

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING MEETING

JUNE 9, 2010

PRESENT	
Donald E. Holliday, Chairman	
Georgia Otero-Kirkham, Vice-Chairman	
	David R. Medina Member
Ron Gentry, Member	
Pedro G. Rael, Member	
Eric Zamora, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Sally Perea, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Donald Holliday at 5:00 P.M.

2) Chairman Holliday led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Rael moved for approval of the agenda. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

4) PUBLIC COMMENTS – At the Discretion of the Chair. (For Information Only- limited to two minutes per person on subjects not on this published agenda).

Valencia County resident Sue Moran thanked Eric Zamora and Adren Nance for taking the time to speak to her on the county waste disposal ordinance. Ms. Moran gave a special thank you to Paula and Shaun from the county road department who has been doing a fantastic job blading the roads in Tierra Grande.

Meadow Lake resident Bob Gostischa stated the county is coming to the end of its fiscal year and, Tierra Bonita as far as he knows is not going to be funded. The small amount that Tierra Bonita is awarded is given back many times over in the services that they provide and he would like to see the county continue the funding for Tierra Bonita. Mr. Gostischa also thanked Commissioner Holliday and the county road department for the excellent roadwork on Manzano View Road.

5) DISCUSSION (Non-Action) ITEMS

None

6) PUBLIC HEARING ITEMS;

a) Request Quasi-Judicial District Change to Amend the Zoning Map from RR-2 to C-2 on the Subject Property Defined as: T7N R2E Section 26, NMPM; Tract 74A2B1, Zoned RR-2; Filed in Book 364 Page 156 of the Office of the Valencia County Clerk, Also Know as 21 El Cerro Road, Los Lunas NM. Robert Becker –Agent, Application #ZC10-002-Jacobo Martinez/Robert Becker.

County Clerk Sally Perea administered the oath to those individuals wishing to speak at tonight's meeting.

County Planner Jacobo Martinez stated according to the applicant, the purpose for the zone change will be for a tenant to open up a motorcycle repair shop in the current A-frame building. The A-frame building has been utilized as a commercial establishment previously and currently there are three houses on the site aside from the A-frame building. The applicant states that in the future, the remaining portion will also be utilized for commercial uses as well. The applicant has not stated specifically what those commercial uses may be. The property is surrounded by a C-2 property to the north, a C-2 property to the West and Rural Residential-2 property to the south and to the east. El Cerro Road is the access road into the property and is a state road. El Cerro Road is approximately 22 ft. and a two lane roadway. Code enforcement stated that the building will need be inspected for commercial use and there were no code violations on the subject. Commissioner Otero-Kirkham stated this road is a state road and was recently repaved and obviously not going to be widened. The heavy flow of traffic concerns her because it is a highly traveled road and is an access road from Hwy 47 to Main Street. She realizes that there are a lot

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of commercial businesses on that street so if there are not going to be any retail sales; she's willing to give this a thought.

Mr. Martinez stated traffic counts have increased about 75% since 2000. There are two churches and Mr. Becker already has four commercial buildings there. In the past Mr. Becker appeared before the commission and wanted to build apartments behind one of the houses that he owns and the commission had concerns that it would add to the traffic.

Mr. Martinez said he contacted the New Mexico Department of Transportation to inquire as to what would be needed if Mr. Becker knocked down the existing homes and place a commercial establishment on the property. Mr. Becker would have to get some type of approval from the New Mexico Department of Transportation in order to get a new access if they added anymore to that site.

County Attorney Adren Nance stated the applicant had received notice of this hearing but was not present.

Debbie Ridley who resides on this street stated she feels that this is no longer a residential area and eventually everything else will be commercial. It's not a good place to live and it's not going to make a difference in regards to the traffic. Ms. Ridley stated she is okay with this since in the past there was a motorcycle shop right next door to her place of residence and never had any problems. (SEE EXHIBIT A)

7) ACTION ITEMS:

a) Canvass 2010 Primary Elections-Sally Perea

Commissioner Otero-Kirkham motioned to re-convene as the Canvassing Board. Seconded by Commissioner Gentry. Motion carried unanimously.

