM 87002, Zoned Rural Residential 2 (RR-2), Filed in Book L, Page 973 in the Office of the Valencia County Clerk. Presenter: *Applicant, Leonard Salgado, Community Planner, Gabe Luna*; Sponsor: *Pursuant to Valencia County Zoning Code §154.001 et seq.*

*County Clerk Milam administered the oath to those individuals wishing to speak on the public hearing item.*

Mr. Luna stated that the applicant, Leonard Salgado, is requesting a greenhouse overlay zone on property that is currently zoned RR-2. In 2021 Mr. Salgado presented a zone change to the BOCC and that request was denied. The commission then instructed staff and legal to come up with a greenhouse ordinance. Mr. Salgado then submitted a new application. This matter was then heard at the February 22<sup>nd</sup> Planning and Zoning board meeting where it is recommended for denial on a 4-0 vote.



Leonard Salgado stated his address as 1408 S. Hwy 116. He requested that the commission approve the greenhouse overlay, he is fully prepared to comply with the ordinance. Within the ordinance there is no definition of any type of crop that can be grown in greenhouse structure. The goal to utilize the greenhouse is to grow the best commercial crop, to extend the growing season and to control the environment. An irrigation system will be installed to minimize the use of water. He also stated that he would like to use the farm as a beta agricultural training site where best practices can be developed in cultivation and irrigation to educate other farmers.

Commissioner Bizzell asked Mr. Salgado if he was the landowner.

Mr. Salgado replied that he leases the property from Mr. Mikelson.

Commissioner Bizzell asked what the lease terms were.

Mr. Salgado stated that the terms expire in January of next year but they intend to execute a purchase agreement in the next 60 days.

Mr. Pato asked Mr. Salgado if he has been authorized to submit the greenhouse overlay application by the owner.

Mr. Salgado replied yes.

Commissioner Aragon stated that in the planning and zoning minutes it appears that this is not consistent with Valencia County's goals and policies.

Mr. Luna stated that this is considered alongside it.

Chairman Saiz asked if any members of the public who were sworn in wished to speak.

Raymond Gonzales stated that he received a certified letter. He is the homeowner for the property adjacent to the property in question. he is in opposition to the greenhouse overlay. He stated that Mr. Salgado is trying to bring something into the neighborhood that is not wanted, it will bring crime to the area and the cannabis will stink up the neighborhood. The greenhouse is more along the lines of a commercial building and Mr. Salgado is the front man for an investor.

Marcel Pecastaing resident of 1419 S. Hwy 116 stated he received legal notice. He is opposed to the greenhouse. Mr. Salgado has changed his plans from the first time he presented, its changing from a farm to a training center. The community is not a commercial building site. There is a church across the street as well as a school bus stop. Some people don't want to be associated with that smell and he is in total agreement with Raymond Gonzales' statements.

Phyllis Pecastaing resident of 1419 S. Hwy 116 stated that she received legal notice. She stated that she is against the greenhouse. Mr. Salgado does not live at the place but his son does. Mr. Salgado and his investors are making money growing medical marijuana. She stated that this should not be allowed in the community, she doesn't want this in the lives of her grandkids and great grand kids

Eugene Pickett resident of 1294B & 1294 D Hwy 116, stated he did not receive legal notice. He is a representative of National Latino Farmers and Ranchers Trade Association (NLFRTA) which does business with the USDA. NLFRTA has initiated a MOU with the Salgado's to allow other farmers to learn about better agricultural practices. The Natural Resource Conservation Corps is also partnering on a 2-year project. A greenhouse extends the growing season, NLFRTA is a responsible organization when it comes to farming practices, they are not involved in any illegal operation.

Mr. Salgado stated that he is an Air Force veteran, he was a military cop and has had background checks. He has never been associated with the carter or illegal activity in his life. The property is leased liked farmers across the state lease for farming and cattle. Cannabis has nothing to do with the request for an overlay zone or greenhouse. The personal attacks on his character have embarrassing and hurtful but they are based on being uninformed and uneducated about cannabis industry.

Commissioner Bizzell asked about light pollution and if the lights are on all hours.



Mr. Salgado replied that lights are being tested in the hoop house, they are not on during the entire course of the evening.

Mr. Pato stated that they would have to be in compliance with the Night Sky Protection Act.

