

VALENCIA COUNTY BOARD OF COMMISSIONERS

Public Hearing Meeting

April 9, 2008

PRESENT	ABSENT
Pedro G Rael, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
David R Medina, Member	
Ron Gentry, Member	
Lynette Pinkston, Member	
Eric Zamora, County Manager	
Sally Perea, County Clerk	
Press and Public	

1. The meeting was called to order by Chairman Pedro Rael at 5:00 P.M.

2. Chairman Rael led Pledge of Allegiance.

3. Approval of Agenda

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

4. Public Requests – At the discretion of the Chair.

(For Information Only – limited to two minutes per persons on subjects not on this published agenda.)

Jim Lane had concerns on an article he had read in the Valencia County newspaper about the mobility plan. The map that was shown is to extend North El Cerro Loop into four lanes. He shared his concerns and requested from the Board to take into consideration that nobody's property be taken for road improvements.

Torres Leyba read a proclamation on the responsibility of the public servants.

Annette Kaylors stated she supports the Plains Marketing LP oil refinery. She said how this business will incorporate new jobs within the area and plans to apply for a position with the company.

Dr. Theresa Smith specializes in infectious disease at UNM and had concerns on water from the ditches in Valencia County. She said that some of the serious infection and diseases like Hepatitis C, Cancer, E-coli and a number of other diseases that have been occurring may have been contracted from contaminated water. Dr. Smith stated she is in favor of the ordinance that provides efficient and sanitary disposal and collection of solid waste for the safety of Valencia County residents.

Chairman Rael stated that Dr. Theresa Smith comments will be accepted on the bearings of item 6b on the agenda and he asked if she minded if her comments be accepted under oath. She did not mind.

5. Discussion (Non-Action) Items

None.

6. Public Hearing Items:

a) Ordinance 2008-02, An Ordinance requiring the possession of a Tax Certificate prior to movement of Mobile Homes within Valencia County; providing for Penalties and Enforcement – Eugene Pickett (See Exhibit A)

County Clerk Sally Perea administered the oath to those wishing to give testimony at tonight's hearing.

Eugene Pickett gave his appreciation to Valencia County Staff for their assistance. He said that this proposed ordinance has taken testimonies and has had positive discussion throughout the county. The tax collections have generated anticipated revenue for the county and with the proposed ordinance in place the efforts of the division would increase fifteen percent. He also stated that they have collected \$400,000 of delinquent taxes. The proposed ordinance will help coordinate efforts with the Sheriff's Department, Planning & Zoning and the Assessors Office and this will help with a paper trail and will lead to an investigation and giving out citations.

Commissioner Kirkham suggested that copies be given to all movers and Mr. Pickett stated that twenty-three copies of notice of proposed ordinance had been sent out to mobile home parks, moving companies, those who have mobile homes for business and/or mortgage or escrow rolls.

Commissioner Gentry requested adding a section that a moving certificate must be upon both parties possession and failure to do so could result in penalties for both parties. He also suggested including a specific dollar amount for the penalty fine.

Chairman Rael asked about mobile homes that are traveling through the county and do not happen to have a moving certificate, would these people be penalized? He read portion of the proposed ordinance in section 4.2 and he stated this section needs to be clarified.

Eugene Pickett stated this does not apply to those who are traveling through the county. This proposed ordinance is only for those who are moving out or within the county. He also said that Valencia County is creating this proposed ordinance as a model to be presented to the state and it's in a draft stage and eventually the Treasurer's affiliate will move this particular ordinance into their counties. The outcome for the state will be if a person that moves a mobile home from one county to another county the moving certificate will have the destination information.

Commissioner Medina had concerns on who would get the monies for these violation. If it goes through magistrate court the money will go to the state and the county will not see the funding, he said.

Rosemary Lebrecht a residence and a Home Owner Association member of Meadow Lake asked how this proposed ordinance is going to control or stop the illegal movement especially at 2:00 A.M. for those who move mobile homes illegally into Meadow Lake.

Eugene Pickett said the problem of a 2:00 A.M call is that there is no staff available. He said with the proposed ordinance they would follow up with the illegal moving. He suggested that concerned residents that witness illegal moving can call code enforcement.

Ruben Chavez said he applauds the Treasurer's Office and the Mobile Home Tax Specialist for taking on this project. He continued to say that the red sticker is another tool that is being used in other counties and this is a big eye opener for the neighbors and another set of eyes for the county.

b) Ordinance 2008-03, An Ordinance providing for the efficient and sanitary disposal and collection of Solid Waste in Valencia County; regulating Solid Waste, Litter and C&D debris; establishing a Solid Waste disposal fee and providing a penalty, severability and effective date – Eric Zamora. (See Exhibit B)

Chairman Rael asked what C & D stands for and Eric Zamora said Construction and Demolition. He also said the implementation fee should read \$5.00 instead of \$50.00.

Commissioner Gentry addressed several questions; 1) will this proposed ordinance be on the next business meeting for the Commission to take action; 2). do the ordinance fees apply only to the residential home owners and not to commercial, non-profits and public amenities, 3) what residential homeowners are exempt from paying this fee. He questioned Mr. Zamora the names and addresses of homeowners that will be placed in the data base where this information will come from.

In answer to his first question Eric Zamora said it would be on the agenda on the first business meeting in May, this applies to residential homeowners only and he made it clear that the homeowners that currently have service with private contract haulers will be exempt from the fees. The county is currently working with Torrance County on assisting us in creating a data base. Mr. Zamora referenced to page eight; Section 14; paragraph A which showed how they were going to determine which resident would be billed.

