PLANNING & ZONING COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
REGULAR MEETING

Tuesday, May 2, 2006

TIME & PLACE: The Planning & Zoning Commission of the City of Truth or Consequences, New Mexico, met in regular Session in full conformity with the laws and ordinances of said Commission, at the Commission Chambers of said City on Tuesday, the 2nd day of May, A.D., 2006, at 5:30 P.M.

PRESIDING OFFICER: The meeting was called to order by Roger Smith, Vice Chairman and Hazel F. Peterson acted as secretary of the meeting.

ATTENDANCE: Upon calling the roll the following members were reported present:

Roger Smith, Vice Chairman
Yolanda Sepulveda, Member
Viola Bonner, Member
Bill Howell, Member

Also Present:

Chris Nobes, Building Inspector
Hazel F. Peterson, Deputy City Clerk

Absent:

QUORUM: There being a quorum present the Commission proceeded with the business at hand.

APPROVAL OF AGENDA: Roger Smith, Vice Chairman stated he would like to amend the agenda by moving Item 5, Planning & Zoning Commission Member Disclosure Statements, to Item 3 so that Jay Rubin the City Attorney could give his presentation and not have to sit through the entire meeting.

"Bill Howell made a motion to approve the Agenda as amended."

Seconded by Yolanda Sepulveda
Motion carried unanimously.

APPROVAL OF MINUTES: Roger Smith, Vice Chairman called for review and approval of minutes of the Regular meeting held Tuesday, April 4, 2006.

"Bill Howell moved to approve the minutes of the Regular meeting held Tuesday, April 4, 2006 as submitted."

Seconded by Yolanda Sepulveda
Motion carried unanimously.

PLANNING & ZONING COMMISSION MEMBER DISCLOSURE STATEMENTS: Jay Rubin came before the Commission and stated it was a pleasure to be at this meeting, he has not been to a Planning & Zoning meeting in quite some time, and that he is the City Attorney. He stated that just on, his behalf as a private citizen of Truth or Consequences he appreciates the fine work they do and he knows they all work hard to protect the cities interest and make good recommendations to the City Commission.

He stated that as the City Attorney he knows the City Commission takes their recommendations very seriously. He stated he thinks their recommendations usually pass by more than a 90% rate, so it's pleasure to be there.
Mr. Rubin stated that the reason he was there was because the City Manager wanted him to give the Commission members a little bit of help, a little bit of insight as to how they could better protect them, protect them doing their job, and maybe give them a little information regarding a conflict of interest so they could guard against potential problems in the future.

Mr. Rubin stated that recently the City Commission amended the City Rules of Procedure and Rule 15 (e) pertains to the Planning & Zoning Commission and would like to read this to the Commission.

(e) Public Disclosure File.

The Clerk shall maintain a public disclosure file, which shall be available for inspection by the public. As to members of the Planning & Zoning Commission, the file shall contain for each member a disclosure statement.

The Planning & Zoning Commission disclosure statement shall list all real property and all business interests located in the City in which the member or the member’s spouse, dependent child, or other dependent relative living with the member, have a financial interest.

He stated that this rule makes since because they all know that the recommendations they make deal with potentially valuable pieces of property, and obviously they all have an interest. What he has an interest in is he doesn’t want anyone to take any chance in trying to question anybody’s integrity. He stated that is the reason for this statement, they are trying to give them some protection, so there is a disclosure made as to how their decision making obviously would be all above board from any claims.

Mr. Rubin stated that what Jaime asked him to do was to prepare a disclosure form. He continued by explaining each page of the disclosure statement.

He explained that on the last page he took that word for word from the Conflict of Interest statute (§10-16-1 et. seq.), which he read aloud. (Complete copy attached hereto and made a part hereof.)

Discussion ensued.

Mr. Aguilera, City Manager stated that the reason they are presenting this to this Commission is because they deal with property issues. He stated this Commission has quasi-judicial powers very similar to what the City Commission has, and many times this Commission has final decisions that take place that effect property values that effect people’s property interest. He stated they wanted to make sure that this Commission understood what’s involved here, that they have these powers, they have the ability to effect people’s property interest, property rights, and property value. And if they have a conflict or if they think they have a conflict then they should be conscious of that.

Mr. Aguilera stated that as Jay said there are very obvious items such as, you own a piece of property and the guy next door is going to subdivide and it’s going to raise your property value if he does, well that’s a conflict. He stated that if you vote yes, then you’re increasing your own property value by taking that action.

He stated that the safest thing to do is to bow out and declare it
City of Truth or Consequences
Planning & Zoning Commission

Commission Member Public Disclosure Statement

STATE OF NEW MEXICO  |  ss:
COUNTY OF SIERRA  |  

This Public Disclosure Statement is made in compliance with "RULE 15. APPEARANCE OF FAIRNESS DOCTRINE", Paragraph (e) of the RULES OF PROCEDURE of the City of Truth or Consequences, New Mexico.