Mr. Pato asked Mr. Salgado to detail the plan for mitigation of odor, noise and dust to not interfere with neighboring properties. He asked if he anticipated cultivating plants that result in odor.

Mr. Salgado stated that there is no noise, a filtration system will be installed in the structure to mitigate odor but he has never has anyone tell him the odor travels for miles. Every plant on earth comes with an odor, but a plant of this size does not have an odor unless you are up close to it.

Mr. Pato asked Mr. Salgado if he was familiar with the recreational and medical cannabis regulations that the county adopted.

Mr. Salgado stated that he is familiar with the regulations of the medical cannabis program and the cannabis regulation act that are now in place. The words recreational marijuana is not in the cannabis regulation act which was signed last year. He stated that he is familiar of the regulations on the adult use side which is governed by the cannabis control division and the NM licensing and regulation.

Mr. Pato asked what the distance is from the nearest school and church.

Mr. Salgado stated that state law requires 300ft from the nearest school and daycare, Valencia County requires 300ft from school, church or daycare. The greenhouse will be placed beyond the 300ft restricted area.

Commissioner Richardson asked if there is an ordinance that applies to odor.

Mr. Pato stated that when deciding whether to grant the greenhouse overlay the board has to consider plans to mitigate the odor.

Mr. Nance stated that section 92.23 has odor restrictions.

Mr. Pato stated that it may result in a private nuisance claim by the neighbors.

Commissioner Hyder asked if the overly is granted since Mr. Salgado is just leasing would the overlay disappear if he moves.

Mr. Pato stated that is correct, the overlay is granted to the applicant only it does not run with the land.

Commissioner Hyder stated that what is being decided is the greenhouse not specifically what is being grown.

Mr. Pato stated that he is not sure if that is true. the greenhouse overlay requires a plan for mitigation of odor and noise in order to not interfere with neighboring properties. It is fair for the board to inquire what is going to be grown, the level of odor to be created and how it will be mitigated. If the answers are not satisfactory to the board that is ample basis for the board to deny the request. It is up to the applicant to provide ample mitigation plan to address neighbors' concerns regarding odor.

Chairman Saiz stated that public hearing portion of the meeting is not closed, a decision will be made later in the meeting. (See Exhibit C)

**ACTION ITEM(S):**

**8) 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 accounts payable dated March 25<sup>th</sup>-April 4<sup>th</sup> and payroll dated March 25<sup>th</sup>.



Commissioner Bizzell moved for approval. 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. (See Exhibit D,E)

**9) Approval of Resolution 2022-\_\_\_: State BARS. Presenter: *Finance Director Loretta Trujillo*; Sponsor: *County Manager for Regular County Business***

Ms. Trujillo presented a state budget adjustment and asked for approval, this does also require DFA approval.

Commissioner Richardson moved for approval. 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.

County Clerk Milam announced Resolution 2022-38. (See Exhibit F)

**10) Approval of Resolution 2022-\_\_\_: Local BARS. Presenter: *Finance Director Loretta Trujillo*; Sponsor: *County Manager for Regular County Business***

Ms. Trujillo presented a local budget adjustment and asked for approval.

Commissioner Aragon moved for approval. 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.

County Clerk Milam announced Resolution 2022-39. (See Exhibit G)

**11) Consideration to Approve a Proclamation for Motorcycle Awareness Month. Presenter: *Richard Sturgeon*; Sponsor: *Commissioner, David A. Hyder***

Mr. Nance read a proclamation recognizing the month of May as motorcycle awareness month in Valencia county.

Commissioner Hyder moved for approval. 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. (See Exhibit H)

**12) Approval of Resolution 2022-\_\_\_: Requesting the State of New Mexico Meet its Legal Responsibility to Adequately Fund its Older American Programs. Presenter: *County Attorney, Adren Nance*; Sponsor: *County Manager for Regular County Business***

Ms. Gonzales stated that the proposed resolution requests the state meet its legal responsibility to adequately fund the OAP program. Over the past 5 years the county has supplemented the states program in the amount of \$1.6 million. Mr. Nance stated that this is a state and federal program yet the county is being required to fund most of the program, other counties in the state are passing similar resolutions.

Commissioner Hyder moved for approval. 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.

