

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

December 14, 2005

PRESENT	ABSENT
Mary J. Andersen, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
Paul Edward Trujillo, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Michael R. Trujillo County Manager	
Wimberly Law Firm, County Attorney	
Tina Gallegos, County Clerk	
Press and Public	

Chairman Mary Andersen called the meeting to order at 5:00 PM.

**Chairman Andersen asked Jane Moorman to lead the Pledge of Allegiance.**

**Approval of Agenda**

Commissioner Trujillo moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

**Public Requests**

Sherlene Romero from Los Chavez said she had spoken with Commissioner Trujillo before the meeting and he suggested she come to the meeting tonight. Ms. Romero said she wanted to make the Commissioners aware of the problems they are having in Los Chavez. They have had numerous break-ins, over 20 in her area. The Sheriff’s Dept. has said they have only two or three officers to respond to the problems they are having. Ms. Romero said her sister has been broken into three times in one day. Ms. Romero said she is fearful to leave her home and was emotional that the situation had not yet gotten resolved.

Rhonda Meadors from Los Chavez said she was going to speak on the same issue as Ms. Romero. Since September 2005 her home has been broken into, her business trailer has been stolen from her property, locking it, her place is pipe fenced, security system and this still does deter the burglaries. She has witnessed her neighbor being broken into in the middle of the day. Ms. Meadors said she was on the phone with dispatch the entire time and relayed all the information to the Sheriff’s Office. The color and make of vehicle, license plate number, etc and still not heard if these folks were caught. One day, three times someone tried to steal her four wheeler from her property, she witnessed it and asked for fingerprints to be taken. The response from the Sheriff’s Dept. is this is not CSI, they do not have money for training, do not have money for officers, there is only three per shift for the entire County. Ms. Meadors said she lives on Seabell Road in Los Chavez. Ms. Meadors said her next door neighbor got broken in earlier today and they chased the people but didn’t get them.

Sheriff Perea said the incident Ms. Meadors just spoke of, he was there and assisted the deputies with the situation. The witness did not know who they were. This incident is still ongoing. Chairman Andersen asked if this area could be patrolled, can this be arranged? Sheriff Perea answered that he can arrange a lot of things if the people would come to him instead of going to certain Commissioners and he is not aware of this until a Commission meeting. Sheriff Perea said to contact his office and speak either with him or the Under Sheriff and we will let you know what is going on with your neighborhood. This particular area is being watched by someone that knows everyone’s schedule. When we have called in a particular vehicle description, it comes back unknown with no registration. Sheriff Perea said this County is growing and we just do not have the resources or manpower that are needed for this County. Sheriff Perea said he appreciated everything the Commission is doing to try to resolve the ongoing problems that are stated here tonight.

Commissioner Trujillo commented in reference to Ms. Romero, she had called him earlier today and was very distraught about the situation in Los Chavez. The deputy she spoke with told her to speak to a Commissioner and to have a Commissioner attend a neighborhood meeting.

Commissioner Gentry said he also has been inundated with calls about the burglaries. Also in Rio Communities, same calls and same problems and the deputies have told these people they just don’t have enough cars or manpower and to call your Commissioner. Commissioner Gentry said now with Sheriff Perea stating that he would prefer people to call him he would relay that message on to them to help them out.

Sheriff Perea said with grant monies we have brought in a special task force and gotten the burglaries to almost none but monies do run out and then the cycle starts all over again. Someone

in the audience asked how many officers does the Sheriff have? He stated we are budgeted for 40 deputies but currently have 32 officers.

Chairman Andersen said one of the things we will be looking at is how can we keep the officers, they get trained here at Valencia County and when they have been employed for a year or a couple of years they leave for more money and get hired on there. Chairman Andersen said we have this issue as a high priority to be looked at in mid-January to remedy the situation. We are financially constraint, we have difficulty paying the salary compared to the different agencies around us.