I, ____________________________

(Type or Print Name)

______________________________

(Type or Print Street Address, City, State, Zip Code)

a Member of the City of Truth or Consequences Planning & Zoning Commission, hereby declare that the following is a list of all real property and all business interests located within the City in which I, or my Spouse, Dependent Child, and other Dependent(s) relative(s) living with me, have a financial interest, i.e.:

(Use remainder of page and next page to provide real property and business interests information. When listing Planning & Zoning Commission Member's Spouse, Dependent Child, and other Dependent(s) relative(s), also include names and relationship to Member. If necessary, attach additional sheets.)
By signing this Public Disclosure Statement, the undersigned Member agrees to treat his position as a Planning & Zoning Commission Member as a Public Trust. The undersigned Member will use the power and resources of his/her position only to advance the public interest and not to obtain personal benefits, or pursue private interests incompatible with the public interest.

The undersigned Member further agrees that he/she will fully disclose any real, or potential, conflicts of interest that may arise in regard to any matter before the Commission prior to acting in any such matter.

The undersigned Member also agrees to make all reasonable efforts to avoid undue influence and abuse of his/her position.

______________________________
(Member Signature)

______________________________
(Type or Print Member Name)

SUBSCRIBED AND SWORN TO before me this _____ day of 20____ by ____________________________, City of Truth or Consequences Planning & Zoning Commission Member.

______________________________
Notary Public

My Commission Expires:
(Seal) _________________________

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immediately, and say “on Item B I have a conflict because I’m the neighbor and I won’t be taking action on that particular item.” He stated that as long as you declare it then everybody knows and it’s not like you’re trying to hide something, and it doesn’t turn out to be a big deal.

Mr. Aguilar stated if they know there is something coming up and if they have a question, they can feel free to call him and he will give them his opinion or he will get Jay involved and he will give them an opinion. He stated that all it is, is an opinion, because it really comes out that it’s their decision, they are the one that says, I think I have a conflict, or I think I don’t have a conflict, and that’s their decision.

He stated that the other power they have is as Commissioners they can say to one of the other members, look we don’t think that you should be voting on this item because it doesn’t look right to us that it happens to be your sister or whatever. You can bring that up and you can ask the other Commissioner not to participate if you think there might be a problem or again you can call myself or Jay for an opinion.

Mr. Aguilar stated that all this is, is to raise their consciousness to the fact that these things exist and we’re getting busier, there’s going to be more projects coming before this Commission, larger subdivisions, more commercial projects and these kinds of issues might come up.

He stated the other issue is a quorum. If to many members, have a conflict and there is no quorum then that is something else that they should talk to our attorney about or you may just simply say, we can’t take action we will defer action to the City Commission and let them take the action, because three of us have a problem with this particular property.

No action taken

Mr. Tom Rowe approached the podium and stated he would like to know what they need to do to save the dirt track for the kids. He stated his son and at least a hundred others use that facility. He stated they travel all over the state racing and without this facility, they have no place to practice.

Mr. Nobes stated this is city owned property and it’s anticipated to be a part of the golf course expansion.

Mr. Smith explained to Mr. Rowe that he needed to contact Chris Nobes where they could formally get this put on the agenda, so that he could present his case.

Janice Gray approached the podium and stated her husband does light welding and they just recently purchased the property, and he wants to put in a welding shop. She stated they were requesting the Commission grant them the Home Occupation.

Mr. Smith stated that there is a fire hydrant a short block west of this residence on Platinum and Veater. He stated there is water in the shop and it is a metal building.

Mr. Howell asked what exactly he meant by light welding as opposed to heavy welding.

He stated that mostly he would be doing rod ironwork.

“Bill Howell moved to approve the Home Occupation Level III Application submitted by Jack and Janice Gray.”
Seconded by Yolanda Sepulveda
Motion carried unanimously.

ZONING
Chris Nobes stated he does have some additional information, but it's really not ready, and he would prefer this be tabled until next month.

"Yolanda Sepulveda moved to table this item until the regular June meeting."

Seconded by Viola Bonner
Motion carried unanimously.

ANNEXED AREA:
Yolanda Sepulveda moved to table this item until the regular June meeting."

Seconded by Viola Bonner
Motion carried unanimously.

ADJOURNMENT:
There being no further business to come before the Commission, Roger Smith, Vice Chairman asked for a motion to adjourn the meeting.

"Yolanda Sepulveda made a motion to adjourn."

Seconded by Bill Howell
Motion carried unanimously.

APPROVAL:
PASSED AND APPROVED this day of _____, 2006, on motion duly made by __________, and seconded by __________ and carried.

Roger Smith, Vice Chairman