County Clerk Milam announced Resolution 2022-40. (See Exhibit I)

**13) Approval of MOU to support the Summer Recreation Program, for the benefit of the children and youth of the City of Belen & Valencia County. Presenter: *City of Belen Parks and Rec. Director, Joshua Kerns*; Sponsor: *Commissioner Joseph Bizzell***

Mr. Shawn Ammons stated that the MOU is the same as the past 3 years, the money will be used to run the summer recreation program.

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 J)

**14) Approval of MOU to support the Summer Recreation Program, for the benefit of the children and youth of the Village of Los Lunas & Valencia County. Presenter: *Village of Los Lunas Parks and Rec. Director Marcos Castillo*; Sponsor: *Chairman Gerard Saiz***



Commissioner Richardson moved for approval. 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 K)

**15) Consideration to approve contract for Inmate Healthcare Services. Presenter: Purchasing Agent Rustin Porter; Sponsor: County Manager for Regular County Business**

Mr. Porter requested approval of a contract with Roadrunner Health Services LLC for inmate healthcare services at the detention center. The annual amount is \$1,089,160.00 and the contract will take effect May 1<sup>st</sup>. there was 3 bid responses to the RFP and the evaluation committee recommended Roadrunner Health Services. Mr. Pato stated that this contract is \$260,000 more than it was last year. Mr. Porter stated that Roadrunner was significantly lower than the other 2 bidders. He asked if the county has a copy of the insurance for Roadrunner Health as well as requesting that the county be named as additional insured and be notified if the policy lapses.

Commissioner Hyder moved for approval. 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 L)

**16) Approval of Resolution 2022-\_\_\_: Finding Public Nuisance Requiring Renovation or Removal by County (LAS MARAVILLAS Block: 5 Lot: 27 7 SEDA PL., LOS LUNAS NM 87031) Presenter: Community Development Director, Nancy Jo Gonzales, Code Enforcement Officer Ronald Saiz; Sponsor: Pursuant to Section 91 of the Valencia County Code of Ordinances**

Chairman Saiz stated that items #16-#23 will be presented as one and action will be taken at the same time.

Mr. Ronald Saiz stated that the property at 7 Seda Place has been abandoned for 14 months, residents have called numerous times. The property owner is here this evening. Mr. Nance stated that the property owner be allowed to speak. Mr. Mike Snare stated that he is the owner of 7 Seda Place, he is going to be doing a walk through on Friday and the demo process will start next week. He apologized for the process taking so long but his hands were tied by other people but the home will be demolished. Commissioner Bizzell asked if there was any paperwork from the insurance stating that they were going to demo the home. Mr. Snare stated that he has paperwork showing he paid for the demo 4 months ago, he will go and get the paperwork from his truck.

Mr. Pato suggested that this item be tabled until Mr. Snare brings in proof. Mr. Robert Martinez and Mr. Mark Poiles shared their concern that the vacant house is a safety and security issue for the neighborhood. They both stated that Mr. Snare is not being honest about getting the house demolished and they would like the commission to proceed with going forward with the process. Commissioner Hyder asked Mr. Saiz if he has heard the same thing. Mr. Saiz stated that Mr. Snare is a nice guy but he is kicking the can down the road. Mr. Nance stated that this item is about litigation so it can be moved to executive session.

Commissioner Aragon moved for approval to move action on this item until after executive session. 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.

**17) Approval of Resolution 2022-\_\_\_: Finding Public Nuisance Requiring Renovation or Removal by County (HIGHLAND MEADOWS Block: C Lot: 159 Unit: 8 aka 9 SAN JUAN, LAGUNA, NM 87026) Presenter: Community Development Director, Nancy Jo Gonzales, Code Enforcement Officer Ronald Saiz; Sponsor: Pursuant to Section 91 of the Valencia County Code of Ordinances**

Mr. Saiz stated that the property at 9 San Juan has been abandoned for some time and no property owner was found.

**18) Approval of Resolution 2022-\_\_\_: Finding Public Nuisance Requiring Renovation or Removal by County (EL CERRO MISSION Block: 4 Tract: 1 Unit: 12 aka 10 SANTA BARBARA DR, LOS LUNAS NM 87031) Presenter: Community Development Director,**



***Nancy Jo Gonzales Code Enforcement Officer Ronald Saiz, Sponsor: Pursuant to Section 91 of the Valencia County Code of Ordinances***

Mr. Saiz stated that the owner is present here this evening for 10 Santa Barbara. The owner was contacted several times about removing the trailer but it has never been done. Edith Serrano stated that she is the owner of the property, the land was rented out to a man but he got deported so they have not been able to get the title for the trailer in order to move it. Ms. Serrano requested additional time in order to get the title. Mr. Nance stated that this can be discussed in executive session.