Bill Powers, resident of Los Chavez on Square Deal Road said they understand the situation and please don't feel like we are beating up on the Sheriff's Dept, at least he is not. He has spoke with a State Policeman and said they have a special task force that they use but these burglars are using walkie talkies, police scanners, they have lookouts at both ends of the neighborhoods, they call in false reports so when officers go to that area they burglarize the area they want to. Mr. Powers said what can they do to help the situation out, his wife is scared to leave their home.

Mr. Trujillo said residents could start neighborhood watch programs or schedule Saturday workshops around the County.

Sheriff Perea said we have implemented these watch programs but at present he has more reserve officers than he has regular officers. They don't have arrest powers but can at least alert the department to better resolve and help the situation better.

Donna Sylvestre said she works with the New Mexico Correctional Department and has been with them for over 20 years. Ms. Sylvestre said they have more bars in their home than they have in prison. They have been burglarized twice in six days by the same gang, group or whatever is out there. Ms. Sylvestre said this Sheriff's Dept. needs to look at monies to prevent this type of thing happening in the County. They need to get grant monies for a task force and do something because this County has the worse arrest and conviction rate in the State. Ms. Sylvestre discussed a murder situation that occurred in her area awhile back and was uncomfortable with it happening in her neighborhood.

Bill Powers and Johnny English spoke on the issue of speed humps needed on Square Deal Road and Don Felipe Road. The speeders are out of control in those areas and something needs to be done.

Liz Turner said she lives on the corner of High Mesa Road and the speeders are very bad and needs to be controlled.

### **Discussion (Non-Action) Items**

County Clerk, Tina Gallegos administered the oath to the person or persons wishing to give testimony at tonight's meeting.

### **Public Hearing Items**

#### **a. Approve or deny a zone change request from RR2 to RR1 Tract 30, Map 112 – Ruben Chavez/Julian B. Garcia**

Mr. Chavez said Mr. Garcia purchased 3.3 acres and would like to divide the property into (3) acre lots. Planning and Zoning Commission heard the above request and voted to approve on a 5-0 vote. Mr. Garcia said he had permission from the previous owner to divide the property as it is in progress. Commissioner Kirkham asked what are Mr. Garcia's plans for the property? Mr. Garcia stated he planned to build a home and the remaining lots give to his grandchildren. Commissioner Trujillo said on the map, what is to the north side of the property? Mr. Garcia they are at the end of the road, one acre lots. **(Exhibit A)**

#### **c. Ordinance 2005-, "An Ordinance relating to subdivision regulations, amending sections relating to resubdivision procedures & summary review procedure & requirements" – Mike Trujillo**

Mr. Trujillo said in recent discussions regarding subdivisions, this Commission requested that staff draft an amendment on Section 7.2.3 and also look at the summary review procedures and requirements. This draft would amend sections relating to resubdivision procedures and would eliminate Section 7.2.3. Mr. Trujillo said our subdivision regulations are based on New Mexico Association of Counties model ordinance. The summary review process in our subdivision regulations applies to type three and type five subdivisions.

Commissioner Trujillo said the exception does it allow creating fewer or larger parcels than previously approved, does it allow then to bypass by the Commission as it is currently written? Mr. Trujillo said this is correct.

Ms. Wimberly discussed the directive the Commission had asked her to prepare by eliminating subsection 7.2.3 which requires certain resubdivisions, which otherwise, would be reviewed by the full review process. Also discussed were any other types of subdivisions reviewed under the summary review process which, under the model or statute, are reviewed under the full process. Commissioner Trujillo said 6.1.1 then defines what types of subdivisions would remain subject to summary review.

Janet Jarrat said this exception came from the discussion several years ago where there was every incentive to break up larger parcels of the smaller parcels but no incentive to create larger parcels. It was made easier for people to consolidate. How does this help the County?

Mr. Trujillo said there are two particular situations in recent past that caused the County to review this section. One is when a developer came in with the existing subdivision and proposed under the initial statement minimizing the number of lots. The intent was to have more lots. This was a phase of several existing plats so that the people in those areas were not given due notice under the summary review procedure.