County Clerk Sally Perea thanked BOE Director Peggy Carabajal and the Bureau of Elections staff and Chief Deputy Theresa Sanchez for a superb job during the entire election cycle in which they gave 110%.

Bureau of Elections Director Peggy Carabajal stated the canvass for the 2010 Primary Election was held on June 1, 2010 and is ready for signatures. The canvass books were put together by the Bureau of Elections staff which includes a summary of results by precinct of the primary election, plus a handout which is a summary group detail of Election Day. There was a 34% voter turnout. There were 10,928 votes cast, 6,044 democrat ballots were cast, 4,844 republicans ballots were cast, 1,362 absentee ballots, with 1,980 early voting at both early voting centers and 27 provisional ballots were qualified. The canvassing result tapes are available for public viewing if anyone is interested. Mrs. Carabajal worked diligently with the Secretary of States Office and with Automated Elections input on getting a user name and password so the election results could be viewed on the county website. On Election Day she provided the county IT department with the link that went directly to the county website. So everything connected to the results being posted was strictly Bureau of Elections. There were a few bugs to iron out but all in all it was a smooth election and without the Clerk's employees and Bureau of Elections staff this could not have happened. Mrs. Carabajal requests the commission's approval of the 2010 Primary Canvass.

Commissioner Rael thanked County Clerk Sally Perea and the Bureau of Elections staff on running a very smooth operation. What he had witnessed was a very settled and confident group of people running the Bureau of Elections.

Commissioner Gentry moved to approve the 2010 Primary Election Canvass. Seconded by Commissioner Rael. Motion carried unanimously.

Commissioner Rael moved to re-convene as the Board of County Commissioner. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

b) Consideration of Available Gross Receipts Tax Increments-County Commission.

County Manager Eric Zamora gave an update on what the available gross receipts tax increments would entail. The possibility of evaluating some of the gross receipts tax options that were available to the county was previously discussed and Mr. Nance and Mr. Pato had prepared a timeline of events with some deadlines the county would need to meet. Mr. Zamora added this item to the agenda for discussion and consideration, with the possibility of staff being directed to proceed with a workshop and any other steps necessary to follow through on this request.

Commissioner Otero-Kirkham asked if placing this on the ballot be determined at the workshop. Mr. Zamora stated that could be a consideration.

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County Attorney Adren Nance stated the timeline is kind of a very leisurely timeline. At this time we are looking at November but the commission can basically direct publication. The thought of a workshop was just to get a general idea to see if this is what the commission wanted to do and the next step would be to direct publication but it can be done at the same time.

Commissioner Otero-Kirkham said she had brought up one of the issues of possibly using gross receipt tax for road tax. Since she and Commissioner Holliday reside in an area that needs a lot of road repairs they were hoping that some of the additional gross receipt tax could be used for a road tax. One thing they need to do is specify what they are going to use the tax for and a sunset date needs to be identified.

Mr. Nance stated he believes this tax can be used as a road tax.

Chairman Holliday stated if this was to happen, it would have to be worked out as to how this revenue would be distributed amongst the commissioners districts.

Commissioner Gentry stated we're looking at a suggested timeline for enactment of the county infrastructure gross receipts tax, is this the commission's intention that this is going to be a pure road tax. County infrastructure can be used all over the board and they run the risk of losing focus and losing the real directive as to what the commission wants to do with it. Wouldn't it be better to have counsel draft this a little closer, find the wording to do that and then tie a use to it. Commissioner's also need to start talking about distribution on road miles, put a formula together and define how it's going to be spent. He realizes some districts need it more than others and in the last four to five years the county has done a tremendous amount of work. Five years ago the state funding was probably a 1/3 more than it is today and it just keeps dwindling and the price of everything keeps going up. It'll be up to the voters to see if they want to obligate themselves to better road and pass this.

In answer to Commissioner Otero-Kirkham's previous question, County Attorney Adren Nance said according to the law you may dedicate the revenue of the ordinance for one county general purposes or payment for gross receipts tax, revenue bonds, repair, replacement, construction or acquisition of a county infrastructure improvements, acquisition construction operation of solid waste facilities, water facilities, acquiring, constructing, extending, bettering, repairing otherwise improving, maintaining public transit systems or regional transit systems and for the county jail. That's pretty broad and so the commission can pick what they need and narrow it down as to what they want it to be.