Commissioner Bizzell moved to take action after 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.

**19) Approval of Resolution 2022-\_\_\_: Finding Public Nuisance Requiring Renovation or Removal by County (MEADOW LAKE SUBDIVISION Block: 2 Tract: 5 Unit: 6 aka 22 CANYON RD, LOS LUNAS, NM 87031) Presenter: *Community Development Director, Nancy Jo Gonzales, Code Enforcement Officer Ronald Saiz, Sponsor: Pursuant to Section 91 of the Valencia County Code of Ordinances***

Mr. Saiz stated that the property at 22 Canyon Road has been vacant for some time.

**20) Approval of Resolution 2022-\_\_\_: Finding Public Nuisance Requiring Renovation or Removal by County (MEADOW LAKE SUBDIVISION Block: 2 Tract: 7 Unit: 6 aka 28 CANYON RD, LOS LUNAS, NM 87031) Presenter: *Community Development Director, Nancy Jo Gonzales, Code Enforcement Officer Ronald Saiz, Sponsor: Pursuant to Section 91 of the Valencia County Code of Ordinances***

Mr. Saiz stated that the property owner for 28 Canyon Road gave the county permission to abate the property.

**21) Approval of Resolution 2022-\_\_\_: Finding Public Nuisance Requiring Renovation or Removal by County (MISSION PARK Lot: 3 Block: D Unit: 1 aka 39 MISSION PARK LOOP, LOS LUNAS, NM 87031) Presenter: *Community Development Director, Nancy Jo Gonzales, Code Enforcement Officer Ronald Saiz, Sponsor: Pursuant to Section 91 of the Valencia County Code of Ordinances***

Mr. Saiz stated several letters were sent to the property owner of 39 Mission Park Loop but he received no response.

**22) Approval of Resolution 2022-\_\_\_: Finding Public Nuisance Requiring Renovation or Removal by County (MEADOW LAKE SUBDIVISION Tract: 65 Unit: 4 aka 121 BONITA LOOP, LOS LUNAS, NM 87031) Presenter: *Community Development Director, Nancy Jo Gonzales, Code Enforcement Officer Ronald Saiz, Sponsor: Pursuant to Section 91 of the Valencia County Code of Ordinances***

Mr. Saiz stated that the property at 121 Bonita Loop has been abandoned for a number of years.

**23) Approval of Resolution 2022-\_\_\_: Finding Public Nuisance Requiring Renovation or Removal by County (EL MONTE ESTATES Lot: 110 1.00 ACRE MAP 81 aka 1427 MARIO DR SW, LOS LUNAS, NM 87031) Presenter: *Community Development Director, Nancy Jo Gonzales, Code Enforcement Officer Ronald Saiz, Sponsor: Pursuant to Section 91 of the Valencia County Code of Ordinances***

Mr. Saiz stated that property at 1427 Mario Dr. SW has been abandoned for quite a while.

Commissioner Hyder moved for approval of items #17, #19 and #20-#23 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.

County Clerk Milam announced Resolutions 2022-41 through 2022-46. (See Exhibit M-R)

**EXECUTIVE SESSION:**



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

- a. personnel 10-15-1 (H) (2)**
- b. administrative adjudicatory deliberations 10-15-1 (H) (3)**
  - i. Zone Change #2022-004 and # 2022-006**
- c. pending or threatened litigation 10-15-1 (H) (7)**

Mr. Nance stated that what was to be discussed is limited to what was presented on the agenda for executive session including public nuisance renovation at 7 Seda Place and 10 Santa Barbara Dr.

Commissioner Hyder moved to go into executive 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. @ 7:34 P.M.

Commissioner Richardson moved to return to regular session. 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. @ 8:15 PM.

Mr. Nance stated that the items discussed in executive session were limited to those in the motion for closure including abatement at addresses 7 Seda Place and 10 Santa Barbara Dr, no final action was taken.