Commissioner Trujillo said this situation the Manager referred to created a greater density of houses in a particular area within that subdivision by collapsing lots into one larger parcel but in effect created a greater density where there were existing or soon to be existing residences. **(Exhibit B)**

**Ordinance 2005-, “An Ordinance providing for the abatement & identification of Public Nuisances in the entire unincorporated area of Valencia County, repealing conflicting prior ordinances – County Commission**

Mr. Trujillo said the above item is two fold, first of all statutorily the Commission must conduct a public hearing to receive public input. And also with the concerns of the first public hearing meeting, we had several workshops and received significant public input. We have a proposed ordinance for this Commission's review.

Commissioner Gentry said what he would like to see staff go through each amendment and submit a brief synopsis.

Commissioner Kirkham had a concern that will they have an opportunity get that information to them prior to Friday's Business Meeting.

Mr. Trujillo said it would be in email form and thanks to Ms. Jarrat it is simplified to get that information to each Commissioner.

Commissioner Gentry complimented Ms. Jarrat for well thought through presentation. We have had several workshops and he would like to see new additions brought forth tonight rather than repeat what has already been discussed.

Donna Sylvestre resident of Valencia County said she had a question for the Commission. We have an ordinance that is currently in effect. It addresses a majority of the issues, for example, vehicles, the noise, land dumping, garbage, etc. What has been brought out tonight by the Sheriff and the residents of Los Chavez, is there is not enough law enforcement in effect right now to protect the citizens from the criminal element let alone enforcing the noise ordinance. This seems like it is being pushed forward with undue haste with unseeingly amount of let's get it done by Friday. Ms. Sylvestre suggested to put this ordinance on hold or table it to forestall at a leisurely effort to get this done. The workshops are never at a time when people such as herself are able to attend them. We need to see what is being presented and put in place.

Carlos Lopopolo said he had a question on Section 5.3 odor nuisance with the distance of 10' (ten feet) beyond the property line of the property from which such odor is emanating. This 10' does not make sense to him.

Janet Jarrat said under Section 5.7 vehicle nuisance it reads any motor vehicle left on or in private and/or public right-of-way after an enforcing entity has attached a red tag notice, etc. Her question is what is a private right-of-way?

Mr. Trujillo said this would be a private easement. We have a lot of private roads in this County to where people abandon vehicles.

Ms. Jarrat said she has an abandoned vehicle on her property and can't get rid of it. After notifying the Sheriff's Department, nothing has been done and has been a real nuisance. Ms. Jarrat said another issue is disposing of dead animals. In disposing of her dead horse it cost her \$300.00. This gets to be a real problem for people that can't afford this and that is why we get dead animals thrown out just anywhere in the County.

Mr. Trujillo responded on the abandoned vehicles only deals with public or private right-of-way, it doesn't deal with private land. There are other statutes that deal with that. In terms of dead animals, there are two landfills in the area that accepts dead animals. They have to be lined fills, which are Albuquerque Landfill or the Rio Rancho Landfill. The County would have to be permitted to accept dead animals.

Debbie Thompson said in hearing all of the additional comments tonight we would like to see what the Commission is going to accept for Friday's Business Meeting.

Mr. Trujillo said it will be posted on the website as well as emailing to people wanting the changes that are being discussed tonight.

Larry Alba commented on 5.4.1 on dumping. He noticed that Rio Grande Estates people have been dumping in that area. Mr. Alba said if he could get these roads cleaned up if the County would allow him to dump at the proper dumpsite.

Brett Henderson questioned the vermin issue. Mr. Henderson said he had spoke with Commissioner Gentry and considered the wetlands a nuisance. As far as exemptions go, is it possible to apply for an exemption?

Commissioner Gentry said Mr. Henderson did call him and said that area was a dumpsite. But as to perceive it as a public nuisance, that area is a wetlands that has water, it is a mosquito breeding place and is a dumping area. **(Exhibit C)**

Chairman Andersen called for a five minute break.