Commissioner Otero-Kirkham said one option was that the county borrows the money on a ten year gross receipts tax that would generate approximately one million dollars and have the road department do the work. Chairman Holliday questioned if the county had the manpower and the equipment to do it.

County Manager Eric Zamora stated most likely it would have to be bid out. To spend a million dollars a year or two hundred thousand per district, the county doesn't have the equipment to do it.

Commissioner Gentry stated that he would like to see the commission direct staff to narrow this to a road infrastructure issue. It can be proportionate to road miles maintenance. Whatever miles each district has, that percentage of the formula could go towards that district. If the county were to get this passed and if it were for a ten year period, we could go and bond a road bond and have that money available, he said and perhaps if it generated maybe ten million dollars over ten years, get everything in good shape and then the money, per district, can go into maintenance money. Tie it to roads, tie to bonding and maybe, if the commissions wants, tie it to miles maintained, that makes it equitable within the districts.

County Attorney Adren Nance asked is the commission looking to do a bond, basically fund the roads or does the commission want to have more discussion on this?

Commissioner Gentry said he wants to have the option. He wouldn't want the language to tie the county down to having to spend it all in one year or phase it out over a construction period, give the county the option but make sure it does define what it's going to be spent for.

Mr. Nance handed the commission a C-120 document for their information only. At the last meeting in which it was discussed, Mr. Nance was asked to look at the county infrastructure gross receipts tax because that's what was brought up. He had done a timeline just talking about that one particular tax and this was just a suggested timeline for the county infrastructure gross receipts tax which is 720E19. His timeline deals specifically with the county infrastructure gross receipts tax which is 720E19. This was a general topic just put on for discussion.

Commissioner Rael said so this would be a tax in addition to the taxes that we're collecting now to run the county which would be .125 an eighth of a cent, the same as the jail tax?

Mr. Nance said that's another option, the tax may be imposed in increments of 1/16 of one percent not to exceed an aggregate rate of 1/18 of one percent. That is an option that the commission needs to discuss and decide on.

Commissioner Rael said the thing that concerns him is the discussion of the distribution of this has all been based on the number of miles on road and there is not a typed definition of how that is going to be distributed and he feels other factors need to be taken into account such as where's most of the money going to be coming from, which area's and which districts are going to be considered. That's another thing that needs to be weighted into the formula. Commissioner Rael doesn't have a problem with using the amount of road miles that are paved and being used, clearly that's an important factor. The taxpayers are going to want to know all the factors involved. Commissioner Rael would like to have all the elements considered and weighed in with number of miles, number of cars on country roads, the number of paved roads and which ones are in the worst shape. These are Commissioner Rael's suggestions in terms of the kinds of things he would like to see staff consider.

Mr. Nance stated this is a very loose timeline drafted after the last meeting, so there are four meetings between now and the second step in the timeline and that is not a set date either. He tried to build this in with as much leeway as possible to make it work shooting for the November 3rd date. Mr. Nance pointed out that even with a lot of leeway; theoretically it could be compressed into a shorter timeline if the commission is willing to have special meetings and special workshops. Mr. Nance recommends keeping this as leisurely as possible.

Commissioner Otero-Kirkham suggested maybe the first step would be to schedule a workshop date.

Commissioner Gentry stated for the record the southeast part of the county has the most roads maintained and also have, in the last twelve years, taken 1/5 of the money not based on miles maintained, so when you look at that, some of the others are getting away with a lot less. When you have a municipality in your district, as Commissioner Rael's district covers, that's all paved and if you start looking at only paved districts, for example as the traffic count on Main Street Los Lunas, we should spend all the money there. That's not what a county is all about. If we don't look at this, as an overall county project, Commissioner Gentry would hate for anyone to say the southeast part of the county doesn't need that much money or it shouldn't be based on that.

County Manager Eric Zamora suggested that Public Works could develop a list of priorities based on service calls since they do log their service calls. The road department can bring suggestions to the workshop for consideration. Commissioner Otero-Kirkham asked if a month from today be adequate time, maybe July 17th.