Commissioner Richardson moved for approval of the summary as stated by Mr. Nance. Seconded by Chairman Saiz. 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.

#### **ACTION ITEMS CONT.**

**16) Approval of Resolution 2022-\_\_\_: Finding Public Nuisance Requiring Renovation or Removal by County (LAS MARAVILLAS Block: 5 Lot: 27 7 SEDA PL., LOS LUNAS NM 87031) Presenter: *Community Development Director, Nancy Jo Gonzales, Code Enforcement Officer Ronald Saiz*, Sponsor: *Pursuant to Section 91 of the Valencia County Code of Ordinances***

Commissioner Hyder moved to approve abatement. 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.

County Clerk Milam announced Resolution 2022-47. (See Exhibit S)

**18) Approval of Resolution 2022-\_\_\_: Finding Public Nuisance Requiring Renovation or Removal by County (EL CERRO MISSION Block: 4 Tract: 1 Unit: 12 aka 10 SANTA BARBARA DR, LOS LUNAS NM 87031) Presenter: *Community Development Director, Nancy Jo Gonzales Code Enforcement Officer Ronald Saiz*, Sponsor: *Pursuant to Section 91 of the Valencia County Code of Ordinances***

Commissioner Richardson moved to table this item until the next meeting and additional documentation is received. 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.

**25) Approval of Zone Change #2022-004 (District V, P&Z Commissioner Trujillo, BOCC Aragon) Impact Power Solutions requests a Solar Overlay Zone on properties in an Outland District (OD). The property at Tract: CERTAIN TRACT WITHIN E 1/2 OF S29, T7N, R3E, 295.73 ac; PART OF OTERO RANCH, property located on the North side of the intersection of Manzano Expressway and Meadowlake Rd, Los Lunas, NM 87031, Zoned Outland District (OD). Presenter: *Applicant, Impact Power Solutions, Community Planner, Gabe Luna*; Sponsor: *Pursuant to Valencia County Zoning Code §154.001 et seq.***

Commissioner Aragon moved for approval of the zone change. Seconded by Commissioner Hyder. Roll call vote. Commissioner Richardson voted yes. Commissioner



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

**26) Approval of Zone Change #2022-006 (District III, P&Z Commissioner Moran, BOCC Hyder) Leonard Salgado requests a Greenhouse Overlay Zone to build a greenhouse. The property at Subdivision: Land of Brian & M Lynn Mikelson Tract 40 MRGCD Map 104 NMPM, 6.41 ac; also known as 1408 Highway 116 Belen, NM 87002, Zoned Rural Residential 2 (RR-2), Filed in Book L, Page 973 in the Office of the Valencia County Clerk. Presenter: *Applicant, Leonard Salgado, Community Planner, Gabe Luna*; Sponsor: *Pursuant to Valencia County Zoning Code §154.001 et seq.***

Commissioner Bizzell moved to disapprove the zone change. Motion failed for lack of a second.

Commissioner Aragon moved for approval of the zone change. Seconded by Commissioner Richardson. Roll call vote. Commissioner Richardson voted yes. Commissioner Bizzell voted no. Commissioner Hyder voted yes. Commissioner Aragon voted yes. Chairman Saiz voted yes. Motion carried 4-1.

**NEXT COMMISSION MEETING:**

**May 4, 2022 –Business Meeting @ 5:00 P.M. via Facebook Live  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**May 18, 2022 – Public Hearing/Business Meeting @ 5:00 P.M. via Facebook Live  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**June 13, 2022- Business Meeting @ 5:00 P.M. @ 5:00 P.M. via Facebook Live  
Valencia County Commission Chambers, 444 Luna Ave., Los Lunas, NM 87031**

**27) Adjournment.**

Chairman Saiz adjourned the meeting. **TIME: 8:22 P.M.**

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the April 20, 2022 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**

  
GERARD SAIZ, CHAIRMAN

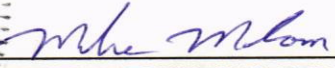
  
JHONATHAN ARAGON, VICE-CHAIR

  
DAVID A. HYDER, MEMBER

  
TROY RICHARDSON, MEMBER

  
JOSEPH BIZZELL, MEMBER

**ATTEST:**

  
MIKE MILAM COUNTY CLERK

5-18-2022  
DATE

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