**b. Approve or deny a zone change request from Heavy Industrial (I-3) to Light General Industrial (I-2) AKA The Rio Grande Industrial Park – County Commission/Mike Trujillo**

Mr. Trujillo said the County went before the Planning and Zoning Commission to change the zone designation boundary in the Rio Grande Industrial Park from an I-3 designation to an I-2 designation

for public policy reasons. The County is a zoning authority with the power to regulate and restrict use of land under Section 3.21.1 of state statute. The Board of County Commissioners is the body that exercises the powers of a county as a body politic and corporate under Section 4.38.1 of state statute. The Board has discretion in making zoning decisions, this is under *Singleterry v. City of Albuquerque*. A property owner does not have a vested right in a particular zoning classification under *Miller v. City of Albuquerque*. Mr. Trujillo said Section 4.7 of the zoning ordinance provides that the proposed zone change should be consistent with the goals, policies and any other applicable provisions of the Comprehensive Plan. The Comprehensive Plan was adopted October 7, 2005 and was properly adopted according to New Mexico statutory authority. Section 4.7.2 (B) of the zoning ordinance provides that the proposed change is appropriate considering the surrounding land uses, density and pattern of development in the area. This application is consistent with the pattern and development of the area. Section 4.7.1 (A) of the ordinance provides that a quasi-judicial zone map boundary change is processed as follows, an amendment map be initiated by the Commission, the P & Z Commission, or by application of an owner of land. Under a Steve Chavez memo dated August 26, 1999 that Mr. Chavez recommended at the time adoption that the zoning ordinance be all SP Districts be classified as I-1. Mr. Trujillo said Judge Sanchez of the Thirteenth Judicial District ordered on April 1, 2003 which found that the particular order was overturned based on timing of appeal not on the substance of Judge Sanchez's finding. Mr. Trujillo said on the issue of August 17, 2004 that the zoning map of I-3 was brought back because of the publication process that occurred in the 1999 ordinance which did not meet the statutory requirements of publishing. Mr. Trujillo's presentation ensued with the discussion of Why Now I-3?, and Why I-2 is appropriate?, and factors arguing in favor of medium I-2 zoning which are attached Exhibits that follows. Mr. Trujillo discussed the Industrial Committee recommendations which is also an attached Exhibit. Mr. Trujillo said following this rezoning the Commission will continue to implement the recommendations of the Industrial Committee and remember the zoning map is separate from the text and will continue to work on the text to remove ambiguities. It is impractical to cease zoning as a practical matter. Mr. Trujillo said no new I-2 uses will be considered that we will not have the ability to deny based on zoning language and map changes go on a separate path and process versus test revisions. This process is quasi-judicial as it affects the zoning map and separate from a legislative process.

Commissioner Trujillo said in review of the documents in this application asked Mr. Trujillo if he found anything reflected in the minutes of prior Commissions or public notices that indicated an intent or discussion to take that part from the designations SP under one zoning ordinance to an I-3?

Mr. Trujillo said not even in the action taken in the 1999 adoption did they find any action specific to the I-3 designation but to his knowledge the minutes are void of any such statements.

Commissioner Trujillo asked if there was any evidence of public notice being given either through newspaper publication or written notice to adjacent property owners which specifically informed the public or those property owners of an intent to zone that I-3?

Mr. Trujillo said to the best of his knowledge no, he has never come across any such information.

Commissioner Trujillo said the only supported document historically of any I-3 designation is a map.

Joe Rizzo, Rio Communities read his recommendations on how he thought the Industrial Park would best serve Valencia County as I-2 medium or general industrial zone. However, there is a problem making a change under the present zoning ordinance rules which are archaic and lead only into a legal quagmire. Mr. Rizzo said it is recommended that one of two actions be taken. The Commissioners could conditionally approve the proposed change of the Industrial Park to I-2 with the provision that the uses described by existing industries replace the permitted uses in the current zoning ordinance and immediately call for public workshops to add detailed and additional descriptions. It would also be wise for the Commissioners to reserve the right to add permitted uses to the ordinance at later times. (See Exhibit )

Nancy Faust, Belen read from her and her husband George Faust a letter that was sent to the newspaper in response to an article. There were other things that were bothersome and Ms. Faust read three of them. (See Exhibit )

Richard Fila, Acting Plant Manager for a manufacturing facility said his concern is when he sat on the Planning and Zoning hearing there was never a defined line of I-2 or I-3. His point is before there are any voting changing, the County needs to look into the ordinance because there are a lot of issues that are vague.