Mr. Nance said yes, that's plenty of time and the reason for the FYI-120 was to look at the other possible taxes because this particular tax is for non-incorporated areas. There are people outside of the incorporated area; there are also taxes in this that account for all of them, in the incorporated area. Mr. Nance is not sure what the amount of the funds are but this particular one is just un-incorporated taxes. The E-19 is for any person engaging in business in the county area. Some taxes are for both and some taxes are for the county area and it's his understanding this is for county area.

Commissioner Gentry said if you're looking to just tax the un-incorporated area he suggests the distribution be done based on the taxable value of the land per district in the un-incorporated area.

Commissioner Rael stated it seems that what E-19 is referring to is the number of businesses located in the rural areas, non municipalities. If you go by district, you look to see how many businesses there are in each district and try and use that as one of the guides.

Commissioner Otero-Kirkham said this are the kinds of questions that the commission needs to discuss at a workshop. Maybe then the precincts that are in the county will be the only ones that will have these on their ballot. Those precincts that are in municipalities, except for Peralta because the county maintains Peralta anyway, could it work, she asked.

Commissioner Gentry said no, if you're registered in an un-incorporated area, when you have an election you have a lockout that is only in the un-incorporated, so you're flagged if you're a resident of the un-incorporated area and you can vote on that tax. If you're not a resident of the un-incorporated area you cannot vote on that tax. So which ever area, in the un-incorporated county, has the most population are going to have the most votes.

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There was discussion as to when to have this workshop. Commissioner Otero-Kirkham made a motion to schedule a road workshop on July 10th from 9-12, in the county commission room. Seconded by Commissioner Rael. No vote was taken.

Commissioner Gentry asked would this be to discuss the county infrastructure gross receipts tax for a road proposal. Counsel stated the commission might want to leave it open to say county gross receipts taxes for road purposes so the commission can pick a better tax that they might want to consider or a combination thereof.

Commissioner Gentry is not in favor of thumbing through all the taxes to see which one the commission can raise. If they want to do it for roads, for a purpose and discuss and limit it to that, he can support that.

Mr. Zamora said their intent was to clarify which taxes were to support roads specifically. There are various options in the different taxes that can be used for roads and the intent is to look at something that the county can use to fund roads, but there are different taxes that operate different ways.

Chairman Holliday suggested that since the next commission meeting is June 16th, everyone has a week to look this over, the commissioners can then come back on what road tax they want and they can discuss and decide this at the next meeting.

Commissioner Otero-Kirkham withdrew her motion.

Chairman Holliday motioned to table item 7(b) and take action on this at the meeting of June 16, 2010. Seconded by Commissioner Rael. Motion carried unanimously.

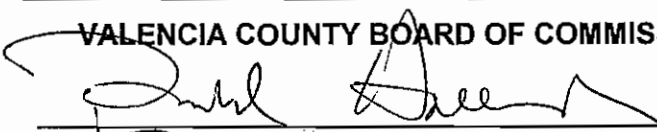
8) The next Regular Meeting of the Valencia County Board of County Commission will be held on June 16, 2010 at 5:00 P.M. in the County Commission Room at the Valencia County Courthouse.

9) Adjournment

Commissioner Kirkham moved for adjournment. Seconded by Commissioner Medina. Motion carried unanimously.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the June 9, 2010 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



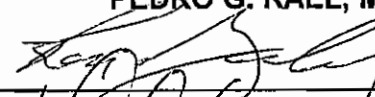
DONALD E. HOLLIDAY, CHAIRMAN



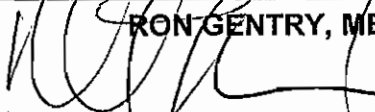
GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN



PEDRO G. RAEI, MEMBER

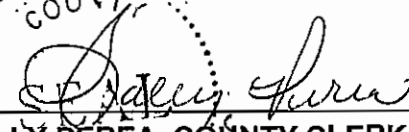


RON GENTRY, MEMBER



DAVID R. MEDINA, MEMBER

ATTEST:



SALLY PEREA, COUNTY CLERK

DATE