Lisa Oberg stated what they accomplished in Torrance County. She explained how Torrance County researches for homeowners names and address through the tax rolls. She gave details of how Torrance County reviews the tax roll and how the property homeowner is assessed. The property owner must have a structure on the property and is then taxed for disposing solid waste. She also explained if there is a structure on the property and no one is living in a single home, a partial implementation fee is considered. She stated the procedure to qualify for a partial implementation fee is that the home owner signs an affidavit and a field verification is done.

Commissioner Gentry shared his concerns on who then is left to asses due to majority of tax payers being exempt.

Eric Zamora said there are many questions that need to be answered. The intent for this ordinance is to establish a fee to those residents that do not currently follow our existing ordinance and the funding for this program would go to establishing a convenient station(s). He also said this proposed ordinance will reduce the need for someone to transport their solid waste across the county. This will be less trash on the roads.

County Clerk Sally Perea administered the oath to others wishing to speak at tonight's hearing.

Joseph Goldenberg a resident of Meadow Lake stated the proposed ordinance and its fees are to encourage people to use a hauler and avoid trashing the county.

Bob Gostisha a resident of Meadow Lake said there is already an ordinance that requires that their trash gets picked up and why re-invent the wheel.

Rosemary Lebrecht a resident and a member of the Home Owner's Association of Meadow Lake addressed her concerns to Lisa Oberg. She has a problem with those who may not be on the tax roll and asked how will the county address this problem.

Lisa Oberg stated this was one of the big issues that Torrance County was having and what was achieved was that all departments began to work together. She emphasized the need of all departments working together and having open communication. The problem can come together and can be resolved as in Torrance County.

Jim Lane asked where are the locations of these convenient stations and how many will there be. He also asked who will be cleaning around the dumpsters and who will be doing the services? Eric Zamora stated they would be working with different communities to establish a location and the initial places would be on county facility property and we are looking at one convenient station initially. He answered that county staff will most likely be cleaning around the dumpsters.

Jim Lane asked what is to stop him to have extra trash and not paying this fee.

Lisa Oberg stated those that have a private hauler and proves it with documentation to the county, a card will be issued. These cards can be presented at the station and this will avoid a fee.

Bill Lebrecht asked if this ordinance could be ready by next meeting for the commission to take action.

Chairman Rael stated that unfortunately the answer is no. This was given to the board as an addition to the ordinance and we have to go through the process again to have a valid ordinance.

c) Requesting an Amendment to the Zone map from RR-2 to RR-1 to allow for the subdivision of the subject property into three (3) 1-acre prcls; section 16, T6N, R3E, NMPM; Tract 3, Land of the Estate of Inez Berlier containing 3.03 acres; zoned RR-2; filed in book 303, Page 6110 of the Office of Valencia County Clerk; Valencia County, NM – James Aranda/Charles Apodaca. (See Exhibit C)

James Aranda stated that this item was presented to the Planning and Zoning Commission at the February 27, 2008 meeting and was voted 4-0 recommending approval of this request.

Commissioner Kirkham asked if all three homes will have frontage road. James Aranda stated yes.

Charles Apodaca requested approval of the zone change on the subject property. His plans are to build homes on his property for his son, daughter and himself each on a 1-acre parcel.

Commissioner Kirkham asked Mr. Apodaca if these were site built homes. Charles Apodaca stated yes.

Dr. Smith asked what kind of septic will be used on the planned subject property and she also has concerns with the small plots, the likelihood of contaminating the under ground water. Charles Apodaca stated there will be a septic tank and a well in each parcel.

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James Aranda clarified that Mr. Apodaca would have to go through NMED to get the requirements. He said he believes the parcels are large enough for conventional septic tank to be filled.

Mr. Atelles stated he lives across the street from the property that Mr. Apodaca wants to subdivide and would not like to see the property divided into plots any smaller than 1½ acre parcels. Commissioner Kirkham asked Mr. Atelles to come up and show her on the map where he lives.

Commissioner Medina questioned Mr. Apodaca if each of the homes will belong to you, your son and your daughter. Mr. Apodaca yes.

Mr. Walter who lives near the subject property objected to the split and stated the reason why he bought property was because of the sizes of parcels, open space and quietness.

Mr. Apodaca stated he has owned this land way before the two acre requirements where enforced and his intent was to subdivide.

Mrs. Atelles asked if his intentions were to build these homes for his family and later decide to sell the homes. She also stated that she likes the spacious parcels and the quiet country environment and would like to keep it that way.

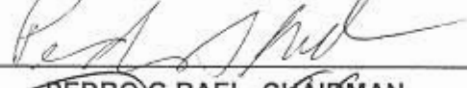
7. The next Regular Meeting of the Valencia County Board of County Commission will be held on April 16, 2008 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

8. Adjournment

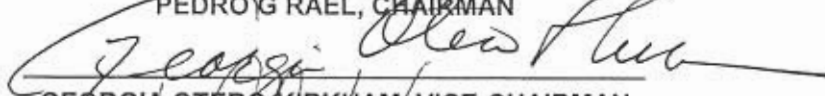
Commissioner Medina moved for approval. Seconded by Commissioner Gentry. Motion carried. Time 7:09 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the, April 9, 2008, Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.


VALENCIA COUNTY BOARD OF COMMISSIONERS



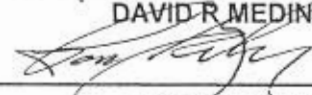
PEDRO G. RAEI, CHAIRMAN



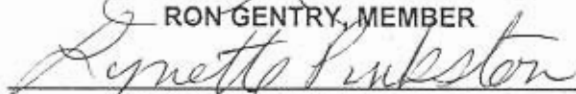
GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN



DAVID R. MEDINA, MEMBER



RON GENTRY, MEMBER



LYNETTE PINKSTON, MEMBER

ATTEST: 

SALLY PEREA, COUNTY CLERK

5-7-08
DATE