Jean Valentine, resident of Valencia County said for three years she has fought against People's Energy Power Plant from being located in the Industrial Park because it should be zoned light/general instead of heavy industry. The heavy industry has emissions that are a health hazard to all of the citizens of the County. We also get dirt and noise from an industrial plant. We need to make a concerted effort to bring clean energy industries into this County. Ms. Valentine said she has a petition of 600 signatures against the power plant and this is just an example that the citizens of this County do not want that kind of industry. Ms. Valentine said she is challenging this Commission to find clean energy for this County.

Gloria Sanchez, Belen said she does not have a vested interest in the industrial park, she has a concern with how the valley is growing. Ms. Sanchez pointed to a picture in the Commission Room

and said she wondered if the conquistadors are saying where would be a good spot for an industrial park. Being that the valley is surrounded by mountains she doesn't feel that Valencia County would be compatible for heavy industry because pollution would fill the valley. Ms. Sanchez said people have said at times there are brown clouds hovering the Rio Communities area. Driving to Albuquerque the same thing is happening there. There are heavy industry location factors which require parking and how are they going to handle to expand parking so close to residential areas. Ms. Sanchez said everyone is concerned about jobs and she found that there are plenty of industries that are designated under light/general which produce good jobs. We want to preserve the health and clean lifestyle of the valley.

Tom Greer, Rio Communities said he and his wife moved here from Denver for the quality of the life here. Mr. Greer said his wife owns a company in the area and they are in the process of buying Tierra Del Sol Golf Course. Mr. Greer said they have plans to expand the golf course in a residential community that is related to recreation that would surround that and continues to move toward the industrial park. Mr. Greer said his concern is the broad definition that a I-3 category allows for things that are not here today to happen. Mr. Greer said the I-2 designation well defines to the types of business that belong in that category. They are working on a 10 year plan of a major recreation development and want to make sure they are not cut off at the pass of having people who might be interested in participating in that with visitors and tourists and people who might want to live there in that community that deters having a dirty industry next door.

Larry Alba read a letter from a neighboring land owner, Ian Martin who was not able to attend tonight's meeting. Over the last ten years he has completed numerous trips to Valencia County, specifically to acquire property in Rio Grande Estates. This is one of the last places in the west that still has blue skies during the day and stars occupy the universe at night. Mr. Alba said Mr. Martin hopes to live in Valencia County and enjoy what this area has been gifted with. He hopes his dreams are not sabotaged by irrevocable harm that could be created by heavy industrial factories and its pollutants. Please do not subdue the lives of current residents and the aspirations of future residents some of whom could be your children and mine to the ambitions of a few heavy industrial profiteers.

Bill Brown, Rio Communities said he agrees with Commissioner Trujillo that the ordinance identifies I-1, I-2 and I-3 is totally antiquated in its wording and its applicability's. Mr. Brown said with exception of identifying I-3 district to provide industrial uses with high nuisance characteristics. There is a second part to that sentence that reads that with adjacent urban residential uses or for residential uses whose space or defines characteristics that demand a specialized locale. Part of that specialization is water, sewage and land access, the confluence of that is the area now known as I-3, Rio Grande Industrial Park. Mr. Brown said he agrees that there are some designated that should not come in. Business attracts residents, residents in turn generate the need for business and therefore lies the growth and increase of your tax base. Mr. Brown says no one has addressed volatility, there are volatile materials out there. There is a reason Avonite has a lot of chemists that are staffed. There is a reason Solo Cup has a well with 500,000 gallon reservoir, there is volatility there. We should be concerned with fire safety that constitutes I-3 usage. Mr. Brown asked how many (I) permits do we have in the County? The answer a year ago was six I-1's, four I-2's and two I-3 Industrial Parks. And seven I-3's and a total of nineteen industrial permits, only two of which are industrial parks. Do industrial parks create pollution? Yes they do and there must be acceptable limits. The federal government has the safe water act and the air quality act, each state has backed that up with their own laws. There must be compliance and there must be permitting. And these are safe limits.

William Dean said he appreciates Mr. Trujillo's presentation. He covered the ground very well and we hope the Commission will approve the I-2 designation.

Ernest Jaramillo said they have been investigating this park for the last four years and he has found no records of any Commissioners approving an I-3.

James Sanchez, Attorney in Los Lunas said he is representing a limited liability called Rio Grande Industrial Park, they own 190 acres of undeveloped land within this industrial park. They are the number one entity on the affected list by this proposal the County has named. Commissioner Gentry asked which LLC was that? Mr. Sanchez said the Rio Grande Industrial Park, LLC is what it is called and he has two of the managing members present in the audience, Larry Caid and Martin Sisneros. Mr. Sanchez asked the Commission to focus their attention on September 15, 2004, that is when the Commission passed its Comprehensive Zoning Ordinance recognizing the I-3 as the proper designation and mapped at the time showing the land that is in discussion as I-3. That ordinance has never been appealed by anyone and is a valid ordinance passed by this Commission. Mr. Sanchez said there are two members on this Commission that voted for the passing of that ordinance, Chairman Andersen and Commissioner Trujillo. What were the facts, the knowledge and what was available to this Commission, what was being considered before the ordinance passed. Mr. Sanchez said Mr. Trujillo referred to the restrictive covenants for the park, those have expired by their own terms. There was no application of what should or should not be there today. Judge Sanchez decision on the Alba case had been decided June 2003, that was completely fleshed out and argued before the Commission many times before September 15, 2004. Mr. Sanchez referred to the minutes of July 21, 2004, there was discussion as to whether this should be I-3 or not but it was clearly discussed before it passed the ordinance. All of these actions occurred before the ordinance was passed. Mr. Sanchez continued with his presentation and mainly focused that they

believe there was not even an attempt to prove there was a change or mistake out there and therefore the County should not consider or vote to adopt this ordinance. Perhaps redefine or rewrite the I-2 and I-3 designations or if the Commission is going to eliminate the I-3 by making I-2 clear as to what you want out there letting the public have input on it.

Mr. Sanchez said what you have before you is an objection in writing of over 20% of the property owners that are affected, what that means under the statute is that in order to pass this proposed change you don't need three out of five votes you need 2/3 of the members of the Commission. Mr. Sanchez said he is going to state this as delicately as he can and am not accusing anyone of doing anything wrong but he has an obligation to point out is that there is a member on the Commission that he believes has an affected interest. As a matter of your policy, and as a matter of law, that member should consider not voting on the proposed change. You have a policy under statute 5.3.4 of the ordinance that anyone that is affected by a change with the zoning ordinance, those people are determined to be affected people. Mr. Sanchez said Commissioner Gentry is one that is affected having land adjacent to the Industrial Park. What this means is that this Commissioner is an affected person certainly under the County's own rules, and his name appears three times on the list because he has land that is affected by this change. This doesn't mean you can or can't vote or should or shouldn't vote, in reality only Commissioner Gentry can make that decision. Mr. Sanchez said he can not find any ruling in the County's policy that states that.

Commissioner Gentry asked if Mr. Sanchez was challenging his right to vote as a County Commissioner because if he is he takes offense to that. He does have property in many places in this County and in no way is this going to influence his decision on public policy to his elected office. If Mr. Sanchez can look at that then he can look at a lot of things. Saying conflict of interest on a public body, every member on this Board has had a business interest or dealings with those people on the limited partnership.

Commissioner Trujillo said he would like to make a point and listen to this man insult his integrity and turn things around and flat out lie on what he did a year ago and the Chairman is saying he can't respond and that is not right. Chairman Andersen said our policy is to let the public state their testimonies and then the Commission responds. Commissioner Trujillo said he has destroyed someone's credibility and that is a different issue and Commissioner Trujillo said he has never supported an I-3 designation.

Commissioner Gentry pointed out a fact that if you are up here giving testimony, he is under sworn oath in telling the truth, if he can find where Mr. Sanchez has lied as an Attorney representing himself as somebody you are not then you are under the same scrutiny as everyone else.

Commissioner Gentry made a motion to enter into executive session. Chairman Andersen called for a five minute break. After the break Chairman Andersen asked that we all remember that we are reasonable intelligent people and try to keep tempers under control, there is no reason that anything that has been said can't be questioned but as nicely as possible. Chairman Andersen asked if Commissioner Gentry would withdraw his motion to enter into executive session as this was stated right before the break. Commissioner Gentry said he will withdraw his motion for executive session since we are all under oath. There was no second.

Commissioner Gentry asked Mr. Sanchez who is was representing here today. Mr. Sanchez said he is representing the limited liability company known as Rio Grande Industrial Park. There are two members present Larry Caid and Martin Sisneros.

Commissioner Gentry said for the record the corporation commission which is now the regulatory commission, Dan D. De Baca is now the organizer and registered agent and William L. Giron is the advisor for that LLC and are the owners and organizers of registration of the State of New Mexico.

Mr. Sanchez said they are the original owners permitted by law to transfer their interest. Commissioner Gentry asked who is on file now. Mr. Sanchez asked Mr. Sisneros and he said it was him. Commissioner Gentry asked if Mr. Sisneros was the registered agent and organizer on file of Rio Grande Industrial LLC. Commissioner Gentry said he has information this is not true but we will go ahead.

Mr. Sanchez said he would like to finish his presentation on conflict because they think that it is a substantial interest and a judgment call personally to be made. There are State rules that apply to State Agencies and he does not see where this applies to Counties. Their position is they think Commissioner Gentry and he knows he is angry with this but they are respectfully asking for him not to vote because they think he has a substantial direct interest because his land is quite a large number of acres adjacent to this Industrial Park.

Commissioner Gentry said as a matter of record he wanted to make it clear that he has his home there, he does have a substantial piece of property there, he has properties in the rest of Rio Communities and properties in the rest of the State of New Mexico. He has been elected to public office for over 30 years and he has never had anybody challenge his integrity or his right or his requirement to fulfill his elected duties. And both for the good of the citizens and the constituents he represents, he takes it as a personal affront for Mr. Sanchez to insinuate that he has a conflict of interest. Of anything he has a interest in the development of his community and he will not recuse himself from voting because he thinks it is not proper. Commissioner Gentry said he did not see him challenge the P & Z committee under the same rule and he wonders why that did not happen.

Commissioner Trujillo said as a matter of record he would like to point out at that September meeting of which that ordinance was passed and he will refer to the County Attorney. The conditions of which that ordinance was passed, clearly did not apply to a rezoning or intent to rezone, he remembers it was a hot issue then and he made it very clear that he was not in any way affronting or condoning the I-3 designation for that Industrial Park. The ordinance was passed because there were certain things we needed to get into place and he asked Ms. Wimberly for clarification on that.

Ms. Wimberly said she can't be in the position of testifying before you today, first of all she was not sworn in and second of all as legal counsel she does not want to be reaffirming factual situations. You can look at the memorandum that Mr. Trujillo presented reflecting at least staff's position regarding the intent of the zoning ordinance was at that time and also she believes the minutes clearly reflect what the intent of the Commission was at that time.

Commissioner Trujillo said he would also like to refer to the minutes referenced by Attorney Sanchez in which he states that he voted for approval of that designation. It clearly states throughout the minutes his belief that that part was never properly designated I-3, if anything it is a fraud, somebody got to that map and penciled it in. That is very clear. If Mr. Sanchez wants to come before this Commission and ask them to be held to a fraud perpetrated by and he is not going to guess as to who did it, if he wants to hold them to that, he thinks there is something called unclean hands. And being an astute attorney he probably is more familiar with that than he is but never in the course of three years has he said that that park was designated I-3. It has been his contention throughout and there are several people here that have been around that long that that was never properly designated for that park. If anything it was a fraud perpetrated on a public official and if Mr. Sanchez wants to hold them to a fraud that was perpetrated on public official from someone in a back room penciling in I-3 what can he say, what would we do for money?

Yolanda Villapando representing Sud Cheme Performance Packaging said the only concern she has with the zoning ordinance with I-2 and I-3, the manufacturing of clay products. Ms. Villapando said they currently manufacture clay products, they do not dirty the water and do not dirty the air. They are a \$45 million company and payroll in Valencia County about \$6 million. They currently have 200 employees with the intention of growing and expanding in Valencia County. There is a great vision out there and would like to continue with that vision. Today, we would probably fall under I-3, now if the County would tell them what I-2 and I-3 definitions are going to be, and before you take your vote and have a chance to review that, you would be more comfortable with that.

Mr. Trujillo said for the record the above company would fall under the I-2 designation, medium industrial as stated in the existing ordinance.

Gloria Sanchez said she has a brief comment and hopes she does not offend anybody but Attorney Sanchez is asking to recuse Commissioner Gentry from voting then she feels Chairman Andersen should be recused from voting because she has been publicly supporting the Sisneros Group without a lot of public to complete their input on that issue and this insults the intelligence of the citizens that you come to these meetings in good faith. Ms. Sanchez said she feels her catering and unprofessionalism is borderline and unethical, the Commissioner should represent all of the citizens and should be emotionally detached no matter what your personal views are in order to allow the citizens to feel they are being listened to.

Carlos Lopopolo said he has had a few years experience here in Valencia County in dealing with the Planning and Zoning and with the mapping. They remapped this County five times, he sat as Planning and Zoning Commissioner for a couple of years back in the 80's and also on a steering committee. He doesn't ever remember ever seeing an I-3 designation in the County. What he does remember on the steering committee that the basis was the county commission would maintain this County as a pollution free state. The citizens of Valencia County gave an oath to this Commission, now this Commission needs to look out for the best interest of the citizens.

Larry Alba said he would like to call the Commission's attention to the map, it is in the County Clerk's records Cabinet F Page 119. This map shows Rio Communities as developed by Horizon Corp shows the Industrial Park was originally designated as an industrial park area for office warehouse.

William Dean said to the Commission, please do not do anything until the zoning ordinance at least the I-2 section is identified so that people who have industries there now will be comfortable.

Commissioner Gentry said he had a few comments to set the record straight since we seem to have a lot of things that are a little foggy or misrepresented which he figures are falsehoods. He would like to take deference to the article in the newspaper saying Rio Grande Industrial Park waters wanting to be involved in County zoning decision. Commissioner Gentry discussion on the article ensued saying this article was misleading to the public. **(Exhibit D)**

#### **County Manager's Report**

Mr. Trujillo informed the Commission on upcoming meetings.

The next Business Meeting of the Valencia County Board of County Commission will be held on December 16, 2005 at 9:00 AM in the Los Lunas Middle School Media Center Library.

## **Adjournment**

Meeting adjourned at 8:34 PM.

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the December 14, 2005 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

### **VALENCIA COUNTY BOARD OF COMMISSIONERS**

**ss/  
MARY J. ANDERSEN, CHAIR**

**ss/  
GEORGIA OTERO-KIRKHAM, VICE-CHAIR**

**ss/  
PAUL EDWARD TRUJILLO, MEMBER**

**ss/  
RON GENTRY, MEMBER**

**ss/  
LYNETTE PINKSTON, MEMBER**

**ATTEST: ss/**

**TINA GALLEGOS, COUNTY CLERK**

**DATE: January 6, 2006**